



ORDINANCE NO. 391

AN ORDINANCE CREATING LOCAL IMPROVEMENT DISTRICT NO. 15 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 March, 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. 15 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 no written protests against the construction of the proposed improvements or the creation of said improvement district filed with the City Clerk or said City or in her office, and

WHEREAS, on the 6th day of April, 1955, the City Council met at the hour of 8 o'clock P.M., for the purpose of hearing protests against the construction of said improvements, and

WHEREAS, no protests were made or filed and no one appeared before the City Council to be heard with respect to the construction of said improvements or the creation of said district, 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 \$12,200.00; 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. 15, City of Rexburg, Idaho, It 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 17: Beginning at the Southeast corner of Block 17, Rexburg Townsite, thence west 140.25 feet; thence North 165.00 feet; thence West 89.75 feet; thence North 165 feet; thence West 100 feet; thence North 165 feet; thence East 75 feet; thence North 42 feet to the South Bank of the Rexburg Irrigation Company Canal; thence East along the South Bank of said Canal to where same intersects the East boundary line of said Block 17; thence South 525 feet more or less to the point of beginning.

BLOCK 18: Beginning at the Southwest corner of Block 18, Rexburg Townsite, thence North 578 feet; thence in a Northeasterly direction, following the meanderings of the Rexburg Canal to the Center line of Block 18; thence South 480 feet; thence West 165 feet; thence South 56.5 feet; thence West 75 feet; thence South 0.5 feet; thence West 7.5 feet; thence South 108 feet; thence West 82.5 feet to the point of beginning.

BLOCK 25: Beginning at the Southeast corner of Block 25, Rexburg Townsite; thence North 80 feet; thence West 150.75 feet; thence Northeasterly 134.8 feet; more or less, thence West 28 feet; thence Northeasterly 100 feet more or less, thence East 17.5 feet, more or less; thence North 16.5 feet; thence West 330 feet; thence South 198 feet; thence West 99 feet; thence South 33 feet; thence West 99 feet; thence South 99 feet; thence East 660 feet to the point of beginning.

BLOCK 30: Beginning at the Northeast corner of Block 30, Rexburg Townsite; thence South 122.5 feet; thence Southwesterly along O.S.L.R.R. Right of Way line to the South line of Lot 1, Block 30; thence West to a point 8 feet East of and paralleling the center of the spur of O.S.L. right of way; thence Northeasterly along said spur to a point 256 feet South of the North line of Lot 1; thence North 83 feet; thence West 128.79 feet; thence North 90.5 feet; thence West 330 feet; thence North 82.5 feet; thence East 660 feet to the point of beginning.

PARKER ADDITION

BLOCK 5: All of Lot 1, Block 5, Parker Addition.

RIGBY ADDITION

BLOCK 7: Beginning at the Southwest corner of Lot 5, Block 7, Rigby Addition; thence East 330 feet; thence North 198 feet; thence West 188 feet; thence South 118 feet; thence West 142 feet; thence South 80 feet to the point of beginning.

BLOCK 10: Beginning at the Northwest Corner of Lot 1, Block 10, Rigby Addition; thence South 130 feet; thence East 75 feet; thence South 2 feet; thence East 255 feet; thence North 132 feet; thence West 330 feet to the point of beginning.

Beginning at the Southwest corner of Lot 5, Block 10, Rigby Addition; thence North 70 feet; thence East 140 feet; thence North 62 feet; thence East 190 feet; thence South 132 feet; thence West 330 feet to the point of beginning.

BLOCK 15: Lots 1, 2, 3, Block 15, Rigby Addition.

BLOCK 16: Beginning at the Northeast corner of Lot 10, Block 16, Rigby Addition; thence West 75 feet; thence South 144 feet; thence West 225 feet; thence South 3 feet; thence East 142 feet; thence South 150 feet; thence East 158 feet; thence North 297 feet to the point of beginning.

BLOCK 16: Beginning at the Northwest corner of Lot 1, Block 16, Rigby Addition; thence South 297 feet; thence East 158 feet; thence North 150 feet; thence East 142 feet; thence North 3 feet; thence West 124 feet; thence North 144 feet; thence West 176 feet to the point of beginning.

The estimated total cost of said improvements is \$12,200.00 of which the sum of \$11,500.00 is the total cost and expense to the property abutting, adjoining, contiguous and adjacent to said improvements; and the sum of \$700.00 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 East Street: From the South property line of 3rd South Street South 297 feet.

3rd East Street: From the South property line of 3rd South Street South 297 feet, and from the North property line of 2nd North Street North 578 feet.

3rd South Street: From the East property line of 2nd North Street 330 feet.

2nd South Street: From the East property line of 3rd East Street East 330 feet.

First North Street: From the East property line of 3rd West Street to the West property line of 2nd West Street.

2nd West Street: On the West side of street from the South property line of 1st North South 122.5 feet.

SECTION IV: In the judgment of the City Council of the said City, it is fair and equitable that \$700.00 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 improvements 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 Journal, 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 admit 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 Clerk and City Engineer, 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 refuses to enter into the contract and give the bond required, the proceeds of such check to be forfeited to the City as

