



CITY OF
REXBURG
America's Family Community

ORDINANCE NO. 570

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR 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, RE-PAVED AND OTHERWISE IMPROVE SAID STREETS WITHIN THE DISTRICT AND TO CONSTRUCT AND RE-CONSTRUCT CURBS, GUTTERS, MAINS AND SEWER SERVICES, DRAINAGE FACILITIES, WATER MAINS, WATER SERVICES, SEWER, INCLUDING STORM SEWERS, AND OTHER WORK INCIDENTAL TO SAID IMPROVEMENTS WITHIN SAID DISTRICT; ORDERING ASSESSMENTS TO BE MADE IN ACCORDANCE WITH THE ASSESSMENT ROLL AND PRESCRIBING DETAILS CONCERNING SAID ASSESSMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Rexburg, Idaho, has created within said City Local Improvement District No. 22, for 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, re-paved and otherwise improve said streets within the district and to construct and re-construct curbs, gutters, mains and sewer services, drainage facilities, water mains, water services, sewer, including storm sewers, and other work incidental to said improvements within said district, and

WHEREAS, the Committee on streets of said Council, together with the City Engineer, 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 3rd day of December, 1975, and gave the requisite legal notice that written objections to said roll might be filed with the City Clerk and that said Council would hear and consider any objections to the assessment roll on Monday, December 22, 1975, at 7 o'clock P.M. at the City Hall in said City, and that at 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 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. 22, in Rexburg, Madison County, 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, re-paved and otherwise improve said streets within the district and to construct and re-construct curbs, gutters, mains and sewer services, drainage facilities, water mains, water services, sewer, including storm sewers, and other work 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 December 22, 1975; that the Council adjourned said hearing from time to time and on the 28th day of January, 1976, the Council completed its hearings and investigations; 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. 22 for 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, re-paved and otherwise improve said streets within the district and to construct and re-construct curbs gutters, mains and sewer services, other work incidental to said improvements within said district, and hereby orders the parcel of land whose 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 a lien from and due and payable to the City Treasurer twenty days from the date of the publication of this ordinance, which date of publication is the effective 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 persons interested, either under disability or otherwise, to pay in such installments. In case of such election to pay in installments, said assessments shall be a lien from the effective date of the confirmed assessment roll, and the unpaid assessment shall be payable to the City Treasurer in fifteen substantially equal annual installments of principal and there shall be issued in the name of the City of Rexburg, improvement bonds of such improvement district which shall include all the property included within such district, liable to assessment for such local improvement. The first of the installments of principal shall be due and payable within one year from the date of said bonds, and the remainder of said installments shall be due and payable successively on or before the same day in each year thereafter until paid in full, with interest in all cases on the unpaid and deferred installments of principal from the Council, payable annually at the office of the City Treasurer, the first annual payment of interest being due and payable one year from the date of said bonds, and the remainder of said annual installments of interest being due and payable each year thereafter. Failure to pay any installment, whether of principal or interest, when due, shall cause the whole of the unpaid principal to become 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 amendatory 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 principal with interest accruing thereon to the next interest paying date.

SECTION III: The City Treasurer shall publish a notice in the Rexburg Standard Journal, 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 time for payment to begin and the time for payment to close, the last publication of said 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. 22 FOR 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, RE-PAVED AND OTHERWISE IMPROVE SAID STREETS WITHIN THE DISTRICT AND TO CONSTRUCT AND RE-CONSTRUCT CURBS, GUTTERS, MAINS AND SEWER SERVICES, DRAINAGE FACILITIES, WATER MAINS, WATER SERVICES, SEWER, INCLUDING STORM SEWERS, AND OTHER WORK INCIDENTAL TO SAID IMPROVEMENTS WITHIN SAID DISTRICT.

NOTICE IS HEREBY GIVEN that the assessment roll for Local Improvement District No. 22, for 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, and re-construct curbs, gutters, mains and sewer services, drainage facilities, water mains, water services, sewer, including storm sewers, and other work incidental to said improvements within said district, was confirmed by

the City Council of Rexburg on April 7, 1976, 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 the effective 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 assessment, 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 this 7th day of April, 1976

City Treasurer

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. 22 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.

SECTION VIII: Immediately upon passage of this ordinance confirming the assessment roll, the City Clerk shall file with the Madison County Recorder a notice which shall contain the date of the confirming ordinance and a description of the area or boundaries of the district.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 7th day of April, 1976.

John C. Porter, Mayor

(SEAL)

ATTEST:

Afton Anderson, City Clerk

STATE OF IDAHO)
)ss.
County of Madison)

I, AFTON ANDERSON, 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. 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, RE-PAVED AND OTHERWISE IMPROVE SAID STREETS WITHIN THE DISTRICT AND TO CONSTRUCT AND RE-CONSTRUCT CURBS, GUTTERS, MAINS AND SEWER SERVICES, DRAINAGE FACILITIES, WATER MAINS, WATER SERVICES, SEWER, INCLUDING STORM SEWERS, AND OTHER WORK INCIDENTAL TO SAID IMPROVEMENTS WITHIN SAID DISTRICT; ORDERING ASSESSMENTS TO BE MADE IN ACCORDANCE WITH THE ASSESSMENT ROLL AND PRESCRIBING DETAILS CONCERNING SAID ASSESSMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 7th day of April, 1976.

Afton Anderson, City Clerk

(SEAL)