



**ORDINANCE NO. 543**

**AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL FOR 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, SEWER AND WATER LINES CONSTRUCTED THEREON WITHIN SAID DISTRICT; ORDERING ASSESSMENTS TO BE MADE IN ACCORDANCE WITH THE ASSESSMENT ROLL AND PRESCRIBING DETAILS CONCERNING SAID ASSESSMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the city council of the City of Rexburg, Idaho, has created within said City Local Improvement District No. 20, for 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, sewer and water lines constructed thereon within said district, and

**WHEREAS**, the Committee on Streets of said Council, together with the City Engineer, made out an assessment roll for said district pursuant to the Laws of the State of Idaho and of said City and certified said rolls to said council, and

**WHEREAS**, said Council caused said roll to be filed in the office of the City Clerk on the 3rd day of October, 1973, and gave the requisite legal notice that written objections to said roll might be filed with the City Clerk and that said Council would hear and consider any objections to the assessment roll on Thursday, October 25, 1973, at 7 o'clock P. M. at the City Hall in said City, and that at said specified time and place the Council would hold a hearing to hear and determine all objections to the regularity of the proceedings in making such assessment, the correctness of the assessment and the amount levied on the particular lots or parcel in relation to the benefits accruing thereon and in relation to the proportionate share of the total cost of the improvement, and

**WHEREAS**, said Council met at said time, place and date to hear and consider all objections to the assessment roll and to hear and determine all objections to the regularity of the proceeding in making such assessment, the correctness of assessment, the amount levied on the particular lot or parcel in relation to the benefit accruing thereon, and in relation to the proper proportionate share of the total cost of the improvement, all pertaining to the Local Improvement District No. 20, in Rexburg, Madison County, 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, and sewer and waterlines constructed thereon within said district, and

**WHEREAS**, no objections were filed or made, either written or oral, to the regularity of the proceedings and the Council proceeded to hear and act upon all objections to the assessment roll as fully set forth in the minutes of said special meeting so called and held for the purpose October 5, 1973, and on that date said assessment roll was revised and corrected.

NOW, THEREFORE, BE IT ORDAINED - THE MAYOR AND COUNCIL OF THE CITY OF REXBURG, IDAHO:

**SECTION I:** The City Council of the City of Rexburg, Idaho, hereby confirms the assessment roll as so revised and corrected and filed with the City Clerk for Local Improvement District No. 20 for 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, sewer and water lines constructed thereon within said district,

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, being the date of the confirmation of said roll, and if not paid within thirty days thereafter, shall become delinquent, provided that all 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 the City Treasurer in fifteen substantially equal annual installments of the first of which installments of principal shall be due and payable on or before the 1st day of February, 1975, and the remainder of said installments shall be due and payable successively on or before the same day in each year thereafter until paid in full, with interest in all cases on the unpaid and deferred installments of principal from the 1st day of February, 1974, at the same rate of interest as that provided for in the special assessments bonds to be hereafter authorized, sold, issued and delivered, the interest rate to be determined by the Council (but not to exceed -7- per cent per annum), payable annually at the office of the City Treasurer, the first annual payment of interest being due and payable on the said 1st day of February 1975, and the remainder of said annual installments of interest being due and payable on the 1st day of February each year thereafter. Failure to pay any installment, whether of principal or interest, when due, shall I cause the whole of the unpaid principal to become due and payable immediately, and the City shall proceed to collect all of said unpaid assessments, both principal and interest, and all penalties, in the manner provided by the Local Improvement District Code of the State of Idaho and all laws 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 in installments in the same manner as if default and 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~ a weekly newspaper which is the official newspaper of, and is published in said City, in accordance with the provisions of Section 50-1721, 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 issue 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. 20 FOR 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, SEWER AND WATER LINES CONSTRUCTED THEREON WITHIN SAID DISTRICT.**

**NOTICE IS HEREBY GIVEN** that the assessments roll for Local Improvement District No. 20, for 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, sewer and water lines constructed thereon within said district, was confirmed by the City Council of Rexburg on November 7, 1973, 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 days thereafter shall become delinquent and shall be collected in the same manner and with the same penalties and interest added thereto as provided for other delinquent assessments, provided that all such assessments, or any part thereof, may at the election of the owner, be payable in fifteen substantially equal annual installments and said assessments remaining unpaid shall bear interest and be due and payable annually in fifteen successive years as provided in the ordinance confirming said assessment roll.

Dated this 7th day of November 1973.

**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 No. 20 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 need 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 7th day of November, 1973.

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Henry Shirley, Mayor

(SEAL)

ATTEST:

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Beulah Johnson, City Clerk

STATE OF IDAHO)

)ss.

County of Madison )

I, BEULAH JOHNSON, 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 CONFIRMING THE ASSESSMENT ROLL FOR 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, SEWER AND WATER LINES CONSTRUCTED THEREON WITHIN SAID DISTRICT; ORDERING ASSESSMENTS TO BE MADE IN ACCORDANCE WITH THE ASSESSMENT ROLL AND PRESCRIBING DETAILS CONCERNING SAID ASSESSMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.**

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 7th day of November, 1973.

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Beulah Johnson, City Clerk

(SEAL)