



ORDINANCE NO. 245

AN ORDINANCE CREATING AND ESTABLISHING A LATERAL SEWERAGE IMPROVEMENT DISTRICT TO BE CALLED LATERAL 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 PARTS THEREOF, IN CONFLICT HERE WITH; 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 lateral sewerage improvement district in the City of Rexburg, Madison County, Idaho, to be called "Lateral Sewerage Improvement District No. 2" 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 fronting on the streets and avenues within said boundaries, to-wit:

Commencing 100 feet East of the northwest corner of Block 7, of the Rigby Addition to the City of Rexburg, Madison County, Idaho; thence south 1419 feet along a line 100 feet east of the side of Third East Street to the south boundary of Block 10 of the Rigby Addition; thence west 1518 feet to a point 100 feet to 4th South Street; thence west 299 feet to a point 100 feet west of the southeast corner of Block 6 of the Parker Addition to the City of Rexburg; thence north 1089 feet to the north line of Lot 5, Block 3 of the Parker Addition; this being the boundary line of Local Sewerage Improvement District No. one; thence following said boundary line as follows: 149 feet east; thence north 989 feet; thence east 379 ½; thence south 230 feet to the southwest corner of Lot

one of Block 50, Rexburg, thence east 230 feet; thence south 330 feet to the southern boundary line of Block 50; thence east 299 feet; thence north 66 rods to the southern boundary line of Lot one, Block one of the Rigby addition; thence east 395 feet; thence south 429 feet to the south edge of 1st South Street, thence leaving said boundary of Local Sewerage Improvement District No. one, east 364 feet to the place of a beginning, containing the following blocks, lots and parcels of land, to-wit:

BLOCK	LOT	DETAILED DESCRIPTION
PARK ADDITION		
1	1 and 2	All of 2, west 230 feet of 1
3	5 and 8	East 100 feet of 5
4	2, 3, 6 and 7	West 100 feet of 2 West 100 feet of 3 West 100 feet of 6 West 100 feet of 7
6	1, 4, 5 and 8	East 100 feet of 1 East 100 feet of 4 East 100 feet of 5 East 100 feet of 8
RIGBY ADDITION		
1	6, 7 and 8	All of 6 All of 7 East 165 feet of 8
7	1 to 5 (Incl)	West 100 feet of 1 to 5 inclusive
8	1 to 10 (Incl)	East 230 feet of lots 1 to 5 inclusive All of lots 6 to 10 incl.
9		All of block 9
10	1 to 5 (Incl)	West 100 feet of lots 1 to 5 inclusive
REXBURG		
50	2,3 and 4	South 230 feet of lot 2 All of lot 3 West 230 feet of lot 4

Together with a certain portion of the city contiguous to 3rd West Street between 1st North and 1st South Streets, and described as follows to-wit; a tract of land commencing one hundred feet west of the southeast corner of Lot 1, Block 29, Rexburg, Madison County, Idaho, as per the recorded plat thereof; thence east 299 feet; thence north 330 feet through Block 30, 100 feet east of boundary line of said block 30; thence west 299 feet; thence south 330 feet to place of beginning, containing the following Block, Lots and parts of lots, to-wit:

BLOCK	LOT	DETAILED DESCRIPTON
29	1	East 100 feet of Lot 1
30	2	West 100 feet of Lot 2

SECTION II: That there shall be constructed in said Lateral Sewerage Improvement District No. 2, a Lateral 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 now being constructed by said city, together with all the necessary man holes, house connections, flush tanks and appurtenances, all in accordance with plans and specifications heretofore prepared by Huddleson and Fiero of Salt Lake City, Utah, hereby appointed 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 cost and expense of making the improvement described in Section 2 of this Ordinance shall be taxed and assessed upon all property included in said Lateral Sewerage Improvement District No. as described and specified in Section 1 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 benefit 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 contributory to said intersection and shall be a lien 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 improvements mentioned in section 2 of this ordinance shall have been assessed upon any land included in said Lateral Sewerage Improvement District No. 2, the amount of said cost and expense so assessed upon any land included in said Lateral Sewerage Improvement District No. 2, the amount of said cost and expense so assessed shall become a lien upon said land, which lien shall take precedence over all other liens, and may be foreclosed in accordance with the provisions of the code of Civil Procedure.

SECTION V: Upon 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 costs of said improvement in accordance with the estimate of such cost as set forth in the Ordinance of intention to create said Lateral Sewerage Improvement District No. 2 and thereupon the said committee on streets and said City Engineers 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 the 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 owners or owners of any property which is assessed by such assessment, and the owner of owners of any property which is assessed by such assessment roll, whether names or not in such roll, may within ten (10) days from the date of the last publication

of said notice, file with the 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 objection was made, as well as specific grounds of such objection; and said assessment roll shall state the name or names of the owner or owners of each piece or parcel of land assessed, the block and lot number of each said piece of parcel of land as the same is platted and recorded, the character of the improvement, for which each piece or parcel of land is assessed, the frontage of said lot, block, piece or parcel of land, and the total amount assessed against all of said property.

SECTION VI: That said committee on streets, and said City Engineer shall be governed in the preparation of said assessment roll, in addition to what is herein contained by all the provisions of the statutes of the State of Idaho, relating to the assessment of property in Lateral Sewerage Districts, Said Assessments shall be payable in ten equal annual installments and at the lawful time special assessment bonds will be issued for the purpose of paying the cost of said improvements.

SECTION VII: All ordinances, resolutions, and orders, or parts thereof, in conflict herewith, are hereby repealed.

SECTION VIII: This ordinance is enacted for the purpose of constructing a lateral sewer system in said city, which improvement is deemed by the council to be necessary to immediate public peace health and safety, and an emergency is hereby declared, and this ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED April 9th, 1920

APPROVED: April 9th, 1920.

(S E A L)

Mayor

ATTEST:

City Clerk