



ORDINANCE NO 633

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL, AS CORRECTED, FOR LOCAL IMPROVEMENT DISTRICT NO. 25 IN REXBURG, IDAHO, FOR THE PURPOSE OF CAUSING CERTAIN STREETS AND PARKING LOTS WITHIN THE CORPORATE LIMITS OF THE CITY OF REXBURG, IDAHO, TO BE GRADED, RE-GRADED, GRAVELED, PAVED, RE-PAVED, LANDSCAPED, LIGHTED, STRIPED, AND OTHERWISE IMPROVE THE HEREINAFTER DESCRIBED AREAS WITHIN THE DISTRICT, AND TO CONSTRUCT AND RE-CONSTRUCT CURBS, GUTTERS, SIDEWALKS, DRAINAGE FACILITIES AND OTHER WORK INCIDENTAL TO ALL THE FOREGOING IMPROVEMENTS ALONG SAID AREAS; 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. 25 for Rexburg, Idaho, for the purpose of causing certain streets and parking lots within the corporate limits of the City of Rexburg, Idaho, to be graded, re-graded, graveled, paved, re-paved, landscaped, lighted, striped, and otherwise improve the hereinafter described areas within the district, and to construct and re-construct curbs, gutters, sidewalks, drainage facilities and other work incidental to all the foregoing improvements along said areas within said District, and

WHEREAS, 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 roll to said Council, and

WHEREAS, said Council caused said roll to be filed in the office of the City Clerk on the 17th day of June, 1981, and gave the required legal notice that written objections to said assessment roll might be filed with the City Clerk and that said Council would hear and consider any objections to the assessment roll on Tues., the 14th day of July, 1981, at 8 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 parcels in relation to the benefits accruing thereon and in relation to the proper proportionate share of the total cost of the improvement, and

WHEREAS, notice was further given that in revising the assessment roll after such hearing, the Council may increase any assessment or assessments up to twenty (20) percent of the original amount thereof without giving further notice and holding a new hearing thereon, 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 each particular lot or parcel in relation to the benefits 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. 25 in Rexburg, Madison County, Idaho, for the purpose of causing certain streets and parking lots within the corporate limits of the City of Rexburg, Idaho, to be graded, re-graded, graveled, paved, re-paved, landscaped, lighted, striped, and otherwise improve the hereinafter described areas within the District, and to construct and re-construct curbs, gutters sidewalks, drainage facilities and other work incidental to all the foregoing improvements along said areas within said District, and

WHEREAS, no objections were made 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 meeting so called and held for that purpose July 14, 1981, and that date said assessment roll was revised and corrected, and

WHEREAS, the Council did not find it necessary to increase any assessment, and

WHEREAS, each lot or parcel of land upon which such assessment is levied is benefited to the amount of the assessment levied thereon subject to appeal as provided by law.

NOW, THEREFORE, BE IT ORDAINED BY 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 by them in relation to the benefits accruing thereon as a result of the improvements being made, and filed with the City Clerk for Local Improvement District No. 25 for Rexburg, Idaho, for the purpose of causing certain streets and parking lots within the corporate limits of the City of Rexburg, Idaho, to be graded, re-graded, graveled, paved, re-paved, landscaped, lighted, striped, and otherwise improve the hereinafter described areas within the District, and to construct and re-construct curbs, gutters, sidewalks, drainage facilities and other work incidental to all the foregoing improvements along said areas, 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: Upon passage of this ordinance, the City Clerk shall immediately certify and file the confirmed assessment roll with the City Treasurer and the assessments therein shall be due and payable to the treasurer within thirty (30) days from the date of the adoption of this ordinance. The confirmed assessment roll and the assessments made thereby shall be a lien upon the property assessed from and after the date of the passage of this ordinance and filing with the County Recorder a notice to be recorded, containing the date of the confirming ordinance, and a description of the area or boundaries of the District. The Council hereby determines to make assessments unpaid at the end of said thirty (30) day period payable in installments and to issue and sell installment bonds payable from such unpaid installments as herein provided. Any property owner who has not paid his assessment in full within the said thirty (30) day period will be and is hereby conclusively presumed to have chosen to pay the same in installments. The unpaid assessment shall be payable to the City Treasurer in ten substantially equal annual installments of principal, however, the first and last installments may be more or less than the remaining ones, and there shall be issued in the name of the City of Rexburg, improvement bonds of such improvement district, which shall include all the property included within the district, liable to assessment for such local improvement. The first of the installments of principal shall be due and payable within one year from the date of said bonds, 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 at the rate of ten percent (10%) per annum, said interest running from the date of the passage of this ordinance, irrespective of the date of its official publication, and being payable at the same time and place as the installment payments of assessments. Failure to pay any installment, whether of principal or interest, within (20) days from the date it is due, shall cause the same to become delinquent, and the treasurer shall add a penalty of two percent (2%) thereto, and failure to pay such delinquent installments of principal and interest shall cause all unpaid installments against any property to pay the cost and expense of such improvement to be immediately due, payable and delinquent and a delinquency certificate will be issued against said property for the whole of the unpaid assessment against it, in the manner provided by the Local Improvement District Code of the State of Idaho and the 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 had not been suffered. In the event that any property owner should choose to pay his assessment in full after such time as it has been conclusively presumed that he will pay in installments, such payment in full shall include the full amount of the unpaid assessment plus penalties and all interest payable on the same plus additional interest thereon at the rate provided in the bonds from the date of the last installment due to one (1) year after the next interest date of said bonds.

SECTION III: Upon passage of the Assessment Roll the City Treasurer shall mail a card or letter to each property owner assessed at his post office address if known, or if unknown, to the post office in Rexburg, Idaho, the municipality where the improvement is being made, stating the total amount of his assessment, plus the substance of the terms of payment of the same as set out in this ordinance. An affidavit of mailing of the notice shall be filed before the day of delinquency in the office of the City Treasurer in the file of Local Improvement District No. 25

SECTION IV: The said notice (card or letter) shall be in substantially the following form:
NOTICE TO OWNERS OF REAL PROPERTY IN LOCAL IMPROVEMENT DISTRICT NO. 25 OF THE CITY OF REXBURG, IDAHO.

NOTICE IS HEREBY GIVEN to the owners of real property in Local Improvement District No. 25 of the City of Rexburg, Idaho, that the City of Rexburg has levied an assessment against the real property within said Improvement District to pay the cost and expense of street and parking lot improvements therein as provided by Chapter 17, Title 50, Idaho Code. That said assessments and the amount thereof which are levied against each parcel of property are set forth in the Assessment Roll on file in my office, which Assessment Roll is hereby referred to and by reference made a part hereof.

The time for payment to begin if the payment is made in full, is Wednesday, the 19th day of August, 1981, and the time for payment to close, if in full, is Thursday, the 24th day of September, 1981, and said payments are payable at the office of the City Treasurer in the City of Rexburg, Idaho.

YOU ARE FURTHER NOTIFIED that the owner of any piece of property liable for any assessment may redeem his property from such liability by paying the entire assessment chargeable against his property, and that if payment is not made within the time herein specified, bonds will be issued which will be a lien on said property as provided by law.

ASSESSMENTS, if not paid in full at this time, will be payable in ten substantially equal annual installments of principal, however, the first and last installments may be more or less than the remaining ones. The first of the installments of principal shall be due and payable within one year from the date of the bonds, 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 at the rate of ten percent (10%) per annum, said interest running from the date of the passage of this ordinance, irrespective of the date of its official publication, and being payable at the same time and place as the installment payments of assessments.

Dated this 19th day of August, 1981.

SECTION V: That the officers of the City are, 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. 25 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.

SECTION VIII: Immediately upon passage of this ordinance confirming the assessment roll, the City Clerk shall file with the Madison County Recorder a notice which shall contain the date of the confirming ordinance and a description of the area or boundaries of the district.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 19th day of August, 1981.

