

JULY 13, 1971

The City Council of the City of Idaho Falls, County of Bonneville, State of Idaho, met in a special meeting on Tuesday, the 13th day of July, 1971, at the hour of 12:00 o'clock noon at the Sir C Room in the Hotel Bonneville, Idaho Falls, Idaho; due and legal notice of said meeting having been given as required by law and the rules and ordinances of the City.

On roll call, the following members, constituting a quorum, were present: Mayor Pro Tem Jim Freeman; Councilmen Dale Parish, Melvin Erickson, Jack Wood, Gordon Nelson and Paul Hovey. Absent: Mayor S. Eddie Pedersen and Roy C. Barnes, City Clerk. Also present: Gladys C. Jensen, Deputy City Clerk; Arthur C. Smith, City Attorney.

Councilman Parish introduced the following resolution in writing and moved its adoption:

RESOLUTION (Resolution No. 1971-21)

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF IDAHO FALLS, IDAHO, TO CONSTRUCT SANITARY SEWERS IN AND ALONG CERTAIN STREETS, ALLEYS, EASEMENTS, AND RIGHTS-OF-WAY, AND PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF SAID CITY; TO CREATE AN ENLARGED LOCAL IMPROVEMENT DISTRICT NO. 41 OF THE CITY OF IDAHO FALLS, FOR THE PURPOSE OF MAKING SAID IMPROVEMENTS; TO DEFRAY THE COSTS AND EXPENSES OF SAID DISTRICT AND OF SAID IMPROVEMENTS BY SPECIAL ASSESSMENTS LEVIED ON AND AGAINST THE LOTS, TRACTS AND PARCELS OF LAND ABUTTING, ADJOINING AND ADJACENT TO THE STREETS AND ALLEYS, EASEMENTS AND RIGHT-OF-WAY IN WHICH SAID SEWER LINES ARE CONSTRUCTED, AND ON AND AGAINST ALL TRACTS, LOTS AND PARCELS OF LAND IN SAID DISTRICT SPECIALLY BENEFITED BY SUCH IMPROVEMENT, EXCEPT FOR THE SUM OF \$10,000.00 TO BE PAID BY THE CITY OF IDAHO FALLS; PROVIDING THE BASIS UPON WHICH SUCH SPECIAL ASSESSMENTS SHALL BE LEVIED AND FIXING THE RATIO OF BENEFITS TO SAID PROPERTY; GIVING THE KIND AND CHARACTER OF SUCH IMPROVEMENTS AND THE ESTIMATED TOTAL COST THEREOF; FIXING THE TIME WHEN PROTESTS AGAINST SAID 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 THE GIVING OF LEGAL NOTICE THEREOF.

WHEREAS, the City Council of the City of Idaho Falls, Idaho, deems it for the best interests of said City to construct sanitary sewers in and along certain streets and alleys, easements and rights-of-way and parts thereof, within the corporate limits of said City, hereinafter particularly described, and for the making of said improvements to create Enlarged Local Improvement District No. 41 for the City of Idaho Falls, Idaho, and

WHEREAS, the local improvements will be of such nature and character that the special benefit resulting there from, extend beyond the boundaries of the property authorized to be assessed for the costs and expenses thereof by Section 50-1717, Idaho Code. The City Council deems it advisable to create an Enlarged Local Improvement District, which will include, as near as may be, the property specially benefited by such improvements, which said property shall be assessed for a portion of the costs and expenses of such improvements in accordance with the special benefits to such property to be determined and fixed by the Council when the district is created, all as provided by Section 50-1712, Idaho Code, and

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WHEREAS, the estimated total cost of said Enlarged District and of said improvements is \$112,000.00, of which sum \$10,000.00 is the total estimated cost of said improvements within street and alley intersections, and

WHEREAS, the City Council is authorized by law to assess the entire cost of said District and of said improvements by special assessments levied on and against all lots, tracts and parcels of land abutting, adjoining and adjacent to the streets and alleys, easements and rights-of-way in which said sewers are constructed and against all tracts, lots and parcels of land in said District specially benefited by such improvement, except for the sum of \$10,000.00 to be paid by the City of Idaho Falls, and to defray the cost by such assessments to the extent of \$102,000.00:

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

Section 1: That the City of Idaho Falls, Idaho, does hereby declare its intention to construct sanitary sewers in certain streets, alleys, easements and rights-of-way and parts thereof, within the corporate limits of said City, and for that purpose to create and establish an Enlarged Local Improvement District No 41. of the City of Idaho Falls, Idaho, the lands and lots in said District and the boundaries of said District are described as follows:

Beginning at the South Quarter Corner of Section Eight (8), Township Two (2) North, Range Thirty-eight (38), East Boise Meridian, and proceeding North 0°33'02" East along the Quarter Section line a distance of 50.00 feet to the Real Point of Beginning, said point also being on the North right-of-way line of the Lincoln Road; thence Westerly along said right-of-way a distance of 341.29 feet to the point of intersection of the North right-of-way line of the aforementioned Lincoln Road and the Southeasterly right-of-way line of Yellowstone Highway; thence North 51°50' East along the Southeasterly right-of-way line of the Yellowstone Highway a distance of approximately 306 feet; thence North 37°56' West a distance of 290.81 feet; thence North 52°04' East a distance of 297.64 feet to a point on a 2841.13 foot radius curve (concave to the East) whose interior angle is 2°38'35"; thence along said curve a distance of 131.06 feet. Said curve also being the Westerly right-of-way line of Hemmert Avenue (80 feet wide); thence North 0°11'15" East along said right-of-way a distance of 456.41 feet; thence South 89°32'23" East a distance of 30 feet to the Westerly right-of-way line of Hemmert Avenue (50 feet wide); thence North 0°11'15" East a distance of 790.70 feet; thence South 87°16'45" East a distance of 258.18 feet; thence North 33°15'20" East a distance of 315.80 feet; thence South 67°42'35" East a distance of 218.70 feet; thence South 17°00'57" West a distance of 377.02 feet; thence South 68°02'10" a distance of 18.76 feet; thence South 23°00'45" East a distance of 900.60 feet; thence South 37°57'45" East a distance of 20.00 feet to the Southeasterly right-of-way line of the North Yellowstone Highway; thence South 2°12' East a distance of 970.3 feet to the North right-of-way line of the Lincoln Road; thence East a distance of

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20.0 feet; thence North 2°12' West a distance of 344.4 feet; thence North 67°45' East a distance of 557.9 feet, more or less, to the West right-of-way line of the Idaho Canal; thence in a Southerly direction along said Canal right-of-way line a distance of 1191 feet, more or less, to a point that is North 89°40' East and a distance of 30 feet from the Northeast corner of the Bel Aire Addition, Division No. 3 to the City of Idaho Falls, Idaho; thence South 89°40' West a distance of 1080.72 feet to the Quarter Section Line of Section Seventeen (17), Township Two, (2) North, Range Thirty-eight (38), East of the Boise Meridian; thence North along said Quarter section line a distance of 587.80 feet to the Original Real Point of Beginning, containing approximately 65 acres.

The points between which said sanitary sewers are proposed to be laid, and the location thereof, are as follows:

ANDERSON STREET, from a point approximately 400 feet East of the North Yellowstone Highway Easterly to the Idaho Canal.

NORTH YELLOWSTONE HIGHWAY, from Hemmert Avenue Northeasterly to a point near Turnbull Drive.

HEMMERT AVENUE, from North Yellowstone Highway North to a point approximately 300 feet south of Browning Street.

TURNBULL DRIVE, from a point approximately 350 feet North to North Yellowstone Highway to a point approximately 150 feet East of Hemmert Avenue.

Through an easement parallel to and a distance of approximately 383 feet Northwest of the Northwest right-of-way line of the North Yellowstone Highway from Hemmert Avenue to Turnbull Drive.

Through an easement parallel to and a distance of 10 feet East of the Quarter Section Line common to the Southwest Quarter and the Southeast Quarter of Section Eight (8), Township Two (2) North, Range Thirty-eight (38), East of the Boise Meridian, from Lincoln Road to North Yellowstone Highway.

Section 2: The kind and character of said improvements are the construction sanitary sewers to service said district and all properties within the boundaries of said District, as heretofore described and located in Section 1 hereof, all according to the plans and specifications thereof, to be filed in the office of the City Engineer and in the office of the City Clerk of the City of Idaho Falls, Idaho, on or before the day hereinafter fixed for the hearing of protests against the creation of said District and the making of said improvements.

Section 3: Said improvement is an original improvement.

Section 4: The estimated cost and expense of said District and of said improvement, is \$112, 000.00, all of which is to be assessed against those lands in said District which will be benefited thereby, except the sum of \$10,000.00, which will be paid by the City of Idaho Falls.

Section 5: The cost of said District and of said improvement shall be paid by special assessments, levied and assessed against the lands of said District which will be benefited by said improvements as follows:

The lots and land benefited by such improvements and included in the improvement district heretofore particularly described, in proportion to the number of square feet of said lands as specifically benefited, (and divided and designated in three classes), sufficient to cover the entire cost and expenses of said district and said improvements except for the sum of \$10,000.00 to be paid by the City of Idaho Falls.

Section 6: The lots, parcels and tracts of land included in said District which will be benefited by said improvements and which will be assessed for such improvements of said District are as heretofore described in Section I herein.

Section 7: That the land comprising said district will be divided into three classes, viz: Class I, Class II & Class III. The land in Class I is that land lying within 125 feet of the proposed sanitary sewer or within 125 feet of the boundary of a street or alley in which said sewer is constructed; that the land in Class II is the land situate within 400 feet of said sewer and not closer thereto than 125 feet; that the land in Class III is that land which is situate more than 400 feet from the proposed sewer. The land designated as Class II shall be assessed per square foot at 6 2/3% of the assessment of the land in Class I. The land designated ad Class III shall be assessed per square foot at 33 1/3 % of the assessment of the land in Class I.

Section 8: Said improvement is to be made by the installation of sanitary sewers in the locations as set forth in Section 1 hereof.

Section 9: The cost and expenses of the improvement within the intersections will be paid by the City as aforementioned.

Section 10: That Thursday, the 12th day of August, 1971, at 7:30 o'clock p.m. of said day, in the Chambers of the City Council, in the City Hall in the City of Idaho Falls, Idaho, be, and the same are hereby designated as the time and the place when and where protests against the creation of the said District for the making of such improvements, shall be heard and considered by the City Council.

Section 11. All protests against the creation of said District or the making of said improvements to be considered must be in writing, filed in the office of the City Clerk, prior to the time set for the hearing thereof.

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Section 12. The City Clerk shall give notice of the passage of this resolution and the time within which protests against said proposed improvements or creation of said District may be filed, and the date when such protests will be heard and considered by the Council, such notice to further describe the general character of the improvement or improvements proposed to be made, and the estimated total cost thereof, and shall refer to the resolution on file thereto. Said City Clerk shall cause such notice to be published in the Post Register, the official newspaper of this municipality, in three consecutive issues, and shall cause a copy of such notice to be mailed to each owner of property, if known, or his agent, if unknown, within the limits of said proposed improvement district, addressed to such person at this post office address, if known, or if unknown, to the post office in the City of Idaho Falls, where said improvements are to be made, said notice to provide the expiration of the filing of protest shall be not less than five days after the date of the last publication of such notice or of the posting and mailing of the same. Said City Clerk shall file and maintain in his office proof of publication and an affidavit showing posting and mailing of such notices.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE
MAYOR OF IDAHO FALLS, IDAHO, THIS 13th day of July, 1971.

s/ S. Eddie Pedersen
Mayor

ATTEST: s/ Roy C. Barnes, City Clerk
By Gladys Jensen, Deputy City Clerk

Councilman Nelson seconded the adoption of Resolution No. 1, declaring the intention of the City Council of the City of Idaho Falls, Idaho, to create Enlarged Local Improvement District No. 41, and the same on being put to a vote was unanimously carried by the affirmative vote of all Councilmen present, the vote being as follows: Councilmen Jim Freeman, Dale Parish, Melvin Erickson, Jack Wood, Gordon Nelson, Paul Hovey.

A City redemption tax deed in favor of L. G. and Irene Nunes was presented, accompanied by this resolution:

RESOLUTION (Resolution No. 1971-22)

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by deed of the City Treasurer dated the 23rd day of January, 1969, recorded as Instrument No. 393296, records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Lot 32, Block 2, South Bel Aire #1 Addition to the City of Idaho Falls, Bonneville County, Idaho, as per recorded plat thereof.

WHEREAS, L. G. NUNES & IRENE NUNES, HIS WIFE, has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW, THEREFORE, BE IT RESOLVED:

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That the Mayor and City Clerk be, and they hereby are, authorized and directed, upon the payment of said sum of money by said purchaser to same, execute and deliver to the said L. G. Nunes & Irene Nunes a deed to said property, pursuant to the provision of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 13th day of July, 1971.

APPROVED BY THE MAYOR this 13th day of July, 1971.

s/ S. Eddie Pedersen
Mayor

ATTEST: s/ Roy C. Barnes, City Clerk
By Gladys C. Jensen, Deputy City Clerk

It was moved by Councilman Freeman, seconded by Nelson, that this resolution be passed and the Mayor and City Clerk be authorized to sign the resolution and deed. Roll call as follows: Ayes, 6; No, none; carried.

Councilman Parish presented a recommendation from the Public Works Committee and the City Engineer that property owned by DeLaine J. Heyrend, Doyle V. Heyrend and C. Steven Hatch, in the amount of thirty acres, at a price of \$30,000.00, be purchased as soon as possible, subject to approval of City Attorney Smith as to legal form. It was moved by Councilman Parish, seconded by Nelson that this be approved. Roll call as follows: Ayes, 6; No, none; carried.

There being no further business, it was moved by Councilman Freeman, seconded by Parish, that the meeting adjourn at 12:30 p.m., carried.

ATTEST: s/ Gladys C. Jensen
Deputy City Clerk

s/ James R. Freeman
Mayor Pro Tem

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