



**ORDINANCE NO. 779**

**AN ORDINANCE CREATING LOCAL IMPROVEMENT DISTRICT NO. 28 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, PAVE, RE-PAVED AND OTHERWISE IMPROVE THE HEREINAFTER DESCRIBED STREETS WITHING THE DISTRICT AND TO CONSTRUCT AND RECONSTRUCT SIDEWALKS, CURBS, GUTTERS, DRIVEWAYS, DRAINAGE FACILITES, SANITARY SEWER FACILITES, OFFSITE STORM SEWER AND OTHER WORK INCIDENTAL TO ALL OF THE FOREGOING IMPROVEMENTS ALONG SAID STREETS.**

**WHEREAS**, on the 16<sup>th</sup> day of August, 1995, the City Council of the City of Rexburg, Madison County, Idaho, adopted a Resolution declaring the intention to create Local Improvement District No. 28 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, gutters, driveways, drainage facilities, sanitary sewer facilities, offsite storm sewer and other work incidental to all of the foregoing improvement along said streets and also along other designated improved streets, which resolution authorized the publication and mailing of notice of intention to construct such improvement and to create such Local Improvement District, and

**WHEREAS**, such notice was duly published and mailed as provided by law, and

**WHEREAS**, on the 20<sup>th</sup> day of September, 1995, the City Council met at the hour of 8:00 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 six 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**, several oral protests were made before the Council pertaining to certain areas to be included, and

**WHEREAS**, it was determined that Area No. 3- South Yellowstone Highway should be deleted from the local improvement district at this particular time; and the portion of such total cost to be assessed upon and against the property remaining within said District being benefited by the construction of said improvements is \$512,328.00, 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,

NOW, THEREOFRE, 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. 28, 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:

Area No. 1-7<sup>th</sup> South Street

Those properties along 7<sup>th</sup> South Street from the South Yellowstone Highway on the west to 330 feet east of the east right-of-way line of 2<sup>nd</sup> West on the east. Those properties within the Corporate City limits that about 7<sup>th</sup> South Street.

7<sup>th</sup> South Street from 330 feet east of the east right-of-way line of 2<sup>nd</sup> West street to the South Yellowstone Highway. 7<sup>th</sup> South on the south side of the street will be widened, and cur, gutter and sidewalk installed at the Middle School property. On the north side of 7<sup>th</sup> South the street will be widened; and curb, gutter and sidewalk will be installed on all properties from 330 feet east of the east right-of-way line of South 2<sup>nd</sup> West to the Yellowstone Highway.

Area No. 2-South 2<sup>nd</sup> West

Those properties along South 2<sup>nd</sup> West Street between the north right-of-way line of 5<sup>th</sup> South and the south right-of-way line of 7<sup>th</sup> South. Those properties within the Corporate City limits that about South 2<sup>nd</sup> West.

South 2<sup>nd</sup> West between the north right-of-way line of 5<sup>th</sup> South and the south right-of-way line of 7<sup>th</sup> South will be widened on both sides of the street; and curb, gutter and sidewalk will be installed on both sides of the street.

A sewerline and sewer services will also be installed in South 2<sup>nd</sup> West as a portion of this LID.

(c) Estimated Cost: The total estimated cost of the aforesaid improvements is \$886,225.00. In the judgment of the City Council of Rexburg, it is fair and equitable that \$373,897.00 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 improvements in the amount of \$512,328.00, 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 \$4,133,339.00.

**SECTION II:** That said improvements described in Section I 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 ordered by the City; said notice 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 of 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 15<sup>th</sup> day of November, 1995.

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Nile L. Boyle, Mayor

(SEAL)

ATTEST:

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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. 28 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, PAVE, RE-PAVED AND OTHERWISE IMPROVE THE HEREINAFTER DESCRIBED STREETS WITHING THE DISTRICT AND TO CONSTRUCT AND RECONSTRUCT SIDEWALKS, CURBS, GUTTERS, DRIVEWAYS, DRAINAGE FACILITES, SANITARY SEWER FACILITES, OFFSITE STORM SEWER AND OTHER WORK INCIDENTAL TO ALL OF THE FOREGOING IMPROVEMENTS ALONG SAID STREETS.**

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 15<sup>th</sup> day of November, 1995.

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Rose Bagley City Clerk

(SEAL)