



CITY OF
REXBURG
America's Family Community

ORDINANCE NO. 715

AN ORDINANCE EXPRESSING THE INTENTION OF THE CITY OF REXBURG TO TRANSFER CERTAIN REAL PROPERTY HEREINAFTER FULLY DESCRIBED BELONGING TO THE CITY OF REXBURG AND WHICH HAS CEASED TO BE USED FOR PUBLIC PURPOSES; PROVIDING THAT NOTICE OF SUCH INTENTION TO TRANSFER BE GIVEN AND THAT NO TRANSFER OCCUR UNTIL SIXTY DAYS HAVE EXPIRED FROM THE DATE AND PASSAGE OF THIS ORDINANCE, AS HEREINAFTER FULLY SET FORTH; AND PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City of Rexburg presently owns certain real property hereinafter described which has ceased to be used for public purposes; and

WHEREAS, the City of Rexburg has statutory authority to transfer or exchange real property for other property if the consideration received by the City shall be deemed adequate by the Council; and

WHEREAS, the City Council at its regular meeting of March 6, 1991, found and determined (a) that certain Rexburg City property has ceased to be used for public purposes; (b) that the transfer of said property is in the best public interest to the inhabitants of the City of Rexburg and the consideration for such transfer is deemed adequate by the Council, and the transfer was approved; (c) that said property shall be appraised prior to said transfer, and

WHEREAS, the City of Rexburg proposes to transfer the hereinafter described property to J. Ted Garner and Edna A. Garner, his wife, of 1180 Aspen Way, P. O. Box 122, Woodruff, Utah 84086, in exchange for the Garners paying for all costs, publication fees, and expenses associated with said transfer.

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

SECTION I:

A. That the property herein found and declared not now needed for public use being transferred by the City is described as follows:

Commencing at the Southwest Corner of Lot 1, Block 15, of the Original Rexburg Townsite, Madison County, Idaho, as per the recorded plat thereof, and running thence North 71 feet; thence East 132 feet; thence South 11 feet; thence West 7.1 feet; thence South 60 feet; thence West 124.9 feet to the point of beginning. Subject to a right-of-way for ingress and egress across the South half of Lot 1, Block 15, Original Rexburg Townsite.

B. No transfer of the real property hereinabove described shall occur until sixty days have expired from the date of the passage of this ordinance.

SECTION II: NOTICE IS HEREBY GIVEN that it is the intention of the City of Rexburg to transfer on May 8, 1991, at 8:00 o'clock p.m., at the City Hall, Rexburg, Idaho, the above described real property belonging to it.

SECTION III: NOTICE IS FURTHER GIVEN that no transfer of the real property above described shall occur until May 8, 1991, at 8:00 o'clock p.m., which is more than sixty days from the date of the passage of this ordinance. Qualified electors of the City, on or before May 8, 1991, at 8:00 o'clock p.m., may express dissatisfaction with said exchange by filing a petition with the City Clerk, containing the names of qualified electors of the City of Rexburg in a number equal to ten percent (10%) of the total votes cast for Mayor at the preceding City Election. If such a petition

is filed with the City Clerk on or before said date, the City Council shall call a special election to be held on the question of whether or not the real property shall be transferred or exchanged as provided by Sections 50-1403 and 50-1405, Idaho Code, and all amendments thereto.

SECTION IV: This ordinance shall take effect and be in force from and after its passage and publication as required by law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR on this 6th day of March, 1991.

Nile L. Boyle, Mayor

(SEAL)

ATTEST:

Rose Bagley, City Clerk

STATE OF IDAHO)
)ss.
County of Madison)

I, ROSE BAGLEY, 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 EXPRESSING THE INTENTION OF THE CITY OF REXBURG TO TRANSFER CERTAIN REAL PROPERTY HEREINAFTER FULLY DESCRIBED BELONGING TO THE CITY OF REXBURG AND WHICH HAS CEASED TO BE USED FOR PUBLIC PURPOSES; PROVIDING THAT NOTICE OF SUCH INTENTION TO TRANSFER BE GIVEN AND THAT NO TRANSFER OCCUR UNTIL SIXTY DAYS HAVE EXPIRED FROM THE DATE AND PASSAGE OF THIS ORDINANCE, AS HEREINAFTER FULLY SET FORTH: AND PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 6th day of March, 1991.

Rose Bagley, City Clerk

(SEAL)