

ORDINANCE NO. ~~348~~ 349

By Councilman *Shurwood*

AN ORDINANCE ESTABLISHING LOCAL IMPROVEMENT DISTRICT NO. 5, FOR THE PURPOSES OF GRADING, PAVING AND SURFACE DRAINING CERTAIN AVENUES, STREETS AND PARTS OF STREETS WITHIN THE CITY OF PAYETTE, IDAHO, ORDERING THE MAKING OF SAID IMPROVEMENT, AND PROVIDING FOR THE PAYMENT OF EXPENSES THEREOF BY SPECIAL ASSESSMENT TO BE LEVIED AGAINST THE ABUTTING, CONTIGUOUS AND TRIBUTARY PROPERTY AND DEFINING THE DUTIES AND POWERS OF THE STREET COMMITTEE IN CONNECTION THEREWITH.

WHEREAS, the City of Payette, Idaho, did on the 25th day of July, A. D. 1921, adopt Ordinance No. 346, declaring its intention to grade, pave and surface drain certain avenues, streets and parts of streets in said city, and providing therein for the payment of the costs and expenses of such improvement by the levying of a special assessment against the abutting, contiguous and tributary, property, and defining the duties and powers of the Street Committee in connection therewith;

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

SECTION 1. That there be and hereby is established within the City of Payette, State of Idaho, local improvement District No. 5 consisting of the avenues, streets and parts of streets and avenues in said City as follows, to-wit:

Beginning at the intersection of Center Avenue with the east side line of Improvement District No. 4 and extending east along Center Avenue 304 feet to the west side line of 9th street, the pavement thereon to be 67 feet in width;

Also beginning at the intersection of the center line of 8th Street and 2nd Avenue South and extending east 1587 feet to an intersection with the center line of 12th Street; thence south along 12th Street 360 feet to the north side line of 3rd Avenue South; thence Southeast along and across 3rd Avenue South 200 feet to an intersection of the south side line of 3rd Avenue South with the center line of 12th Street, the pavement thereon to be 20 feet in width, extending 10 feet on each side of the above described line;

Thence south along 12th Street 1306.5 feet to the north side line of 6th Avenue South, the pavement thereon to be 18 feet in width extending 9 feet on each side of the above described line.

And including all the property fronting or abutting

or contiguous or tributary to said avenues and streets between the points above specified, and to the distances back from such streets and avenues, if platted in blocks to the center of the blocks, if platted in lots to the center of the lots, and if not platted to a distance of 125 feet.

SECTION 2. That such avenues and streets in said Local Improvement District No. 5 be graded, paved, and surface drained between the points as hereinbefore specified, the said paving to be done with some suitable pavement, according to the general plans on file in the offices of the City Engineer and City Clerk.

All such improvements to be made under the supervision of the City Engineer and the City Council of the said City of Payette, Idaho, and in accordance with the plans and specifications for said improvement on file in the office of the City Engineer of said City, and in accordance with the provisions of this Ordinance.

SECTION 3. That the said improvements be made and the costs and expenses thereof be assessed upon and against the lands and lots within said improvement district.

That upon the passage of this Ordinance the Committee on Streets of said City, together with the City Engineer, shall make out an assessment roll in accordance with the provisions of the laws of the State of Idaho relating to such improvement and in accordance with the provisions of this Ordinance, and shall certify the same to the City Council of said City of Payette, Idaho.

The said Street Committee shall be organized by the selection of a chairman and their deliberations shall be governed by the rules governing the said City Council.

Their meetings shall be called by the Chairman and the City Clerk shall act as Clerk of the Committee, and shall keep a record of the proceedings.

SECTION 4. Said Street Committee shall ascertain the total costs of making said proposed improvements, and shall make an examination of all the property within said District as aforesaid, and the said assessment shall be in accordance with and in proportion to the front footage abutting, contiguous or tributary to the avenues and streets or parts of avenues or streets to be improved, and included in said improvement district for said grading, paving, and surface draining, in proportion to the number of feet fronting thereon, and in proportion to the benefits that would accrue to said property so assessed by reason of the proposed grading, paving and surface draining of said streets and avenues.

All the property within said local improvement district No. 5 shall be assessed as aforesaid for the cost of said improvements herein ordered, including the cost and expense of improvement in the space formed by the junction of two or more streets or avenues or where one main street or avenue terminates in or crosses another main street or avenue, and also all street crossings, or crosswalks.

Where any work or improvement is done by virtue of this Ordinance on one side of the center of any street or avenue the property on that side only shall be assessed.

SECTION 5. That the said assessment roll prepared by said Street Committee shall contain, among other things, the names of the property owners affected by the proposed improvement, a description of each piece, lot or parcel of land, and the amount assessed against the same. Upon receiving the assessment roll the City Clerk shall give notice by three successive publications in the Official Newspaper of said City of Payette, that said assessment roll is on file in his office, the date of filing the same, and said notice shall state a time at which the Council of said City will hear and consider

objections to said assessment roll by the parties aggrieved by such assessment.

The owner or owners of any property which is assessed in such assessment roll, whether named or not in such roll, may, within ten days from the last publication of said notice, as provided herein, file with the Clerk his objections in writing to said assessment roll.

SECTION 6. That all assessments hereinbefore provided for be known as Special Assessments for improvements, and shall be levied and collected as separate taxes in addition to the taxes for general revenue purposes to be placed upon the tax roll for collection, subject to the same penalty and collected in the same manner as other City Taxes.

SECTION 7. That the Mayor and Council of the City of Payette, Idaho, may in their discretion provide for the payment of the expenses of making the improvements herein ordered in installments by the issuing of improvement bonds of said District said installments being in equal annual payments at not to exceed 7% per annum interest, and to be payable on or before 10 years from the date of issue.

Such bonds shall not be issued in any amount in excess of the contract price of the proposed improvements, except that the installment coupon shall include interest on such installments to the maturity thereof. Such bonds may, at the discretion of the Mayor and Council of the City of Payette, be issued to the contractor who shall construct the proposed improvement or be sold at not less than their par value net, and the proceeds thereof to be paid to the contractor.

The bonds shall be in such denominations as the Mayor and Council of said City shall deem proper.

For the payment of installments on such bonds the Mayor and Council of said City of Payette are hereby

empowered and they shall levy annual special assessments against the specific property abutting, contiguous and tributary to the proposed improvements hereinbefore provided for, and in proportion to the benefits derived, sufficient to redeem the installments of such bonds next thereafter maturing, with interest thereon not to exceed 7% per annum from the date of the issuance of such bonds until the date of the installment next thereafter maturing.

SECTION 8. The owner of any piece of property liable for any such special assessment chargeable against his property may redeem his property from such liability by paying the entire assessment chargeable against his property, upon the City Clerk of said City having published a printed notice in the Official Newspaper of the said City for ten consecutive days or three consecutive weekly issues, before the issuance of such bonds, which notice shall state the time for payment to begin, and the time for payment to close, the last day of said notice to be not less than thirty days before the issuance of such bonds, or after the issuance of the bonds by paying all the installments of the assessments which have been levied and also the amount of the unlevied installments, with the interest on the latter at the rate provided in said bonds from the date of the issuance of said bonds to the time of maturity of the last installment. All such assessments shall be paid to the proper officers of said City, as provided by law.

The funds arising from all assessments levied for the redemption of said bonds shall be applied solely toward the payment of the costs and expenses of such improvement and the redemption of said bonds issued therefor.


SECTION 9. The bonds herein provided for shall have printed thereon, among other things, substantially the following:

"The holder of this bond shall have no claim against the City of Payette, Idaho, in any event, except for the collection of the special assessment made for the improvement for which the same was issued, but his remedy, in case of nonpayment, shall be confined to the enforcement of such assessments."

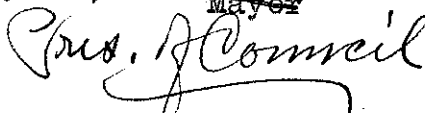
SECTION 10. The procedure for carrying out the provisions of this Ordinance shall be governed by the provisions of the laws of the State of Idaho relating to the powers of cities, villages and municipal corporations.

Passed by the Council of the City of Payette, Idaho, this 9th day of August, A. D. 1921.

Approved by the Mayor of the City of Payette, Idaho, this 9th day of August, A. D. 1921.



Mayor



Pres. of Council

ATTEST:



City Clerk.