



**ORDINANCE NO. 236**

**AN ORDINANCE CONFIRMING THE CREATING AND ESTABLISHING OF LOCAL IMPROVEMENT DISTRICT NO. 11 IN THE CITY OF REXBURG, IDAHO, APPROVING THE ASSESSMENT ROLL FOR SAID DISTRICT AS FILED IN THE OFFICE OF CITY CLERK ON THE NINETEENTH DAY OF SEPTEMBER, 1919. PROVIDING FOR THE PAYMENT BY INSTALLMENTS OF THE COSTS AND EXPENSES OF THE IMPROVEMENTS MADE IN SAID DISTRICT; PROVIDING FOR THE ISSUANCE OF IMPROVEMENT BONDS OF THE DISTRICT; ASSESSING A SHARE OF THE COST OF SAID IMPROVEMENTS AGAINST THE LOTS, AND PARTS OF LOTS, BLOCKS AND PARCELS OF LAND IN SAID DISTRICT FRONTING OR ABUTTING ON, CONTIGUOUS OR TRIBUTARY TO SAID IMPROVEMENTS ACCORDING TO, THE BENEFITS; AND DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENT.**

**WHEREAS**, the City Council of the City of Rexburg, County of Madison, State of Idaho, has heretofore, pursuant to the requisite preliminary proceedings and Ordinance No.224 adopted on the 21st day of May, 1919 and approved the same day, establishing Local Improvement District No.11 in said City, for the purpose of grading and side walking parts of the streets in said city and district; and

**WHEREAS**, said improvements have been made and completed and duly accepted by the City and

**WHEREAS**, the committee on Roads and Bridges, being the committee on streets, together with the City Engineers, have heretofore in strict conformity with the law and Ordinances of said City, made out an assessment roll in and for said Local Improvement District, No.11 and certified the same to the City Council, fixing the total cost of the improvements therein the sum of twenty six thousand two hundred eighty eight and 81/100 (26,288.81) dollars, of which said sum two thousand eight hundred ninety nine and 30/100 (\$2899.30) dollars is apportioned to and to be paid by the City of Rexburg, and assessing the balance of said sum, viz, twenty three thousand three hundred eighty nine and 51/100 (\$23,389.51) dollars against the lots, and parts of lots, blocks and parcels of land fronting, abutting on or contiguous to said improvements in said district in proportion to the benefits derived by said improvements, which assessment roll has been heretofore duly ratified, approved and confirmed by order of the City Council made and entered on the 15<sup>th</sup> day of October, 1919 and,

**WHEREAS**, it is the opinion of the Mayor and City Council of said City that the cost and expense of the improvements made in said Local Improvement District No.11 which is chargeable

to the abutting, adjoining, continuous or approximate property, should be provided for and paid for by installments, instead of levying the entire tax or special assessments for such costs at one time; and,

**WHEREAS**, the Mayor and City Council of said City desire to issue in the name of the City, Improvement bonds of the district, to bear date the First day of January, 1920, payable on or before ten years from date, subject, however to call of the Treasurer.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF REXBURG, IDAHO,

**SECTION I:** That all proceedings, matters and things heretofore taken, had and done in connection with the establishment of Local Improvement District No.11 in the City of Rexburg, Idaho, the construction therein of the improvements, consisting of the grading and side walking certain parts of the streets in said City, the apportionment of the cost of said improvements against the lots, blocks and parcels of land in said district (including the portion assessed against the City of Rexburg in consideration of benefits accruing to the general public by reason of such improvement be and the same are, hereby in all respects, fully approved, ratified and confirmed.

**SECTION II:** That the cost and expense of said improvements, consisting of grading and side walking of certain streets of the City of Rexburg within the boundaries of said Local Improvement District No.11 which is chargeable to the abutting, adjoining, contiguous or approximate property be "Paid for by installments, consisting of ten equal installments, payable as provided by law in each of the years 1920 to 1930 inclusive.

**SECTION III:** That there be issued in the name of the City of Rexburg improvement bonds of said Local Improvement District No.11 not exceeding the aggregate principal amount of twenty three thousand three hundred eighty nine and 51/100 (\$23,389.51) Dollars the exact amount thereof to be determined by computation after the amount paid in by property owners to redeem from the lien of the assessment roll shall have been hereafter determined; said bonds shall bear date the first day of January, 1920 and shall bear interest at the rate of seven per cent per annum payable semi-annually on the first day of March and the first day of September of each year said interest to be evidenced by coupons attached to said bonds Said bonds shall be numbered in regular and consecutive order commencing with number one, shall be denominations of Five Hundred (\$500.00) Dollars each, except the last bond which may be in such suitable amount as may be required to make the total issue conform to the amount hereby authorized, all of which bonds shall be payable on or before ten years from date, subject, however, to call of the City Treasurer. Said bonds and the coupons thereto attached shall be payable at the office of the City Treasurer of the City of Rexburg or at Kountze Bros Bankers in the City and State of New York, United States of America at the option of the holder. Said bonds shall be signed by the Mayor and attested by the City Clerk and countersigned by the City Treasurer of the City of Rexburg, Idaho and shall have fixed thereto the corporate seal of said City. All coupons shall bear the engraved facsimile signature of the Mayor, City Clerk and City Treasurer of said City and when so executed shall constitute the binding obligations of said district for said interest.

**SECTION IV:** That the bonds, and coupons thereto attached, with the exception of the odd bond and its coupons as authorized by this ordinance shall be in substantially the following form:

No. \_\_\_\_\_

The City of Rexburg, Madison County, Idaho.  
Interest seven per cent per annum.  
Payable semi-annually.  
Local Improvement District No.11  
Improvement Bond.

\$500.00

Principal and interest payable at the office of the City Treasurer, Rexburg, Idaho or at Kountze Bros. Bankers New York City, New York.

Dated January 1st 1920.

Due January 1st 1930.

United States of America, State of Idaho, City of Rexburg.

No. \_\_\_\_\_

The City of Rexburg, County of Madison, State of Idaho, for value received hereby promises to pay to the bearer the sum Five Hundred (\$500.00) Dollars in gold coin of the United States of America, or the equivalent thereof, in lawful money, on the presentation and surrender of this obligation on or before the First Day of January, 1930 provided, however, that whenever there shall be sufficient money in the Local Improvement fund District No.11 of said City over and above the amount sufficient for the payment of interest on all unpaid bonds to pay the principal of one or more bonds, the City Treasurer shall call in and pay such bonds in their numerical order as by law provided, with interest thereon from the date hereof until paid, at the rate of seven per cent per annum, payable semi-annually in like medium on the first day of March and the first day of September in each year on the presentation and surrender of the proper coupons hereto, attached, both principal and interest payable at the office of the City Treasurer of Rexburg or at Kountze Bros. Bankers in the City and State of New York at the option of the holder If payment of this bond shall be made as hereinto before provided prior to the First day of January 1930 all interest coupons showing the date or dates of maturity, subsequent to such dates of redemption, shall remain attached to said bonds and be surrendered therewith.

This bond is one of a series for the costs and expenses for local street improvements in said Local Improvement District No.11 as authorized by Chapter 152 Section 6, of the Compiled Laws of the State of Idaho and all other laws thereunto enabling and in conformity with Chapter 152 Section 98 reciting that "The Holder of any bond issued under the authority of this article shall have no claim therefore against the municipality by which the same is issued, in any event, except for the collection of the special assessment made for the improvement for which said bond is issued, but this remedy in case of nonpayment, shall be confined to the enforcement of such assessments".

The foregoing recital relative to the remedy of the holder of this bond is written, printed or engraved on the face of each bond in conformity to the mandate of said statute.

The principal sum herein named and the interest thereon shall be payable out of the local for the payment of the costs and expenses of such improvement, not otherwise. This obligation is not to be deemed or taken to be within, or any part of the limitation imposed by law as to the indebtedness of

said City and it is further certified and recited that all requirements of law have been fully complied with by the proper officers in the issuance of this bond and that the total amount of this issue does not exceed any limit prescribed by law.

For the collection of the assessments levied in said Local Improvement District No. 11 the City of Rexburg, Madison County, State of Idaho, hereby pledges the exercise of lawful corporate powers.

IN TESTIMONY WHEREOF the Mayor and Council of the City of Rexburg have caused this bond to be signed and attested by the Clerk thereof under the seal of the City and countersigned by the City Treasurer as of the first day of January, 1920.

John L. Ballif Jr.  
Mayor

ATTEST:

Ray D. Garner  
City Clerk

Countersigned:  
City Treasurer.

(Form of Coupon)

No. \_\_\_\_\_

On the \_\_\_ day of \_\_\_ A.D. \_\_\_ the City of Rexburg, in the County of Madison, State of Idaho, will pay the bearer seventeen and 50/100 dollars, in lawful money of the United states of America, out of the funds collected by special assessment in Local Improvement District No. 11, at the office of the City Treasurer of the City of Rexburg, in the County of Madison, State of Idaho, or at Kountze Bros. Bankera of New York City, State of New York, at the option of the holder, being six months interest on Local Improvement District No .11 Improvement Bond numbered \_\_\_ dated January 1st, 1920.

Attest:  
(Fac-similie signature) Mayor

(Fac-similie signature) City Clerk

(Fac-similie signature) City Treasurer

**SECTION V:** That said bonds, when executed, shall be issued to the contractor constructing the improvements in Local Improvement District No.11 in pay thereof, and to redeem and retire warrants heretofore issued shall transfer to the contractor, or any owner or holder thereof, all the right and interest of the City of Rexburg, in and with respect to every assessment: against the property in said district liable to assessment for such local improvements, and the lien thereby created against the property of such owners assessed as shall not have availed themselves of, the provisions of law in regard to the redemption of their property from the lien of such assessment,

and shall authorize said contractor and his assigns, and the owners and holders of said bonds, to receive, sue for and collect or have collected such assessment embraced in any such bond, or through any of the methods provided by law for the collection of assessments for local improvements; and the City of Rexburg hereby pledges to such bond holder the exercise of all lawful corporate powers in the collection of the assessments levied for the payment of such bonds.

**SECTION VI:** That the whole cost of the improvements made in said local Improvement District No.11 and the apportionment of the same as set forth in the assessment roll made out according to the provisions of said Ordinance No.224 adopted this 21st day of May, 1919 as filed in the office of the City Clerk the 19th day of September, 1919, is hereby assessed against all the real estate in said district and to and upon each lot or tract of land within said district, against such persons and in the proportion and amounts severally set forth in said assessment roll and as follows, to-wit:

**SECTION VII:** That said assessments, together with interest thereon at the rate of seven per cent per annum from the first day of January being the rate of the district bonds authorized by this ordinance until the maturity of the said bonds subject to redemption as hereinafter provided, are hereby declared to be a lien in the several amounts assessed against each lot or tract of land herein before described, from and after the final publication of this ordinance, and shall priority over all other liens except general taxes.

**SECTION VIII:** The owner of any piece of property liable for any special assessment herein made and provided for, may redeem his property from such liability by paying the entire assessment chargeable against his property, in the manner now provided by law.

**SECTION IX:** The City Clerk is hereby authorized and directed to publish a printed notice in three consecutive issues of the official weekly newspaper of the City, which notice shall state that the bonds of Local Improvement District No .11 authorized and provided for in this ordinance, will be issued and which notice shall also state that the owner of any piece of property liable for any assessment, as herein made, may redeem his property from such liability by paying the entire assessment chargeable against his property at any time between the 3rd day of November and the 3rd day of December inclusive, and that if payment be made before the date of the issuance of said bonds, no penalty, interest or cost shall be collected, but if paid after the issuance of the said bonds, the owner may redeem his property from such liability by paying all the installments of the assessments, with interest at the rate of seven per cent per annum from the date of the issuance of said bonds to the time of maturity of last installment. All payments to redeem prior to the issuance of bonds shall be made to the City Clerk, who shall receipt therefor, and all sums so paid in said Local Improvement District No.11 shall be applied to the redemption of the bonds issued therefor.

**SECTION X:** The City Council or other lawfully authorized officers of Rexburg, shall, for the purpose of ratifying and confirming the assessments hereby made, levy special assessments each year hereafter sufficient to redeem an installment of bond with interest thereafter maturing, as issued pursuant to the provisions of this ordinance, and in computing the amount of special assessment to be thus levied against each piece of property liable therefor, interest at the rate of seven per cent per annum to the date of next interest paying period shall be included in such levies sufficient to promptly pay all interest as the same matures according to the tenor of the respective interest coupons aforesaid.

Whereas an emergency exists this ordinance shall take effect from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 29th day of October, 1919.

\_\_\_\_\_  
John L. Ballif, Jr., Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Ray D. Garner, City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO  
COUNTY OF MADISON

I, Arthur Porter Jr. do solemnly swear that I am lawful age and am the publisher of the Rexburg Journal, a weekly newspaper printed and published at Rexburg, Idaho, and have personal knowledge of all advertisements published therein. That the notice of which the annexed is a printed copy, was published once a week in said newspaper as follows: Commencing with the issue of Friday the 31st day of October 1919, and ending with the issue of Friday the 14th, day of November, 1919 in the regular and entire issue of every number of said newspaper in said issues, that the notice was published in the newspaper proper and not in a supplement.

Arthur Porter Jr.

Subscribed and sworn to before me, a Notary Public in and for said County and State on the 2nd, day of December, 1919.

L. Tom Perry  
Notary Public

My Commission Expires June 10th, 1923.

(SEAL)