



CITY OF
REXBURG
America's Family Community

ORDINANCE NO. 423

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR LOCAL IMPROVEMENT DISTRICT NO. 5 IN REXBURG, IDAHO, FOR THE CONSTRUCTION AND INSTALLATION OF SANITARY SEWER LATERALS IN THE CITY OF REXBURG, IDAHO, ORDERING ASSESSMENTS TO BE MADE IN ACCORDANCE WITH THE ASSESSMENT ROLL AND PRESCRIBING DETAILS CONCERNING SAID ASSESSMENTS.

WHEREAS, the City Council of the City of Rexburg, Idaho, has created within said city a local improvement District No. 5 for the purpose of constructing and installing sanitary sewer laterals in the City of Rexburg, Idaho, and

WHEREAS, the Committee on Sanitation of said Council together with the City Engineer made out an assessment roll for said district according to the laws of the State of Idaho and of said City of Rexburg and certified said roll to said council and,

WHEREAS, said Council caused said roll to be filed in the office of the City Clerk on the 16th day of November, 1969, and gave the requisite legal notice that written suggestions and objections to said roll might be filed with the City Clerk and that said council would hear and consider any written objections on Wednesday, December 7, 1960, at 8 o'clock p.m. in the City Hall in said City, and

WHEREAS, said council met in the City Hall in said City at said date and time to hear and consider all objections filed, and

WHEREAS, all objections to such assessment roll were duly considered by said City Council, and said City Council revised and corrected said assessment roll,

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

SECTION I: The City Council of the City of Rexburg, Idaho, hereby confirms the assessment roll certified and filed with the City Clerk for Local Improvement District No. 5, Rexburg, Idaho, for the construction and installation of sanitary sewer laterals and hereby orders the levy of the assessment shown in said roll, and hereby levies against each lot and parcel of land shown in said roll the amount of assessment listed therein.

SECTION II: The City Clerk shall immediately certify and file said roll with the City Treasurer and said assessments shall be due and payable to the City Treasurer twenty days from the date of the publication of this ordinance, and if not paid within thirty days thereafter shall become delinquent, provided that all of such assessments, or any part thereof, may at the election of the owner be paid in installments with interest as hereinafter provided. Failure to pay the whole assessment within said period of thirty days shall be conclusively considered and held an election on the part of all persons interested, either under disability or otherwise, to pay in such installments herein. In case of such election to pay in installments, the unpaid assessment shall be payable to said City Treasurer in ten substantially equal annual installments of principal, the first of which installments of principal shall be due and payable successively on or before the same day each year thereafter until paid in full, with interest in all cases on the unpaid and deferred installments of principal bonds to be hereafter authorized, sold, issued, and delivered, but not to exceed seven percent per annum, payable annually at the office of the City Treasurer, the first annual payment of interest being due and payable on said 14th day of February, 1962, and the remainder of said annual installments of interest being due and payable on the 14th day of February, in each year thereafter. Failure to pay any installment, whether principal or interest, when due, shall cause the whole of the unpaid principal to become due and payable immediately, and the City amendatory thereof, and supplemental thereto. Prior to the issuance of a deed, the owner may pay the amount of all unpaid installments, with all interest and all penalties accrued, and shall thereupon be restored to the right thereafter to pay installments in the same manner as if default had not been suffered. The owner of

any property not in default as to any installment or payment may, at any time, pay the whole of the unpaid principal with interest accruing thereon to the next interest paying date.

SECTION III: The City Treasurer shall publish a notice in the Rexburg Standard Journal, a weekly newspaper which is the official newspaper of, and is published in said City, in accordance with the provisions of Section 50-2929, Idaho Code, for two consecutive issues, stating the time for payment to begin and the time for payment to close, the last publication of said notice to be not less than thirty days before the issuance of any bonds authorized to be issued for such payments.

SECTION IV: The Said notice shall be in substantially the following form:

NOTICE OF ASSESSMENT TO PROPERTY OWNERS IN LOCAL IMPROVEMENT DISTRICT NO. 5 FOR REXBURG, IDAHO, FOR THE CONSTRUCTION AND INSTALLATION OF SANITARY SEWER LATERALS WITHIN SAID CITY OF REXBURG, IDAHO.

NOTICE IS HEREBY GIVEN: That the assessment roll for Local Improvement District NO. 5 for Rexburg, Idaho, for the construction and installation of sanitary sewer laterals in said City was confirmed by the City Council of Rexburg, Idaho, on January 18, 1961, and a certified copy of said roll is now on file in my office. The assessments levied against property within said district shall be due and payable to the undersigned City Treasurer twenty days from said date of confirmation of said assessment roll by the Council, and if not paid within thirty day thereafter shall become delinquent and shall be collected in the same manner as provided for other delinquent assessments provided that all such assessments, or any part thereof, any at the election of the owner, be payable in ten substantially equal annual installments and said assessments remaining unpaid shall bear interest and be due and payable annually in ten successive years as provided in the ordinance confirming the assessment roll.

Date this 18th day of January, 1961.

/s/ R.M. Kerr, City Treasurer

SECTION V: That the officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance.

SECTION VI: That all ordinances or parts thereof in conflict with this ordinance are hereby repealed. After the bonds of said local Improvement District for the City of Rexburg, Idaho have been hereafter issued, this ordinance shall constitute a contract by the City and the holder or holders of said bonds and shall be and remain irrevocable until said bonds and the interest accruing thereon shall have been fully paid, satisfied and discharged.

SECTION VII: That, by reason of the fact that certain areas within the City of Rexburg, meet said Local Improvements, it is hereby declared that an emergency exists, that this ordinance is necessary to the immediate preservation of the public peace, health 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 January, 1961.

Gilbert L. Larsen, Mayor

(SEAL)

ATTEST:

Loretta M. Rigby, City Clerk

STATE OF IDAHO)

