



ORDINANCE NO. 509

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR LOCAL IMPROVEMENT DISTRICT NO. 19 IN REXBURG, IDAHO, FOR IMPROVING AND CONSTRUCTING CERTAIN STREETS AND ALLEYS, CONSTRUCTING CERTAIN STREETS AND ALLEYS, CONSTRUCTING AND INSTALLING SANITARY SEWER LATERALS, CONSTRUCTING AND RECONSTRUCTING CURBS, GUTTERS AND SIDEWALKS, AND CONSTRUCTING DRAINAGE WORKS INCIDENTAL TO SAID IMPROVEMENTS WITHIN SAID DISTRICT; ORDERING ASSESSMENTS TO BE MADE IN ACCORDANCE WITH THE ASSESSMENT ROLL AND PRESCRIBING DETAILS CONCERNING SAID ASSESSMENTS.

WHEREAS, the City Council of the City of Rexburg, Idaho, has created within said City Local Improvement District No. 19, for Rexburg, Idaho, for improving and constructing certain streets and alleys, constructing and installing sanitary sewer laterals, constructing and re-constructing curbs, gutters and sidewalks, and constructing drainage works incidental to said improvements within said district, and

WHEREAS, the committee on streets of said Council, together with the City Engineers, made out an assessment roll for said district pursuant to the laws of the State of Idaho and of said City and certified said roll to said Council, and

WHEREAS, said Council caused said roll to be filed in the office of the City Clerk on the 1st day of July, 1970, and gave the requisite legal notice that written objections to said roll might be filled with the City Clerk and that said Council would hear and consider objections to the assessment roll on Tuesday, July 28, 1970, at 8 o'clock P.M. at the City Hall in said City, and that as said specified time and place the Council would hold a hearing to hear and determine all objections to the regularity of the proceedings in making such assessment, the correctness of the assessment, and the amount levied on the particular lots or parcel in relation to the benefits accruing thereon and in relation to the benefits accruing thereon in relation to the proper proportionate share of the total cost of the improvement, and

WHEREAS, said Council met at said time, place and date to hear and consider all objections to the assessment roll and to hear and determine all objections to the regularity of the proceeding in making such assessment, the correctness of assessment, the amount levied on the particular lot or parcel in relation to the benefits accruing thereon, and in relation to the proper proportionate share of the total cost of the improvement, all pertaining to the Local Improvement District No. 19, in Rexburg, Madison County, Idaho, for improving and constructing certain streets and alleys, constructing and installing sanitary sewer laterals, constructing drainage works incidental to said improvements within said district, and

WHEREAS, said Council met at said time, place and date to hear and consider all objections to the assessment roll and to hear and determine all objections to the regularity of the proceeding in making such assessment, the correctness of assessment, the amount levied on the particular lot or parcel in relation to the benefits accruing thereon, and in relation to the proper proportionate share of the total cost of the improvement, all pertaining to the Local Improvement District NO 19, in Rexburg, Madison County, Idaho, for improving and constructing certain streets and alleys, constructing and installing sanitary sewer laterals, constructing drainage works incidental to said improvements within said district, and

WHEREAS, no objections were filed or made, either written or oral, to the regularity of the proceedings and the Council proceeded to hear and act upon all objections to the assessment roll as fully set forth in the minutes of said special meeting so called and held for that purpose July 28, 1970, and on that date said assessment roll was revised and corrected.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF REXBURG, IDAHO:

SECTION I: The City Council of the City of Rexburg, Idaho, hereby confirms the assessment roll as so revised and corrected and filed with the City Clerk for Local Improvement District No. 19 for Rexburg, Idaho, for improving and constructing certain streets and alleys, constructing and installing sanitary sewer laterals, constructing and reconstructing curbs, gutters and sidewalks, and constructing drainage works incidental to said improvements within said district, and hereby orders the levy of the assessment show in said roll and hereby levies against each lot and parcel of land shown in said roll the amount of assessment listed therein.

SECTION II: The City Clerk shall immediately certify and file said roll with the City Treasurer and said assessments shall be due and payable to the City Treasurer twenty days from the date of the publication of this ordinance, being the date of the confirmation of said roll, and if not paid within thirty days thereafter shall become delinquent, provided that all such assessments, or any part thereof, may at the election of the owner be paid in installments with interest as hereinafter provided. Failure to pay the whole assessment within said period of thirty days shall be conclusively considered and held an election on the part of all person interested either under disability or otherwise, to pay in such installments herein. In case of such election to pay in installments, the unpaid assessment shall be payable to the City Treasurer in fifteen substantially equal annual installments of principal, the first of which installments of principal shall be due and payable on or before the 1st day of October, 1971, and the remainder of said installments shall be due and payable successively on or before the same day each year thereafter until paid in full, with interest in all cases on the unpaid and deferred installments of principal from the 1st day of October, 1971, at the same rate of interest as that provided for in the special assessments bonds to be hereafter authorized, sold, issued and delivered, the interest rate to be determined by the Council (but not to exceed seven per cent per annum,) payable annually at the office of the City Treasurer, the first annual payment of interest being due and payable on the said 1st day of October, 1971 and the remainder of said annual installments of interest being due and payable immediately, and the City shall proceed to collect all of said unpaid assessments, both principal and interest, and all penalties, in the manner provided by the Local Improvement District Code of the State of Idaho and all laws mandatory thereof and supplemental thereto. Prior to the issuance of a deed, the owner may pay the amount of all unpaid installments, with all interest and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any installment or payment may, at any time, pay the whole of the unpaid in principal with interest accruing thereon to the next interest pay g date.

SECTION III: The City Treasurer shall publish a notice in the Rexburg Standard, a weekly newspaper which is the official newspaper of, and is published in said City, in accordance with the provisions of Section 50 -1721, Idaho Code, for two consecutive issues, stating the in and the time for payment to close, the last publication of said time for payment to beg P Y notice to be not less than thirty days before the issue of any 'bonds authorized to be issued for such payments.

SECTION IV: The said notice shall be in substantially the following form:
NOTICE OF ASSESSMENT TO PROPERTY OWNERS IN LOCAL IMPROVEMENT DISTRICT NO. 19 FOR REXBURG, IDAHO, FOR IMPROVING AND CONSTRUCTING CERTAIN STREETS AND ALLEYS, CONSTRUCTING AND INSTALLING SANITARY SEWER LATERALS, CONSTRUCTING AND RECONSTRUCTING CURBS, GUTTERS AND SIDEWALKS, AND CONSTRUCTING DRAINAGE WORKS INCIDENTAL TO SAID IMPROVEMENTS WITHIN SAID DISTRICT.

NOTICE IS HEREBY GIVEN that the assessment roll for Local Improvement District No. 19, for Rexburg, Idaho, for improving and constructing certain streets and alleys, constructing and installing sanitary sewer laterals, constructing and reconstructing curbs, gutters and sidewalks, and constructing drainage works incidental to said improvements within said district, was confirmed by the City Council of Rexburg, on August 5, 1970, and a certified copy of said roll is now on file in my office. The assessments levied against property within said district shall be due and payable to the undersigned City Treasurer, twenty days from said date of confirmation of said assessment roll by the Council and if not paid within thirty days thereafter shall become delinquent and shall be collected in the same manner and with the same penalties and interest added thereto as provided for other delinquent assessments, provided that all such assessments, or any part thereof, may at the election of the owner, be payable in fifteen substantially equal annual installments and said assessments remaining unpaid shall bear interest and be due and payable annually in fifteen successive years as provided in the ordinance confirming said assessment roll.

Dated: August 5, 1970.

Beulah Johnson, City Treasure

SECTION V: That the officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance.

SECTION VI: That all ordinances or parts thereof in conflict with this ordinance are hereby repealed. After the bonds of said Local Improvement District No. 19 for the City of Rexburg, Idaho, have been hereafter issued, this ordinance shall constitute a contract by the City and the holder or holders of said bonds and shall be and remain irrevocable until said bonds and the interest accruing thereon shall have been fully paid, satisfied and discharged,

SECTION VII: That, by reason of the fact that certain areas within the City of Rexburg need said local improvements, it is hereby declared that an emergency exists, that this ordinance is necessary to the immediate preservation of the public peace, health and safety, and that it shall be in full force and effect from and after its passage, approval and publication, as provided by law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 5th, day of August, 1970.

Henry Shirley, Mayor

(SEAL)

ATTEST:

Beulah Johnson, City Clerk

STATE OF IDAHO)

)ss.

County of Madison)

I, BEULAH JOHNSON, City Clerk of the city of Rexburg, Idaho, do hereby certify: That the above and foregoing is a full, true and correct copy of the Ordinance Entitled:

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR LOCAL IMPROVEMENT DISTRICT NO. 19 IN REXBURG, IDAHO, FOR IMPROVING AND CONSTRUCTING CERTAIN STREETS AND ALLEYS, CONSTRUCTING CERTAIN STREETS AND ALLEYS, CONSTRUCTING AND INSTALLING SANITARY SEWER LATERALS, CONSTRUCTING AND RECONSTRUCTING CURBS, GUTTERS AND SIDEWALKS, AND CONSTRUCTING DRAINAGE WORKS INCIDENTAL TO SAID IMPROVEMENTS WITHIN SAID DISTRICT; ORDERING ASSESSMENTS TO BE MADE IN ACCORDANCE WITH THE ASSESSMENT ROLL AND PRESCRIBING DETAILS CONCERNING SAID ASSESSMENTS.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 19th day of June, 1974.

Afton Anderson, City Clerk

(SEAL)