



ORDINANCE NO. 793

LOCAL IMPROVEMENT DISTRICT NO. 29

AN ORDINANCE ESTABLISHING THAT CERTAIN SIDEWALKS, CURBS, GUTTERS AND OTHER CONCRETE WORKS WITHIN THE CORPORATE LIMITS OF THE CITY SHALL BE REMOVED, RE-GRADED, PREPARED, CONSTRUCTED AND RE-CONSTRUCTED, AND OTHER WORK INCIDENTAL TO ALL OF THE FOREGOING IMPROVEMENTS IN THE DESIGNATED AREAS SHALL BE ACCOMPLISHED; CREATING LOCAL IMPROVEMENT DISTRICT NO. 29 FOR THE PURPOSE OF MAKING SAID IMPROVEMENTS; AUTHORIZING SAID DISTRICT TO DEFRAY THE COST AND EXPENSE OF ESTABLISHING SAID DISTRICT AND SAID IMPROVEMENTS BY THE LEVY OF AN ASSESSMENT AGAINST THE ABUTTING, ADJOINING AND ADJACENT LOTS AND LANDS ALONG OR UPON WHICH SUCH IMPROVEMENTS ARE TO BE MADE AND UPON LOTS AND LANDS BENEFITTED BY SUCH IMPROVEMENTS AND INCLUDED IN THE DISTRICT TO BE CREATED ACCORDING TO A FRONT FOOT METHOD OR IN PROPORTION TO THE BENEFITS DERIVED TO SUCH PROPERTY BY SAID IMPROVEMENTS, OR A COMBINATION THEREOF, SUBJECT TO ANY VARIATIONS THEREFROM TO BE DETERMINED BY THE COUNCIL, EXCEPT THAT THE COST AND EXPENSES OF ALL SUCH IMPROVEMENTS WITHIN STREET INTERSECTIONS AND ALLEY INTERSECTIONS SHALL BE PAID FROM THE GENERAL FUNDS OR GRANTS OF THE CITY; GIVING THE KIND AND CHARACTER OF SAID IMPROVEMENTS AND THE ESTIMATED TOTAL COST THEREOF; AND PROVIDING FOR GIVING OF NOTICE THEREOF.

WHEREAS, the City Council of the City of Rexburg, Idaho, finds it in the best interests of the City to cause certain sidewalks, curbs, gutters and other concrete works within the corporate limits of said city to be removed, re-graded, prepared, constructed and re-constructed, and other work incidental to all of the foregoing improvements in the designated areas to be accomplished, and to create Local Improvement District No. 29 for the City of Rexburg, Idaho, for the purpose of making said improvements; and

WHEREAS, the City Council of the City of Rexburg finds that there is a reasonable probability that the obligations of such Local Improvement District No. 29 will be paid; and

WHEREAS, the value of the property within the District is sufficient to justify the improvements; and

WHEREAS, The estimated total cost of said District and of said improvements is \$79,200.00, of which sum \$7,200.00 is the total estimated cost of said improvements within street and alley intersections and other city costs; and

WHEREAS, the City Council is authorized to expend from the general funds of the City the whole of the costs and expenses of said improvements within street and alley intersections, and such other portion of the costs and expenses of said improvements as in their judgment may be fair and equitable in consideration of the benefits occurring to the general public by reason of such improvements; and

WHEREAS, the City Council proposes to defray the costs and expenses of said District and of said improvements (except those to be paid from the general funds of the City), to the extent of approximately \$72,000.00 by assessments levied against the lots and lands abutting, adjoining and

adjacent to such property upon which said improvements are to be made and on and against all lots and lands benefitted by such improvements included in said District and to defray the whole cost and expense of said improvements within the street and alley intersections from the general funds of the City; and

WHEREAS, the City, as of the date of adoption of this Ordinance, has determined the ownership of the property to be included in said proposed improvement district, and has attached a list of said properties as Exhibit 1 hereto;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF REXBURG, IDAHO, AS FOLLOWS:

SECTION I: The City of Rexburg, Idaho, does hereby declare its intention to cause certain sidewalks, curbs, gutters and other concrete works within the corporate limits of said city to be removed, re-graded, prepared, constructed and re-constructed, and other work incidental to all of the foregoing improvements in the designated areas to be accomplished, and for that purpose to create and establish a Local Improvement District thereon to be known as Local Improvement District No. 29 for the City of Rexburg, Idaho, comprising said areas in which said concrete work is to be accomplished 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, a definition of the areas in 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 attached and made a part of this Ordinance as Exhibit 1.

SECTION II: The kind and character of said improvements are as follows: To cause certain sidewalks, curbs, gutters and other concrete works within the corporate limits of said city to be removed, re-graded, prepared, constructed and re-constructed, and other work incidental to all of the foregoing improvements in the designated areas to be accomplished, all according to the plans and specifications adopted by the City in connection with construction within the City.

SECTION III: The estimated costs and expenses of said District and of said improvements are \$79,200.00, which sum is to be allocated and paid as follows:

From levy on impacted property	\$72,000.00
From general funds of the City.....	\$7,200.00

SECTION IV: The cost and expenses of said District and of said improvements which is to be paid by assessments against the abutting, adjoining and adjacent lots and areas within which said improvements are to be made, and upon lots and lands benefitted by such improvements and included within said District, each lot and parcel of land being assessed separately for the debt thereof according to a front foot method or in proportion to the benefits derived to such property by said improvements, or a combination thereof, subject to any variations there from to be determined by the Council.

The cost and expenses of said improvements within street and alley intersections and other City costs are, in the judgment of the City Council, a fair and equitable portion of the total cost and expenses of said District and of said improvements to be expended from the general funds of the City or from state or federal grants, in consideration of the benefits accruing to the general public by reason of such improvements and shall be paid out of the general funds of the City.

The Clerk is ordered and directed to cause advertisement for the for bids to perform the work outlined as being included within the District to be published in the Rexburg Standard Journal, a bi-weekly newspaper printed and published in Rexburg, Madison County, State of Idaho, and to conduct the bid process in accordance with all applicable rules, regulations and laws, in place at the time this Ordinance was approved.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 15th day of May, 1996.

Nile L. Boyle, Mayor

