

STATE OF IDAHO)
)
County of Madison)
)
City of Rexburg)

A regular meeting of the City Council of the City of Rexburg, Madison County, Idaho, was held on Wednesday, the 16th day of August, 1995, at the hour of 7:30 o'clock p.m., at the City Hall, being the regular meeting place of said Council, at which meeting there were present and answering roll call, the following, who constituted a quorum:

Mayor: Nile L. Boyle

Council Members: Glen Pond
Jim Flamm
Nyle Fullmer
Bruce Sutherland

Absent: Farrell Young
Kay Beck

Also Present: City Clerk, Rose Bagley
City Attorney, J. D. Hancock

Thereupon the following proceedings, among others, were duly had and taken:

Councilman Bruce Sutherland introduced the following Resolution in writing and moved its adoption:

RESOLUTION NO. 95-10

RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF REXBURG, IDAHO, TO CAUSE CERTAIN STREETS AND PARTS THEREOF WITHIN THE CORPORATE LIMITS OF SAID CITY TO BE GRADED, RE-GRADED, GRAVELED, PAVED, RE-PAVED AND TO OTHERWISE IMPROVE THE HEREINAFTER DESCRIBED STREETS WITHIN THE DISTRICT AND TO CONSTRUCT AND RECONSTRUCT SIDEWALKS, CURBS, GUTTERS, DRAINAGE FACILITIES; SANITARY SEWER FACILITIES AND OTHER WORK INCIDENTAL TO ALL OF THE FOREGOING IMPROVEMENTS ALONG SAID STREETS AND OTHER DESIGNATED IMPROVED STREETS; TO CREATE LOCAL

IMPROVEMENT DISTRICT NO. 28 FOR THE PURPOSE OF MAKING SAID IMPROVEMENTS; TO DEFRAY THE COST AND EXPENSES OF SAID DISTRICT AND THE COST AND EXPENSE OF 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 BENEFITED 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; FIXING THE TIME WHEN PROTESTS AGAINST SUCH IMPROVEMENTS AND THE CREATION OF SAID DISTRICT MAY BE FILED IN THE OFFICE OF THE CITY CLERK AND WHEN SUCH PROTESTS WILL BE HEARD AND CONSIDERED BY THE CITY COUNCIL, AND PROVIDING FOR GIVING OF NOTICE THEREOF.

WHEREAS, the City Council of the City of Rexburg, Idaho, deems it for the best interests of the City to cause certain streets and parts thereof within the corporate limits of said City to be graded, re-graded, graveled, paved, re-paved and to otherwise improve the hereinafter described streets within the District and to construct and reconstruct sidewalks, curbs, gutters, sanitary sewer facilities, drainage facilities and other work incidental to all of the foregoing improvements along said streets and also along other designated improved streets, and to create Local Improvement District No. 28 for the City of Rexburg, Idaho, for the purpose of making said improvements, and

WHEREAS, The estimated total cost of said District and of said improvements is \$1,607,000.00, of which sum \$600,000.00 is the total estimated cost of said improvements within street and alley intersections, traffic signals 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 \$1,007,000.00 by assessments levied against the lots and lands abutting, adjoining and adjacent to the streets along which such improvements are to be made and on and against all lots and lands benefited 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 Resolution of Intent to Create Local Improvement District No. 28, has determined the ownership of the property to be included in said proposed improvement district.

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 streets and parts thereof within the corporate limits of the City of Rexburg to be graded, re-graded, graveled, paved, re-paved and to otherwise improve the hereinafter described streets within the District and to construct and reconstruct sidewalks, curbs, gutters, sanitary sewer facilities, drainage facilities and other work incidental to the foregoing improvements along said streets and other designated improved streets, and for that purpose to create and establish a Local Improvement District thereon to be known as Local Improvement District No, 28 for the City of Rexburg, Idaho, comprising said streets and parts of streets and the lots and land abutting, adjoining and adjacent thereto and the lots and lands benefited 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. 1-7th South Street

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

7th South Street between the east boundary of the 2nd West right-of-way and the South Yellowstone Highway. 7th South on the south side of the street will be widened; and curb, gutter and sidewalk installed at the Middle School property. On the north side of 7th South the street will be widened; and curb, gutter and sidewalk will be installed on all properties between South 2nd West and the Yellowstone Highway.

Area No. 2-South 2nd West

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

South 2nd West between the north right-of-way line of 5th South and the south right-of-way line of 7th 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 2nd West as a portion of this LID.

Area No. 3-South Yellowstone Highway

Those properties along South Yellowstone Highway from the south right-of-way line of 4th South to the intersection of the south line of the N 1/2 of the NE 1/4 of Section 36. Those properties within the Corporate City limits that abut the South Yellowstone Highway on the east side.

South Yellowstone Highway between the south right-of-way line of 4th South and the south line of the N 1/2 of the NE 1/4 of Section 36 is to be widened on the easterly side; and curb, gutter and sidewalk is to be installed on the east side.

SECTION II. The kind and character of said improvements are as follows: 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 hereinabove 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 along other designated improved streets, all according to the plans and specifications to be filed in the office of the City Clerk on or before the day fixed for hearing protests against the creation of said District and the making of said improvements.

SECTION III. The estimated costs and expenses of said District and of said improvements are \$1,607,000.00, which sum is to be allocated and paid as follows:

From levy of assessments against property benefited-----	\$1,007,000.00
From general funds of the City-----	\$ 100,000.00
From State or Federal grants-----	\$ 500,000.00

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 lands on the streets or parts of streets, along or upon which said improvements are to be made, and upon lots and lands benefited 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 therefrom to be determined by the Council.

The cost and expenses of said improvements within street and alley intersections and other City costs, namely, the sum of \$600,000.00 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.

That Wednesday, the 6th day of September, 1995, at 9:15 o'clock p.m., of said day, and the chambers of the City Council in the City Hall in the City of Rexburg, Idaho, be, and the same are hereby designated as the time and place when protests against the creation of said District or the making of any other objections in relation thereto, will be heard and considered by the City Council and that written protests against the creation of such District and any other objections in relation thereto, may be filed in the office of the City Clerk on or before 9:15 o'clock p.m., on Wednesday, September 6, 1995.

The City Clerk is hereby ordered and directed to give notice of the passage of this Resolution, the time within which protests against the creation of said District or any other objections in relation thereto may be filed, in writing, and the date when such protests will be heard and considered by the Council in the manner provided by law.

The Clerk is further ordered and directed to cause said notice to be published in two issues of the Rexburg Standard Journal, a bi-weekly newspaper printed and published in Rexburg, Madison County, State of Idaho, and mail a copy of such notice to each property owner, if known, or his agent if known, within the limits of the proposed improvement district, addressed to such person at his post office address if known, or if unknown, to the post office in the City of Rexburg, Idaho.

That such notice shall be in the following form:

NOTICE OF RESOLUTION OF INTENTION TO
ESTABLISH REXBURG LOCAL IMPROVEMENT
DISTRICT NO. 28, AND HEARING PROTESTS

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council, held on August 16, 1995, a Resolution was passed declaring the intention of the City Council of the City of Rexburg, Idaho, to create a Local Improvement District to be known as 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, drainage facilities, sanitary sewer facilities and other work incidental to all of the foregoing improvements along said streets and along other designated improved streets. That a description of the boundaries of the District to be created, the names of the street or streets to be improved, or 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 along and upon such streets are as follows:

Area No. 1-7th South Street

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

7th South Street between the east boundary of the 2nd West right-of-way and the South Yellowstone Highway. 7th South on the south side of the street will be widened; and curb, gutter and sidewalk installed at the Middle School property. On the north side of 7th South the street will be widened; and curb, gutter and sidewalk will be installed on all properties between South 2nd West and the Yellowstone Highway.

Area No. 2-South 2nd West

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

South 2nd West between the north right-of-way line of 5th South and the south right-of-way line of 7th 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 2nd West as a portion of this LID.

Area No. 3-South Yellowstone Highway

Those properties along South Yellowstone Highway from the south right-of-way line of 4th South to the intersection of the south line of the N 1/2 of the NE 1/4 of Section 36. Those properties within the Corporate City limits that abut the South Yellowstone Highway on the east side.

South Yellowstone Highway between the south right-of-way line of 4th South and the south line of the N 1/2 of the NE 1/4 of Section 36 is to be widened on the easterly side; and curb, gutter and sidewalk is to be installed on the east side.

The estimated total cost of said improvements is \$1,607,000.00, of which the sum of \$1,007,000.00 is the total cost and expenses of the improvements which will be assessed against the abutting, adjoining, and adjacent lots and lands along or upon which such improvements are to be made and upon lots and lands benefited by such improvements are to be made and upon lots and lands benefited 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. the sum of \$600,000.00 is the total cost and expenses which will be paid from general funds of the City of Rexburg or from state or local grants.

NOTICE OF HEARING

NOTICE IS FURTHER GIVEN that written protests against the creation of Local Improvement District No. 28 or any other objections in relation thereto, may be filed in my office in the City Hall Building, at 12 North Center, in the City of Rexburg, Idaho, on or before 9:15 o'clock p.m., on Wednesday, the 6th day of September, 1995, and such protests will be heard and considered by the Mayor and Council at a special, open and public meeting of the City Council to be held at 9:15 o'clock p.m., on Wednesday, the 6th day of September, 1995.

Reference is hereby made to said Resolution of the City Council now on file in my office

for further information in regard thereto.

DATED this 16th day of August, 1995.



Rose Bagley, City Clerk

(SEAL)

Councilman Nyle Fullmer seconded the adoption of the Resolution No. 95-10 declaring the intention of the City Council of the City of Rexburg, Idaho, to create Local Improvement District No. 28, and the same, on being put to a vote, was unanimously carried by the affirmative vote of all council members present, the vote being as follows:

Glen Pond	Aye
Jim Flamm	Aye
Nyle Fullmer	Aye
Bruce Sutherland	Aye



City Clerk, Rexburg, Idaho

STATE OF IDAHO)
)
COUNTY OF MADISON)
)
CITY OF REXBURG)

I, ROSE BAGLEY, City Clerk of the City of Rexburg, Idaho, do hereby certify that the foregoing is a full, true and correct copy of the minutes of a special meeting of the City Council

of Rexburg, Idaho, duly called and regularly held at the regular meeting place of said City Council on the 16th day of August, 1995, and that Resolution No. 95-10 creating Local Improvement District No. 28 for the City of Rexburg, Idaho, was adopted by the affirmative vote of all council members present; that said Resolution was passed and adopted by the City Council and approved by the Mayor on August 16, 1995, and that the foregoing proceedings were in fact held as in said minutes specified in said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Rexburg, Idaho, the 16th day of August, 1995.



City Clerk

STATE OF IDAHO)
)
COUNTY OF MADISON)
)
CITY OF REXBURG.)

ROSE BAGLEY, being first duly sworn, upon oath, deposes and says that she is and was at all times herein mentioned the duly appointed, qualified and acting Clerk of the City of Rexburg, Madison County, Idaho.

That, acting as such Clerk, on the _____ day of August, 1995, she deposited in the United States mail, postage prepaid, envelopes addressed to each owner of property if known, or said owner's agent if known, with the limits of said proposed Local Improvement District No. 28, in the City of Rexburg, Idaho, addressed to such person at his post office address if known, or if unknown to the post office in Rexburg, Idaho, and that in each of said envelopes was contained when mailed a true and correct copy of the Notice of Resolution of Intention to Establish Rexburg Local Improvement District No. 28, and Hearing Protests, for the improvement and

construction of certain streets and to construct and re-construct sidewalks, curbs, gutters, drainage facilities, and other work incidental to all of the foregoing improvements along said streets and along other designated improved streets as set forth in Resolution No. 95-10 adopted by the City Council of Rexburg, Idaho, on August 16, 1995.

Further affiant saith not.



Rose Bagley, City Clerk

SUBSCRIBED AND SWORN to before me this 16 day of August, 1995.



Notary Public
Residing at Rexburg, Idaho
My Commission Expires: 1-25-2000

(SEAL)