



ORDINANCE NO. 691

AN ORDINANCE CREATING LOCAL IMPROVEMENT DISTRICT NO. 26 FOR REXBURG, IDAHO, FOR THE PURPOSE OF CAUSING CERTAIN STREETS 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 SIDEWALKS, CURBS, GUTTERS, DRAINAGE FACILITIES, AND OTHER WORK INCIDENTAL TO ALL OF THE FOREGOING IMPROVEMENTS ALONG SAID STREETS.

WHEREAS, on the 19th day of October, 1988, the City Council of the City of Rexburg, Madison County, Idaho, adopted a Resolution declaring the intention to create Local Improvement District No. 26 to cause certain streets 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 sidewalks, curbs, gutter, drainage facilities and other work incidental to all of the foregoing improvements along said streets and also along other designated improved 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 16th day of November, 1988, the City Council met at the hour of eight 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 no written objections were filed against the creation of the District and the construction of certain proposed improvements in certain areas of the proposed improvement district, and

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

WHEREAS, the portion of such total cost to be assessed upon and against the property within said District being benefitted by the construction of said improvements is \$97,000.00, and

WHEREAS, all preliminary steps and proceedings necessary for the creation for said improvement district and the construction of the proposed improvements therein have been duly taken and adopted,

NOW, 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. 26, for Rexburg, Idaho," comprising said streets and parts of streets and the lots and land abutting, adjoining and adjacent thereto and the lots and lands benefitted by such improvements and situated in said District. A description of the boundaries of the District to be created, the names of the street or streets along which said improvements are to be made, the points between which the improvements are to be made, and the kind and character of the proposed improvements are as follows:

- A. Boundaries of the District:
Area No. 1 - West Main

North Side: Commencing approximately 37 feet west of the Union Pacific Railroad tracks and proceeding west along the North frontage along Main Street to the intersection of Forth West Street.

South Side: Commencing approximately 170 feet west of the west curb line of Third West and proceeding west along the south frontage along Main Street to the intersection of Fourth West Street.

Project shall include the removal and replacement of all driveways, curb and gutter, and related storm drainage system, except as to Mickelsens.

Area No. 2 - Fifth South

Commencing on west side of the intersection of Second West and Fifth South and proceeding west along the frontage of the north side of Fifth South to the east side of the intersection of Third West and Fifth South.

Work to include curb and gutter, excavation, placement of pit run gravel, 3/4-inch base, asphalt paving and related storm drainage from Second West to Third west on the north side of the street.

Area No. 3 - Shoshone Avenue From 350 South to 450 South and 450

Project area shall include the west side of the street from 350 South to 450 South and approximately 90 feet of the north side on 450 south west from Shoshone Avenue.

Work shall include construction of pavement and sidewalk on the west side of Shoshone Avenue and sidewalk on the north side of 450 South.

Area No. 4 - Second East Street

The project areas shall include portions of Second East Street project M-7796 (001) as shown on Project Plans now on file at the Rexburg City Hall and more particularly described as the following areas:

1. The east side of Second East from approximate Stations 10+20 to 25+37, (Erickson Dugway to 1,497 feet north).

Work shall include construction of sidewalk, curb, and gutter.

2. The west side of 2nd East from approximate Stations 10+20 to Station 13+37 (Erickson Dugway to Fairview Avenue).

Work shall include construction of curb and gutter only.

3. The west side of Second East from approximate Stations 33+20 to 74+04 (approximately 384 feet south of Sunrise Drive north to approximately 546 feet south of South Fifth East Street).

Work shall include construction of sidewalk, curb, and gutter.

- 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 reconstruct sidewalks, curbs, gutters, drainage facilities, and other work incidental to all of the foregoing improvements along said streets and other designated improved streets. The names of the streets 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:

Area No. 1 - West Main

North Side: Commencing approximately 37 feet west of the Union Pacific Railroad tracks and proceeding west along the north frontage along Main Street to the intersection of Fourth West Street.

South Side: Commencing approximately 170 feet west of the west curb line of Third West and proceeding west along the south frontage along Main Street to the intersection of Fourth West Street.

Project shall include the removal and replacement of all driveways, curb and gutter, and related storm drainage system, except as to Mickelsens.

Area No. 2 - Fifth South

Commencing on west side of the intersection of Second West and Fifth South and proceeding west along the frontage of the north side of Fifth South to the east side of the intersection of Third West and Fifth South.

Work to include curb and gutter, excavation, placement of pit run gravel, 3/4-inch base, asphalt paving and related storm drainage from Second West to Third West on the north side of the street.

Area No. 3 - Shoshone Avenue From 350 South to 450 South and 450 South

Project areas shall include the west side of the street from 350 South to 450 South and approximately 90 feet of the north side on 450 South west from Shoshone Avenue.

Work shall include construction of pavement and sidewalk on the west side of Shoshone Avenue and sidewalk on the north side of 450 South.

Area No. 4 - Second East Street

The project area shall include portions of Second East Street project M-7796 (1101) as shown on Project Plans now on file at the Rexburg City Hall and more particularly described as the following areas:

1. The east side of Second East from approximate Stations 10+20 to 25+37, (Erickson Dugway to 1,497 feet north).

Work shall include construction of sidewalk, curb, and gutter.

2. The west side of 2nd East from approximate Stations 10+20 to Station 13+37 (Erickson Dugway to Fairway Avenue).

Work shall include construction of curb and gutter only.

3. The west side of Second East from approximate Stations 33+20 to 74+04 (approximate 384 feet south of Sunrise Drive north to approximately 546 feet south of South Fifth East Street).

Work shall include construction of sidewalk, curb, and gutter.

- C. Estimated Cost: The total estimated cost of the aforesaid improvement is \$153,000.00. In the judgment of the City Council of Rexburg, it is fair and equitable that \$56,000.00 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 \$97,000.00, 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 benefitted by the proposed improvements. 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 \$5,868,224.00.

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 & Associates 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 therefor 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: (1) 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 15th day of March, 1989.

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 above and foregoing is a full, true and correct copy of the Ordinance entitled:

AN ORDINANCE CREATING LOCAL IMPROVEMENT DISTRICT NO. 26 FOR REXBURG, IDAHO, FOR THE PURPOSE OF CAUSING CERTAIN STREETS 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 SIDEWALKS, CURBS, GUTTERS, DRAINAGE FACILITIES, AND OTHER WORK INCIDENTAL TO ALL OF THE FOREGOING IMPROVEMENTS ALONG SAID STREETS.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 15th day of March, 1989.

Rose Bagley, City Clerk

(SEAL)