



ORDINANCE NO. 1047

AN ORDINANCE OF THE CITY OF REXBURG, IDAHO, CREATING LOCAL IMPROVEMENT DISTRICT NO. 40; DESCRIBING AND SETTING FORTH THE BOUNDARIES OF SAID LOCAL IMPROVEMENT DISTRICT; PROVIDING FOR THE IMPROVEMENTS TO BE MADE THEREIN; APPOINTING AN ENGINEER TO PREPARE THE NECESSARY PLANS AND SPECIFICATIONS FOR THE WORK; AUTHORIZING THE ADVERTISING FOR BIDS FOR SAID WORK AS AUTHORIZED BY LAW; PROVIDING FOR THE PAYMENT OF COSTS AND EXPENSES OF SAID IMPROVEMENTS TO BE ASSESSED AGAINST THE PROPERTY WITHIN THE DISTRICT BENEFITTED THEREBY AND THE METHOD OF ASSESSMENTS; PROVIDING FOR THE ISSUANCE OF LOCAL IMPROVEMENT DISTRICT BONDS AND WARRANTS; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Rexburg, Idaho (the "City"), is a municipal corporation organized and operating under the laws of the State of Idaho and is authorized by Idaho Code Title 50, Chapter 17, to create local improvement districts for public improvements, and to finance said improvements by the issuance and sale of local improvement district bonds or warrants, which bonds or warrants are payable solely from assessments upon the property benefitted by said improvements; and

WHEREAS, the City Council (the "Council") of the City has determined that it is in the best interests of the City and its residents, and of the property and residents within the proposed local improvement district, to create a local improvement district for the construction of certain improvements, and other related expenses; and

WHEREAS, after proper publication and mailing of notice to the owners of property within the proposed improvement district of intention to create the proposed local improvement district, a public hearing was held by the Council on May 5th, 2010, at which hearing the residents and owners of property within said proposed local improvement district had the opportunity to protest the formation of the local improvement district.

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

SECTION I: The Council hereby finds and declares:

- A. That Local Improvement District No. 40 will be in the best interests of the property affected and of the Rexburg City;
- B. That there is a reasonable probability that the obligations of Local Improvement District No. 40 will be paid;
- C. That the value of the property subject to assessment within Local Improvement District No. 40 (such value being determined by the current assessed valuation of such property for ad valorem tax purposes as shown by the records of the Assessor of Madison County, Idaho) exceeds the sum of the estimated costs to be assessed against the property included in Local Improvement District No. 40; and
- D. That the Council has heard, considered, and passed upon any protests which were filed in writing in advance of the hearing held and conducted on May 5th, 2010 as more fully set forth in the proceedings of said hearing, and all of such protests are hereby overruled, except to the extent reflected in the description of the boundaries of L.I.D. No. 40 set forth in Exhibit "A"

which is annexed hereto and by reference made a part hereof.

SECTION II: There is hereby established and created a local improvement district within the City, to be known and designated as "Local Improvement District No. 40" ("L.I.D. No."), the boundaries of which local improvement district, all situate in Madison County, Idaho, are particularly described in Exhibit "A" which is annexed hereto and by reference made a part of this Ordinance.

SECTION III: A description of the improvements to be constructed (the "Improvements") is as follows: the installation and/or replacement of streets, curbs, gutters, sidewalks, water lines, sanitary sewer lines, storm sewer lines and other improvements as necessary, together with related improvements and costs of engineering, legal services, publication, interest on borrowed funds during construction, bond issuance costs and reserves, and other related expenses.

SECTION IV: The costs and expenses of the Improvements shall be assessed against the abutting, adjoining, and adjacent lots, and lands and other properties benefited by the Improvements, according to a front foot method or a square 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.

SECTION V: Said Improvements are additional improvements.

SECTION VI: The total estimated cost of the Improvements is \$ 1,338,752. Approximately \$ 86,990 will be paid by the City, representing the amount of benefit to the general public resulting from the Improvements. The balance of the cost will be paid by a levy of assessments on the property benefited on the basis set forth in Section 4 of this Ordinance. Said assessments may be paid in annual installments of principal and interest, over a period which may be less than but which shall not exceed thirty (30) years, as shall be determined by the Council, if not otherwise provided by law.

SECTION VII: Costs and expenses assessed as herein provided shall include the contract price of the Improvements, engineering and clerical services, advertising, costs of inspection, costs of collecting assessments, interest on any warrants issued, legal services for preparing the proceedings and in advising with regard thereto, services of financial advisors, necessary reserves, and costs of issuance of any bonds or warrants.

SECTION VIII: The City Engineer is hereby appointed as engineer for L.I.D. No. 40 and shall prepare the necessary plans, specifications, and advertisement for bids for the construction thereof. Advertisement for bids for such work shall be published and contracts awarded in accordance with Section 50-1710, Idaho Code.

SECTION IX: For the purpose of paying any contractor for the cost of the Improvements for L.I.D. No. 40, or otherwise defraying any of the costs of the Improvements as they become due, the Mayor, the City Treasurer, and the City Clerk are hereby authorized and directed to cause to be issued, sold, and delivered, on behalf of the City, interim warrants of L.I.D. No. 40, which warrants shall be in such form and amounts (not exceeding, in the aggregate, \$1,251,762), as the Council may hereafter provide by resolution, which warrants shall be redeemed and paid in full, together with any accrued and unpaid interest thereon, from the proceeds of the sale of the bonds or warrants or the prepayment of assessments of L.I.D. No. 40. The first proceeds of the prepayment of assessments and the sale of Local Improvement District No. 40 bonds or warrants are hereby pledged for the payment and redemption of the principal and interest on each interim warrant issued pursuant hereto.

SECTION X: This Ordinance shall be published once in the official newspaper of the City and shall take effect and be in full force immediately upon its passage, approval, and publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR, this 7th day of October, 2009.

Richard Woodland, Mayor

