RESOLUTION NO. 99-04

RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF REXBURG, IDAHO, 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; TO CREATE 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 EXPENSE OF SAID IMPROVEMENTS BY THE LEVY OF AN 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 IMPROVEMENTS, 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; FIXING THE TIME WHEN PROTESTS AGAINST SUCH IMPROVEMENTS AND THE CREATION OF SAID DISTRICT MAY BE FILED IN THE OFFICE OF THE CITY CLERK AND WHEN SUCH PROTESTS WILL BE HEARD AND CONSIDERED BY THE CITY COUNCIL, AND PROVIDING FOR GIVING OF NOTICE THEREOF.

WHEREAS, the City Council of the City of Rexburg, Idaho, deems it in the best interests 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, re-graded, 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 estimated total cost of said District and of said improvements is One Million Seventy-nine Thousand Two Hundred and Two Dollars ($1,079,202), of which sum Five Hundred and Eighty-eight Thousand Nine Hundred and Thirty-four ($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 and of said improvements (except those to be paid from the general funds of the City), to the extent of Four Hundred and Ninety Thousand Two Hundred and Sixty-eight

Dollars ($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 Resolution of Intent to Create Local Improvement District No. 31, 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 RESOLVED 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 that 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 land abutting, adjoining and adjacent thereto 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 is 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 therefrom 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.

That Wednesday, the 16th day of June, 1999, at 8:00 o'clock p.m., of said day, and the offices of the City of Rexburg, in the City Hall located at 12 North Center in the City of Rexburg, Idaho, be, and the same is hereby designated as the time and place when all protests against the creation of said District or the making of any other objections in relation thereto, shall be accepted for consideration by the City Council and that written protests against the creation of such District and any other objections in relation thereto, may be filed in the office of the City Clerk on or before 5:00 o'clock p.m., on Wednesday, of the same date.

The City Clerk is hereby ordered and directed to give notice of the passage of this Resolution, the time within which protests against the creation of said District or any other objections in relation thereto may be filed, in writing, and the date when such protests will be heard and considered by the Council in the manner provided by law.

The Clerk is further ordered and directed to cause said notice to be published in two issues of the Rexburg Standard Journal, a bi-weekly newspaper printed and published in Rexburg, Madison County, State of Idaho, and mail a copy of such notice to each property owner, if known, or his agent if known, within the limits of the proposed improvement district, addressed to such person at his post office address if known, or if unknown, to the post office in the City of Rexburg, Idaho.

That such notice shall be in the following form:

NOTICE OF RESOLUTION OF INTENTION TO ESTABLISH REXBURG LOCAL IMPROVEMENT DISTRICT NO. 31, AND HEARING PROTESTS

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council, held on May 5, 1999, a Resolution was passed declaring the intention of the City Council of the City of Rexburg, Idaho, to create a Local Improvement District to be known as Local Improvement District No. 31, to accomplish 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. That a description of the boundaries of the District to be created, the names of the street or streets to be improved, or along 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 along and upon such streets are as follows:

The estimated total cost of said improvements is One Million Seventy-nine Thousand Two Hundred and Two Dollars ($1,079,202), of which the sum of Four Hundred and Ninety

Thousand Two Hundred and Sixty-eight Dollars ($490,268) is the total cost and expenses of the improvements which will be assessed 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 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 improvements, or a combination thereof, subject to any variations therefrom to be determined by the Council. The sum of Five Hundred and Eighty-eight Thousand Nine Hundred and Thirty-four ($588,934) is the total cost and expenses which will be paid from general funds of the City of Rexburg or from state or local grants.

NOTICE OF HEARING

NOTICE IS FURTHER GIVEN that written protests against the creation of Local Improvement District No. 31 or any other objections in relation thereto, may be filed in my office in the City Hall Building, at 12 North Center, in the City of Rexburg, Idaho, on or before 5:00 o'clock p.m., on Wednesday, the 16th day of June, 1999, and such protests will be heard and considered by the Mayor and Council at an, open and public meeting of the City Council to be held at 8:00 o'clock p.m., on Wednesday, the 16th day of June, 1999.

Reference is hereby made to said Resolution of the City Council now on file in my office, available for public review for further information in regard thereto.

DATED this 2nd day of June, 1999.

Rose Bagley
City Clerk

Councilman Glen Pond made the motion and Councilman Kay Beck seconded the adoption of the Resolution No. 99-04 declaring the intention of the City Council of the City of Rexburg, Idaho, to create Local Improvement District No. 31, and the same, on being put to a vote, was unanimously carried by the affirmative vote of all council members present, the vote being as follows:

Glen Pond	Aye
Nyle Fullmer	Aye
Paul Pugmire	Aye
Marsha Bjornn	Aye
Kay Beck	Aye
Farrell Young	Aye

Mayor Bruce Sutherland

STATE OF IDAHO)
)
County of Madison)
)
City of Rexburg)

I, ROSE BAGLEY, City Clerk of the City of Rexburg, Idaho, do hereby certify that the foregoing is a full, true and correct copy of the minutes of a special meeting of the City Council of Rexburg, Idaho, duly called and regularly held at the regular meeting place of said City Council on the 5th day of May, 1999, and that Resolution No. 99-04 creating Local Improvement District No. 31 for the City of Rexburg, Idaho, was adopted by the affirmative vote of all council members present; that said Resolution was passed and adopted by the City Council and approved by the Mayor on May 5, 1999, and that the foregoing proceedings were in fact held as in said minutes specified in said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Rexburg, Idaho, the 2nd day of June, 1999.

Rose Bagley
City Clerk

STATE OF IDAHO)
)
County of Madison)
)
City of Rexburg)

ROSE BAGLEY, being first duly sworn, upon oath, deposes and says that she is and was at all times herein mentioned the duly appointed, qualified and acting Clerk of the City of Rexburg, Madison County, Idaho.

That, acting as such Clerk, on the 5th day of June, 1999, she deposited in the United States mail, postage prepaid, envelopes addressed to each owner of property if known, or said owner's agent if known, with the limits of said proposed Local Improvement District No. 31, in the City of Rexburg, Idaho, addressed to such person at his post office address if known, or if unknown to the post office in Rexburg, Idaho, and that in each of said envelopes was contained when mailed a true and correct copy of the Notice of Resolution of Intention to Establish Rexburg Local Improvement District No. 31, and Hearing Protests, for the improvement and construction of certain sidewalks, curbs, gutters, and other work incidental to all of the foregoing improvements within the areas set forth in Resolution No. 99-04 adopted by the City Council of Rexburg, Idaho, on June 2nd, 1999.

Further affiant saith not.

Rose Bagley
Rose Bagley, City Clerk

SUBSCRIBED AND SWORN to before me this 7th day of June, 1999.

Notary Public
Residing at Rexburg, Idaho
My Commission Expires: 9/18/04

(SEAL)