



ORDINANCE NO. 1098

AN ORDINANCE OF THE CITY OF REXBURG, IDAHO, CREATING LOCAL IMPROVEMENT DISTRICT NO. 43; 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 January 16, 2013, 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 1: The Council hereby finds and declares:

- a. That Local Improvement District No. 43 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. 43 will be paid;
- c. That the value of the property subject to assessment within Local Improvement District No. 43 (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. 43; 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 January 16, 2013 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. 43 set forth in Exhibit "A" which is annexed hereto and by reference made a part hereof. Exhibit "A" can be viewed at the Clerk's Office at City Hall and the areas included in the LID project are 5th West from approximately 281 North to 1st South.

Section 2: There is hereby established and created a local improvement district within the City, to be known and designated as "Local Improvement District No. 43" ("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 3: 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 4: 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 5: Said Improvements are additional improvements.

Section 6: The total estimated cost of the Improvements is \$ 1,759,500. Approximately \$ 1,554,900 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 7: 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 8: The City Engineer is hereby appointed as engineer for L.I.D. No. 43 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 9: For the purpose of paying any contractor for the cost of the Improvements for L.I.D. No. 43, 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. 43, which warrants shall be in such form and amounts (not exceeding, in the aggregate, \$205,000), 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. 43. The first proceeds of the prepayment of assessments and the sale of Local Improvement District No. 43 bonds or warrants are hereby pledged for the payment and redemption of the principal and interest on each interim warrant issued pursuant hereto.

Section 10: 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 of said City and approved by the Mayor on the 6th day of February, 2013.

CITY OF REXBURG
Madison County, Idaho

By _____
Richard Woodland, Mayor

ATTEST:

Blair D. Kay, City Clerk

(SEAL)

Published: February 09, 2013

(STATE OF IDAHO)

ss:

(County of Madison)

I, BLAIR D. KAY, City Clerk of the City of Rexburg, Idaho, do hereby certify:
That the foregoing is a full, true and correct copy of an Ordinance entitled:

AN ORDINANCE OF THE CITY OF REXBURG, IDAHO, CREATING LOCAL IMPROVEMENT DISTRICT NO. 43 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.

Passed by the City Council of said City and approved by the Mayor on the 6th day of February, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City this 06th day of February, 2013.

(SEAL)

Blair D. Kay, City Clerk

LOCAL IMPROVEMENT DISTRICT 43

Item #	No.	Dir	Street	Company/ L Name	F Name	New Sidewalk (SQ YD)	Replace Sidewalk (SQ YD)	Replace C & G (Ft)	Reinforced Sidewalk (SQ YD)	Reinforced C & G (FT)	Cost	Engineering	City Participation	Total Estimated Cost
1	460	W	2nd N	MADISON COUNTY		254	140	150			\$ 19,632.00	\$ 2,355.84	\$ (1,155.00)	\$ 20,900.00
2	480	W	2nd N	V F W (Attn: Clerks Office-Sue Hagley)		140	20				\$ 11,040.00	\$ 1,324.80	\$ (2,359.00)	\$ 10,100.00
3	160	N	5th W	BOISE HOUSING CORPORATION			5				\$ 363.00	\$ 43.80	\$ (78.75)	\$ 400.00
4	130	N	5th W	PRICE	THOMAS H		46	40			\$ 4,998.00	\$ 599.76	\$ (1,032.50)	\$ 4,600.00
5	144	N	5th W	VALORA	PARLEY G		8				\$ 584.00	\$ 70.08	\$ (126.00)	\$ 600.00
6	138	N	5th W	HUTCHENS	KENNETH J		8				\$ 328.00	\$ 39.36	\$ (61.60)	\$ 400.00
7	128	N	5th W	ADAMS	KIPP		15	22			\$ 1,997.00	\$ 239.64	\$ (403.65)	\$ 1,900.00
8	464	W	1st N	CONVINGTON	JOYCE I		9				\$ 457.00	\$ 54.84	\$ (141.75)	\$ 400.00
9	100	N	5th W	GULLLEY	ROBERT		12	20			\$ 1,696.00	\$ 203.52	\$ (343.00)	\$ 1,600.00
10	80	N	5th W	PUFFPAFF	BLAD		13	52			\$ 3,081.00	\$ 369.72	\$ (605.15)	\$ 2,900.00
11	66	N	5th W	HEESLEY	CHRISTINE A		15	20			\$ 1,915.00	\$ 229.80	\$ (390.25)	\$ 1,800.00
12	30	N	5th W	WOOLF	STEVEN A		14	77			\$ 4,179.00	\$ 501.48	\$ (813.40)	\$ 3,900.00
13	Apr 40	N	5th W	MCDONALD	RAY			38			\$ 1,538.00	\$ 186.96	\$ (292.60)	\$ 1,500.00
14	34	N	5th W	GULLLEY	ALESA			30			\$ 1,230.00	\$ 147.60	\$ (231.00)	\$ 1,200.00
15	20	N	5th W	R & S PETERSON COMMERCIAL PROPERTIES LLC		26					\$ 1,898.00	\$ 227.76	\$ (409.50)	\$ 1,800.00
16	470	W	Main St	FAIRBANKS	JOHN	10	20				\$ 1,530.00	\$ 186.00	\$ (311.50)	\$ 1,500.00
17	17	S	5th W	DAVENPORT	ANN	7	14				\$ 1,085.00	\$ 130.20	\$ (218.00)	\$ 1,000.00
18	10	S	5th W	NYCKOD	GERALD W	5	9				\$ 734.00	\$ 88.08	\$ (148.00)	\$ 700.00
19	21	S	5th W	CHENEY	CLEO K	3	10				\$ 629.00	\$ 75.48	\$ (124.25)	\$ 600.00
20	27	S	5th W	FUNK	DONNA	6	0				\$ 438.00	\$ 52.56	\$ (84.50)	\$ 400.00
21	27	S	5th W	MURRAY	DIANNE	6	15				\$ 1,053.00	\$ 126.36	\$ (210.00)	\$ 1,000.00
22	29	S	5th W	NEWTON	LINDA K	14	10				\$ 1,432.00	\$ 171.84	\$ (297.50)	\$ 1,400.00
23	33	S	5th W	SHELLEY	DWAYNE	28	40				\$ 3,684.00	\$ 442.08	\$ (749.00)	\$ 3,400.00
24	75	S	5th W	SMITH	DEBRA	3	280		50		\$ 13,849.00	\$ 1,661.88	\$ (2,588.25)	\$ 13,000.00
25	127	S	5th W	SOURCES BRICK INC ETAL		12	54				\$ 3,060.00	\$ 370.80	\$ (604.80)	\$ 2,900.00
26	110	S	5th W	TRAMPSON	DUSTIN J	17	39				\$ 2,340.00	\$ 280.80	\$ (468.25)	\$ 2,200.00
27	106	S	5th W	HAMMER	DONALD L	8	30				\$ 3,364.00	\$ 403.68	\$ (752.00)	\$ 3,200.00
28	60	S	5th W	MADISON SCHOOL DIST #321		156	318		45	80	\$ 31,601.00	\$ 3,792.12	\$ (6,230.35)	\$ 29,200.00
29	30	S	5th W	WADE	MELANIE SUE	9	75				\$ 3,732.00	\$ 447.84	\$ (719.25)	\$ 3,500.00
30	20	S	5th W	FACE ETUX	WILLIAM T	18	75				\$ 5,849.00	\$ 701.88	\$ (1,176.00)	\$ 5,400.00
31	807	W	Main St	BEED	RONALD J	35	143				\$ 9,878.00	\$ 1,185.36	\$ (1,967.35)	\$ 9,100.00
32	7	N	5th W	GRUELMAN INVESTMENTS LLC		6	67				\$ 3,183.00	\$ 382.20	\$ (610.40)	\$ 3,000.00
33	15	N	5th W	SPENCER	JILL S	1	11				\$ 451.00	\$ 54.12	\$ (84.70)	\$ 500.00
34	23	N	5th W	WILLIAMS	JASON R	1	30				\$ 1,250.00	\$ 147.60	\$ (231.00)	\$ 1,200.00
35	31	N	5th W	MESSICK ETUX	GEORGE J	7	13				\$ 533.00	\$ 63.96	\$ (101.10)	\$ 500.00
36	113	N	5th W	WELLS FARGO BANK NA	STEVEN J	21	13				\$ 2,348.00	\$ 281.76	\$ (468.25)	\$ 2,200.00
37	53	N	5th W	NEELSON	STUART	14	32				\$ 2,334.00	\$ 280.08	\$ (466.50)	\$ 2,200.00
38	65	N	5th W	PAUL	ARTHUR JOSEPH	25	10				\$ 2,335.00	\$ 281.20	\$ (470.75)	\$ 2,100.00
39	75	N	5th W	COOL LAND RESIDENTIAL LLC		40	40		9	40	\$ 4,365.00	\$ 523.80	\$ (803.55)	\$ 4,100.00
40	75	N	5th W	COOL LAND RESIDENTIAL LLC		9	10		24		\$ 2,099.00	\$ 251.88	\$ (403.55)	\$ 2,000.00
41	Approved 103	N	5th W	COOL LAND RESIDENTIAL LLC		18	46				\$ 3,200.00	\$ 384.00	\$ (637.70)	\$ 3,000.00
42	Approved 115	N	5th W	COOL LAND RESIDENTIAL LLC		16	16				\$ 656.00	\$ 78.72	\$ (123.20)	\$ 700.00
411	125	N	5th W	MCCULLOCH	MARY W	18	15				\$ 1,929.00	\$ 231.48	\$ (399.00)	\$ 1,800.00
421	117	N	5th W	BIO JEROME K JOHNSON IRA	BANK OF COMMERC	23	94				\$ 5,533.00	\$ 663.96	\$ (1,096.65)	\$ 5,200.00
43	145	N	5th W	PEAR TREE ENTERPRISES INC		10	46				\$ 2,616.00	\$ 313.92	\$ (511.70)	\$ 2,500.00
44	135	N	5th W	HOWARD	HEID	10	60				\$ 2,460.00	\$ 295.20	\$ (462.00)	\$ 2,300.00
45	169	N	5th W	BLACKER ETUX	ORIO K	12	108				\$ 3,304.00	\$ 396.48	\$ (1,020.60)	\$ 3,000.00
46	185	N	5th W	SUMMERWOOD PARK AREA (HWA)	ATTN: KEYNSA STUTZ	5	47				\$ 2,292.00	\$ 275.04	\$ (440.65)	\$ 2,200.00
47	508	W	2nd N	ABEL	MICHAEL K	3	30				\$ 1,230.00	\$ 147.60	\$ (231.00)	\$ 1,200.00
48	521	Angela Dr	VERSI LYS	RAY ALLEN	5	4					\$ 529.00	\$ 63.48	\$ (109.55)	\$ 500.00
49	506	Angela Dr	TUTTLEN	ANTHONY R	7	11					\$ 962.00	\$ 115.44	\$ (194.95)	\$ 900.00
50	281	N	5th W	NEELSON	STEVEN J	21	13				\$ 2,348.00	\$ 281.76	\$ (468.25)	\$ 2,200.00
51	147	N	5th W	NEELSON	STUART	14	32				\$ 2,334.00	\$ 280.08	\$ (466.50)	\$ 2,200.00
52	116	N	Center St	TRIKEN	ROONEY M	164	98				\$ 13,990.00	\$ 1,678.80	\$ (2,337.60)	\$ 14,000.00
53	126	N	Center St	TRIKEN	CARISSA DAWN	27	47				\$ 3,898.00	\$ 467.76	\$ (787.15)	\$ 3,600.00
54				City of Hensburg		400	320				\$ 1,352,250.00	\$ 162,270.00	\$ (1,314,520.00)	\$ -
											\$ -	\$ -	\$ -	\$ -
											\$ 1,568,614.00	\$ 188,233.68	\$ (1,554,840.10)	\$ 204,800.00

\$ 204,800 Property Owner Cost
\$ 1,654,849 City Cost
\$ 1,759,449 Total Cost

LOCAL IMPROVEMENT DISTRICT 43

Item #	No.	Dir	Street	Company/ L Name	F Name	New Sidewalk (SQ YD)	Replace Sidewalk (SQ YD)	Replace C & G (Ft)	Reinforced Sidewalk (SQ YD)	Reinforced C & G (FT)	Sidewalk				Curb & Gutter				Street Reconstruction	Cost	Engineering	City Participation	Total Estimated Cost		
											Removal of Concrete Asphalt Sidewalk (SQ YD)	6" Excavation, Backfill, and Compaction (SQ YD)	8" Concrete Installed (SQ YD)	Reinforced Concrete Installation (SQ YD)	Removal of Concrete Curb & Gutter (Foot)	12" Excavation, Backfill, and Compaction (Foot)	Concrete Installation (Foot)	Reinforced Concrete Installation (Foot)							
1	460	W	2nd N	MADISON COUNTY		254	140	150			2	3,762.00	\$ 1,200.00	\$ 500.00	\$ 4,000.00							\$ 19,632.00	\$ 2,355.84	\$ (1,155.00)	\$ 20,900.00
2	480	W	2nd N	V F W (Attn: Clerks Office-Sue Hagley)		140	20				1	1,400.00	\$ 420.00	\$ 50.00	\$ 600.00							\$ 11,040.00	\$ 1,324.80	\$ (2,359.00)	\$ 10,100.00
3	160	N	5th W	BOISE HOUSING CORPORATION			5				1	300.00	\$ 90.00	\$ 10.00	\$ 100.00							\$ 363.00	\$ 43.80	\$ (78.75)	\$ 400.00
4	130	N	5th W	PRICE	THOMAS H		46	40			1	460.00	\$ 138.00	\$ 15.00	\$ 120.00							\$ 4,998.00	\$ 599.76	\$ (1,032.50)	\$ 4,600.00
5	144	N	5th W	VALORA	PARLEY G		8				1	80.00	\$ 24.00	\$ 3.00	\$ 10.00							\$ 584.00	\$ 70.08	\$ (126.00)	\$ 600.00
6	138	N	5th W	HUTCHENS	KENNETH J		8				1	80.00	\$ 24.00	\$ 3.00	\$ 10.00							\$ 328.00	\$ 39.36	\$ (61.60)	\$ 400.00
7	128	N	5th W	ADAMS	KIPP		15	22			1	150.00	\$ 45.00	\$ 5.00	\$ 20.00							\$ 1,997.00	\$ 239.64	\$ (403.65)	\$ 1,900.00
8	464	W	1st N	CONVINGTON	JOYCE I		9				1	90.00	\$ 27.00	\$ 3.00	\$ 10.00							\$ 457.00	\$ 54.84	\$ (141.75)	\$ 400.00
9	100	N	5th W	GULLLEY	ROBERT		12	20			1	120.00	\$ 36.00	\$ 4.00	\$ 15.00							\$ 1,696.00	\$ 203.52	\$ (343.00)	\$ 1,600.00
10	80	N	5th W	PUFFPAFF	BLAD		13	52			1	130.00	\$ 39.00	\$ 4.00	\$ 15.00							\$ 3,081.00	\$ 369.72	\$ (605.15)	\$ 2,900.00
11	66	N	5th W	HEESLEY	CHRISTINE A		15	20			1	150.00	\$ 45.00	\$ 5.00	\$ 20.00							\$ 1,915.00	\$ 229.80	\$ (390.25)	\$ 1,800.00
12	30	N	5th W	WOOLF	STEVEN A		14	77			1	140.00	\$ 42.00	\$ 5.00	\$ 20.00							\$ 4,179.00	\$ 501.48	\$ (813.40)	\$ 3,900.00
13	Apr 40	N	5th W	MCDONALD	RAY			38			1	380.00	\$ 114.00	\$ 14.00	\$ 55.00							\$ 1,538.00	\$ 186.96	\$ (292.60)	\$ 1,500.00
14	34	N	5th W	GULLLEY	ALESA			30			1	300.00	\$ 90.00	\$ 11.00	\$ 40.00							\$ 1,230.00	\$ 147.60	\$ (231.00)	\$ 1,200.00
15	20	N	5th W	R & S PETERSON COMMERCIAL PROPERTIES LLC		26																			