



ORDINANCE NO. 417

AN ORDINANCE CREATING LOCAL IMPROVEMENT DISTRICT NO. 5 IN REXBURG, IDAHO, FOR THE CONSTRUCTION AND INSTALLATION OF SANITARY SEWER LATERALS IN THE CITY OF REXBURG, IDAHO; PROVIDING FOR THE LEVY OF ASSESSMENTS UPON THE PROPERTY TO BE BENEFITED BY SUCH IMPROVEMENTS; STATING THE BOUNDARIES OF SAID DISTRICT; PROVIDING FOR THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING NOTICE FOR CONSTRUCTION BIDS; AND DECLARING AN EMERGENCY.

WHEREAS, on the 20th day of April, 1960, the City Council of the City of Rexburg, Madison County, Idaho, adopted a Resolution declaring the intention to construct and install sanitary sewer laterals, complete, with manholes and all other necessary appurtenances and restore street surfaces whenever necessitated by reason of the construction and installation of said sanitary sewer laterals, and to create improvement District No. 5 for the construction and installation of said sanitary sewer laterals, which resolution authorized the publication and mailing of Notice of Intention to construct such improvements and to create such Local Improvement District, and

WHEREAS, such notice was duly published and mailed as provided by law, and

WHEREAS, in response to such published and mailed notice, there were filed with the City Clerk of said city or in her office six protests against the construction of the proposed improvements or the creation of said Local Improvement District, or both; and

WHEREAS, on the 11th day of May, 1960, at the hour of 7:30 p.m., the City Council of said city met for the purpose of hearing protests against the construction of said improvements or the creation of said Local Improvement District, or both, and

WHEREAS, the City Council has duly considered each and every written protest so filed and has fully heard each and every person who wished to be heard with regard to the construction of said improvements or the creation of said Improvement District, and

WHEREAS, said protests were not made by the owners of more than two-thirds of the abutting, adjoining, contiguous and adjacent lots and lands within said proposed District, and

WHEREAS, the council granted two of said protests and the South Half of Lot 3, Block 41 of the City of Rexburg, Idaho, and

Commencing at the Southeast corner of Lot 1, Block 28 aforesaid, and running thence North 202 feet; thence West 82 feet; thence South 32 feet; thence West 149 feet; thence South 170 feet; thence East 231 feet, to the point of beginning,

were eliminated from the proposed District, and all other protests were duly overruled and denied, and the Council ratified and approved the Resolution of Intention as so modified, and

WHEREAS, the City Engineer has made estimates of the cost of all labor and material for the construction of the proposed improvements in said District, such estimate of total cost being the sum of \$60,000.00; and

WHEREAS, such total cost which includes the costs and expenses of all intersections is to be assessed upon and against the property within said District to be benefited by the construction of said improvements; and

WHEREAS, all preliminary steps and proceedings necessary for the creation of said Improvement District and the construction of the proposed improvements therein have been duly taken and adopted.

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

SECTION I: That there shall be and there hereby is created a Local Improvement District in the City of Rexburg, Idaho, to be known and designated "Local Improvement District No.5, for Construction and Installation of Sanitary Sewer Laterals in Rexburg, Idaho, "which shall include all of the lots, lands, and parcels of real property within the boundaries of said District.

SECTION II: Said District is within the City of Rexburg, Idaho, and is more particularly described as follows:

Commencing at a point 100 feet North of the Southeast corner of Lot 4, Block 28 of the Original Rexburg Townsite in the City of Rexburg, Madison County, State of Idaho, as per the recorded plat thereof, and running thence North 989 feet to the Northeast corner of Lot 4, Block 27 of said Townsite; thence West 330 feet; thence North 730 feet; thence West 297 feet; thence South 430 feet to the Northwest corner of Lot 2, Block 6 of the Bell and Bigler Addition to the City of Rexburg, thence West 370.5 feet to a point 330 feet West of the East line of Section 24, Township 6 North, Range 39 East, Boise Meridian; thence South 1485 feet to the center of West Main Street; thence East 379.5 feet; thence North 166 feet; thence East 627 feet to the point of beginning.

Commencing at a point 100 feet South of the Northeast corner of Lot 2, Block 41 of the Original Rexburg Townsite, in the City of Rexburg, in Madison County, State of Idaho, as per the recorded plat hereof, and running thence fourth 2507 feet to the Southeast corner of Lot 2 Block 9 of the Parker Addition to the City of Rexburg; thence West 759 feet to the Southwest corner of Lot 1, Block 1 of the Klingler Addition to the City of Rexburg; thence North 2507 feet to a point 100 feet South of the Northwest corner of Lot 1, "Block 42 of the Original Rexburg Townsite; thence East 759 feet, to the point of beginning.

Commencing at a point 100 feet South of the Northeast corner of Lot 2, Block 43 of the Original Rexburg Townsite, in the County of Madison, State of Idaho, as per the recorded plat thereof, and running thence South 1154 feet to the Northwest corner of Lot 1, Bloc, 4 of the South End Addition to the City of Rexburg; thence East: 330 feet; thence South 549 feet, more or less to the West line of the Union Pacific Railroad right of way; thence Southwesterly along said right of way line 60 feet, more or less, to the South line of Lot 1, Block 5 of the aforesaid South End Addition; thence West 305 feet; more or less, to the West line of said Railroad right of way; Thence Southwesterly along the West line of said right of way 700 feet, more or less, to a point equivalent to the South line of Lot 3, Block 2 of the Klingler addition to the City of Rexburg; thence West 360 feet, more or less to a point 330 feet West of the East line of Section 25, Township 6 North, Range 39 East, Boise Meridian; thence North 2003 feet, to the center of West Main Street; thence East 379.5 feet; thence South 166 feet; thence East 379.5 feet, to the point of beginning.

Excepting therefrom: Commencing at the Southeast corner of Lot 1, Block 28 aforesaid, and running thence North 202 feet; thence West 82 feet; thence South 32 feet; thence West 149 feet; thence South 170 feet; thence East 231 feet, to the point of beginning.

Also, South Half of Lot 3, Block 41 of the Original Rexburg Townsite.

SECTION III: The improvements to be constructed within said District are to be the construction and installation of sanitary sewer laterals, complete with manholes and all other necessary appurtenances and the restoration of street surface wherever necessitated by reason of the construction and installation of said sanitary sewer laterals.

SAID SEWER TO BE CONSTRUCTED ON THE FOLLOWING STREETS BETWEEN THE FOLLOWING POINTS:

Sewer Lines in Streets:

North 5th West Street from the Center of West Main Street North to a point equivalent to the North line of Block 6 of the Bell & Bigler Addition to the City of Rexburg.

South 3rd West Street from a point 166 feet South of the Center of West Main Street South to a point equivalent to the South line of Lot 2, Block 9 of the Parker Addition to the City of Rexburg.

South 5th West Street from the Center of West Main Street to a point equivalent to the South line of Block 2 of the Klingler Addition to the City of Rexburg.

Lateral Sewer lines in Streets:

West 1st South Street from a point equivalent to the West line of Lot 4, Block 42 of the Original Rexburg Townsite East to the West line of the Union Pacific Railroad right of way, thence Northeasterly along said right of way to a point approximately 100 feet South of the North line of Lot 4, Block 42 aforesaid.

West 1st South Street from the Center of South 5th West Street East approximately 379.5 feet to the East line of Lot 3, Block 43 of the Original Rexburg Townsite.

West 1st North Street from the center of North 5th West Street easterly approximately 660 feet;

West 2nd South Street from the center of South 5th West Street easterly approximately 709.5 feet.

West 2nd South Street from the Center of South 3rd West Street westerly 379.5 feet;

From the Center of South 3rd West Street approximately 100 feet South of the Northwest corner of Lot 2, Block 7 of the South End Addition to the City of Rexburg easterly approximately 330 feet.

West 3rd South Street from the middle of Block 6 Easterly 709.5 feet to the middle of Block 7 in the South End Addition to the City of Rexburg.

SECTION IV: Each lot and parcel of land shall be separately assessed for its share of the costs and expenses of constructing said improvements in proportion to the number of square feet of such lots and parcels of land abutting, adjoining, contiguous and adjacent thereto or included within said District; to the distance back from such street, if platted in blocks to the center of the block, if platted in lots to the center of the lots, and if not platted, to the distance of 125 feet in proportion to the benefits to be derived from such improvements, sufficient to cover all of the portion of the cost and expense of the work to be so levied and assessed to the center of the street.

SECTION V: The committee on streets and the City Engineer are hereby directed to prepare an assessment roll according to the provisions of this ordinance and the law under which said Improvement District is created after contracts for the construction of said improvements have been let; said assessment roll shall contain, among other things, the number of the assessment, the name of the owner if known, or if not known, a statement to that effect, a description of each lot or tract assessed and the total amount of the assessment; which assessment roll upon its completion, shall be certified to the City Council by said Committee on street and said City Engineer. Whereupon the City Council will fix a time when objections thereto by the property owners in said District will be heard and will cause such assessment roll to be filed in the office of the City Clerk.

SECTION VI: The Mayor and City Clerk shall give public notice calling for bids for constructing said improvements in three consecutive weekly issues of the Rexburg Standard, the official newspaper of said city, which notice shall state the time, place and hour when and where he City Clerk will receive sealed proposals for the construction of such improvements, and which notice shall contain a general description of the kind and amount of work to be done, the materials to be furnished, as nearly accurate as practicable, using such general terms as to admit of the widest latitude for competition, and shall state that the plans and specifications for said improvements are on file in the offices of the City Clerk and City Engineer, and may be examined or obtained at either office. The notice shall also state the amount of the estimate of the cost of said improvements, and that each bidder shall company his bid with a certified check or bid bond in the amount of 5 per cent of the bid in case the contract is awarded to such bidder and he fails or refuses to enter into the

contract and give the bond required, the proceeds of such check to be forfeited to the city as liquidated damages and placed in the Local Improvement Fund for said District. Said notice shall reserve the right to reject any and all bids, to waive informalities or to accept the proposal of the best responsible bidder. Also said notice shall state that no bidder may withdraw his bid after the hour set for opening bids.

SECTION VII: All ordinances or parts thereof in conflict herewith are hereby repealed.

SECTION VIII: By reason of the fact that the construction of said improvements is imperatively necessary, it is hereby declared that an emergency exists; that this ordinance is necessary to the immediate preservation of the public peace and safety, and that it shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 18th day of May, 1960.

Gilbert Larsen, Mayor

(Seal)

ATTEST:

City Clerk, Loretta M Rigby

Thereupon it as moved by Councilman Zollinger and seconded by Councilman Klingler that the rule requiring ordinances of a general and permanent nature to be fully and distinctly read on three different days be dispensed with and that said ordinance be numbered 417 and be passed and adopted as read.

Thereupon the clerk as ordered to call the roll on said motion, and the roll call vote upon said motion was as follows:

Those voting "Aye"

Councilmen:

G. Alton Anderson

Alma Klingler

Robert Purrington

John Porter

Charles Zollinger

Those voting "Nay"

None

The roll being called and all of the members of the Council present voting "Aye", the Mayor declared the motion carried and unanimously adopted.

Thereupon pursuant to said motion, the City Clerk read the proposed ordinance the first time by title, the second time by title, and the third time fully and distinctly, at length, section by section, and the proposed ordinance was proposed upon final passage.

The Mayor ordered the roll of the Council called, and the roll being called by the City Clerk, the vote upon the final passage of the ordinance was as follows:

Those voting "Aye"

Councilmen:

G. Alton Anderson
Alma Klingler
Robert Purrington
John Porter
Charles Zollinger

Those voting "Nay"

None

The Mayor thereupon declared that the motion, having been passed by not less than three-fourths of the Council, had been duly carried, and that said Ordinance No. 417 was duly passed and adopted.

The City Clerk was directed to publish said Ordinance No. 417 in at least one issue of the Rexburg Standard, a newspaper published in the City of Rexburg, Idaho.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 18th day of May, 1960.

Gilbert Larsen, Mayor

(SEAL)

ATTEST:

Loretta M. Rigby, City Clerk

STATE OF IDAHO)

)ss.

County of Madison)

I, LORETTA M. RIGBY, City Clerk of the city of Rexburg, Idaho, do hereby certify: That the above and foregoing is a full, true and correct copy of the Ordinance Entitled:

AN ORDINANCE CREATING LOCAL IMPROVEMENT DISTRICT NO.5 IN REXBURG, IDAHO, FOR THE CONSTRUCTION AND INSTALLATION OF SANITARY SEWER LATERALS IN THE CITY OF REXBURG, IDAHO; PROVIDING FOR THE LEVY OF ASSESSMENTS UPON THE PROPERTY TO BE BENEFITED BY SUCH IMPROVEMENTS; STATING THE BOUNDARIES OF SAID DISTRICT: PROVIDING FOR THE PREPARATION OF AN ASSESSMENT ROLL: AUTHORIZING NOTICE FOR CONSTRUCTION BIDS; AND DECLARING AN EMERGENCY.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 18th day of May, 1960.

Loretta M. Rigby, City Clerk

(SEAL)