

ORDINANCE NO. 648

AN ORDINANCE CREATING LOCAL IMPROVEMENT DISTRICT NO. 7 IN THE CITY OF PAYETTE, PAYETTE COUNTY, IDAHO, DEFINING THE BOUNDARIES OF SAID LOCAL IMPROVEMENT DISTRICT NO. 7 AND THE POINTS BETWEEN WHICH SAID IMPROVEMENTS ARE TO BE MADE, DESCRIBING THE PROPERTY TO BE INCLUDED IN SAID DISTRICT, PROVIDING FOR THE IMPROVEMENT OF ALL PROPERTY FACING ON HUGHES DRIVE BETWEEN HIGHWAY 52 AND SOUTH CITY LIMITS, SUNSET DRIVE AND SUNRISE DRIVE, HIGHLAND DRIVE BETWEEN SIXTH AVENUE SOUTH AND PERRY DRIVE, TWENTIETH STREET BETWEEN THIRD AVENUE SOUTH AND INCLUDING FOURTH AVENUE SOUTH TO HIGHLAND DRIVE, EIGHTEENTH STREET BETWEEN SECOND AVENUE SOUTH AND FIRST AVENUE SOUTH, NINETEENTH STREET BETWEEN FIRST AVENUE SOUTH AND ONE-HALF BLOCK SOUTH OF FIRST AVENUE SOUTH, TWENTIETH STREET BETWEEN THIRD AVENUE NORTH AND ONE-HALF BLOCK SOUTH OF MOSS AVENUE, TWENTY-FIRST STREET BETWEEN THIRD AVENUE NORTH AND CENTER AVENUE, FIRST AVENUE SOUTH BETWEEN LOWER PAYETTE CANAL AND CITY LIMITS, MOSS AVENUE BETWEEN TWENTIETH STREET AND CITY LIMITS, SECOND AVENUE SOUTH BETWEEN MOSS AVENUE AND CITY LIMITS, CENTER AVENUE BETWEEN LOWER PAYETTE CANAL AND IOWA AVENUE, FIRST AVENUE NORTH BETWEEN TWENTIETH STREET AND TWENTY-FIRST STREET, DECKER DRIVE BETWEEN TWENTIETH STREET AND TWENTY-FIRST STREET, AND THIRD AVENUE NORTH BETWEEN TWENTIETH STREET AND TWENTY-FIRST STREET BY PAVING THE SAME FOR THE FULL WIDTH BETWEEN CURBS WITH A PERMANENT TYPE 2 INCH ASPHALTIC PAVEMENT, INCLUDING THE NECESSARY EXCAVATIONS, DRAINAGE, CURBS AND GUTTERS WHERE NEEDED, AND OTHER NECESSARY LABOR TO BE DONE IN CONJUNCTION WITH SAID WORK, ALL OF SAID IMPROVEMENTS TO BE MADE ACCORDING TO PLANS AND SPECIFICATIONS ADOPTED AND APPROVED BY THE CITY COUNCIL, AND PROVING THAT ALL OF THE IMPROVEMENTS BE MADE AND THAT THE CITY SHALL PAY FROM THE GENERAL FUND THE COST OF INSTALLING NECESSARY DRAINAGE AND PAVING AND CURBING CITY OWNED PROPERTY, THE COST OF WHICH IS ESTIMATED TO BE \$4,025.00; AND THAT THE REMAINING COST OF SAID IMPROVEMENTS, INCLUDING THE PAVING WITHIN INTERSECTIONS AND WHEREIN ONE MAIN STREET TERMINATES IN OR CROSSES ANOTHER MAIN STREET, WHICH IS ESTIMATED TO BE \$124,475.00, BE TAXED AND ASSESSED UPON ALL THE PROPERTY IN SAID IMPROVEMENT DISTRICT, WHICH COST AND EXPENSE SHALL BE ASSESSED IN PROPORTION TO THE NUMBER OF SQUARE FEET OF SUCH LANDS AND LOTS ABUTTING, ADJOINING, CONTIGUOUS AND ADJACENT THERETO AND INCLUDED IN THE IMPROVEMENT DISTRICT FORMED AND IN PROPORTION TO THE BENEFITS DERIVED TO SUCH PROPERTY BY SAID IMPROVEMENTS, PROVIDING FOR THE PAYMENT OF THAT PART OF THE COST AND EXPENSE OF SAID IMPROVEMENTS TO BE BORNE BY THE PROPERTY OWNERS BY THE ISSUANCE OF BONDS OF SAID LOCAL IMPROVEMENT DISTRICT NO. 7 AND THE LEVYING AND THE COLLECTION OF SPECIAL TAX ASSESSMENTS IN TEN EQUAL INSTALLMENTS, WHICH BONDS SHALL BE ISSUED AND SPECIAL TAX ASSESSMENTS LEVIED AS PROVIDED BY THE LOCAL IMPROVEMENT DISTRICT CODE, BEING CHAPTER 29 TITLE 50 IDAHO CODE, AND PROVIDING THAT ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE.

BE IT ORDAINED BY THE Mayor and City Council of the City of Payette, Payette County, Idaho.

Section 1. That there is hereby established Local Improvement District No. 7 for paving and curbs in the City of Payette, which includes all property facing on

- Hughes Drive between Highway 52 and south city limits
- Sunset Drive and Sunrise Drive
- Highland Drive between 6th Avenue South and Perry Drive
- 20th Street between 3rd Avenue South and including 4th Avenue South to Highland Drive
- 18th Street between 2nd Avenue South and 1st Avenue South
- 19th Street between 1st Avenue South and one-half block south of 1st Avenue South
- 20th Street between 3rd Avenue North and one-half block south of Moss Avenue
- 21st Street between 3rd Avenue North and Center Avenue
- 1st Avenue South between Lower Payette Canal and city limits

Moss Avenue between 20th Street and city limits
2nd Avenue South between Moss Avenue and city limits
Center Avenue between Lower Payette Canal and Iowa Avenue
1st Avenue North between 20th Street and 21st Street
Decker Drive between 20th Street and 21st Street
3rd Avenue North between 20th Street and 21st Street

or abutting, adjoining, contiguous and adjacent thereto for the paving of said portions of said streets from curb to curb with a permanent type 2 inch asphaltic concrete pavement, including the necessary excavations, necessary drainage, a sufficient gravel base, adjustment of manholes and catch basins to the finished grade and curbs and gutters where needed, and other labor to be done in conjunction with said work as shall be prescribed. The boundaries of the district are as follows:

Beginning at the Southwest corner of Lot 1, Block 4 of the Whiteley Heights Addition as recored in the office of the Payette County Recorder, Payette, Idaho; thence N $0^{\circ}14'W$ 887.1 feet to the Northwest corner of Lot 16, Block 4 of Whiteley Heights Addition; thence S $89^{\circ}46'W$ 59.5 feet to the West side of 20th Street; thence N $0^{\circ}14'W$ 50.6 feet to the Southeast corner of Lot 23, Block 1 of Richards Subdivision; thence West 100 feet to the Southwest corner of Lot 23, thence N $0^{\circ}14'W$ 400 feet to the Northwest corner of Lot 20, Block 1 of Richards Subdivision; thence East to the East line of Lot 1 Block 5 of Whiteley Heights Addition; thence in a Southeasterly direction to the Southeast corner of Lot 1, Block 5 which bears S $89^{\circ}59'E$ 22 feet from the Northwest corner of the $SE\frac{1}{4}SE\frac{1}{4}$ of Section 34, T9N, R5W of the Boise Meridian; thence S $89^{\circ}59'E$ 38.4 feet, thence S $39^{\circ}50'E$ to the Southeast corner of Lot 20, Block 5 of Whiteley Heights Addition, thence S $0^{\circ}14'E$ 250 feet to the Southwest corner of Lot 10, Block 5 of said Whiteley Heights Addition; thence N $89^{\circ}46'E$ to the Southeast corner of said Lot 10, Block 5; thence in a Southeasterly direction to the middle of the radius on the North side of Lot 17, Block 8 of Whiteley Heights, thence S $0^{\circ}12'E$ to the South side line of Lot 17, Block 8; thence East to the Northeast corner of Lot 16, Block 8, of Whiteley Heights Addition; thence S $33^{\circ}44'E$ to the North corner of Lot 18, Block 8, of Whiteley Heights Addition; thence in a Southwesterly direction to the Northeast corner of Lot 13, Block 8, of Whiteley Heights Addition; thence S $0^{\circ}12'E$ 630 feet to the South side line of Section 34, T9N, R5W of the Boise Meridian; thence West 310 feet to the place of beginning.

Also beginning at the Southeast corner of Lot 12, Block 2 of Whiteley Heights Addition; thence N $28^{\circ}44'W$ 633.5 feet to the Northeast corner of Lot

ection along the South line of said Lot 1, Block 6, to the Southwest corner thereof; thence North along the West side line of said Lot 1, Block 6 to a point which is 528.7 feet South and 60 feet East of the Northeast corner of Lot 6, Block 3 of the Payette Heights Addition; thence 60 feet West to a point which is 528.7 feet South of said Lot 6, Block 3 of said addition, being also the intersection of the Northerly side of Southeast Avenue and the West side of 20th Street; thence in a Northwesterly direction along the Northerly side of Southeast Avenue to the intersection with the South side of Lot 11, Block 3 of said addition; thence East 75 feet; thence North 150 feet to the Northeast corner of Lot 10, Block 3 of said addition; thence West 475 feet to the Northeast corner of Lot 12, Block 4 of said addition; thence South 150 feet to the Southeast corner of said Lot 12, Block 4; thence West 225 feet to the Southwest corner of Block 5 of said addition; thence in a Northeasterly direction along the West side of said Block 5 to the North corner thereof; thence along the East bank of the Lower Payette Canal to the Southwest corner of Lot 1, Block 1 of said addition; thence in a Northerly direction to the Northwest corner of Lot 12, Block 1 of said addition; thence in a Northerly direction to a point being the South end of the West side line of the Harris Addition to the City of Payette; thence $N4^{\circ}28'W$ 250.54 feet to the Northwest corner of Lot 5, Block 2 of said addition; thence $S 89^{\circ}44'E$ 159.25 feet to the Northeast corner of said Lot 5, Block 2; thence South 50 feet; thence $S 89^{\circ}44'E$ 340 feet to the Southeast corner of Lot 4, Block 3 of said addition; thence North along the West side line of said addition 474.87 feet to the North side line of 2nd Avenue North; thence $S 89^{\circ}44'E$ 86 feet to the Southwest corner of Lot 10 of Greene's 1st Addition; thence North 609.74 feet to the Northwest corner of Lot 1 of said addition; thence East along the North side line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, T9N, R5W of the Boise Meridian 805 feet to the East side of 21st Street; thence South 30 feet; thence East and parallel to said forty line, 150 feet; thence South 447.5 feet; thence West 150 feet; thence South to the Northwest corner of Lot 10, Block 5 of Patch's Addition; thence East 310 feet to the Northeast corner of Lot 1, Block 5 of said addition; thence South 126.6 feet to the Northwest corner of Norris' 1st Addition; thence East 325 feet to the Northeast corner of said addition; thence South 150 feet to the Southeast corner of said addition; thence in a Southerly direction to the Northeast corner

of the Evans-Donohoe Addition; thence South along the East side line of said addition; 152.5 feet; thence West 900.21 feet; thence South 953.93 feet to the place of beginning.

All in accordance with the Resolution of Intention as passed by the Mayor and City Council of the City of Payette on February 6, 1961. Such property is more specifically described as follows:

Lots 1 through 10, and lots 12 and 14 in Block 1; Lot 1 and Lots 4 through 12 in Block 2; Lots 1 through 16 in Block 4; a portion of Lot 1 and Lots 11 through 21 in Block 5; Lot 1 in Block 6; Lots 1 through 16 and a portion of Lot 17 in Block 8 all in Whiteley Heights Addition; Lots 1 through 3 and Lots 6 through 23 in Block 1, Richards Subdivision; All of Block 1, 2 and 3 in DeBord's 1st Addition; Lots 2 through 5, Block 7; Lots 1 through 9, Block 3, Lots 1 through 6 and Lots 12, 13 and 14, Block 4, all of Blocks 1, 2 & 5; all in the Payette Heights Addition; Tax Nos. 5, 32, 38, 39, 51, 60, and 63 in Block 11, Section 34, T9N., R5W of Boise Meridian; Lot 5, Block 2 and Lot 5, Block 3, Harris Addition; Lots 1 through 10, Greene's 1st Addition; All of Blocks 1, 2 and 3 in Decker's 1st Subdivision; Tax Nos. 1 and 2 of Block 14 and Tax 2 of Block 15, Section 34, T9N, R5W, Boise Meridian; all of Block 5, Lots 1 through 11, Block 1; Lots 1 through 7, Block 2; Lots 1 through 15 and a portion of Lot 16, Block 3; all of Block 4; all in Patch's Addition; Lots 4 and 5 of the Evans-Donohoe Addition; and Tax 27, Block 17, Section 34, T9N, R5W, Boise Meridian.

Section 2. That the general character of said proposed improvements in said Local Improvement District No. 7 for paving and curbs shall be as follows: The excavation of the portions of said streets to be improved between curbs to provide space for crushed gravel, the placing of sufficient pit run gravel as a base for the asphaltic pavement. The installation of necessary drainage. The adjustment of manholes and catch basins to the finished grade. The construction of curbs and gutters where needed on said streets, and the placing of a 2 inch asphaltic pavement from gutter to gutter and other labor to be done in conjunction with said work. All of said improvements shall be made, and shall be made in accordance with the plans and specifications adopted and approved by the City Council.

Section 3. That the City shall pay from the General Fund the cost of installing necessary drainage and paving and curbing city owned property, the cost of which is estimated to be \$4,025.00, and the cost of the remaining

7, Block 2, Whiteley Heights Addition; thence N $32^{\circ}29'W$ 251 feet to the Northwest corner of Lot 6, Block 2, Whiteley Heights Addition; thence N $60^{\circ}35'W$ 301.4 feet to the Southwest corner of Lot 2, Block 2, Whiteley Heights Addition; thence N $29^{\circ}25'E$ 60 feet to the Northeast corner of Lot 1, Block 2, Whiteley Heights Addition; thence in a Northwesterly direction along the North side line of Lot 1, Block 2, Whiteley Heights Addition to the Northwest corner thereof; thence West 61.9 feet across Hughes Drive to the Northeast corner of Lot 1, Block 1, Whiteley Heights Addition; thence West 63.9 feet to the Northwest corner of Lot 1, Block 1, Whiteley Heights Addition; thence S $24^{\circ}40\frac{1}{2}'E$ 758.2 feet to the Northwest corner of Lot 11, Block 1, said addition; thence N $61^{\circ}16'E$ 50 feet to the Northeast corner of said lot; then S $24^{\circ}40\frac{1}{2}'E$ 300 feet to the Southeast corner of Lot 15, Block 1, said addition; thence N $61^{\circ}16'E$ 169 feet to the Southeast corner of Lot 14, Block 1, said addition; thence S $29^{\circ}05'E$ 226 feet to a point on the South side line of the $NE\frac{1}{4}NE\frac{1}{4}$ Sec. 3, T8N, R5W, of the Boise Meridian from which the Southwest corner of said $NE\frac{1}{4}NE\frac{1}{4}$ bears N $89^{\circ}57'W$ 272.04 feet; thence S $89^{\circ}57'E$ along said forty line to a point which is S $0^{\circ}03'W$ 25 feet of the Southeast corner of Lot 12, Block 2, Whiteley Heights Addition, being also the point of beginning; thence N $0^{\circ}03'E$ 25 to the point of beginning.

Also beginning at the Southeast corner of Lot 16, Block 1 of Richards Subdivision; thence West along the South side line of said subdivision 355.4 feet to the Southwest corner of Lot 6, Block 1 of said subdivision; thence N $10^{\circ}14'W$ 152.4 feet to a point 35.6 feet East of the Southeast corner of Lot 3, Block 1, said subdivision; thence West 178.1 feet to the Southwest corner of said Lot 3, Block 1; thence North along the West side line of said subdivision 250 feet to the Northwest corner of Lot 1, Block 1, said subdivision; thence East along the North side line of said subdivision, being also the South side line of 3rd Avenue South 556.4 feet to the Northeast corner of Lot 19, Block 1, said subdivision; thence in a Southerly direction 400 feet to the point of beginning.

Also beginning at the Southeast corner of Lot 7, Block 3, of DeBord's 1st Addition; thence N $58^{\circ}53'W$ along the Southerly line of said Block 3, being also the Northerly line of Block 6, Whiteley Heights Addition; to the Northeast corner of Lot 1, Block 6, of said addition; thence S $50^{\circ}10'W$ 60 feet to the Southeast corner of said lot; thence in a Northwesterly dire-

portions of the improvements, including paving within the intersections estimated to be \$124,475.00, shall be taxed and assessed upon all of the property described in Section 1 of this Ordinance and in said Local Improvement District No. 7 for paving and curbs, which costs and expense shall be assessed in proportion to the number of square feet of lots and lands abutting, adjoining, contiguous and adjacent to the portions of the streets to be improved and in the improvement district formed and in proportion to the benefits derived to such property by said improvements and shall be paid in ten equal annual installments.

Section 4. That the said work of making the said improvements with the exception of the installation of the necessary drainage and adjustment of manholes and catch basins to the finished grade shall be performed by contract let to the lowest and best responsible bidder or bidders as required by law, and the entire improvements and work shall be under the control and direction of the City Engineer.

Section 5. That for such installments the city shall issue, in the name of the municipality, improvements bonds of said Local Improvement District No. 7 for paving and curbs. Said bonds shall be serial in form and as nearly as may be with ten equal annual maturities, the first installment to mature within one year from the date thereof and that the last installment to mature not more than ten years from date and numbered from one (1) upward consecutively, and shall bear interest at the rate of not to exceed six (6) per cent per annum payable annually which bonds shall be in denominations of \$500.00 each, except that bond No. 1 may be of a denomination other than the multiple of \$500.00. Each bond and coupon shall be signed by the Mayor, countersigned by the City Treasurer and attested by the City Clerk, except that the coupons, in lieu of being signed, shall have printed thereon the facsimile of the signature of said officers and each bond shall have the seal of the city affixed thereto and shall refer to the Improvement District for the payment of which the same shall be issued and each bond shall provide that the principal sum therein named and the interest thereon shall be payable out of the Local Improvement District Fund created for the cost and expense of such improvements and not otherwise.

Section 6. Such bonds may be issued to the contractor constructing the improvements in payment thereof or the Mayor and City Council may proceed to

sell the bonds at not less than their par value net and pay the proceeds thereof to the contractor. If the council shall determine to issue and sell said bonds they may, for the purpose of making said improvements as the same are installed prior to the sale of the said bonds, issue warrants against the improvement district payable to the contractor or other person upon the estimates of the City Engineer bearing interest at five (5) per cent per annum, which warrants together with interest thereon to the date of the issuance of such bonds shall be redeemed and retired by the proceeds of the sale of said bonds.

Section 7. Said bonds shall not be issued in excess of the contract price including engineering, legal and clerical services, advertising, cost of construction, cost of collecting assessments and interest on warrants issued as aforesaid, and the installments shall include the annual interest on installments to the maturity thereof and said assessments herein provided for against the lots, peices and parcels of land included within said Local Improvement District No. 7 for paving and curbs, shall be levied each year, by the Mayor and City Council, sufficient to redeem the installment of said bonds next thereafter maturing together with the interest due at the maturity of the next installment.

Section 8. That all matters and things done and performed in regard to the creation of the said Local Improvement District, the mode and manner of payments thereof, and the mode, the issuance and form of bonds of said district, and the mode and manner of making and collecting the assessments shall be governed by the provisions of the Local Improvement District Code, Chapter 29, Title 50, Idaho Code, and each and all of the provisions thereof in regard to all of said matters and all matters concerning the creating of the improvement district and the doing of the improvements and the payments thereof are hereby expressly incorporated as a part of this ordinance.

Section 9. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 10. This ordinance shall take effect and be in full force upon its passage, approval and publication in one issue of the Independent-Enterprise, a weekly newspaper of general circulation in said city and the official newspaper thereof.

Passed under suspension of rules at a regularly meeting of the City