



CITY OF  
**REXBURG**  
*America's Family Community*

**ORDINANCE 819  
LOCAL IMPROVEMENT DISTRICT NO. 31**

**AN ORDINANCE ESTABLISHING THAT CERTAIN SIDEWALKS, CURBS, GUTTERS, STREETS, SANITARY SEWERS AND OTHER PUBLIC UTILITY WORKS WITHIN THE CORPORATE LIMITS OF SAID CITY SHALL BE REMOVED, RE-GRADED, PREPARED, CONSTRUCTED AND RE-CONSTRUCTED, AND OTHER WORK INCIDENTAL TO ALL OF THE FOREGOING IMPROVEMENTS IN THE DESIGNATED AREAS SHALL BE ACCOMPLISHED; CREATING LOCAL IMPROVEMENT DISTRICT NO. 31 FOR THE PURPOSE OF MAKING SAID IMPROVEMENTS TO DEFRAY THE COST AND EXPENSES OF SAID DISTRICT AND THE COST AND ASSESSMENT AGAINST THE ABUTTING, ADJOINING AND ADJACENT LOTS AND LANDS ALONG OR UPON WHICH SUCH IMPROVEMENTS ARE TO BE MADE AND UPON LOTS AND LANDS BENEFITTED BY SUCH IMPROVEMENTS AND INCLUDED IN THE DISTRICT TO BE CREATED ACCORDING TO A FRONT FOOT METHOD OR IN PROPORTION TO THE BENEFITS DERIVED TO SUCH PROPERTY BY SAID IMPROVEMENT, OR A COMBINATION THEREOF, SUBJECT TO ANY VARIATIONS THEREFROM TO BE DETERMINED BY THE COUNCIL, EXCEPT THAT THE COST AND EXPENSES OF ALL SUCH IMPROVEMENTS WITHIN STREET INTERSECTIONS AND ALLEY INTERSECTIONS SHALL BE PAID FROM THE GENERAL FUNDS OR GRANTS OF THE CITY; GIVING THE KIND AND CHARACTER OF SAID IMPROVEMENTS AND THE ESTIMATED TOTAL COST THEREOF; AND PROVIDING FOR GIVING OF NOTICE THEREOF.**

**WHEREAS,** the city Council of the City of Rexburg, Idaho, finds it in the best interest of the City to cause certain sidewalks, curbs, gutters, streets, sanitary sewers and other public utility works within the corporate limits of said city to be removed, regarded, prepared, constructed and re-constructed, and other work incidental to all of the foregoing improvements in the designated areas to be accomplished, and to create Local Improvement District No. 31 for the City of Rexburg, Idaho, for the purpose of making said improvements; and

**WHEREAS,** the City Council of the City of Rexburg finds that there is reasonable probability that the obligations of such Local Improvement District No. 31 will be paid; and

**WHEREAS**, the value of the property within the District is sufficient to justify the improvements; and

**WHEREAS**, the estimated total cost of said District and of said improvements is \$1,079,202 of which sum \$588,934 is the total estimated cost of said improvements which shall be city costs, and;

**WHEREAS**, the City Council is authorized to expend from the general funds of the City the whole of the costs and expenses of said improvements within street and alley intersections, and such other portion of the costs and expenses of said improvements as in their judgment may be fair and equitable in consideration of the benefits occurring to the general public by reason of such improvements, and

**WHEREAS**, the City Council proposes to defray the costs and expenses of said District of said improvements (except those to be paid from the general funds of the City), to the extent of \$490,268 by assessments levied against the lots and lands abutting adjoining and adjacent to such property upon which said improvements are to be made and on and against all lots and lands benefitted by such improvements included in said District and to defray the cost and expense of said improvements within the street and alley intersections from the general funds of the City, and

**WHEREAS**, the city, as of the date of adoption of this Ordinance, has determined the ownership of the property to be included in said proposed improvement district, as set forth on Exhibit 1 attached and made a part hereof;

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

**SECTION I:** The City of Rexburg, Idaho, does hereby declare its intention to cause certain sidewalks, curbs, gutters, streets, sanitary sewers and other public utility works together with other work incidental to all of the foregoing improvements in the designated areas to be accomplished, and for the purpose to create and establish a Local Improvement District thereon to be known as Local Improvement District No. 31 for the City of Rexburg, Idaho, comprising said areas in which said work is to be accomplished and the lots and lands benefitted by such improvements and situated in said District. A description of the boundaries of the District to be created, a definition of the areas in which said improvements are to be made, the points between which the improvements are to be made, and the kind and character of the proposed improvements are attached and made a part of the Resolution as Exhibit 1.

**SECTION II:** The kind and character of said improvements are as follows: To cause certain sidewalks, curbs, gutters, streets, sanitary sewers and other public utility works within the corporate limits of said city to be removed, re-graded, prepared, constructed and re-constructed, and other work incidental to all of the foregoing improvements in the designated areas to be accomplished, all according to the plans and specifications to be filed in the office of the City Clerk on or before the day fixed for hearing protests against the creation of said District and the making of said improvements.

**SECTION III:** The estimated costs and expenses of said District and of said improvements are One Million Seventy-nine Thousand Two Hundred and Two Dollars (\$1,079,202), which sum is to be allocated and paid as follows:

From levy on impacted property . . . . . \$490,268  
From general funds of the City . . . . . \$588,934

**SECTION IV:** The cost and expenses of said District and of said improvements which are to be paid by assessments against the abutting, adjoining and adjacent lots and areas within which said improvements are to be made, and upon lots and lands benefitted by such improvements and included within said District, each lot and parcel of land being assessed separately for the debt thereof according to a front foot method or in proportion to the benefits derived to such property by said improvements, or a combination thereof, subject to any variations there from to be determined by the Council.

The cost and expenses of said improvements within street and alley intersections and other City costs are, in the judgment of the City Council, a fair and equitable portion of the total cost and expenses of said District and of said improvements to be expended from the general funds of the City or from state or federal grants, in consideration of the benefits accruing to the general public by reason of such improvements and shall be paid out of the general funds of the City.

The Clerk is ordered and directed to cause advertisements for bids to perform the work outlined as being included within the District, said advertisement to be published in the Rexburg Standard Journal, a bi-weekly newspaper printed and published in Rexburg, Madison County, state of Idaho, in accordance with all applicable rules, regulations and laws in place at the time of this Ordinance, relevant to bids.

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Bruce Sutherland, Mayor

(SEAL)

ATTEST:

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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:

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Rose Bagley, City Clerk

(SEAL)