

Ordinance No. 52

An ordinance providing for, and regulating the manner of the establishment, extension, laying out, altering and opening of streets and alleys in the City of Payette, for the taking of private property for such public use, and for the election and compensation of appraisers therefor.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF PAYETTE.

Section 1. That whenever any streets or alleys shall hereafter be established, extended, laid out, altered or opened within the City of Payette, all property necessary therefor, except such as shall be donated by the owners thereof, to the public, shall be condemned and appropriated for such public use, as hereinafter set forth.

Section 2. Adequate compensation shall be made by the City of Payette to the person or persons whose property shall be thus acquired by the said city, or injured or damaged by reason of the establishment, extension, laying out, altering or opening of any street or alley, such compensation to be determined by five disinterested property holders of the City of Payette, who shall be elected by the Mayor and Council of said city, at any regular or adjourned meeting thereof, and who, before entering upon their said duties, shall be sworn to discharge the same in a faithful manner. The five persons so to be elected shall each receive as compensation for such services, from the City of Payette, the sum of Two Dollars per day for the time employed in appraising such property.

Section 3. After performing the service above mentioned, the said board of appraisers shall, within 6 days from the time of their appointment, report to the Mayor and Council, in writing, their estimate of the damage to the owner of any land or premises over which the proposed establishment, extension, laying out, altering or opening extends, by reason thereof.

Section 4. The Mayor and Council, on the coming in of the report of the said appraisers, must fix a day for the hearing of the same, and the City Clerk shall notify the owners of any land so affected, of said hearing, by having a written notice served upon them personally, if they can be found within the City of Payette, but if not, then upon the occupant of the said land or agent thereof, if such can be found in the said City of Payette, at least 20 days before the time of such hearing, if such owner, agent or occupant cannot be found in the said city, then the said notice together

with a copy of the report of the said appraisers, shall be deposited in the Post Office at Fayette, Idaho, postage fully prepaid, and directed to the said owner at his last known address, at least 20 days prior to the day fixed for hearing of said report, and a copy of said notice shall be ^{posted} in the most conspicuous place on the said land sought to be condemned. The Mayor and Council must, on the day fixed for the said hearing, or to which the same may be postponed or adjourned, hear any and all objections which may be presented by the owner or agent, as above described, and declare the report of the appraisers to be approved or rejected.

Section 5. If the Mayor and Council approve the report, the City Clerk shall ^{or tender} pay to the land owner or his duly authorized agent, the amount of damages assessed by the said appraisers, if such owner or agent can be found within the said City of Fayette, but if not, then the said owner or agent shall be notified that the said amount of money is deposited with the City Treasurer of the said City of Fayette, subject to ^{his} order, whereupon, the City Marshal, ^{after} he shall have been given the proper lines by the City Engineer, shall proceed to open the proposed street or alley, by the removal of all obstructions.

Section 6. All ordinances and parts of ordinances in conflict ~~with~~ with, are hereby repealed. Passed and approved this 13th day of July, 1908.

Attest, G. W. Baker
City Clerk.

J. Criston
Mayor.

~~Passed and approved~~ 1908