



CITY OF
REXBURG
America's Family Community

ORDINANCE NO. 626

AN ORDINANCE CREATING LOCAL IMPROVEMENT DISTRICT NO. 24 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, RE-GRADED, GRAVELED, PAVED, RE-PAVED AND OTHERWISE IMPROVE THE HEREINAFTER DESCRIBED STREETS WITHIN THE DISTRICT AND TO CONSTRUCT AND RECONSTRUCT CURBS, GUTTERS, DRAINAGE FACILITIES, SEWERS, AND OTHER WORK INCIDENTAL TO ALL OF THE FOREGOING IMPROVEMENTS ALONG SAID STREETS.

WHEREAS, on the 25th day of August, 1980, the City Council of the City of Rexburg, Madison County, Idaho, adopted a Resolution declaring the intention to create Local Improvement District No. 24 to cause certain streets and alleys and parts thereof within the corporate limits of said city to be graded, re-graded, graveled, paved, re-paved and otherwise improve the hereinafter described streets within the District and to construct and reconstruct curbs, gutters, drainage facilities, sewers and other work incidental to all of the foregoing improvements along said streets, 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 10th day of September, 1980, the City Council met at the hour of 8 O'clock P.M. for the purpose of hearing protests against the creation of the proposed district and/or the construction of said improvements, and other objections in relation thereto, and

WHEREAS, in response to such published and mailed notice, the Clerk reported one written objection was filed against the creation of the District and the construction of certain proposed improvements in certain areas of the proposed improvement district, that after hearing and consideration, the property of all the protestants was deleted from the proposed improvement district and

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

WHEREAS, two petitions were filed with the City Council requesting that, additional properties be included in the District and waiving notice of resolution of intention and time in which to file protests and refusing to make any protests against the improvements or the creation of the District and agreeing their properties would be subject to the lien for payment for such improvements and agreed to pay the assessments levied and assessed therefore, and

WHEREAS, the City Engineer after the deletion of the property from the proposed District and the addition of the properties to the District, found that it was not necessary to revise any estimates of the cost of labor and materials for the construction of the proposed improvements in said District, and

WHEREAS, the portion of such total cost to be assessed upon and against the property within said District being benefited by the construction of said improvements is \$90,000.00, 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. 24 for Rexburg, Idaho", which shall include all of the lots, lands and parcels of real property within the boundaries of said District.

(a) Boundaries of the District:

1. 4th West between 2nd South and 4th South. Any and all property which abuts, adjoins or is adjacent to any part of the East side of 4th West Street between 2nd South and 4th South, more particularly described as follows:

Beginning at the Northwest corner of Block 6 of the South End Addition, thence East 230 feet; thence South 135 feet thence East 100 feet; thence South 205 feet to the South east corner of Lot 2; thence West 190 feet; thence South 80 feet; thence East 30 feet; thence South 160 feet; thence West 82.5 feet thence South 90 feet; thence West 82.5 feet thence North 660 feet, to the point of beginning, less the railroad right-of-way. ALSO beginning at the Northwest corner of Block 11 of the South End Addition, thence East 148.5 feet; thence South 65 feet thence East 165 feet; thence South 99 feet; thence West 205 feet; thence South 66 feet thence East 205 feet; thence South 205 feet; thence West 227 feet thence South 125 feet; thence West 103 feet; thence North 660 feet to the point of beginning.

2. Lots 2 and 3 of Block I, and Lots 1 & 2 of Block 2, Sherwood Hills Subdivision No.1.

3. 2nd North between 5th West and the Rexburg Canal. Any and all property which abuts, adjoins or is adjacent to any part of 2nd North between 5th West and the Rexburg Canal, more particularly described as follows:

Block 6 of the Bell Bigler Addition. Also the North Half of 4th West Street between 1st North and 2nd North which was abandoned by the City. Also beginning at the Northwest corner of Block 5 of the Bell Bigler Addition, thence South approximately 90 feet to the Rexburg Canal; thence North-easterly approximately 100 feet along said canal; thence West 80 feet to the point of beginning. Also, that property which lies North of 2nd North

between 5th West and the Rexburg Canal which is owned by the Madison County Fair Board.

4. 2nd South between 5th West and the Union Pacific Railroad tracks. Any and all property which abuts, adjoins or is adjacent to any part of 2nd South between 5th West and the realroad right-of-way, more particularly described as follows:

Beginning at the Northeast corner of Lot I, Block 5 of the South End Addition, thence South 118 feet; thence West 128 feet; thence South 20.5 feet; thence West 202 feet; thence North 148.5 feet; thence East 330 feet to the point of beginning.

ALSO, all of Lot 2 of Block 5 of the South End Addition.

Also beginning at the Southwest corner of Block 3 of the South End Addition, thence North 165 feet; thence East 165 Feet; thence North 165 feet; thence East approximately 165 feet to the westerly right-of-way line of the Union Pacific Railroad; thence Southwesterly along said right-of-way line to the South line of Block 3; thence West approximately 140.25 feet to the point of beginning. Also, beginning at the Southwest corner of Block 4 of the South End Addition, thence North 165 feet; thence East 330 feet; thence North 165 feet; thence East 140 feet; thence South 147 feet; thence East 50 feet; thence North 183 feet; thence East 190 feet; thence South 366 feet; thence West 627 feet to the point of beginning.

5. 4th West between approximately 550 South and 6th South. Any and all property which abuts, adjoins or is adjacent to any part of South 4th West between approximately 550 South and 6th South on the East side, more particularly described as follows:

All of Lot 3, Block 5 of the Klingler Addition.

6. 5th South between 2nd East and Harvard Avenue. Any and all property which abuts, adjoins or is adjacent to any part of 5th South between 2nd East and the extension of Harvard Avenue, on the North side, more particularly described as follows:

Beginning at point 90 rods North of the Southwest corner of the Southwest Quarter of Section 29, Township 6 North, Range 40 East, Boise Meridian, thence North 226.87 feet; thence East 379.5 feet; thence South 226.87 feet; thence West 379.5 feet to the point of beginning, less existing road right-of-ways.

7. Shoshone Avenue from the North line of the Rolling Hills Estate Subdivision to 350 South. Also, 350 South between Shoshone Avenue and Millhollow Road. Any property which abuts, adjoins, or is adjacent to any part of Shoshone Avenue between the North line of Rolling Hills Estate Subdivision and 350 South, and 350 South between Shoshone Avenue and Millhollow Road, more particularly described as follows:

All of Lot 4, Block 1 of the Rolling Hills Estates Sub-division to the City of Rexburg. Also, beginning at a point which is South 008' East 2637.64 feet from the Northwest corner of the Southeast Quarter of Section 29. Township 6 North. Range 40 E.B.M.; .thence East 345.73 fees; thence South 21037' East 147.36 feet; thence West 399.56 feet; thence North 0 8' West 137 feet to the point of beginning, less road right-of-ways. Also, beginning at a point which

is South 008' East, 2834.64 feet from the Northwest corner of the Southeast Quarter of Section 29, Township 6 North, Range 40 E.B.M.; thence East 423.37 feet; thence South 21037' East 134.46 feet; thence West 472.85 feet; thence North 008' West 125 feet to the point of beginning.

(b) Improvements~ The nature, character and description of the improvements proposed 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, re-graded, graveled, paved, re-paved and otherwise improve the hereinafter described streets within the District and to construct and re-construct curbs, gutters, drainage facilities, sewers, and other work incidental to all of the foregoing improvements along said streets. The names of the street to be improved, the points between which the improvements are to be made and the nature of the improvements along and upon such streets are as follows:

CURB AND GUTTER

1. 4th West between 2nd South and 4th South, curb and gutter on the East side.
2. 2nd North between 5th West and the Rexburg canal, curb and gutter on both sides.
3. 2nd South between 5th West and the Union Pacific Railroad tracks, curb and gutter on both sides.
4. 4th West between approximately 550 South and 6th South, curb and gutter on the East side.
5. 5th South between 2nd East and the extension of Harvard Avenue, curb and gutter on both sides.
6. Shoshone Avenue between the North line of Rolling Hills Subdivision and 350 South, curb and gutter on both sides. Also 350 South between Shoshone Avenue and Millhollow Road, curb and gutter on both sides.
7. South 3rd East between the North boundary of Sherwood Hills and the Southwesterly boundary of Lot 2, Block 2, and Lot 3, Block I, Sherwood Hills Subdivision No.1. Curb and gutter on both sides.

PAVING

1. 4th West between 2nd South and 4th South
2. 2nd North between 5th West and the Rexburg Canal.
3. 2nd South between 5th West and the Union Pacific Railroad Tracks
4. 4th West between approximately 350 South and 4th South.
5. 5th South between 2nd East and the extension of Harvard Avenue.

6. Shoshone Avenue between the North line of the Rolling Hills Estate Subdivision and 350 South Also 350 South between Shoshone Avenue and Millhollow Road.
7. South 3rd East between the North boundary of Sherwood Hills and the Southwesterly boundary of Lot 2 Block 2 and Lot 3. Block 1, Sherwood Hills Subdivision No.1.

SEWER

1. South Third East between the North boundary of Sherwood Hills and the Southwesterly boundary of Lot 2, Block 2, and Lot 3, Block 1, Sherwood Hills Subdivision No.1.
2. Shoshone Avenue between the North line of the Rolling Hills Estate Subdivision and 350 South. Also 350 South between Shoshone Avenue and Millhollow Road.

(c) Estimated Cost: The total estimated cost of the aforesaid improvement is \$200,00.00. In the judgment of the City Council of Rexburg, it is fair and equitable that \$110,000.00 of said total cost be paid by said City from its general fund for the cost and expense of street and alley intersections and paving 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 alleys 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.

That part of the cost and expenses of the proposed improvement in the amount of \$90,000.00 which amount is not paid or assumed by the City, shall be levied upon and assessed against the lots and lands abutting, adjoining, contiguous or adjacent to the proposed improvements and upon lots and lands benefited by the proposed improvement. Each lot and parcel of land shall be separately assessed for its share of the costs and expenses of constructing said improvements according to a front foot method, or a square foot method, or combination thereof, or in proportion to the benefits derived to such property by said improvements, subject to any variations therefrom as a result of the council's determination.

(d) Value of Property: The Council finds and declares that the value of the property within said Local Improvement District is not less than the sum of \$2,941,801.00

SECTION II: That said improvements described in Section 1 hereof are hereby ordered to be made and the city Council hereby appoints the firm of Forsgren & Perkins as engineers for the Local Improvement District; that said engineers shall prepare the necessary plans and specifications for the construction work ordered and the City shall advertise for bids therefore by giving notice calling for sealed bids for the construction work. Notice of advertisement for bids shall be published in the official newspaper of the City in three consecutive weekly issues, which notice shall: (a) contain, among other provisions required by law, a general description of the kind and amount of work to be done; (b) state that the plans and specifications for said work are on file in the office of the engineers or City Clerk for inspection; and (c) state the date, hour and place of the bid opening.

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

SECTION V: 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 17th day of September, 1980.

John C. Porter, Mayor

(~~SEAL~~)

ATTEST:

Rose Bagley, City Clerk

STATE OF IDAHO)
 ss)
County of Madison)

I, ROSE BAGLEY, City Clerk of the City of Rexburg, Idaho, do hereby certify; That the foregoing is a full, true and correct copy of an Ordinance entitled:

AN ORDINANCE CREATING LOCAL IMPROVEMENT DISTRICT NO. 24 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, RE-GRADED, GRAVELED, PAVED, RE-PAVED AND OTHERWISE IMPROVE THE HEREINAFTER DESCRIBED STREETS WITHIN THE DISTRICT AND TO CONSTRUCT AND RECONSTRUCT CURBS, GUTTERS, DRAINAGE FACILITIES, SEWERS, AND OTHER WORK INCIDENTAL TO ALL OF THE FOREGOING IMPROVEMENTS ALONG SAID STREETS.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 17th day of September, 1980.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City this 17th day of September, 1980.

Rose Bagley, City Clerk

(~~SEAL~~)

Thereupon it was moved by Councilman James Morris and seconded by Councilwoman Darlene Blackburn that the rule regarding 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 626 and be passed and adopted as read.

Thereupon the Clerk was ordered to call the roll on said motion and the roll call upon said motion was as follows:

Those voting AYE:

Councilmen:	Norris Reese
	Darlene Blackburn
	James Morris
	Nile Boyle
	Morgan Garner
	Sander Larsen

Those voting Nay: None

Absent: None

The President of the Council 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. 626 was duly passed and adopted.

The City Clerk was directed to publish said Ordinance No. 626 in at least one issue of the Rexburg Standard or Rexburg Journal, a newspaper published in the City of Rexburg, Idaho.

Thereupon the meeting adjourned.

John C. Porter, Mayor

(~~SEAL~~)

