CITY OF REXBURG
America's Family Community

ORDINANCE 913

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL, FOR LOCAL IMPROVEMENT DISTRICT NO. 32 IN REXBURG, IDAHO, FOR THE PURPOSE OF INSTALLING CERTAIN STREETS, CURBS, GUTTERS, SIDEWALKS, AND OTHER PUBLIC FACILITIES 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, OFFSITE STORM SEWER, WATER AND SANITARY SEWER FACILITIES, STREET LIGHTS AND OTHER PUBLIC FACILITIES AND OTHER WORK INCIDENTAL TO ALL OF THE FOREGOING IMPROVEMENTS; ORDERING ASSESSMENTS TO BE MADE IN ACCORDANCE WITH THE ASSESSMENT ROLL AND PRESCRIBING DETAILS CONCERNING SAID ASSESSMENTS; AND 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. 32 for Rexburg, Idaho for the purpose of causing certain streets, curbs, gutters, sidewalks and parts thereof within the corporate limits of said city, to be graded, re-graded, graveled, paved, re-paved and otherwise improved within the district and to construct all other public facilities and other work incidental to all of the foregoing improvements; and

WHEREAS, the City Engineer has created and made out the 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 the required legal notice establishing 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 the 14th day of January, at 8:30 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 re-assessments up to twenty (20) per cent 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 the 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. 32 in Rexburg, Madison County, Idaho, for the purpose of causing certain streets sidewalks, curbs, gutters, driveways, drainage facilities, offsite storm sewer and all other public facilities and other work incidental to all of the foregoing improvements along said streets to be constructed and reconstructed; and

WHEREAS, all objections, either written or oral, were heard and resolved; and

WHEREAS, the Council has made adjustments to the original assessment roll, which assessments are within the legally allowed limits, and did not require further public hearing to be held; and

WHEREAS, each lot or parcel of land upon which such assessment is levied is benefited to the amount of the re-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 final assessment roll 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. 32 for Rexburg , Idaho, for the purpose of causing certain streets, sidewalks, curbs, gutters, driveways, drainage facilities, offsite storm sewer and all other public facilities and other work incidental to all of the foregoing improvements to be constructed and reconstructed, and hereby orders the levy of the final assessment shown in said roll and hereby levies against each lot and parcel of land shown in said roll the amount of final assessment listed therein.

SECTION II: Upon passage of this ordinance, the City Clerk shall immediately certify and file the confirmed final assessment roll with the City Treasurer and the final assessment therein shall be due and payable to the treasurer within thirty (30) days from the date of the adoption of this ordinance. The confirmed final assessment roll and the final assessments made thereby shall be a lien upon the property assessed from 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 final assessments unpaid at the end of said (30) day period payable in installments and to issue and see installment warrants payable from such unpaid installments as herein provided. Any property owner who has not paid his final 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 final 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 that the remaining ones, and there shall be issued in the name of the City of Rexburg, warrants of such improvement district, liable to final 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 warrants, 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 not to exceed five percent (5%) 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 re-assessments. Failure to pay any installment, whether of principal or interest, within twenty (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 there upon 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 warrants from the date of the last installment due to one (1) year after the next interest date of said warrants.

SECTION III: Upon passage of the Final 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. 32.

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. 32 OF THE CITY OF REXBURG, IDAHO.

Name
Address
City, State Zip

NOTICE IS HEREBY GIVEN to the owners of real property in Local Improvement District No. 32 of the City of Rexburg, Idaho, that the City of Rexburg has levied as assessment against the real property within said Improvement District to pay the cost and expense of 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 Final Assessment Roll referred to and by reference made a part hereof.

THE DUE DATE for payments to be made, <u>if in full</u>, is Friday, the 5th day of March, 2004, and said payments are payable at the office of the City Treasurer in the City of Rexburg, Idaho.

THE ASSESSMENTS, if <u>not</u> paid in full at this time, will be payable over the next 10 years in 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 principle shall be due and payable on February 4, 2005, 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 accruable at a rate of five percent (5%), 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.

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, warrants or bonds will be issued which will be a lien on said property as provided by law.

Dated this 4th day of February, 2004. **<u>(s)</u> *<u>Richard R. Horner</u>*, City Treasurer**
12 N. Center 208-359-3020 x327
Please call if you have any questions.

***Property Address: address**
***Item #: #**
***The amount of your final assessment is: amount**

SECTION V: That the officers of the City be, 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 warrants of said Local Improvement District No. 32 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 warrants and shall be and remain unrepealable until said warrants and the interest accruing thereon shall have been fully paid, satisfied and discharged.

SECTION VII: Immediately upon passage of this ordinance confirming the final 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 4th day of February, 2004.

_____
Shawn Larsen, Mayor

(SEAL)

ATTEST:

_____
Blair D. Kay, City Clerk

TATE OF IDAHO)
:ss
County of Madison)

I, BLAIR D. KAY, 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 CONFIRMING THE ASSESSMENT ROLL, FOR LOCAL IMPROVEMENT DISTRICT NO. 32 IN REXBURG, IDAHO, FOR THE PURPOSE OF INSTALLING CERTAIN STREETS, CURBS, GUTTERS, SIDEWALKS, AND OTHER PUBLIC FACILITIES 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, OFFSITE STORM SEWER, WATER AND SANITARY SEWER FACILITIES, STREET LIGHTS AND OTHER PUBLIC FACILITIES AND OTHER WORK INCIDENTAL TO ALL OF THE FOREGOING IMPROVEMENTS; ORDERING ASSESSMENTS TO BE MADE IN ACCORDANCE WITH THE ASSESSMENT ROLL AND PRESCRIBING DETAILS CONCERNING SAID ASSESSMENTS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 4th day of February, 2004.

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Blair D. Kay, City Clerk

(SEAL)

NOTICE

NOTICE IS HEREBY GIVEN that on the 4th day of February, 2004, the Rexburg City Council confirmed the final assessment roll for Local Improvement District No. 32 in Rexburg, Idaho, for the purpose of causing certain streets, sidewalks, curbs, gutters, driveways, drainage facilities, offsite storm sewer, water and sanitary sewer, and other public facilities and other work incidental to all of the foregoing improvements to be constructed and reconstructed.

That the area descriptions or boundaries included in said improvement district are as attached hereto.