



CITY OF
REXBURG
America's Family Community

ORDINANCE NO. 438

AN ORDINANCE CREATING LOCAL IMPROVEMENT DISTRICT NO. 16 IN REXBURG, IDAHO, FOR THE PURPOSE OF CONSTRUCTING AND RECONSTRUCTING CURBS AND GUTTERS; THE CONSTRUCTION OF DRAINAGE WORKS INCIDENTAL TO SAID IMPROVEMENTS WITHIN SAID DISTRICT 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 AND ASSESSMENT ROLL AUTHORIZING NOTICE FOR CONSTRUCTION BIDS AND DECLARING AN EMERGENCY.

WHEREAS, on the 5th day of June, 1963, the City Council of the City of Rexburg, Madison County, Idaho, adopted a Resolution declaring the intention to construct and reconstruct curbs and gutters and the construction of drainage works incidental to said improvements, and to create improvement district No.16 for the construction and reconstruction of said curbs and gutters and drainage works incidental to said improvements, 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 two written protests against the construction of the proposed improvements or the creation of said improvement district filed with the City Clerk of said City or in her office, and

WHEREAS, on the 19th day June, 1963, the City Council met at the hour of 3 o'clock P.M., for the purpose of hearing protest against the construction of said improvements, and

WHEREAS, the City Council has duly considered each and every written protest so filed and no one appeared before the City Council to be heard in protest with respect to the construction of said improvements or the creation of said district, and the City Council overruled and denied said do protest and ratified and approved the Resolution of Intention, and

WHEREAS, said protest 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 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 ;\$50,000.00; and

WHEREAS, a portion of such total cost 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 Mayor and the Council of 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 mown and designated "Local Improvement District No. 16, City of 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:

LOTS AND LANDS REXBURG - TOWNSITE

BLOCK 15: Commencing at the Northeast corner of Block 15 of the Rexburg Townsite and running thence North 660 feet; thence 165 feet to the point of beginning.

Block 16: Commencing at the Northwest corner of Block 16 of the Rexburg Townsite and running thence South 660 feet; thence East 165 feet; thence North 660 feet; thence West 165 feet to the point of the beginning.

Block 25: Commencing at the NORTHWEST CORNER of Block 25 of the Rexburg Townsite and running thence South 660 feet; thence East 165 feet; thence North 660 feet; thence East 165 feet; thence North 660 feet; thence West 165 feet to the point of beginning.

Block 26; Commencing at the Northeast corner of Block 26 of the Rexburg Townsite and running thence South 660 feet; thence West 165 feet; thence North 660 feet; thence East 165 feet to the point of the beginning.

Block 34; Commencing at the point 32.5 feet South of the Northwest corner of Lot 2, Block 34 of the Rexburg Townsite and running thence East 330 feet; thence South 32.5 feet; thence West 330 feet; thence North 32.5 feet to the point of beginning; Also, commencing at a point 16.5 feet North of the Southwest corner of said Lot 2, Block 34 of the Rexburg Townsite and running thence East 330 feet; thence North 99 feet; thence West 330 feet; thence South 99 feet to the point of beginning.

Block 41; Commencing at the Northwest corner of Block 41 of the Rexburg Townsite and running thence South 660 feet; thence East 165 feet; thence North 660 feet; thence West 165 feet to the point of beginning.

Block 42: Commencing at the Northeast corner of Block 42 of the Rexburg Townsite and running thence South 660 feet; thence West 165 feet; thence North 660 feet; thence East 165 feet to the point of beginning.

Block 45: Commencing at the Northeast corner of Block L5 of the Rexburg Townsite and running thence South 495 feet; thence West 165 feet; thence North 495 feet; thence East 165 feet to the point of the beginning.

Block 54: Commencing at the Southeast corner of Block 54 of the Rexburg Townsite and running thence North 165 feet; thence West 313.5 feet; thence South 165 feet; thence East 313.5 feet to the point of beginning.

Block 56: Commencing at the Northeast corner of Block 56 of the Rexburg Townsite and running thence South 165 feet; thence West 313.5 feet; thence North 165 feet; thence East 313.5 feet to the point of beginning.

GARNER ADDITION:

Block 1: Commencing at the Southwest corner of Block 1 of the Garner Addition and running thence North 470 feet, more or less, to the Northwest corner of said Block 1; thence East 165 feet; thence South 470 feet; thence West 165 feet to the point of beginning.

KLINGLER ADDITON:

Block 1: Commencing at the Southeast corner of Block 1 of the Klingler addition and running thence North 363 feet; thence West 49.5 feet; thence South 363 feet; thence East 49.5 feet to the point of beginning.

PARKER ADDITION:

Block 5: Commencing at the Northeast corner of Block 5 of the Parker Addition and running thence South 660 feet; thence West 165 feet; thence North 660 feet; thence East 165 feet to the point of beginning.

Block 9: Commencing at the Southwest corner of Block 9 of the Parker Addition and running thence North 363 feet; thence East 165 feet; thence South 363 feet; thence West 165 feet to the point of beginning.

Block 10: Commencing at the Southeast corner of Block 10 of the Parker Addition and running thence North 363 feet; thence West 115.5 feet; thence South 363 feet; thence East 115.5 feet to the point of beginning.

Block 16: Commencing at the Northeast corner of Block 16 of the Parker Addition and running thence South 660 feet; thence West 165 feet; thence North 660 feet; thence East 165 feet to the point of beginning.

Block 17: Commencing at the Northeast corner of Block 17 of the Parker Addition and running thence South 99 feet; thence West 165 feet; thence North 99 feet; thence East 165 feet to the point of beginning.

RIGBY ADDITION:

Block 16: Commencing at the Northwest corner of Block 16 of the Rigby Addition and running thence South 297 feet; thence East 165 feet; thence North 297 feet; thence West 165 feet to the point of beginning.

ACREAGE WITHIN REXBURG TOWNSITE BOUNDARIES:

Section 20, Town site 6 North Range 40 East, Boise Meridian: Commencing at a point 82.5 feet East and 190 feet North of the Southwest corner of the Southeast Quarter of the Southwest Quarter of Section 20, Township 6 North, Range 40 East, Boise Meridian, and running thence North 470 feet, thence East 165 feet, thence South 470 feet; thence West 165 feet to the point of beginning.

Section 29, Township 6 North, Range 40 East, Boise Meridian: Commencing at a point 49.5 feet East of the Northwest Corner of the Southwest Quarter of Section 29, Township 6 North, Range 40 East, Boise Meridian, and running thence South 1320 feet; thence East 165 feet; thence North 1320 feet thence West 165 feet to the point of beginning.

SECTION III: The improvements to be constructed within said District are to construct and reconstruct curbs and gutters and the construction of drainage works incidental to said improvements.

STREETS AND AVENUES TO BE IMPROVED, CURBS AND GUTTERS AND DRAINAGE WORKS INCIDENTAL TO SAID IMPROVEMENTS.

- North First East Street: From the South property line on Third North Street to the North property line on Second North Street.
- North Third West Street: From the South property line on 2nd North Street to the North property line on 1st North Street.
- Webster Avenue: From the East property line on North 1st East Street to the Center of Block 34, of the Rexburg Townsite.
- South Third West Street: From the South property line on West Main Street to the north property line on East 1st South Street.
- West Second South Street: From the West property line on South 3rd West Street to the East line of the Union Pacific Railroad right of way.
- North Fourth East Street: From the South property line on East 1st North Street to the South line of Garner addition.
- South Second East Street: From the South property line on East 3rd South Street to the South property line of the North -west Quarter of the Southwest Quarter of Section 29, Township 6 North Range L.0 East, Boise Meridian.

SECTION IV: In the judgment of the City Council of the said City, it is fair and equitable that \$10,000.00 of said total cost be paid by said City from its general fund for the cost and expense of street and alley intersections within the proposed District and in addition thereto, the said City shall pay the costs and expenses of improvements to be constructed on streets and avenues adjoining lots and lands owned by the City of Rexburg. The costs and expenses of the proposed improvements to be assumed and paid by the said City are deemed to be fair and equitable in consideration of the public benefit to be derived by said City from the construction of said improvements.

Such part of the cost and expenses of the proposed improvements as is not paid or assumed by the City shall be assessed against the lots and lands abutting, adjoining, contiguous or adjacent to the proposed improvements to the center of the block facing said improvements.

SECTION V: Each lot and parcel of land shall be separately assessed for its share of the costs and expenses of construction 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 lot, 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 VI: 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

**ASSESSMENT ROLL AUTHORIZING NOTICE FOR CONSTRUCTION BIDS AND
DECLARING AN EMERGENCY.**

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 3rd day of July,
1963.

Loretta M. Rigby, City Clerk

(SEAL)