



ORDINANCE NO. 389

AN ORDINANCE CREATING LOCAL IMPROVEMENT DISTRICT NO. 14 IN REXBURG, IDAHO, FOR THE PURPOSE OF CONSTRUCTING AND RECONSTRUCTING CURBS AND GUTTERS: THE CONSTRUCTION OF DRAINAGE WORKS INCIDENTAL TO SAID IMPROVEMENTS WITHIN SAID DISTRICT: PROVIDING FOR THE LEVY OF ASSESSMENTS UPON THE PROPERTY TO BE BENEFITED BY SUCH IMPROVEMENTS: STATING THE BOUNDARIES OF SAID DISTRICT: PROVIDING FOR THE PREPARATION OF AN ASSESSMENT ROLL: AUTHORIZING NOTICE FOR CONSTRUCTION BIDS: AND DECLARING AN EMERGENCY.

WHEREAS, on the 16th day of February, 1955, the City Council of the City of Rexburg, Madison County, Idaho, adopted a Resolution declaring; the intention to construct and reconstruct curbs and gutters and the construction of drainage works incidental to said improvements, and to create improvement District No. 14 for the construction and reconstruction of said curbs and gutters and drainage works incidental to said improvements, which resolution authorized the publication and mailing of notice of intention to construct such improvements and to create such Local Improvement District, and

WHEREAS, such notice was duly published and mailed as provided by law; and

WHEREAS, in response to such published and mailed notice there were filed with the City Clerk of said City or in her office five protests against the construction of the proposed improvements or the creation of said Local Improvement District, or both; and

WHEREAS, on the 9th day of March, 1955, at the hour of 8 o'clock P. M., the City Council of said City met for the purpose of hearing protests against the construction of said improvements or the creation of said Local Improvement District, or both, and

WHEREAS, the City Council has duly considered each and every written protest so filed and has fully heard each and every person who wished to be heard with regard to the construction of said improvements or the creation of said District; and

WHEREAS, said protests were not made by the owners of more than two-thirds of the abutting, adjoining, contiguous and adjacent lots and lands within said proposed District, and

WHEREAS, all of said protests were duly overruled and denied; and

WHEREAS, the City Engineer has made estimates of the cost of all labor and material for the construction of the proposed improvements in said District, such estimate of total cost being the sum of \$149,697.00; and

WHEREAS, a portion of such total cost is to be assessed upon and against the property within said District to be benefited by the construction of said improvements; and

WHEREAS, all preliminary steps and proceedings necessary for the creation of said Improvement District and the construction of the proposed improvements therein have been duly taken and adopted;

THEREFORE, BE IT ORDAINED BY the City of Rexburg, Idaho:

SECTION I: That there shall be and there hereby is created a local improvement district in the City of Rexburg, Idaho, to be known and designated "Local Improvement District No. 14, City of Rexburg, Idaho," which shall include all of the lots, lands and parcels, of real property within the boundaries of said District.

SECTION II: Said District is within the City of Rexburg, Idaho, and is more particularly described as follows:

Lots and Lands

Rexburg Townsite

BLOCK 15: Beginning at the Southeast Corner of Block 15, Rexburg Townsite thence West 709.5 feet; thence North 330 feet; thence East 559.5 feet; thence South 231 feet; thence East 150 feet; thence South 99 feet to the point of beginning.

BLOCK 16: Beginning at the Southeast Corner of Block 16, Rexburg Townsite thence West 660 feet; thence North 231 feet; thence East 165 feet; thence North 99 feet; thence East 165 feet; thence North 330 feet; thence East 330 feet; thence South 660 feet to the point of beginning.

BLOCK 17: Beginning at the Southeast Corner of Block 17, Rexburg Townsite thence West 660 feet; thence North 660 feet; thence East 330 feet; thence South 330 feet; thence East 100 feet; thence South 165 feet; thence East 89.75 feet; thence South 50 feet; thence East 140.25 feet; thence South 115 feet to the point of beginning.

BLOCK 19: Beginning at the Southeast Corner of Block 19, Rexburg Townsite thence West 660 feet; thence North 660 feet; thence East 330 feet; thence South 330 feet; thence East 330 feet; thence South 330 feet to the point of beginning.

All of Block 20, Block 21, Block 22, Rexburg Townsite.

BLOCK 23: Beginning at the Southeast Corner of Block 23 Rexburg Townsite thence West 660 feet; thence North 165 feet; thence East 330 feet; thence North 406.5 feet; thence East 75 feet; thence North 88.5 feet; thence East 255 feet; thence South 660 feet to the point of beginning.

BLOCK 24: Beginning at the Southeast Corner of Block 24, Rexburg Townsite thence West 562 feet to the Railroad Right of Way; thence Northeast 382.5 feet; thence East 145 feet; thence South 165 feet; thence East 113.5 feet; thence South 65 feet; thence East 117.5 feet; thence South 100 feet to the point of beginning.

BLOCK 30: Beginning at the Southeast Corner of Block 30, Rexburg Townsite thence West 115 feet; thence North 189 feet; thence West 100 feet; thence Northeast along Railroad Right of Way to a point 537.5 feet North of the point of beginning; thence South 537.5 feet to the point of beginning.

BLOCK 31: Beginning at the Southeast Corner of Block 31, Rexburg Townsite thence West 157 feet; thence North 194.5 feet; thence West 80.5 feet; thence North 20 feet; thence West 247.5 feet; thence North 115.5 feet; thence West 66 feet; thence South 155 feet; thence East 66 feet; thence South 20 feet; thence West 99 feet; thence South 155 feet; thence West 66 feet; thence North 540 feet; thence Northeasterly 144.21 feet to the North line of Block 31; thence East 580 feet; thence South 660 feet to the point of beginning.

BLOCK 32: Beginning at the Southwest Corner of Block 32, Rexburg Townsite thence North 660 feet; thence East 660 feet; thence South 95 feet; thence West 132 feet; thence South 70 feet thence West 198 feet; thence South 354.75 feet; thence West 255.75 feet; thence South 140.25 feet; thence West 74.25 feet to the point of beginning.

BLOCK 33: Beginning at the Southeast Corner of Block 33, Rexburg Townsite thence West 45.5 feet; thence North 165 feet; thence West 70 feet; thence North 165 feet; thence West 61 feet; thence North 49.5 feet; thence East 11.5 feet; thence North 49.5 feet; thence West 165 feet; thence North 66 feet; thence West 32.5 feet; thence North 82.5 feet; thence West 247.5 feet; thence North 82.5 feet; thence East 660 feet; thence South 660 feet to the point of beginning.

BLOCK 34: Beginning at the Southeast Corner of Block 34, Rexburg Townsite thence West 189.75 feet; thence North 100 feet; thence West 74.25 feet; thence North 230 feet; thence West 66 feet; thence North 214.5 feet; thence East 3 feet; thence North 16.5 feet; thence West 102 feet; thence South 16.5 feet; thence West 99 feet; thence South 49.5 feet; thence West 28.25 feet; thence South 148.5 feet; thence East 89.25 feet; thence South 198 feet; thence West 93 feet; thence South 148.5 feet; thence West 100 feet; thence North 660 feet; thence East 660 feet; thence South 660 feet to the point of beginning.

BLOCK 35: Beginning at the Southeast Corner of Block 35, Rexburg Townsite, thence West 99 feet; thence North 140.25 feet; thence West 66 feet; thence North 189.75 feet; thence West 165 feet; thence North 16.5 feet; thence West 82.5 feet; thence South 165 feet; thence West 109.5 feet; thence South 165 feet; thence West 138 feet; thence North 660 feet; thence East 660 feet; thence South 660 feet to the point of beginning.

BLOCK 36: Beginning at the Southwest Corner of Block 36, Rexburg Townsite thence North 660 feet; thence East 660 feet; thence South 330 feet; thence West 330 feet; thence South 330 feet; thence West 330 feet to the point of beginning.

BLOCK 37: Beginning at the Southeast Corner of Block 37, Rexburg Townsite thence West 660 feet; thence North 660 feet; thence East 123.75 feet; thence South 175 feet; thence East 106.25 feet; thence South 155 feet; thence West 40 feet; thence South 82.5 feet; thence East 334.0 feet; thence North 82.5 feet; thence West 29 feet; thence North 175 feet; thence East 8 feet; thence North 155 feet; thence East 157 feet; thence South 660 feet to the point of beginning.

BLOCK 38: Beginning at the Southeast Corner of Block 38, Rexburg Townsite thence West 660 feet; thence North 49.5 feet; thence East 132 feet; thence North 115.5 feet; thence East 49.5 feet; thence 85 feet; thence 175.5 feet; thence North 40 feet; thence East 72 feet; thence North 127.5 feet; thence East 99 feet; thence North 82.5 feet; thence West 9 feet; thence North 49.5 feet; thence West 24 feet; thence North 65 feet; thence East 62 feet; thence North 60.5 feet; thence East 73.5 feet; thence North 155 feet; thence East 29.5 feet; thence South 660 feet to the point of beginning.

BLOCK 39: Beginning at the Southeast Corner of Block 39, Rexburg Townsite, thence West 660 feet; thence North 660 feet; thence East 60 feet; thence South 132 feet; thence East 105 feet; thence South 99 feet; thence East 40 feet; thence South 99 feet; thence West 3 feet; thence South 165 feet; thence East 293 feet; thence South 82.5 feet; thence East 165 feet; thence South 82.5 feet to the point of beginning.

BLOCK 40: Beginning at the Southeast Corner of Block 40, Rexburg Townsite thence West 660 feet; thence North 660 feet; thence East 82.5 feet; thence South 214.5 feet; thence East 66 feet; thence South 115.5 feet; thence East 346.5 feet; thence North 198 feet; thence East 33 feet; thence North 16.5 feet; thence East 66 feet; thence North 115.5 feet; thence East 66 feet; thence South 660 feet to the point of beginning.

BLOCK 41: Beginning at the Southeast Corner of Block 41, Rexburg Townsite thence West 660 feet; thence North 119.45 feet more or less to the Railroad Right of Way; thence Northeasterly along Railroad Right of Way to the center line of Lot 3; thence East 314 feet more or less to the East line of Lot 3; thence North 252 feet; thence East 140 feet; thence forth 66 feet; thence East 57 feet; thence North 5.5 feet; thence West 12.1 feet; thence North 89 feet; thence East 40 feet; thence North 82.5 feet; thence East 105 feet; thence South 660 feet to the point of beginning.

All of Block 46, Block 47, Block 48, Rexburg Townsite.

BLOCK 49: Beginning at the Southeast Corner of Block 49, Rexburg Townsite thence West 305 feet; thence North 66 feet; thence East 2 feet; thence North 35 feet; thence East 115.5 feet; thence North 64 feet; thence East 44 feet; thence North 396 feet; thence West 159.5 feet; thence North 33 feet; thence West 142.5 feet; thence South 99 feet; thence West 49.5 feet; thence South 165 feet; thence West 16.5 feet; thence South 193 feet; thence West 99 feet; thence South 132 feet; thence West 49.5 feet; thence North 660 feet; thence East 660 feet; thence South 660 feet to the point of beginning.

BLOCK 50: Beginning at the Northwest Corner of Block 50, Rexburg Townsite thence East 660 feet; thence South 99 feet; thence West 330 feet; thence South 33 feet; thence West 99 feet; thence North 26.5 feet; thence West 66 feet; thence South 1;~5.5 feet; thence East 165 feet; thence South 82.5 feet; thence 1,7est 165 feet; thence South 124 feet; thence East 165 feet; thence South 57.5 feet; thence West 330 feet; thence North 495 feet to the point of beginning.

BLOCK 53: Beginning at the Southeast Corner of Block 53, Rexburg Townsite, thence West 82.5 feet; thence North 82.5 feet; thence West 214.5 feet; thence South 82.5 feet; thence West 33 feet; thence North 96.5 feet; thence West 165 feet; thence South 96.5 feet; thence West 165 feet; thence North 660 feet; thence East 660 feet; thence South 660 feet to the point of beginning.

All of Block 54, Rexburg Townsite.

RIGBY ADDITION

BLOCK 1: Beginning at the Southeast Corner of Block 1, Rigby Addition, thence West 660 feet; thence North 660 feet; thence East 75 feet; thence South 109 feet; thence East 44 feet; thence South 56 feet; thence East 46 feet; thence South 165 feet; thence East 165 feet; thence South 85.5 feet; thence East 165 feet; thence South 182.5 feet; thence East 165 feet; thence South 62 feet to the point of beginning.

BLOCK 8: Beginning at the Northwest Corner of Block 8, Rigby Addition, thence East 660 feet; thence South 132 feet; thence West 445.5 feet; thence North 66 feet; thence West 214.5 feet; thence North 66 feet to the point of beginning.

BLOCK 16: Beginning at the Northeast Corner of Lot 1, Block 16, Rigby Addition, thence West 90 feet; thence South 144 feet; thence West 82 feet; thence South 153 feet; thence East 344 feet; thence North 153 feet; thence West 57 feet; thence North 144 feet; thence West 115 feet to the point of beginning.

PARKER ADDITION

BLOCK 1: Beginning at the Southwest Corner of Block 1, Parker Addition, thence North 165 feet; thence East 156.75 feet; thence South 82.5 feet; thence 41.25 feet; thence South 82.5 feet; thence West 115.5 feet to the point of beginning.

BLOCK 8: Beginning at the Southwest Corner of Block 8, Parker Addition, thence North 363 feet; thence East 330 feet; thence South 32 feet; thence West 132 feet; thence South 330 feet; thence West 198 feet to the point of beginning.

BLOCK 9: Beginning at the Southwest Corner of Block 9, Parker Addition, thence North 231 feet; thence East 247.5 feet; thence North 16.5 feet; thence East 82.5 feet; thence North 115.5 feet; thence East 330 feet; thence South and Southwest following the curve of West line of State Highway 498 feet more or less to the South line of Block 9; thence West, 423 feet to the point of beginning.

BLOCK 10: Beginning at the Southeast Corner of Block 10, Parker Addition, thence West 115.5 feet; thence North 82.5 feet; thence East 115.5 feet; thence South 82.5 feet to the point of beginning.

BLOCK 11: Beginning' at the Northeast Corner of Block 11, Parker Addition, thence South 132 feet; thence West 82.5 feet; thence North 16.5 feet; thence West 33 feet; thence North 115.5 feet; thence East 115.5 feet to the point of beginning.

BLOCK 12: Beginning at the Northeast Corner of Block 12, Parker Addition, thence South 330 feet; thence West 495 feet; thence North 148.5 feet; thence West 165 feet; thence North 181.5 feet; thence East 660 feet to the point of beginning.

SOUTH END ADDITION

All of Block 2.

BLOCK 7: Beginning at the Southeast Corner of Block 7, South End Addition, thence West 99 feet; thence North 82.5 feet; thence West 231 feet; thence North 247.5 feet; thence West 115.5 feet; thence North 66 feet; thence West 214.5 feet; thence North 264 feet; thence East 660 feet; thence South 660 feet to the point of beginning.

BLOCK 8: All of Lots 2 and 3, Block 8, South End Addition; also beginning at the Northwest Corner of Lot 1, Block 8, South End Addition, thence East 16.5 feet; thence South 165 feet; thence West 16.5 feet; thence North 165 feet to the point of beginning.

BLOCK 9: Beginning at the Northwest Corner of Block 9, South End Addition, thence East 198 feet; thence South 132 feet; thence East 66 feet; thence South 99 feet thence East 66 feet; thence South 66 feet; thence West 330 feet; thence North 297 feet to the point of beginning.

BLOCK 10: Beginning at the Northeast Corner of Block 10, South End Addition, thence South 297 feet; thence West 330 feet; thence North 297 feet; thence East 330 feet to the point of beginning.

KLINGLER ADDITION

BLOCK 1: Beginning at the Southwest Corner of Block 1, Klingler Addition, thence North 330 feet; thence East 544.5 feet; thence South 330 feet; thence West 544.5 feet to the point of beginning.

BLOCK 2: Beginning at the Southeast Corner of Block 2, Klingler Addition, thence West 627 to the Railroad Right of Way; thence Northeast along the Right of Way to the North line of Lot 3 to a point 80 feet West of Northeast Corner of Lot 3; thence East 80 feet; thence South 165 feet; thence East 330 feet; thence South 165 feet to the point of beginning.

BLOCK 3; Beginning at the Northeast corner of Block 3, Klingler Addition, thence West 486.5 feet; thence to the left along a curve of State Highway right of way 191.5 feet more or less to the West line of Block 3; thence South 190 feet to the South line of Lot 2; thence East 280.5 feet; thence North 132 feet; thence East 132 feet; thence South 132 feet; thence East 214.5 feet; thence North 330 feet to the point of beginning.

BLOCK 4: Beginning at the Northwest Corner of Block 4, Klingler Addition, thence East 544.5 feet; thence South 330 feet; thence West 544.5 feet; thence North 330 feet to the point of beginning.

The estimated total cost of so.id improvement is \$149,697.00 of which the sum of \$139,155.00 is the total cost and expense to the property abutting adjoining, contiguous and adjacent to said improvements; and the sum of \$10,542.00 is the total cost and expense of the street and Alley intersections.

SECTION III: The improvements to be constructed within said District are to construct and reconstruct curbs and gutters and the construction of drainage works incidental to said improvements.

STREETS AND AVENUES TO BE IMPROVED WITH CURBS AND GUTTERS AND DRAINAGE WORKS INCIDENTAL TO SAID IMPROVEMENTS.

- 2nd North Street: From the center of Center Street to the West property line of Third East Street.
- 1st North Street: From the East property line of 2nd West Street to the center of 4th East Street.
- 1st South Street: From the East property line of 3rd West Street to the West property line of 3rd East Street.
- 2nd South Street: From the East property line of 3rd West Street to the West property line of Center Street.
- 4th South Street: From the East property line of 5th West Street to the West property line of 2nd West Street.
- 5th West Street: From the Center of Block 3, Klingler Addition to the South property line of 4th South Street.
(State Highway)
- 2nd West Street: From the North property line of 4th South Street to the South property line of 1st North Street.

- 1st West Street: From the North property line of 3rd South Street to the South property line of 1st North Street.
- Center Street: From the North property line of 3rd South Street to the South property line of 1st South Street and from the North property line of 1st North Street to the South property line of 2nd North Street.
- 1st East Street: From the North property line of 2nd South Street to the South property line of 2nd North Street.
- 2nd East Street: From the North property line of 1st South Street to the South property line of 3rd North Street.
- Harvard Avenue: From the North property line of Main Street to the South property line of 2nd North Street.
- 3rd East Street: From the South property line of 3rd South Street to the South property line of the Rigby Addition.

SECTION IV: In the judgment of the City Council of the said City, it is fair and equitable that \$10,543.00 of said total cost be paid by said City from its general fund for the cost and expense of street and alley intersections within the proposed District and in addition thereto, the said City shall pay the costs and expenses of improvement to be constructed on streets and avenues adjoining lots and lands owned by the City of Rexburg. The costs and expenses of the proposed improvements to be assumed and paid by the said City are deemed to be fair and equitable in consideration of the public benefit to be derived by said City from the construction of said improvements.

Such part of the cost and expenses of the proposed improvements as is not paid or assumed by the City shall be assessed against the lots and lands abutting, adjoining, contiguous or adjacent to the proposed improvements to the center of the block facing said improvements.

SECTION V: Each lot and parcel of land shall be separately assessed for its share of the costs and expenses of constructing said improvements in proportion to the number of square feet of such lots and parcels of land abutting, adjoining, contiguous and adjacent thereto or included within said District to the distance back from such street, if platted in blocks to the center of the block, if platted in lots to the center of the lots, and if not platted, to the distance of 125 feet in proportion to the benefits to be derived from such improvements, sufficient to cover all of the portion of the cost and expense of the work to be so levied and assessed to the center of the street.

SECTION VI: The committee on streets and the City Engineer are hereby directed to prepare an assessment roll according to the provisions of this Ordinance and the law under which said Improvement District is created after contracts for the construction of said improvements have been let; said assessment roll shall contain, among other things, the number of the assessment, the name of the owner if known, or if not known a statement to that effect, a description of each lot or tract assessed and the total amount of the assessment; which assessment roll, upon its completion, shall be certified to the City Council by said Committee on streets and said City Engineer. Whereupon the City Council will fix a time when objections thereto by the property owners in said District will be heard and will cause such assessment roll to be filed in the office of the City Clerk.

SECTION VII: The Mayor and City Clerk shall give public notice calling for bids for constructing said improvements, in three consecutive weekly issues of the Rexburg Standard, the official newspaper of said City, which notice shall state the time, place and hour when and where the City Clerk will receive sealed proposals for the construction of such improvements, and which notice shall contain a general description of the kind and amount of work to be done, the materials to be furnished, as nearly accurate as practicable, using such general terms as to adroit of the widest latitude for competition, and shall state that the plans and specifications for said improvements are on file in the offices of the City Engineer and the City Clerk, and may be examined or obtained at either office. The notice shall also state the amount of the estimate of the cost of said improvements, and that each bidder shall accompany his bid with a certified check or bid bond in the amount of 5 per cent of the bid in case the contract is awarded to such bidder and he fails or

