



ORDINANCE NO. 235

AN ORDINANCE CREATING AND ESTABLISHING A LOCAL SEWERAGE IMPROVEMENT DISTRICT TO BE CALLED "LOCAL SEWERAGE IMPROVEMENT DISTRICT NO.1" IN THE: CITY OF REXBURG, MADISON COUNTY, IDAHO; DESCRIBING THE PROPERTY INCLUDED IN SAID IMPROVEMENT DISTRICT, AND PROVIDING FOR THE CONSTRUCTION OF A SEWER SYSTEM THEREIN; PROVIDING THAT THE COST AND EXPENSE OF SAID IMPROVEMENT SHALL BE TAXED AND ASSESSED UPON ALL THE PROPERTY IN SAID IMPROVEMENT DISTRICT AND ALL OF THE PROPERTY FRONTING ON THE STREETS IN SAID DISTRICT OTHER THAN SUCH PROPERTY AS IS OCCUPIED BY STREETS AND ALLEYS; AND PRESCRIBING THE METHOD OF SUCH ASSESSMENT AND THE PAYMENT THEREOF; REPEALING ALL ORDINANCES, RESOLUTIONS, OR ORDERS, OR PARTS THEREOF, IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY". BE IT ORDAINED BY THE: MAYOR AND COUNCIL OF, THE CITY OF REXBURG, MADISON COUNTY, STATE OF IDAHO:

SECTION I: That there be and is hereby created and established a local sewerage improvement district in the city of Rexburg, Madison county, Idaho, to be called "Local Sewerage Improvement District No.1," and that said district shall consist of and include the following property, other than such property as is occupied by streets or alleys, in said city, to-wit:

All blocks, lots, pieces or, parcels of land included within the following described boundaries and all blocks, lots, pieces, or parcels of land fronting on the streets and avenues within said boundaries to-wit:

Beginning at a point on the range line between ranges 39 east and 40 east of B.M. 166 feet north of the southwest corner of, the southwest quarter of section 19, Township 6 North, Range 40 east of B.M. in Madison county, state of Idaho, said point being in the center of, 5th West street, west of block 28 of said city as per the recorded plat thereof; running thence east 13351/2 feet through block 28 and part of block 29 of said city on a line 100 feet north of the north side of Main street to a point 100 feet west at the east boundary of block 29, thence north 230 feet to the south boundary of lot I, block 29, thence east 92 rods through center of part of block 29, all of block 30, and part of block 31, to a point 100 feet west of the east boundary line of block 31, thence north 529 feet to a point 100 feet north of the south boundary line of block 24, thence east 1288 feet to the western boundary line of lot 4, block 22, thence north along said boundary 230 feet to the southwest corner of lot 1, block 22, thence east 230 feet to a point 100 feet west of the east boundary

line of block 22, thence north 3791-feet to the center of Second North street, thence east 299 feet, along the center of said street, thence south 379. feet to the northern boundary line of lot 3, block 21, thence east along said boundary line 460 feet to & point 100 feet west of the eastern boundary line of block 21, thence north 3791/2 feet to the center of Second North street, thence east 299 feet along center of said street, thence south 3791- feet to northern boundary line of lot 3, block 20 thence east 460 feet along said line to a point 100 feet west of the eastern boundary line of block 20., thence north 330 feet to the north boundary line of block 20, thence east 299 feet to a point 100 feet east of the northwest corner of lot 2, block 19, thence south 2410 feet through blocks 19 and 36 Rexburg, and block 2, of Rigby Addition to a point 100 feet south of the northern boundary line of block 7, Rigby Addition and 100 feet east of western boundary line of said block 7, thence west 364 feet, thence north 529 feet to the southeast corner of lot 3, block 1, Rigby Addition, thence west 395 feet to a point 100 feet east of, the west boundary of block 1, Rigby Addition, thence south 66 rods to the southern boundary of block 8 of Rigby Addition at a point 100 feet east from the western boundary of said block, thence west 299 feet, thence north 330 feet to the southern boundary line of lot 1, block 50, Rexburg, thence west 230 feet to the southwest corner of lot 1, block 50, Rexburg, thence north 230 feet to a point 100 feet south of the north boundary line of block 50, thence west 379 1/2 feet to the center of First East street, thence south 989 feet along the center of said street, thence west 759 feet through center of block 3, Parker Addition and block 52, Rexburg, to the center of Central Ave., thence north 379 1/2 feet along the center of said avenue to the center of Second South street, thence west 149 1/2 feet along the center of Second South street, thence north 379 1/2 feet, three hundred seventy nine and one-half feet to the south boundary line of lot 1 block 48, thence west 460 feet to a point 100 feet east of the western boundary of block 48, thence south 379 1/2 feet to the center of Second South street, thence west 299 feet along center of said street thence north 379 1/2 feet to the south boundary line of lot 1 block 47. Rexburg, thence west 230 feet to the southwest corner of lot 1, block 47 Rexburg, thence north 230 feet, thence west 529 feet to a point 100 feet west of the east boundary line of Block 46, thence north 529 ft. to the southern boundary line of lot 1, block 41, Rexburg, thence west 395 feet, thence north 230 feet to a point 100 feet south of the northern boundary of block 41, thence west approximately 146 rods to the western limits of the city of Rexburg, along a line 100 feet south of the south side of Main street, thence north 332 feet, thence east approximately 43 rods to the place of beginning, containing the following blocks, lots and parcels of land platted and unplatted; to-wit:

REXBURG PROPER

BLOCK	LOT	DETAILED DESCRIPTION
19	2 & 3	West 100 feet on lot 2, West 100 feet on lot 3
20	1, 2, 3, & 4	East 100 feet of lot 1, West 100 feet on lot 2, all of lots 3 & 4
21	1, 2, 3, & 4	East 100 Feet on lot 1 West 100 feet on lot 2 All of lots 3 & 4
22	1, 3, & 4	East 100 feet on lot 1, South 100 feet on lot 3, All of lot 4
23	3 & 4	South 100 feet on lot 3, South 100 feet on lot 4
24	4	Parcel of land 100 feet square in SE corner lot 4

28	3 & 4	South 100 feet of lot 3, South 100 feet of lot 4 South 100 feet of lot 3, South 100 feet of lot 4, and a parcel of land in lot 4 described as follows: Beginning at a point 100 feet north of SE corner of lot 4 block 29, thence north 230 feet, thence west 100 feet, thence south 230 feet, thence east 100 feet to place of beginning.
29	3 & 4	
30	3 & 4	All
BLOCK LOT DESCRIPTION		
31	1, 3, & 4	East 100 feet of Lot 1, All of lot 3, All of lot 4
32	1, 2, 3, & 4	All
33	1, 2, 3, & 4	All
34	1, 2, 3, & 4	All
35	1, 2, 3, & 4	All
36	2 & 3	West 100 feet of lot 2, West 100 feet of lot 3
37	1, 2, 3, & 4	All
38	1, 2, 3, & 4	All
39	1, 2, 3, & 4	All
40	1, 2, 3, & 4	All
41	1, 2, & 4	All of lot 1, East half and north 100 feet of the west half of lot 2, East 100 feet of lot 4
42	1 & 2	North 100 feet of lot 1, North 100 feet of lot 2
43	1 & 2	North 100 feet of lot 1, North 100 feet of lot 2
46	1	Parcel of land 100 feet square in N.E corner of lot 1, block 46
47	1, 2, & 4	All of lot 1, North 100 feet of lot 2, East 100 feet of lot 4
48	1, 2, 3, & 4	All of lot 1, All of lot 2, West 100 feet of lot 3, East 100 feet of lot 4
49	1, 2, 3, & 4	All
50	1, 2, & 4	All of lot 1, North 100 feet of lot 2, East 100 feet of lot 4
52	2	All
RIGBY ADDITION		
2	1 & 10	West 100 feet of lot 1, West 100 feet of lot 10
1	1, 2, 3, 4, 5, & 8	All of lots 1, 2, 3, 4, 5, West 100 feet of lot 8
7	1	Parcel 100 feet square in the NW corner of lot 1 West 100 feet of lots 1, 2, 3, 4, 5, Parcel beginning with the NE corner of lot 10 thence west 165 feet, thence south 100 feet, thence east 165 feet, thence north 100 feet to place of beginning
8	1, 2, 3, 4, 5, & 10	
PARKER ADDITION		
1	1	East 100 feet of lot 1
2	1 & 2	All
3	1, 2, 3, & 4	All

UNPLATTED PROPERTY

Beginning at the northeast corner of Section 25. Township 6 north of Range 39 east B.M., and running south 166 feet thence west approximately 40 rods to the western limits of the city of Rexburg, thence north 332 feet, thence east approximately 40 rods thence south 166 feet to the place of beginning.

SECTION II: That there shall be constructed in said Local Sewerage Improvement District No.1 a gravity sewerage system that will efficiently sewer and drain the sewerage of the property of said district including the cellars and basements ,on such property, through conduits or pipes of cement or vitrified clay cemented together and laid in trenches beneath the earth's surface, to and into the main trunk sewer line to be constructed by said city together with all necessary manholes, flush tanks and appurtenances, all in accordance with plans and specifications heretofore prepared by Huddleson and Fiero of Salt Lake City Utah, adopted by the mayor and council and now on file in the office of the city clerk and hereby referred to for greater certainty.

SECTION III: That the full costs and expense of making the improvement described in, section 2 of this ordinance shall be taxed and assessed upon all property included in said Local Sewerage Improvement District No.1, as described and specified in Section I of this ordinance.

AND SAID COST AND expense shall be assessed in proportion to the number of front feet of such lands and lots included in the said sewer improvement district and in proportion to the benefits derived by said sewerage improvement; and the cost and expense of all such improvements in the spaces formed by the junction or intersection of streets and avenues and in the spaces opposite alleys in said district shall be borne by the property abutting upon contiguous or tributary to said intersection and shall be a lien upon said property the same as any other assessment against said property in said district.

SECTION IV: That when the cost and expense of making the improvement mentioned in Section 2 of this ordinance shall have been assessed upon any land included in said Local Sewerage Improvement District No.1, the amount of said cost and expense so assessed shall become a lien upon said land which lien shall take precedence of all other lien and may be foreclosed in accordance with the provision of the Code of Civil Procedure.

SECTION V: Upon the passage of this ordinance the committee on streets in said city together with the city engineer, shall determine, as nearly as can be done, the amount of money to be assessed and collected to pay the cost. of said improvements in accordance with the estimate of ' such cost as set forth in the Ordinance of Intention to create said Local Sewerage Improvement District No.1. and thereupon the said committee on streets and said city engineer shall make out an assessment roll according to the provisions of this ordinance, and the statutes of the state of, Idaho in such case made and provided, and shall certify the same to the city council of such city and file same in the office of the city clerk; and thereupon the city clerk shall give notice by two (2) successive publications in the Rexburg Journal the official newspaper of such city, that such assessment roll is on file in his office, and the date of filing the same, and said notice shall state a time at which the city council of said city will hear and consider objections to said assessment roll by the parties or, any party aggrieved by such assessment and the owner or owners of any property which is assessed by such assessment roll, whether named or not in such roll, may within ten (10) days from the date of the last publication of said notice file with the city clerk of said city his objections in writing to said assessment. or any part thereof. which, objections must be definite and specific as to the property or pieces of property included in such assessment roll to which said

I, ARTHUR PORTER JR., the undersigned, being first duly sworn, upon oath depose and say:

1. That I am one of the publishers of the "Rexburg Journal", a weekly news paper printed and published in the city of Rexburg, in Madison county, Idaho, and having a general circulation therein, and being the official newspaper thereof.
2. That Ordinance No. of said city of Rexburg, passed and approved October A.D. 1919, of which there attached is a true clipping there from was published in the October A.D. 1919, issue of said newspaper, and not in any supplement thereof.
3. That said newspaper has been printed and published weekly in said city of Rexburg, and continuously and uninterruptedly therein for more than 78 weeks prior to the publication of said ordinance.

SUBSCRIBED AND SWORN TO BEFORE ME in the city of Rexburg, in Madison County, Idaho, this day of October, A.D. 1919.

My commission expires

(~~SEAL~~)

Notary Public for the state of Idaho, residing in Rexburg.