



ORDINANCE NO. 566

AN ORDINANCE CREATING LOCAL IMPROVEMENT DISTRICT NO. 22 IN REXBURG, IDAHO, FOR THE PURPOSE OF CAUSING CERTAIN STREETS AND ALLEYS AND PARTS THEREOF WITHIN THE CORPORATE LIMITS OF SAID CITY, TO BE GRADED, RE-GRADED, GRAVELED, PAVED, REPAVED AND OTHERWISE IMPROVE THE HEREINAFTER DESCRIBED STREETS WITHIN THE DISTRICT AND TO CONSTRUCT AND RECONSTRUCT CURBS, GUTTERS, MAINS AND SEWERS SERVICES, DRAINAGE FACILITIES, WATER MAINS, WATER SERVICES, SEWER, INCLUDING STORM SEWERS, AND OTHER WORK INCIDENTAL TO ALL OF THE FOREGOING IMPROVEMENTS ALONG SAID STREETS, 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; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND DECLARING AN EMERGENCY.

WHEREAS, on the 6th day of August, 1975, the City Council of the City of Rexburg, Madison County, Idaho, adopted a Resolution declaring the intention to create Local Improvement District No. 22 to cause certain streets and alleys and parts thereof within the corporate Limits of said city to be graded, re-graded, graveled, paved, re-paved and otherwise improve the hereinafter described streets within the district and to construct and reconstruct curbs, gutters, mains and sewer services, drainage facilities, water mains, water services, sewer, including storm sewers, and other work incidental to all of the foregoing improvements along said streets, 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, on the 20th day of August, 1975, 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, in response to such published and mailed notice, the clerk reported one one written objections was filed against the construction of certain proposed improvements in certain areas of the proposed improvements district which objection was, at the hearing, withdrawn by the protestant, and

WHEREAS, no oral protests were made before the council, 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 \$290,000.00 and

WHEREAS, a portion of such total cost is to be assessed upon and against the property within said district being 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 MAYOR AND THE COUNCIL OF 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 designated "Local Improvement District No. 22, 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:

Third North: The area bounded by the City limits of Rexburg on the North, the East line of Second West on the East, the North line of Second North on the South, and the West line of Third West on the West.

Fourth West and First South: All of blocks 42 and 45 of the Original Townsite of the City of Rexburg that lie West of the Railroad Right of way.

North Fourth East: The area bounded by the North line of Second North on the North, the Madison High School Property on the East, the South line of First North on the South, and the East line of Third East on the West.

Harvard Avenue: Block 8 of the Rigby addition to the City of Rexburg.

Edith Circle: Block 3, lots 12, 13, 14, 15, 16, 17, 18, and 19 of the Garner Addition to the City of Rexburg.

Third East and South 4th East: The area bounded by the North line of Fourth South on the North, the East line of Fourth East to 350 South Street, the North line of 350 South Street to the City Limits of Rexburg, the City Limits of Rexburg on the East, the South line of Fifth South on the South, and the East line of Second East on the West.

Dean Ricks Condominiums: The North one-half of Block 5 of the Klingler Addition to the City of Rexburg.

350 South: Block 5 and Block 2 of the Neville Valleview Addition to the City of Rexburg, excluding Lots 1-7 of Block 2 of said addition.

West side of Second West between 2nd North and 3rd North: East 14 rods of Lot 1, Block 7 of the City of Rexburg, Idaho.

Morgan Drive: Block 1 - Lots 4, 5, 6, 7, 8, 9, 10, 11; Block 3 - Lots 5, 6, 7, 8 and 9, all of the Garner Addition to the City of Rexburg, Idaho.

SECTION III: That the improvements to be constructed within said district are to cause certain streets and alleys and parts thereof within the corporate limits of said City, to be graded, re-graded, graveled, paved, re-paved, and otherwise improve the hereinafter described streets within the district and to construct and reconstruct curbs, gutters, mains and sewer services, drainage facilities, water mains, water services, sewer, including storm sewers, and other work incidental to all of the foregoing improvements along said streets. The names of the street to be improved, the points between which the improvements are to be made and the nature of improvements along and upon such streets are as follows:

PAVING:

Fourth East from First North to Second North.

Harvard Avenue from First South to Second South.

Third East from Fourth South to a point 80' South of the Southwest corner of Block 5 of the Sorenson Addition to the City of Rexburg.

Fourth East from Fourth South to Fifth South.

Edith Circle for the entire length.

Dean Ricks Condominium area.

350 South from Fifth East to the City Limits of Rexburg.

Morgan Drive, Lots 4-11, inclusive, Block 1; Lots 5-9, inclusive, Block 3, Garner Addition, City of Rexburg.

CURB AND GUTTER:

Fourth West from West Main to Second South on the East side of the street only.

Dean Ricks Condominium area - both sides.

First South from Fourth West to the Railroad right of way - both sides of the street.

Fourth East from First North to Second North both sides of the street excepting the South 231' of the East side.

Harvard Avenue from First South to Second South - both sides of the street.

Third East - the East side from the Southwest corner of Block 5 of the Sorenson Addition to the City of Rexburg to a point 80' South of said corner; the West side from a point 80' South of the Southeast corner of Block 6 of the Sorenson Addition to the City of Rexburg to Fourth South.

Third North from Second West to Third West both sides of the street.

Edith Circle entire length - both sides of the street.

Fourth East from Fourth South to Fifth South both sides of the street.

350 South - the North side from the East corner of Lot 7, Block 2 of the Neville Valleview Additon to the City of Rexburg, to the City Limits of Rexburg and the South side from Fifth East to the City Limits of Rexburg.

Morgan Drive, Lots 4-11 inclusive, Block I; Lots 5-9 inclusive, Block 3, Garner Addition, City of Rexburg, Idaho.

West Side of Second West between 2nd North and 3rd North.

SEWER:

Fourth West from West Main to Second South.

First South from Fourth West to the Railroad right of way.

Fourth East from Fourth South to Fifth South.

Harvard Avenue from First South to Second South.

Third East from Fourth South to a point 80' South of the Southwest corner of the Sorenson Additon to the City of Rexburg.

Third North from Second West to Third West.

350 South from Fifth East to the City Limits of Rexburg.

Morgan Drive, Lots 8, 9, and 10, Block 1; Lots 7, 8, and 9, Block 3, Garner Addition to the City of Rexburg.

West Side of Second West, between 2nd North and 3rd North.

WATER:

Fourth West from West Main to First South.

Harvard Avenue from First South to Second South.

Third East from Fourth South to a point 80' South of the Southwest corner of Block 5 of the Sorenson Addition to the City of Rexburg.

WATER AND SEWER SERVICES:

Fourth West from West Main to Second South.

First South from Fourth West to the railroad right of way. Sewer Services only.

Fourth East from Fourth South to Fifth South.

Harvard Avenue from First South to Second South.

Third East from Fourth South to a point 80' South of the Southwest corner of the Sorenson Addition to the City of Rexburg.

Third North from Second West to Third West. Sewer Services only.

350 South from Fifth East to the City Limits of Rexburg.

SECTION IV: In the judgment of the City Council of the said City, it is fair and equitable that \$125,000.00 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 alleys 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 and adjacent to the proposed improvements and upon lots and lands benefited by the proposed 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 or in proportion to the benefits to be derived to such property by said 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 public notice calling for bids for constructing said improvements heretofore having been given by the Mayor and City Clerk in three consecutive weekly issues of the Rexburg Standard, the official newspaper of said City, if hereby confirmed. Said notice stated the time, place and hour when and where the City Clerk would receive sealed proposals for the construction of such improvements, and which notice contained 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 stated that the plans and specifications for said improvements were on file in the offices of the City Clerk and City Engineer to be examined or obtained at either office. The notice also stated the amount of the estimate of the cost of said improvements, and that each bidder should accompany his bid with a certified check or bid bond in the amount of five per cent of the bid in case the contract is awarded to such bidder and if he fails or refuses to enter into the contract and give the bond required, the

