



**ORDINANCE NO. 266**

**AN ORDINANCE APPROVING AND CONFIRMING THE ASSESSMENT ROLL PREPARED BY THE CITY ENGINEER AND COMMITTEE ON STREETS, AND THE ASSESSMENT LEVIED BY VIRTUE THEREOF, ON THE PROPERTY IN LOCAL SEWERAGE IMPROVEMENT DISTRICT NO. 1, OF THE CITY OF REXBURG, COUNTY OF MADISON, STATE OF IDAHO, THE SAID ASSESSMENT ROLL BEING A RE-ASSESSMENT ON SAID PROPERTY, PROVIDING FOR THE PAYMENT OF SAID ASSESSMENT IN NINE EQUAL INSTALLMENTS TOGETHER WITH INTEREST AT THE RATE OF SIX (6) PER CENT PER ANNUM, PROVIDING FOR THE FORECLOSURE OF A LIEN AGAINST AND THE SALE AND PURCHASE OF PROPERTY IN SAID IMPROVEMENT DISTRICT UPON WHICH ANY OF SUCH SPECIAL ASSESSMENT SHALL BECOME DELINQUENT, REPEALING ALL ORDINANCES, OR PARTS THEREOF, IN CONFLICT THEREWITH, AND DECLARING AND EMERGENCY.**

**WHEREAS**, Heretofore, on the 2<sup>nd</sup> day of October, A.D., 1919, there was passed and approved by the Mayor and City Council of the City of Rexburg, Ordinance No. 235, wherein and whereby Local Sewerage Improvement District No. 1, of the City of Rexburg, was created for the purpose of constructing a sewerage system therein, and

**WHEREAS**, Heretofore, on the 15<sup>th</sup> day of July, A.D., 1920, there was passed and approved by the Mayor and City Council of the City of Rexburg, Idaho, Ordinance No. 253, whereby an assessment roll, previously prepared by the City Engineer and Committee on Streets, was approved and confirmed and an assessment made on the property in Local Sewerage Improvement District No. 1, and

**WHEREAS**, The Sewerage system, constructed in said Local Sewerage Improvement District No. 1, has now been completed by the contractor, and

**WHEREAS**, It is now determined by the Mayor and City Council that the amount assessed in the assessment roll previously referred to is insufficient to pay for the cost of constructing said sewerage system, in said district, and

**WHEREAS**, On the 5<sup>th</sup> day of January, A.D., 1921, there was passed and approved, by the Mayor and City Council of the City of Rexburg, Ordinance No. 264, wherein and whereby a re-assessment of the property in Local Sewerage Improvement District No. 1 was provided for, and

**WHEREAS**, In pursuance of said Ordinance No. 264, and as required by the laws of the State of Idaho, there was prepared by the City Engineer and Committee on Streets a new assessment roll, re-assessing against each lot and parcel of land within said Local Sewerage Improvement District No. 1, its proportionate share of the cost of making said improvements, above that which had already been assessed, and said assessment roll was filed in the office of the City Clerk on the 13<sup>th</sup> day of January, A.D., 1921, and

**WHEREAS**, In form time and manner, as required by law, the City Clerk did give notice of the filing of said assessment roll, of the time within which protests against the same might be filed, and stating the time and place where the City Council would meet to consider said protests, and

**WHEREAS**, At the time specified, the City Council met for the purpose of considering protests against said assessment roll, giving full consideration to all protests filed and determined to

confirm said assessment roll as originally prepared by said City Engineer and Committee on Streets, and

**WHEREAS**, Each and all of the proceedings in the making of the re-assessment for the balance of the cost of creation and organization of Local Sewerage Improvement District No. 1, of the City of Rexburg and the construction of a sewer system therein have been and are regular and in due form of law according to the statutes of the State of Idaho, and the assessment roll prepared by the City Engineer and the Committee on Streets, for the re-assessment of the property in said Local Sewerage Improvement District No. 1, of the City of Rexburg, is found to be correct and in accordance with the constitution and statutes of the State of Idaho.

NOW THEREFORE, by reason of the premises:

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

**SECTION I:** That the assessment roll prepared by the City Engineer and Committee on Streets of said City, the same being a re-assessment of the property in Local Sewerage Improvement District No. 1, and filed with the City Clerk on the 13<sup>th</sup> day of January, A.D., 1921, and all proceedings of said Mayor and City Council of said City, and the City Engineer and Committee on Streets in the making of such reassessment, be and the same are hereby approved and confirmed, and the regularity, validity and correctness of said re-assessment to the amount thereof levied on each lot, piece or parcel of land in Local Sewerage Improvement District No. 1, of the City of Rexburg, as described in said assessment roll, shall be and is finally determined and said re-assessment shall be and is hereby levied upon and declared a lien against all property situated in said improvement district, as described and contained in the said assessment roll as to the amount set forth in said assessment roll, and it is hereby determined and declared that each piece or parcel of property named in said assessment roll is benefitted by said improvement to the full amount of both the first assessment previously referred to and the said re-assessment against such piece or parcel of property.

**SECTION II:** That the re-assessment levied against the lots, pieces, or parcels of land in said Local Sewerage Improvement District No. 1, may be paid in nine equal installments, the first installment to fall due on and become delinquent immediately after the fourth Monday in December, A.D., 1921, together with interest on all unpaid installments at the rate of six (6) per centum per annum, and such installments of said re-assessment, together with the interest thereon, shall be collected in such manner as shall be provided by law, and the Charter and Ordinance of the City of Rexburg, Idaho.

**SECTION III:** The owner or owners of any lot, piece or parcel of land, charged with any re-assessment for improvements made on such Local Sewerage Improvement District No. 1, of the City of Rexburg, may redeem the same from all liability for such re-assessment by paying the entire re-assessment charged against such lot or parcel of land, without interest, within thirty days after publication of notice to him of such re-assessment, given by the City Treasurer by publication in the official newspaper of said City, for two consecutive weekly issues.

**SECTION IV:** The owner or owners of any lot, piece or parcel of land charged with any such re-assessment at any time after said thirty days, by paying all the installments of the re-assessments which have been levied and remain unpaid, and also the amount of all the installments levied or unlevied and remaining to be paid with interest at the rate of six (6) per centum from thirty days after date of the first publication of said notice by the said City Treasurer to the time of maturity of the last installment of said re-assessment.

**SECTION V:** That all such re-assessments shall be known as "Special Assessments for Improvements," and shall be levied and collected as a spate tax in addition to the taxes for general revenue purposes, and placed on the tax roll for collection, subject to the same penalty and collected in the same manner, as the other City taxes for the said City of Rexburg.

**SECTION VI:** That the Mayor and City Council of said city of Rexburg, may issue in the name of said City improvement bonds on Local Improvement District No. 1, of the City of Rexburg none of which bonds shall run longer than nine years, nor bear interest exceeding six (6) per centum per annum, and the issuance of which bonds shall be provided for in an Ordinance, to be hereafter adopted by this Council.

**SECTION VII:** That all ordinances, resolutions, and orders, or parts thereof, in conflict herewith are hereby repealed, and this Ordinance being necessary for the immediate preservation of the public health, peace and safety, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect immediately after its passage and publication as provided by law.

PASSES AND APPROVED, THIS 9<sup>TH</sup> DAY OF FEBRUARY, A.D., 1921.

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John L. Ballif Jr.

Mayor

ATTEST: \_\_\_\_\_  
Ray D. Garner  
City Clerk