



ORDINANCE 539

AN ORDINANCE CREATING LOCAL IMPROVEMENT DISTRICT NO. 20 IN REXBURG, IDAHO, FOR THE PURPOSE OF CAUSING CERTAIN STREETS AND ALLEYS AND PARTS THEREOF WITHIN THE CORPORATE LIMITS OF SAID CITY, TO BE GRADED, GRAVELED, PRIME COATED, PAVED, CURBED, GUTTERED, SURFACE DRAINED, SIDEWALKS, SEWERS AND WATER LINES CONSTRUCTED THEREON 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 AN ASSESSMENT ROLL: REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND DECLARING AN EMERGENCY.

WHEREAS, on the 30th day of August, 1973, the City Council of the City of Rexburg, Madison County, Idaho, adopted a Resolution declaring the intention to create local improvement District No. 20 to cause certain streets and alleys and parts thereof within the corporate limits of said City, to be graded, graveled, prime coated, paved, curbed, guttered, surface drained, sidewalks, sewers and water lines constructed thereon, 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, on the 18th day of September, 1973, the City Council met at the hour of 8 o'clock P.M. for the purpose of hearing protests against the construction of said improvements, and

WHEREAS, in response to such published and mailed notice, the Clerk reported four written objections were filed against the construction of certain purposed improvements in certain areas of the proposed improvement district, and

WHEREAS, no oral protests were made before the Council, and

WHEREAS, all written protests were duly considered by the Council; that some protests were denied and others granted as fully appears in the minutes of said meeting on file in the office of the City Clerk, 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 \$219,497.00; that by reason of the protests granted, the City Engineer revised and corrected his estimate of the total cost to be paid by the City from its general fund.

WHEREAS, a portion of such total cost is to be assessed upon and against the property within said District being 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 known and designated “Local Improvement District No 20, 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:

Block I:

Commencing at the Southwest corner of Block I of the Parker Addition to the City of Rexburg and running thence North 82.5 feet; thence East 156.75 feet; thence North 82.5 feet; thence East 437.25 feet; thence South 8.25 feet; thence East 66.0 feet; thence South 156.75 feet; thence West 660.0 feet. Curb and gutter on the South side only.

Block 4, Lots 1 and 2:

Curb and gutter on the North side only.

Block 8 of Parker; Block 9 of South End Addition, and, Block 55 of Original Rexburg:

Commencing at the Southwest corner of Block 8 of the Parker Addition to the City of Rexburg, and running thence North 181.5 feet; thence East 198.0 feet; thence North 148.5 feet; thence East 132.0 feet; thence North 144.0 feet; thence West 66.0 feet; thence North 54.0 feet; thence West 66.0 feet; thence North 16.5; thence West 198.0 feet; thence North 115.5 feet; thence East 660.0 feet; thence South 660.0 feet; thence West 660.0 feet, to the point of beginning. Sidewalk only on the South. East and North side of property.

Block 11:

All curb and gutter along the East side.

Block 12:

Commencing at the Northwest corner of Block 12 of the Parker Addition to the City of Rexburg, and running thence East 165.0 feet; thence South 330.0 feet; thence East 165.0 feet; thence North 107.0 feet; thence East 180.0 feet; thence North 223.0 feet; thence East 150.0 feet; thence South 660.0 feet; thence West 660.0 feet; thence North 660.0 feet, to the point of beginning. Curb and gutter only on the West side, sidewalk only on the East side.

Block 13:

Commencing at the Southwest corner of Block 13 of the Parker Addition to the City of Rexburg, and running thence North 660.0 feet; thence East 660.0 feet; thence South 330.0 feet; thence West 330.0 feet; thence South 330.0 feet; thence West 330.0 feet; to the point of beginning.

Sidewalk only on the West and North side.

Block 1, Lot 11:

Curb and gutter, paving street, sewer and water, along East side.

Block 2, Modification Plat, Lot 5, 6 and 7:

Curb and gutter, paving street, along North side.

Block 3, Lots 1, 10, 11, 12, 19, 20 and 21:

Curb and gutter, paving street, along East and North side, water along East side.

Block 4, Lots 1, 2, 3, 4, 5, 6, 7, and 8:

Curb and gutter, paving street, sewer and water, along West side.

Powell Addition

Block 9:

Commencing at a point that is 490.0 feet North of the Southwest corner of Block 9 of the Modified Powell Addition, Division 11, and running thence North 201.39 feet thence Northwesterly around a curve to the left, with a Delta angle of 60°59'49" and a radius of 323.61 feet, a distance of 334.83 feet; thence North 11°03'31" East, 172.13 feet; thence East 118.17 feet; thence Southeasterly around a curve to the left with a Delta angle of 12°46', and a radius of 720.0 feet, a distance of 160.43 feet; thence around a curve to the right with an angle of 25°49' and a radius of 680.0 feet, a distance of 306.40 feet; thence South 201.39 feet; thence West 114.0 feet to the point of beginning. Curb and gutter only on the East side of this tract.

Block 10:

Curb, gutter and asphalt street on the West side of this tract.

Rigby Addition

Block 8:

Commencing at the Southwest corner of Block 8 of the Rigby Addition to the City of Rexburg, and running thence North 132.0 feet; thence East 135.0 feet; thence South 59.0 feet; thence East 225.0 feet; thence North 125.0 feet; thence East 160.0 feet; thence South 99.0 feet; thence East 140 feet; thence South 99.0 feet; thence West 660.0 feet to the point of beginning. Curb and gutter only on the South side.

Block 9, Lots 1 and 10:

Curb and gutter only on the North side.

Block 4; Lots 1, 2, & 3

Curb, gutter, water, sewer, paving.

Block 18:

Commencing at the Southwest corner of Block 18 and running thence North 58.5 feet; thence East 82.5 feet; thence North 50.0 feet; thence East 154.5 feet; thence North 56.5 feet; thence East 103 feet; thence West 511.5 feet to the point of beginning. Curb and gutter only on the South side.

Block 19:

All of Lots 1 and 2 of Block 19. Curb and gutter only on the North side.

Block 23:

Commencing at the Southwest corner of Block 23 and running thence North 330.0 feet; thence East 330 feet; thence South 165.0 feet; thence West 231.0 feet; thence South 165.0 feet; thence West 99.0 feet to the point of beginning. Sidewalk only on the West side.

Block 36:

The East ½ of Block 36. Curb and gutter, paving.

City Acreage

Property west side of 4th East and north of 1st North:

Commencing at a point 1468.5 ft. East and 1485.0 ft. North of the Southwest corner of Section 20, T. 6 N., R. 40 E., B. M., Madison County, Idaho, and running thence South 660.0 ft.; thence West 148.5 ft.; thence North 660.0 ft.; thence East 148.5 ft. to the point of beginning. Curb and gutter on North side; sewer on East side.

Property North of 1st North and East of 4th East:

Commencing at a point 1567.5 ft. East and 825.0 ft. North of the Southwest corner of Section 20, T. 6 N., R. 40 E., B. M., Madison County, Idaho, and running

thence North 660.0 ft.; thence East 330.0 ft.; thence South 660.0 ft.; thence West 330.0 ft. to the point of beginning. Curb and gutter, paving on the North and South sides; sewer on the West side.

New High School Property

Commencing at a point 1897.5 ft. East and 821.0 North of the Southwest corner of Section 20, T. 6 N., R. 40 E., B. M., Madison County, Idaho, and running thence North 700.0 ft.; thence East 742.5 ft.; thence South 700.0 ft.; thence West 742.5 ft. to the point of beginning, excepting there from a newly dedicated road along the West side. Curb and gutter, sidewalk, sewer and water.

Area North of 2nd North and West of the new high school property:

Commencing at a point that is 1320.0 ft. East and 1584.0 ft. North of the Southwest corner of Section 20, T. 6 N., R. 40 E., B. M., Madison County, Idaho, and running thence North 135.0 ft.; thence East 577.5 ft.; thence South 135.0 ft.; thence West 577.5 ft. to the point of beginning. Curb and gutter on the South side.

Property on the East side of Mill Hollow Road at the Powell Addition:

Commencing at a point 680.56 ft. South of the Northwest corner of Northeast ¼ of Section 29, T. 6 N., R. 40 E., B. M., Madison County, Idaho, and running thence East 134.23 ft.; thence South 21°00' E., 125.69 ft.; thence S. 44°10' E., 122.6 ft.; thence northerly around a curve to the left with a radius of 7200 ft. a distance of 174.0 ft. to the point of beginning. Curb and gutter, paving on the West side of the property.

SECTION III: That the improvements to be constructed within said district are to cause certain streets and alleys and parts thereof within the corporate limits of said City, to be graded, graveled, prime coated, paved, curbed, guttered, surface drained, sidewalks, sewer and water lines constructed thereon. The names of the street or streets to be improved, the points between which the improvements are to be made and the nature of improvements along and upon such streets are as follows:

THIRD WEST:

Between 4th South and 5th South which bordered on the west by Block 11 of the Parker addition and on the east by Block 12 of the Parker Addition will receive paving, curb and gutter.

SECOND SOUTH:

Between 1st East and 2nd East which is bordered on the north by Block 50 of the Original Rexburg Town site and Block 4 of the Parker Addition on the south will receive paving, curb and gutter.

SECOND SOUTH:

Between 2nd East and 3rd East which is bordered on the north by Block 8 of the Rigby Addition and on the south by Block 9 of the Rigby Addition will receive paving, curb and gutter.

SECOND NORTH:

Between 3rd East and 4th East which is bordered on the north by Block 18 of the Original Rexburg Town site and on the south by Block 19 of the Original Rexburg Town site will receive paving, curb and gutter.

SECOND NORTH:

From 4th East going east 330 feet to the new high school property will receive paving, curb and gutter on both sides. This is part of the unplatted city acreage.

FIRST NORTH:

From 4th East, east to the city limits which is bordered on the south by the Garner Addition and on the north by the unplatted city acreage will receive curb, gutter, paving and water.

MILL HOLLOW ROAD:

Running from 1st North to 2nd South through the Garner Addition, the Randall property and the Powell addition will receive curb, gutter, paving, sewer and water.

SECOND WEST:

Between 4th South and 5th South which is bordered on the west by Block 12 of the Parker Addition and on the east by Block 12 of the Parker Addition and on the east by Block 13 of the Parker Addition will receive sidewalk.

FOURTH SOUTH:

Between 2nd West and 1st West which is bordered on the north by Block 8 of the Parker Addition and on the south by Block 13 of the Parker Addition will receive sidewalk.

FIRST WEST:

Between 3rd South and 4th South which is bordered on the west by Block 55 of the Original Rexburg Townsite and Block 8 of the Parker Addition will receive sidewalk on the west side only.

THIRD SOUTH:

Between 2nd West and 1st West which is bordered on the north by Block 54 of the Original Rexburg Townsite and Block 8 of the South End Addition and on the south by Block 55 of the Original Rexburg Townsite and Block 9 of the South End Addition will receive sidewalk on the south side only.

FIRST WEST:

Between 1st North and 2nd North which is bordered on the east by Block 23 of the Original Rexburg Townsite will receive sidewalk on the east side only.

A NEW STREET:

A new street has been dedicated to the City which runs on the unplatted city acreage from 1st North to 2nd North immediately adjacent to the new high school property. It will receive curb, gutter, paving, sewer and water.

FOURTH EAST:

Between 1st North and 2nd North which is bordered on the west by Block 19 of the Original Rexburg Townsite and on the east by the unplatted city acreage will receive sewer on the north 495 feet.

SECTION IV: In the judgment of the City Council of the said City, it is fair and equitable that \$68,737.00 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 Rexburg. The costs and expenses of the proposed improvements to be assumed and paid by the 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 and upon lots and lands benefited by the proposed improvements.

SECTION V: 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, joining, continuous and adjacent thereto or include 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 costs 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 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 Streets 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 VII: The public notice calling for bids for constructing said improvements heretofore having been given by the Mayor and City Clerk in three consecutive weekly issues of the Rexburg Standard, the official newspaper of said City, is hereby confirmed. Said notice stated the time, place and hour when and where the City Clerk would receive sealed proposals for the construction of such improvements, and which notice contained 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 stated that the plans and specifications for said improvements were on file in the offices of the City Clerk and City Engineer to be examined or obtained at either office. The notice also stated the amount of the estimate of the cost of said improvements, and that each bidder should accompany his bid with a certified check or bid bond in the amount of five per cent of the bid in case the contract is awarded to such bidder and if 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 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 state that no bidder may withdraw his bid after the hour set for opening bids.

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

SECTION IX: 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 19th day of September, 1973.

Henry Shirley, Mayor

(SEAL)

ATTEST:

Beulah Johnson, City Clerk

