



ORDINANCE NO. 213

AN ORDINANCE ESTABLISHING AND CREATING LOCAL IMPROVEMENT DISTRICT NO. (10) TEN, OF THE CITY OF REXBURG, MADISON COUNTY, IDAHO FOR THE PURPOSE OF GRADING, PAVING, PARKING, AND DRAINING OF AND CONSTRUCTING CROSS WALKS OR STREET CROSSINGS ON CERTAIN STREETS AND PARTS OF STREETS OF SAID CITY, ORDERING THE MAKING OF SAID IMPROVEMENTS; PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF BY SPECIAL ASSESSMENT TO BE LEVIED AGAINST PROPERTY WITHIN THE LOCAL IMPROVEMENT DISTRICT SO CREATED AND ESTABLISHED , EXCEPT THE EXPENSE FOR STREET CROSSINGS OR CROSS WALKS WHICH SHALL BE PAID FOR BY THE CITY AT LARGE, MAKING AN APPROPRIATION FOR THE PAYMENT OF THE PORTION OF THE COST OF SAID IMPROVEMENT TO BE CHARGED AGAINST THE CITY OF REXBURG AT LARGE AND DEFINING THE DUTIES AND POWERS OF THE CITY ENGINEER AND COMMITTEE ON STREETS IN CONNECTION THEREWITH.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG, COUNTY OF MADISON, STATE OF IDAHO:

SECTION I: Whereas, certain proceedings heretofore have been taken by the Mayor and City Council of the City of Rexburg, Idaho resulting in the passage of a Resolution of Intention to create and establish Local Improvement District No. 10, in said City: and whereas the City Council of said City has noted to proceed with the work of improvement of Main Street, and Third East Street and portions thereof as is hereafter more specifically described and between the points named as follows, to wit: to grade, pave, park, drain, construct cross walks or street crossings thereon the following streets and parts of streets as follows, to-wit:

Main Street

From the east line of the Oregon Short Line company's main truck where the same crosses said Main Street between Second and Third West Streets, east to the east side of Third East Street, where the same crosses said Main Street, approximately 4,270 feet long and 86 feet wide parking 36 feet wide along the center Main Street paving 25 feet wide are either side of parking, except at street intersections and cross walks or street crossing, where the said paving shall be 132 feet wide.

Third East Street

From the same line of Main Street on Third East Street South to a point 330 feet distant, pavement to be about 40 feet wide along the center of said Third East Street, and parking about 23 feet on either side of said pavement.

SECTION II: That the said streets respectively between the points named as aforesaid be improved as hereinbefore specified by grading to an established grade accomplished by excavation and filling in where necessary, paving with suitable material as hereinafter may be specified; parking be accomplished by the filling with suitable material according to the plans and specifications of the City Engineer, the parts of streets hereinbefore specified to be parked, that the draining of said streets and parts of streets be accomplished by the installation of necessary devices as may be specified in the plans and specifications for said work, to be prepared as may be authorized by law, that all of said work to be done in accordance with plans and specifications therefor which shall be prepared by the City Engineer of said City and approved by the City Council of said City.

SECTION III: The City Engineer is hereby directed to prepare necessary plans,

specifications and detailed drawings of the work to be done under this ordinance and to file a copy thereof as convenient to prospective bidders on said work or and portion thereof. Said plans and specifications together with the detailed drawings are hereby referred to for greater certainty as to the various classes of construction to be undertaken by the terms of this ordinance.

SECTION IV: The width of said paving on Main Street shall be approximately 50 feet, 25 feet on either side of parking and between parking and gutter except at street intersections where the paving shall be approximately 132 feet including street crossings or cross walks; and the width of the paving on Third East Street shall by approximately 40 feet between parking, and the aggregate length of all paving to be laid is estimated to be approximately 4600 lineal feet.

SECTION V: That all of such improvements shall be made under the supervision of the City Engineer and the City Council of the City of Rexburg, Idaho and in accordance with the provisions of Resolution No. 11, passed by the City Council on the 11th day of July 1917, and approved by the Mayor of said City on the same day, which Resolution declared the intention of said City Council to create and establish said Local Improvement District No. 10.

SECTION VI: That said Local Improvement District No. 10 be, and the same is hereby created and established, and the property included therein consists of all of the real estate and premises fronting or abutting on contiguous or tributary to the said Main Street, and the said Third East Street between the points named as hereinbefore specifically described, for the respective streets, to the distance back from such streets, where plotted in blocks to the center of the lots; and if not plotted, to the distance of 125 feet.

SECTION VII: The cost and expense of making the said improvements, including engineering and other clerical services, advertising, cost of inspection, cost of collecting assessments and interest upon installment warrants to be issued as hereafter provided shall be taxed and assessed upon all property in such local improvement district, which cost shall be assessed in proportion to the number of feet of such lots and lands fronting on said Main Streets, and said Third East Street, between the points named, or abutting, contiguous or tributary thereto and included in said Local Improvement District No. 10 and in proportion to the benefit derived by said improvement; provided that the expense of the construction of street crossings or cross walks necessary at street intersections shall be paid by the City at large in accordance with the terms of said Resolution No. 11.

SECTION VIII: To pay for the portion of expense of said work which with be property chargeable against the City under the terms of this ordinance there is hereby appropriated a sum of money sufficient to pay the said of said cost in accordance with the terms of this ordinance to be paid from the General Fund of said City; provided that the City carried may, in its discretion, hereafter raise said money so to be paid by said City by the issuance and sale of general obligation bonds of said City as said Council may be authorized by vote of the duly qualified elections of said City.

SECTION IX: Upon the passage and approval of this ordinance or at such later time as the Council may determine the committee on streets together with the City Engineer, or other proper authority of said City shall make out an assessment roll according to the provisions of this ordinance, and shall certify the same to the Council of said City. Said assessment roll shall conform in all respects with the provisions of this ordinance and Chapter V of Title 13, entitled " Powers of Cities and Villages" Volume 1, Revised Codes of Idaho , and the amendments thereto relating to the organization of local improvement districts and the assessments of cost of improvements as provided therein. In connection with the preparation of the said assessment roll the said committee and engineer or other proper authority of said City, shall ascertain the total cost of making said improvements and shall make an examination of all of the property within the said improvement district, said assessment roll shall contain among other things, the names of the property owners affected by the proposed improvements where such names are known, and if not known the property may be assessed to an unknown owner; the description of each piece, lot or parcel of land and the amount assessed against the same.

SECTION X: Upon receiving the assessment roll the City Clerk shall give notice thereof by three successive publications in the official newspaper of said City in substance that such assessment roll is on file in his office, the date of the filing of the same, and said notice shall state a time and

place at which the City Council will hear and consider objections to said assessment roll by the parties aggrieved by such assessments. The owner or owners of any property which is assessed in such assessment roll whether named or not in such roll may within ten days from the date of the last publication of said notice as provided in this section, file with the City Clerk his objections, in writing, to said assessment.

SECTION XI: At the time appointed for hearing objections to such assessment the City Council shall hear and determine all objections to the legality of the proceedings in making such assessments which have been filed by any party interested; objections may likewise be made to the correctness of such assessment or of the amount levied on any particular lot or parcel of land, and the City Council shall have the power to adjourn such hearing from time to time and shall have power, in its discretion, to revise, correct, confirm or set aside such assessment and to order that such assessment be made de' novo, when such assessment shall finally be approved such City Council shall pass an order approving and continuing such assessment as corrected by it and the said assessment roll as approved and confirmed shall be incorporated in an ordinance to be denominated an assessing ordinance; the decision and order of the City Council approving and confirming the said assessment roll shall be a final determination of the legality, validity and correctness of said assessment to the amount thereof levied on each lot and parcel of land subject to the right of appeal as may be provided by law.

SECTION XII: On such assessments shall be known as special assessment for improvements and shall be levied and collected as a separate tax in addition to the taxes for general revenue purposes, and shall be placed on the tax roll for collection subject to the same penalties and collected in the same manner as other City taxes.

SECTION XIII: The Mayor and Council of the City of Rexburg, may, in their discretion provide for the cost and expense of said improvements in installments instead of levying the entire tax of special assessment at one time, and for such installments there may be issued in the name of the City of Rexburg improvement bonds of the said Local Improvement District No. 10, which shall be payable in installments of equal amount each year with interest thereon as herein provided, which bonds by their terms shall be made payable on or before not to exceed ten years from and after the date of issue of such bonds, and shall bear interest at a rate not to exceed seven per cent per annum; the number of years for said bonds to run and the rate of interest thereon within the limits provided by law in each instance shall be determined by the City Council. Such bonds may be issued to the contractor constructing the improvements in payment thereof or the Mayor and Council or other authorized offices of said City, may sell the same at not less than their par value net and pay the proceeds thereof to such contractor.

SECTION XIV: If the City Council shall determine to issue and sell said bonds for the purpose of meeting the expense of making such improvements as the same are installed, prior to the sale of said bonds the City Council may issue warrants against the said Local Improvement District No. 10, payable to the contractor or other proper person upon estimates of the City Engineer as may be provided by contract to be made for said improvement, which said warrants shall bear interest at the rate of seven per cent per annum and said warrants together with interest due therein at the date of issuance of said bonds shall be redeemed and retired by the proceeds derived from the sale of said bonds, said bonds shall not be issued in excess of the contract price and expense of such improvements, including engineering and other clerical services, advertising, cost of inspection, cost of collecting assessments and interest on warrants, if issued as aforesaid, and installment coupons to be attached to said bonds shall include interest on the installments thereof, to the respective dates of maturity. The said bonds shall be of such denominations as the Council may deem proper.

SECTION XV: The owner of any piece of property liable for any special assessments may redeem his property from such liability by paying the entire assessment which shall be against his property upon the City Clerk having published a printed notice in the official newspaper for three consecutive weekly issues thereof. Which notice shall state the time for payment to begin and the time for payment to close the last day of said notice to be not less than thirty days before the issuance of the bonds or after the issuance of bonds by paying all the installments of the assessment, which have been levied, and also the amount of the unlevied installments with interest on the latter at the rate of not exceeding seven per cent annum from the date of the issuance of the said bonds to the time of the maturity of the last installment.

SECTION XVI: Such bonds it issued shall be prepared under the provisions of the said Chapter of the Political Code of Idaho aforesaid, as awarded.

SECTION XVII: Referring to the pavement or surface to be laid on said streets, the same shall be one of the following types, to-wit 1, Reinforced Concrete pavement, 2, Sheet Asphalt on a Portland cement concrete base, 3, Asphaltic Concrete on a Portland cement concrete base, 4, Standard Bitulithic on a Portland cement concrete base. The bids for the construction of the said improvements which shall be called for as provided herein shall cover all of said types of pavement; and the City Council at the time of the opening of said bids or at such later time as may be deemed advisable, shall select the particular type of pavement to be laid on said streets, and may award a contract or contracts for the said improvements, or may reject any or all bids and not award any contract for said improvements.

SECTION XVIII: In the making of any contract for the proposed improvements it may be provided that a certain percentage of the contract price shall be paid from time to time as the work progresses, on estimates to be made by the City Engineer, and as such estimates are allowed by the City Council interest bearing warrants, as hereinbefore provided, drawn on a fund to be designated as Local Improvement District No. 10, Fund shall be issued to the contractor or contractors interested which said warrants and the interest to accrue thereon to the date of the issuance of bonds shall be redeemed and retired by the proceeds of the sale of said bonds or said bonds may be exchanged for such warrants as may be held by such contractor.

SECTION XIX: On the passage and approval of this ordinance the City Clerk shall cause to be published a public notice in the official newspaper of the City for three consecutive weekly issues which notice shall contain general description of the kind and amount of work to be done, the material to be furnished as nearly accurate as practicable, and shall state that plans and specifications for said improvement work are on file in the office of the City Engineer and City Clerk and said notice shall call for bids for said work and shall set a time at which the said City Council will open and consider bids; said City Council may award a contract or contracts for any improvements authorized by this ordinance or any subdivision thereof; which said contract shall be in the name of the City and upon such terms of payment as shall be fixed by the City Council and shall be made with the lowest and best responsible bidder upon sealed proposals after notice as aforesaid, or the City Council may reject any and all proposals. Each contractor shall be required to give a good and sufficient bond to the City in an amount equal to sixty per cent of the contract price, which said bond shall be approved by the City Council, and shall guarantee the faithful performance of the said contract.

Whereas an emergency existing, therefor, this Ordinance shall take effect from and after its passage, approval and publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 3rd day of August, 1917.

Nathan Ricks, Mayor

(SEAL)

ATTEST:

A. Heath, City Clerk

