

MAY 8, 1962

The City Council of the City of Idaho Falls met in Recessed Regular Session Tuesday, May 8, 1962, at 8:00 P.M. in the Council Chambers at Idaho Falls, Idaho. There were present at said Meeting: Mayor W. J. O'Bryant; Councilmen Foote, Leahy, Creek. Absent: Councilman Page. Also present: Roy C. Barnes, City Clerk; George Barnard, City Attorney; Don Ellsworth, City Engineer; Alva Harris, Building Official; Milton Jones, Chief of Police; Luther Jenkins, Controller.

Minutes of the last Regular Meeting, held April 19th, 1962, were read and approved.

Mrs. Bessie Jones, Roberts, Idaho, appeared before the Council concerning her property on West Broadway to which access has been destroyed due to the new Interstate Highway. There is a problem of replacing same, due to the absence of right-of-way. This was referred to the City Engineer for study and recommendation.

Mr. M.A. Peterson representing the Chamber of Commerce, appeared before the Council to explain that the Chamber must seek a new location. Present plans call for construction of a new building. Mr. Peterson said his committee favors a location on Memorial Drive facing East. He proposed that the Chamber enter into a long term lease agreement with the City for the land. This was tabled for thorough study and consideration.

Mr. Bobbie Sterling, manager of the local Chamber of Commerce, appeared before the Council and presented the following:

RESOLUTION (Resolution No. 1962-01)

The Fire Prevention Committee by a unanimous vote recommends to the Chamber of Commerce Board of Directors that they in turn recommend to the Mayor and City Council of Idaho Falls that action on the proposed Fire Zoning Ordinance be postponed until such time as a preliminary study to re-grade Idaho Falls by the Idaho Surveying and Rating Bureau in conjunction with a Committee from the Fire Prevention Committee be submitted to the Fire Prevention Committee the Mayor and City Council for assessment.

s/ Ralph R. Gesas, Chairman
Fire Prevention Committee

No Council Action was considered necessary.

The Mayor announced that this was the time and the place for a public hearing, as advertised whereby all persons with objections to adoption of a new zoning ordinance, or otherwise interested in being heard, might appear for that purpose. It was noted that members of the Planning Commission were present for the hearing.

Mr. Eugene Smith appeared and protested Article 8, Section 3, Item C of the proposed ordinance which provided for a 15 foot side yard on each side of a dwelling, compared with 20 feet in the existing ordinance. It was explained that the 15 feet was to be measured from the eave, whereby the 20 feet was measured from the building. Harris explained further that this is now considered necessary as so many houses are being built width-wise of the lot, rather than depth-wise. Mr. Smith was assured that this would be studied further.

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Mr. J. P. Lyon appeared and proposed that as a solution to the problem created by the modern trend in home construction, future development plotting require 110 feet lots, rather than 100.

Mr. A. W. Hunter appeared and referred to Article 26 entitled non-conforming use. He protested this section on the grounds that future administrations might misinterpret and, as a result, property owners whose property is zoned in non-conforming use might find their property values in jeopardy. City Attorney Barnard commented on the subject by saying that power should be vested in the City Council to limit the time on non-conforming use, as long as the time element is ample to the end that the property investment can be amortized so that no loss will accrue to the owner.

Mr. John Rogers appeared and asked if the Planning Commission had approved the proposed ordinance. Mr. LeGrande Marchant, Chairman of that Commission, answered by saying that the ordinance has been thoroughly studied by the Commission and that their recommended changes had been presented to the Council.

Mr. Verl Andrew appeared and asked, with particular reference to commercial establishments, whose responsibility it was to determine non-conforming use. Harris explained that in most instances under the new ordinance, business establishments now under non-conforming use will be rezoned to comply with the particular business activity engaged in.

Mr. Lloyd Stalker appeared and protested the Resident Park specifications on the grounds that there is not ample provision, in these areas, for guest houses and servant quarters. He also proposed that the proposed zoning ordinance be given publicity so that all citizens and tax payers would have an opportunity to be advised of its contents and provisions.

Others appearing to concur in the recommendation that more time is needed for publicity and study were: Mr. Joe Armstrong, representing the Realty Board; Mr. Grant Shippen, representing the Home Builders Association; Mrs. Ed Reno, Mr. Jim Shane, Mr. Robert Bauchman, Mr. Kenneth Slusser, Mr. James Kimbro.

Two members of the Planning Commission, Mr. LeGrande Marchant, and Mr. Richard Poitevin, spoke briefly and both concurred that time was needed for publicity and study.

In view of the foregoing it was moved by Councilman Foote, seconded by Leahy, that the proposed zoning ordinance be tabled for a period not to exceed thirty days to provide time for ample publicity and study and to give any and all citizens, as a result of said publicity and study, opportunity for comment. Roll call as follows: Ayes, 3; No, None; carried.

A five minute recess was declared by the Mayor to clear the Council Chambers of those who wished to be excused.

When the meeting reconvened the Planning Commission, as a group, appeared before the Council to further discuss the proposed ordinance. It was learned that there is still considerable variance of opinion on some of its provisions. Mr. Marchant proposed and the Council concurred that the Building Official and the City Attorney meet further with the Planning Commission as a means of coming to as complete an agreement as possible on all facets of the ordinance which are now controversial.

Mr. Ray Wisner, President of the Old West Life Insurance Company and the local manager, Mr. Richard Rumsey appeared before the Council offering for Council consideration and assured savings

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plan for City employees. It was explained that this could be handled through payroll deduction and would cost the City nothing. Mr. Wiser described his company's operations and pointed out that principally, its investments are made within the State of Idaho. After some discussion this was tabled for study and consideration.

Bills for the month of April, having been properly audited by the Finance Committee, were presented as follows: to-wit:

<u>FUND</u>	<u>GROSS PAYROLL</u>	<u>SERVICES & MATERIALS</u>	<u>TOTAL EXPENDITURES</u>
General Fund	\$94,502.200	\$80,349.02	\$174,851.22
Recreation Fund	1,320.00	575.89	1,895.89
Fire Fund	20,470.00	1,463.30	21,933.30
Electric Light Fund	22,639.70	63,641.06	86,280.76
Water & Sewer	11,746.40	33,405.53	45,151.93
Police Retirement	<u>1,710.83</u>	<u>.00</u>	<u>1,710.83</u>
TOTAL	\$152,389.13	\$179,434.80	\$331,823.93

It was moved by Councilman Foote, seconded by Leahy, that the bills be allowed and the Controller be authorized to issue warrants on the respective funds for their payment. Roll call as follows: Ayes, 3; No, None; carried.

Reports from Division and Department Heads for the month of April were presented and there being no objection were ordered placed on file in the office of the City Clerk.

License applications for PHOTOGRAPHER for Warren Bybee; RESTAURANT, (change of ownership only) for Turf Café; MILK VENDOR, (previously approved by City Sanitarian) for Eastern Idaho Dairy; JOURNEYMAN GAS FITTER (previously approved by Gas Inspector) for Maurice Jacobson; LIQUOR, (transfer only) "Shamrock" were presented. It was moved by Councilman Creek, seconded by Foote, that these licenses be approved. Roll call as follows: Ayes, 3; No, None; carried.

License applications were then presented for ROOMING HOUSE for Robison Motel; CANNED, BOTTLED AND DRAFT BEER TO BE CONSUMED ON THE PREMISES (transfer of ownership only) Robert and Dorothy Sonnemann of the Turf Bar and Patrick J. Boylan and Ann Jennings of the Shamrock. It was moved by Councilman Leahy, seconded by Creek, that these licenses be granted, subject to the approval of the Chief of Police. Roll call as follows: Ayes, 3; No, None; carried.

Finally, license applications were presented for JOURNEYMAN ELECTRICIAN for the following: Jack B. Dalton, Rue T. Stears, and Burton Diamond. It was moved by Councilman Foote, seconded by Creek, that the licenses be granted, subject to the approval of the Electrical Inspector. Roll call as follows: Ayes, 3; No, None; carried.

An authorized representative certificate was presented in blank form, whereby the City would authorize a responsible City official to cast the official vote of the City in all matters of Idaho

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Municipal League procedure requiring determination of vote at the time of the State Convention. It was moved by Councilman Foote, seconded by Leahy, that the Mayor be named as that authorized representative and the City Clerk be instructed to complete the certificate accordingly. Roll call as follows: Ayes, 3; No, None; carried.

The following was presented:

ADVERTISEMENT FOR BIDS

Sealed unit price proposals for rebuilding the underground electrical distribution system for Hughes Estate Sub-Division #1 and #2, addressed to the Mayor and City Council, City of Idaho Falls, Idaho, will be received at the office of the Mayor in the City Hall, Idaho Falls, Idaho, until 2:00 P.M. (MST) on the 15th day of May 1962, and then will be publicly opened and read.

The work contemplated in this project consists of installing conduit, 5 KV cable, transformers, manholes, risers, street lights, etc. as required to serve the Hughes Estates Sub-Division #1 and #2 with electrical power.

The work will be awarded to the one responsible bidder submitting the lowest acceptable bid.

Plans and specifications are available at the office of the City Electrical Engineer, Tautphaus Park Log Building, Idaho Falls, Idaho. A copy of said documents may be obtained at the above office upon the deposit of \$10.00 for each set. The full amount of the deposit will be refunded if said documents are returned in good condition within fifteen (15) days after the date of the bid opening.

Each proposal must be submitted on the prescribed form and be accompanied by a certified check, cashier's check, or bid bond, payable to the City of Idaho Falls, Idaho in an amount not less than five per cent (5%) of the amount bid.

The successful bidder will be required to furnish security for faithful performance of the contract in the full amount of the contract price.

The right is reserved to reject any and all proposals, to postpone the award of the contract for a period not to exceed thirty (30) days, and to accept that proposal which serves the best interest of the City of Idaho Falls, Idaho.

Dated this 27th day of April, 1962.
City of Idaho Falls, Idaho
By: s/ Roy C. Barnes
City Clerk

Advertised April 29, May 6, 13

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It was explained that, in the interests of time, this was published without formal Council approval. It was moved by Councilman Leahy, seconded by Creek, that the City Clerk's action in this regard be duly ratified. Roll call as follows: Ayes, 3; No, None; carried.

The Council's attention was directed to the fact that an agreement of sale was signed on May 8th, 1962, between the City and the Commercial Development, Inc., effective date of said agreement being April 23rd 1962, covering terms and conditions of the purchase by the City of an area commonly known as the Smith Chevrolet Company and property, adjoining and immediately west of the City Building. It was noted that this had been informally approved by the Mayor and Council at an earlier date. It was moved by Councilman Creek, seconded by Leahy, that the action of the Mayor and City Clerk in signing the instrument in behalf of the City be duly ratified. Roll call as follows: Ayes, 3; No, None; carried.

It was noted that bids had been opened April 24th 1962 on construction of four tennis courts, revealing the following:

Lloyd Nash & Sons Idaho Falls, Idaho	\$27,443.92
Pickett & Nelson Construction Idaho Falls, Idaho	\$29,547.86
Northwest Construction Idaho Falls, Idaho	\$30,900.00
Grasstrex (Asphalt) Surface	
Pickett & Nelson Construction Idaho Falls, Idaho	\$35,994.40

It was noted further, that, since these were opened, it was found that asphalt type surface is desired by the tennis playing interests and the Recreation Committee and, therefore, all bids were informally rejected by the Mayor and Council. With this background, then, the following memorandum from the City Engineer was read:

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Honorable Mayor and City Council
Idaho Falls, Idaho

Gentlemen:

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In accordance with your instructions, we have reviewed the plans and specifications for the construction of a bank of four tennis courts, and have negotiated a new total cost for the courts.

We have revised the specifications to reduce the total cost of the courts by eliminating some of the special surfacing. We have negotiated with Pickett & Nelson Construction, in the above sum for immediate construction of the courts.

Respectfully submitted,
Engineering Department
s/ Don Ellsworth, P.E.
City Engineer

Concurred by: Donald F. Lloyd

It was moved by Councilman Leahy, seconded by Creek, that the Council's informal action in rejecting all previous bids be duly ratified, that the bid of Pickett & Nelson in the amount of \$20,807.40 on a negotiated basis be accepted, and that the Mayor be authorized to sign the contract documents when presented. Roll call as follows: Ayes, 3; No, None; carried.

The following memorandum was presented from the Chief of Police:

May 3, 1962

The Honorable Mayor and City Council
City Building
Idaho Falls, Idaho

Gentlemen:

At the request of the Controller to get the money handling out of the Police Department and into the Court where it rightfully belongs, the undersigned propose to make the following changes with the consent of the Mayor and Council.

(The violations bureau which now operates in the department and collects fines and bonds for parking meter violations and also handles monies from Court fines and forfeitures, will be transferred to the jurisdiction of the Court). This will mean that the Clerk that is now doing this work will be transferred from the Department to the Court and will be necessary to transfer her salary from the Police Department budget to the budget of the Court. It is further proposed, that a vacancy of secretary be filled out of the budget of the Court and that this girl be shared by the Chief of Police and the Judge for the purpose of doing the secretarial work of the Chief and the Court. In order to best utilize a secretary and get the most for the salary paid the undersigned feel that it would be wise to so share the services of this secretary.

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For many years now the handling of the money by the Department has caused great confusion and unnecessary responsibility upon the officers. It is felt that this new arrangement will alleviate this situation and will make for more accurate keeping and handling of the monies.

Respectively submitted,
s/ Milton C. Jones
Chief

s/ William W. Black
Judge

It was moved by Councilman Creek, seconded by Leahy, that the program, as outlined, be approved but that the details, particularly involving Capital Outlay or other expenses be reflected to the Mayor and Council by the Controller as the need arises. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor asked that Don Lloyd be permitted to attend the Idaho Public Health Association meeting at McCall, Idaho May 16th through May 19th, 1962. It was moved by Councilman Leahy, seconded by Creek, that this be approved. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor drew attention to the fact that he, in behalf of the City, had recently written to the Union Pacific Railroad, advising that, in the event they elect, in cooperation with the Idaho State Highway Department's plans for the widening of the Yellowstone Highway, to move their passenger and freight facilities south of the City, the City would agree to assume the cost of signalization on A Street, Lava, 19th Street, and 23rd Street, providing the railroad would assume the responsibility of continued maintenance; that the City would also agree to install an 8" water main on 25th Street between Rollandet and Yellowstone Avenue and that the City would agree, further, to extend a sewer line north on Yellowstone Avenue to a point west of 28th Street. It was moved by Councilman Leahy, seconded by Creek, that the Council's action in authorizing the Mayor to write the letter and, accordingly, the Mayor's action be duly ratified. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor then drew attention to the fact that, by informal action on May 1st, 1962, the Council authorized Bonneville County to pave Jefferson Avenue from Anderson Street north to the Union Pacific Railroad tracks, with the understanding that the City's portion of the cost would not exceed \$6,500.00. It was moved by Councilman Leahy, seconded by Creek, that this action be duly ratified. Roll call as follows: Ayes, 3; No, None; carried.

Finally, attention was drawn to the Council's informal action on May 1st, 1962 whereby the City agreed to participate in the paving of a street adjacent to the Morrison Merrill property in the amount of \$710.00. It was moved by Councilman Creek, seconded by Leahy, that this action be duly ratified. Roll call as follows: Ayes, 3; No, None; carried.

A request was made for Mr. Edward DeRoche to attend a pre-timed traffic signal school in Meline, Illinois August 7th through the 10th. It was moved by Councilman Leahy, seconded by Creek, that this be approved. Roll call as follows: Ayes, 3; No, None; carried.

Through the Mayor the 20-30 Club requested the use of the Highland Ball Park on July 4th for a fire works display. It was moved by Councilman Creek, seconded by Leahy, that this be approved. Roll call as follows: Ayes, 3; No, None; carried.

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A request was made for City Judge William Black to attend a traffic court seminar on June 1st, during the Rocky Mountain regional meeting of the American Bar Association at Salt Lake City. It was moved by Councilman Leahy, seconded by Creek, that this be approved. Roll call as follows: Ayes, 3; No, None; carried.

A City redemption tax deed was presented in the name of John Lingren. It was moved by Councilman Foote, seconded by Creek, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 3; No, None; carried.

RESOLUTION NUMBER 1 (Resolution No. 1962-02)

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF IDAHO FALLS, IDAHO, TO CONSTRUCT CERTAIN STREET IMPROVEMENTS, CONSISTING OF SIDEWALKS, CURBS, GUTTERS, AND HARD SURFACING OF STREETS IN AND ALONG CERTAIN STREETS, ALLEYS AND RIGHTS-OF-WAY, AND PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF SAID CITY; TO CREATE A LOCAL IMPROVEMENT DISTRICT, TO BE KNOWN AS LOCAL IMPROVEMENT DISTRICT NO. 28 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, ALLEYS AND RIGHTS-OF-WAY TO BE IMPROVED, AND ON AND AGAINST ALL TRACTS AND PARCELS OF LAND IN SAID DISTRICT SPECIALLY BENEFITED BY SUCH IMPROVEMENT EXCEPT THAT PORTION OF THE COST AND EXPENSE FOR IMPROVEMENTS WITHIN ANY INTERSECTIONS WHICH SHALL BE ASSUMED AND PAID BY THE CITY PROVIDING THE BASIS UPON WHICH SUCH SPECIAL IMPROVEMENTS SHALL BE LEVIED, 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 certain street improvements, consisting of sidewalks, curbs, gutters, and hard surfacing of streets on certain streets and alleys within the corporate limits of said City, hereinafter

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particularly described, and for the making of said improvements to create Local Improvement District No. 28 for the City of Idaho Falls, Idaho, and

WHEREAS, the estimated total cost of said District and of said improvements is \$113,600.00, of which sum \$2,400.00 is the total estimated cost of said improvements within street and alley intersections; and,

WHEREAS, the City Council is authorized to expend from the general funds of the City the whole of the cost and expenses of said improvements within the street intersections and such other portion of the cost and expenses of said improvements as in their judgment may be fair and equitable in consideration of the benefits accruing to the general public by reason of such improvements, and

WHEREAS, the City Council proposes to defray the cost and expenses of said district and of said improvements, over and above the amount assumed by the City from the general funds of the City, in the sum of \$108,600.00 by special assessments levied on and against the lots and lands abutting, adjoining and adjacent to the streets, alleys, and rights-of-way to be so improved, and on and against all lots and lands benefited by such improvements included in said District, and,

WHEREAS, the City Council has determined that the sum of \$2,400.00 is the amount to be contributed by the City to cover the cost and expenses of said improvements within the limits of the street intersections within said District and which sum includes the total amount the City Council deems the amount the City should pay on account of the benefits accruing to the general public by reason of said improvements,

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Idaho Falls, as follows:

Section 1. The City Council of the City of Idaho Falls, Idaho, does hereby declare its intention to construct certain street improvements, consisting of sidewalks, curbs, gutters and paving on certain streets and a local improvement District therein, to be known as "Local Improvement District No. 28, of the City of Idaho Falls, Idaho," comprising said streets and alleys and parts thereof abutting, adjoining, and adjacent thereto and the lots and lands specially benefited by such improvements situated in said District, which streets and alleys and the boundaries of said District are as follows:

STREET PAVING

Cascade Drive, in Falls Valley, Subdivision No. 4, from the north property line of First Street a distance of 552 feet in a northerly direction.

The alley running in an east-west direction through Block 2, Safestrom Addition, Division No. 1.

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Flora Circle, running south 196 feet from the south property line of Eighth Street, in first Amended Plot of Blackburn Addition.

The alley running in an east-west direction through Block 11, from the east property line of Lee Avenue to the west property line of Emerson Avenue in Brodbeck Addition.

Twenty-fifth Street, in Brodbeck Addition, running 475 feet east from the east property line of Higbee Avenue.

The alley running in an east-west direction a distance of 400 feet from the west property line of Emerson Avenue, in Block 35, Crows Addition.

In Edgewater Avenue, from the north property line of I Street to the south property line of J Street, in Edgewater Heights Addition.

The alley running in an easterly-westerly direction through Block 6, Edgewater Heights Addition.

In North Boulevard Avenue, from the north property line of Shelley Street to the south property line of Crowley Street, in Highland Park Addition.

The alley running in a northwesterly-southwesterly direction through Block 14, Holmes Subdivision, from the easterly property line of Capital Avenue to the westerly property line of Park Avenue.

The alley running in an east-west direction through Block 17, Scott's Addition.

In South Boulevard, from the north property line of Morningside Drive to the South property line of Lot 7 of Block 2, Hughes Imperial Estates Addition, Division No. 1.

In Lincoln Drive, from the north property line of Ninth Street to the south property line of Russet Street, in First Amended Plat of Linden Park Addition, Division No. 1.

The alley running in an easterly-westerly direction through Block 6, from the easterly property line of Chamberlain Avenue to the westerly property line of Oneida Avenue, in the Original Town-site of Idaho Falls.

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The alley running in a northwest-southeast direction through Block 11, from the easterly property line of Capital Avenue to the westerly property line of Park Avenue, Railroad Addition.

In North Boulevard from the north property line of Shelley Street to the south property line of Rappleye Addition, in Section 18, Township 2 North, Range 38, E.B.M.

In the alley running east-west between 7th Street and 8th Street from the east property line of Cranmer Avenue to the west property line of Wabash Avenue, in Section 20, Township 2 North, Range 38 east of the Boise Meridian.

Azalea Street from the east property line of Edgemont Gardens Addition to the west property line of University Manor Addition, in Section 29, Township 2 North, Range 38, E.B.M.

Twenty-first Street, from the east property line of Edgemont Gardens Addition to the west property line of University Manor Addition, in Section 29, Township 2 North, Range 38, E.B.M.

Twenty-fifth Street, from the east property line of Higbee Avenue a distance of 475 feet east, in Section 30, Township 2 North, Range 38, E.B.M.

Higbee Avenue, from the north property line of Twenty-fifth Street a distance of 630 feet south, in Section 30, Township 2 North, Range 38, E.B.M.

SIDEWALKS

On Flora Circle, from the northwest corner of Lot 14, Block 1, south around circle to a point approximately 25 feet northeast of the southeast corner of Lot 4, in said Block 1, First Amended Plat of Blackburn Addition.

On Edgewater Avenue, from the northeast corner of Lot 20, Block 6, to the northeast corner of Lot 1, Block 6, Edgewater Heights Addition.

On North Boulevard, on the west side of the street, from the southeast corner of Lot 1, Block 54, to the south property line of Crowley Street, Highland Park Addition.

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On Lincoln Drive, from the southwest corner of Lot 31, Block 5, west to the east line of Linden Drive, in First Amended Plat of Linden Park Addition, Division No. 1.

On Ninth Street, from the southeast corner of Lot 31, Block 5, west to the east line of Linden Drive, in First Amended Plat of Linden Park Addition, Division No. 1.

On the north side of Azalea Street from the southeast corner of Lot 11, Block 1, Edgemont Gardens Addition, to the southwest corner of Lot 9, Block 1, University Manor Addition, and on the south side of said Azalea Street from the northwest corner of Lot 1, Block 6, University Manor, running west 318 feet, all in Section 29, Township 2 North, Range 38, E.B.M.

On the north side of Twenty-first Street from the southeast corner of Lot 7, Block 5, Edgemont Gardens Addition to the southwest corner of Lot 16, Block 6, University Manor Addition, in Section 29, Township 2 North, Range 38, E.B.M.

On the south side of Twenty-first Street from a point approximately 165 feet east of the east line of Higbee Avenue east for a distance of 310 feet, in Section 30, Township 2 North, Range 38, E.B.M.

On the east side of Higbee Avenue, from a point 378 feet south of the south property line of Twenty-first Street, south for a distance of 192 feet, in Section 30, Township 2 North 38, E.B.M.

The lots and lands to be assessed to cover the cost of said District and the improvements to be made thereunder are as follows:

Lot 10 of Block 2, and Lots 1, 2 and 3 of Block 8, Falls Valley Subdivision No. 4.

Lots 4, 6, 10, 11, 12, and 14, of Block 1, First Amended Plat of Blackburn Addition.

Lots 1 to 48 inclusive, of Block 11, and Lots 23 to 41, inclusive, of Block 32, Brodbeck Addition.

Lots 1 to 16, and Lots 33 to 48, inclusive, of Block 35, Crows Addition.

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Lots 1 to 20, inclusive, of Block 6, Edgewater Heights Addition.

Lots 1 to 18, inclusive, of Block 14, Holmes Subdivision.

Lots 1 to 7, inclusive, of Block 2, Hughes Imperial Estates, Division No. 1.

Lot 11 of Block 1, the easterly 125 feet of Lots 12 and 13, inclusive, and Lot 31, of Block 5, of the First Amended Plat of Linden Park, Division No. 1.

Lots 1 to 32, inclusive, of Block 6, of the Original Town-site.

Lots 1 to 12, inclusive, of Block 11, of Railroad Addition.

Lots 11 to 20, inclusive, of Block 2, Safstrom Addition.

Lots 1 to 20, inclusive, of Block 17, Scotts Addition.

The land lying east of North Boulevard Avenue to a depth of 125 feet, extending from the north property line of Shelley Street, to the south property line of Rappleye Addition, in Section 18, Township 2 North, Range 38, E.B.M.

The land lying south of Seventh Street to a depth of 125 feet, extending from the east property line of Cranmer Avenue the west property line of Wabash Avenue, in Section 20, Township 2 North, Range 38, E.B.M.

The land lying north of Azalea Street to a depth of 125 feet, extending from the east property line of Edgemont Gardens Addition to the west property line of University Manor Addition, in Section 29, Township 2 North, Range 38, E.B.M.

The land lying south of Azalea Street to a depth of 125 feet extending from the east property line of Edgemont Gardens Addition to the west property line of University Manor Addition, in Section 29, Township 2 North, Range 38, E.B.M.

The land lying north of Twenty-fifth Street to a depth of 125 feet, extending from the east property line of Higbee Avenue in an easterly direction to the canal right-of-way, in Section 30, Township 2 North, Range 38, E.B.M.

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The land lying east of Higbee to a depth of 125 feet, extending from the south property line of Twenty-fifth Street in a southerly direction 569 feet, in Section 30, Township 2 North, Range 38, E.B.M.

Lots 1 to 24, inclusive, of Block 54, Highland Park Addition.

Section 2. That Thursday the 7th day of June, 1962, at 8:00 o'clock P.M. of said day, and the Chambers of the City Council in the City Building, 308 C Street, in the City of Idaho Falls, Idaho, be, and the same are hereby designated as the time and place when and where protests against the creation of said District and the making of said improvements will be heard and considered by the City Council.

Section 3. 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.

The foregoing Resolution was presented. It was moved by Councilman Leahy, seconded by Creek, that the Resolution be adopted, that the date of the protest hearing be scheduled for Thursday the 7th day of June, 1962 and that the City Clerk be authorized to publish the notice of intention to establish the District. Roll call as follows: Ayes, 3; No, None; carried.

ORDINANCE NO. 1026

AN ORDINANCE ANNEXING CERTAIN LAND TO THE CITY OF IDAHO FALLS; DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO

The foregoing Ordinance was presented in title. It was moved by Councilman Foote, seconded by Creek, that the provisions of Section 50-2004 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being "SHALL THE PROVISIONS OF SECTION 50-2004 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 3; No, None; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the Ordinance placed before the Council for final consideration, the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 3; No, None; carried.

ORDINANCE NO. 1027

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS; DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF IDAHO FALLS, IDAHO

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(SEE COUNCIL MINUTES OF 06-07-62 FOR AMENDING ORDINANCE,
DE-ANNEXING A PORTION OF THIS AREA---R.C.B)

The foregoing Ordinance was presented in title. It was moved by Councilman Foote, seconded by Creek, that the provisions of Section 50-2004 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being "SHALL THE PROVISIONS OF SECTION 50-2004 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 3; No, None; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the Ordinance placed before the Council for final consideration, the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 3; No, None; carried.

RESOLUTION NO. 2 (Resolution No. 1962-03)

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF IDAHO FALLS, IDAHO, TO CONSTRUCT WATER LINES IN AND ALONG CERTAIN STREETS, ALLEYS, EASEMENTS, AND RIGHT-OF-WAY, AND PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF SAID CITY; TO CREATE A LOCAL IMPROVEMENT DISTRICT NO. 29 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 IMPROVEMENT BY SPECIAL ASSESSMENTS LEVIED ON AND AGAINST THE LOTS, TRACTS AND PARCELS OF LAND ABUTTING, ADJOINING AND ADJACENT TO THE STREETS, ALLEYS AND RIGHTS-OF-WAY IN WHICH SAID WATER LINES ARE CONSTRUCTED, AND ON AND AGAINST ALL TRACTS AND PARCELS OF LAND IN SAID DISTRICT SPECIALLY BENEFITED BY SUCH IMPROVEMENT; PROVIDING THE BASIS UPON WHICH SUCH SPECIAL ASSESSMENTS SHALL BE LEVIED; GIVING THE KIND AND CHARACTER OF SUCH IMPROVEMENTS; PROVIDING THE BASIS UPON WHICH SUCH SPECIAL ASSESSMENTS SHALL BE LEVIED; 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.

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WHEREAS, the City Council of the City of Idaho Falls, Idaho, deems it for the best interests of said City to construct water lines upon and along certain streets, alleys, easements and rights-of-way, or parts thereof, within the corporate limits of said City, hereinafter particularly described, and for the making of improvements to create Local Improvement District No. 29 for the City of Idaho Falls, Idaho, and,

WHEREAS, the estimated costs of said District and of said improvements are \$118,000.00, and,

WHEREAS, the City Council is authorized by law to assess the entire cost of said District and of said improvements against the properties to be benefited thereby, except the cost and expenses of all improvements within any intersections of the streets of said District, and,

WHEREAS, the City Council proposes to defray the costs and expenses of said District and of said improvements by special assessments levied upon and against all lots, tracts and parcels of land, or parts thereof, abutting, adjoining and adjacent to the streets, alleys, easements, and rights-of-way in which said water lines are constructed and against all tracts of land in said District specially benefited by such improvement, and to defray the entire cost of said improvements by such assessments except such portion thereof as the part assumed by the City for the cost and expenses of said improvements within street intersections in said District and for the cost and expense of installing larger size pipe for main or arterial lines;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY 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 water lines in certain streets, alleys, easements and right-of-way, or parts thereof, within the corporate limits of said City, and for that purpose to create and establish a local improvement district therein, to be known as "Local Improvement District No. 29 of the City of Idaho Falls, Idaho," the boundaries of which district are as follows:

Area No. 1 Beginning at a point on the Section line, lying 128 feet East of the NW corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T2N E.B.M., and running thence Southeasterly 340 feet; more or less to a line lying 200 feet South of, and parallel to, the South Right-of-way line of East Anderson Street; thence East along said line 65 feet, more or less to the Westerly Right-of-way line of the North Yellowstone Highway; thence N 50° 54' E 50 feet more or less; thence East 1990 feet to the Westerly bank of the Idaho Canal; thence Northeasterly along said bank 480 feet; more or less to a point of intersection with a line lying 200 feet North of, and parallel to, the North Right-of-way line of the Lincoln Road; thence West along said line 1,090 feet, more or less to a point of intersection with a line lying Southeast of, and parallel to, the Southeast Right-of-way line of the North Yellowstone Highway; thence N 50° 54' E along said line 1,567 feet, more or less to the Westerly bank of the Idaho Canal; thence Northwesterly, along said canal bank, 550 feet, more or less to a point of intersection with a line lying 200 feet Northwest of, and parallel to, the Northwesterly Right-of-way line of the

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North Yellowstone Highway; thence S 50° 54' W along said line, 1,600 feet, more or less to the North-South centerline of Section 8; thence S 0° 39' E along said centerline 46 feet, more or less; thence S 50° 54' W and parallel to the North Yellowstone Highway, 575 feet, more or less; thence S 38° 48' 6" E, 164 feet to the Northwesterly Right-of-way line of the North Yellowstone Highway; thence S 50° 54' W along said right-of-way line, 315 feet more or less to the North line of Section 17; thence West 597 feet, more or less to the point of beginning.

Beginning at a point on the Section line, that is S 89° 31' 30" E, 30.3 feet from the SW corner of Section 8, T2N R38 E.B.M., and running thence North 120 feet to the Easterly boundary of the Railroad Right-of-way; thence N 26° 41' 30" E along said Right-of-way, 111.93 feet; thence S 89° 31' 30" E and parallel to the South line of Section 8; thence West along said Section line 1,312 feet, more or less to the point of beginning.

The points between which said water lines are proposed to be laid and the location thereof are as follows:

Beginning at a point on North Holmes Avenue, 110 feet South of the intersection of said Street with Anderson Street, running thence North on said North Holmes Avenue to said Anderson Street, thence East on Anderson Street to the Idaho Canal.

Beginning at the intersection of East Anderson Street and North Yellowstone Avenue, thence running Northwesterly along said North Yellowstone Avenue to the Idaho Canal.

Beginning at a point on the Lincoln Road opposite the East boundary line of the Idaho Falls Municipal Golf Course, running thence South along the East side of said Golf Course to Elva Street.

The lots and land proposed to be assessed for said District and said improvements are as follows:

Beginning at a point South 625.2 feet and S 50° 45' W 373.4 feet from the NE corner of SE ¼ SW ¼ Section 8, T2N, R38 E.B.M., thence S 39° 15' E 164 feet, to N Right-of-way line of Yellowstone Highway; thence N 50° 45' E along said Right-of-way line 200 feet, to SW corner of property now or formerly owned by Hollywood Bowl; thence N 39° 15' W 164 feet to the point of beginning.

Beginning at a point 20 feet North and 30.3 feet East of the SW corner of Section 8 T2N R38 E.B.M., and running thence North 100 feet; thence N 26° 41' 30" E 111.93 feet; thence East 177.63 feet; thence S 17° 18' W 209.48 feet; thence West 165.62 feet to the point of beginning.

Beginning at a point that is 20 feet North and 195.75 feet East of the SW corner of Section 8, T2N, R38 E.B.M., and running thence N 17° 18' E 209.48 feet; thence East 121.28 feet; thence S 22° 12' 30" W 216.03 feet; thence West 101.92 feet to the point of beginning.

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Beginning at a point that is 20 feet North and 297.67 feet East of the SW corner of Section 8, T2N, R38 E.B.M., and running thence N 22° 12' 30" E 216.03 feet; thence East 338.22 feet; thence S 19° 31' 30" W 212.20 feet; thence West 348.94 feet to the point of beginning.

Beginning at a point that is 20 feet North and 646.61 feet East of the SW corner of Section 8, T2N R38 E.B.M., and running thence N 19° 31' 30" E 212.20 feet; thence East 379.33 feet; thence South 200 feet; thence West 452.25 feet to the point of beginning.

Beginning at a point that is 20 feet North and 125 feet West of the SE corner SW ¼ SW ¼ Section 8, T2N R38 E.B.M., and running thence West 90 feet; thence North 200 feet; thence East 190 feet; thence South 90 feet; thence West 100 feet; thence South 110 feet to the point of beginning.

Beginning at a point that is 20 feet North of the SE corner of the SW ¼ SW ¼ of Section 8, T2N, R38 E.B.M., and running thence North 200 feet; thence East 100 feet; thence South 200 feet; thence West 100 feet; to the point of beginning.

Beginning at a point that is N 89° 55' E, 196.2 feet and South 28.48 feet from the North ¼ corner of Section 17, T2N R38 E.B.M., thence S 89° 22' 06" E 100.00 feet; thence South 200 feet; thence N 89° 22' 06" W, 100.00 feet; thence North 200 feet to the point of beginning.

Beginning at a point that is N 89° 55' E, 296.2 feet and S 0° 05' E, 29.73 feet from the North ¼ corner of Section 17, T2N R38 E.B.M., thence S 0° 05' E 200 feet; thence S 89° 22' 06" E, 120 feet; thence N 0° 05' W 200 feet; thence N 89° 22' 06" W 120 feet to the point of beginning.

Beginning at a point East along the Section line 897 feet and North 41.5 feet from the South ¼ corner of Section 8 T2N R38 E.B.M., thence East 224 feet; thence N 28° 17' E, 227.11 feet; thence West 331.61 feet; thence S 2° 12' E. 200 feet to the point of beginning.

Beginning at a point 26.02 feet South of the North ¼ corner of Section 17, T2N R38 E.B.M., thence South 200 feet; thence West 50 feet; thence North 200 feet; thence east 50 feet to the point of beginning.

Beginning at a point which is South 237.27 feet and East 411 feet from the NW corner of the SW ¼ SE ¼, Section 8 T2N R38 E.B.M., and running thence S 23° 54' E 207.40 feet; thence N 50° 45' E, 150 feet; thence N 23° 54' W, 207.40 feet; thence S 50° 45' W, 150 feet to the point of beginning.

Beginning at a point South 625.2 feet and S 50° 45' W, 178.4 feet from the NE corner of the SE ¼ SW ¼, Section 8, T2N, R38 E.B.M., thence S 50° 45' W 195 feet; thence S 39° 15' E 164 feet; thence N 50° 15' E 164 feet; thence N 50° 45' E along North Right-of-way line of State Highway 191 for 195 feet; thence S 39° 15' W 164 feet to point of beginning.

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Beginning at a point South 625.2 feet and S 50° 45' W, 20.2 feet from the NE corner of SE ¼ SW ¼ Section 8, T2N, R38 E.B.M., thence S 50° 45' W. 158.2 feet; thence S 39° 15' E, 164 feet; thence N 50° 45' E along North right-of-way of State Highway 191 for 30 feet; thence Northerly 208 feet to the point of beginning.

Beginning at a point that is 201 feet South and 760.6 feet East of the NW corner of the SW ¼ SE ¼ Section 8 T2N R38 E.B.M., and running thence N 23° 54' W 207.40 feet; thence S 51° 31' W 221 feet; thence S 23° 54' E 207.40 feet; thence N 51° 31' E 221 feet; thence S 23° 54' E 207.40 feet; thence N 51° 31' E 221 feet to the point of beginning.

Beginning at a point that is South 237.27 feet and East 411 feet from the NW corner of the SW ¼ SE ¼ Section 8, T2N, R38 E.B.M., and running thence S 23° 54' E 207.40 feet; thence S 50° 45' 100 feet; thence N 23° 54' W 207.40 feet; thence N 50° 45' E 100 feet to the point of beginning.

Beginning at a point that is 50 feet North of the South ¼ corner of Section 8, T2N R38 E.B.M., and running thence North 274.35 feet; thence S 51° 50' W 436.70 feet; thence S 89° 14' E 341.29 feet to the point of beginning.

Beginning at a point that is East 647.95 feet and North 597.76 feet from the South ¼ corner of Section 8, T2N R38 E.B.M., and running thence N 2° 00' 30" W 248.72 feet; thence N 51° 31' W 200 feet; thence S 2° 00' 30" E 248.72 feet; thence S 51° 31' W 200 feet to the point of beginning.

Beginning at a point that is 647.95 feet East and 597.76 feet North of the South ¼ corner of Section 8, T2N R38 E.B.M., and running thence N 2° 00' 30" W 249.31 feet; thence S 51° 31' W 120.70 feet; thence S 2° 29' E 247.79 feet; thence N 51° 31' E 118.62 feet to the point of beginning.

Beginning at a point that is N 89° 56' E along the Section line 575.69 feet and N 0° 04' W 41.50 feet from the South ¼ corner of Section 8, T2N R38 E.B.M., thence N 2° 29' W 200 feet; thence N 89° 56' E 148.94 feet; thence S 2° 00' 30" E 201.51 feet; thence S 89° 56' W 151 feet to the point of beginning.

Beginning at a point that is N 89° 56' E 591.20 feet and S 0° 30' E 32.88 feet from the North ¼ corner of Section 17, T2N R38, E.B.M., and running thence S 0° 30' E 200 feet; thence N 89° 56' W 127.50 feet to the point of beginning.

Beginning at a point East along the Section line 877 feet and North 41.5 feet and N 2° 12' W 975.80 feet from the South ¼ corner of Section 8, T2N R38 E.B.M., and running thence N 51° 20' E 520 feet; thence S 18° 17' 20" E 213.35 feet; thence S 51° 20' W 593.52 feet; thence N 2° 12' W 248.69 feet to the point of beginning.

Beginning at a point East along the Section line 877 feet and North 41.5 feet from the South ¼ corner of Section 8, T2N R38 E.B.M., and running thence N 2° 12' W 200 feet; thence East 20.00 feet; thence S 2° 12' E 200 feet; thence West 20.00 feet to the point of beginning.

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Beginning at a point that is N 89° 55' E 717 feet and S 0° 30' E 35 feet from the North ¼ corner of Section 17, T2N R38 E.B.M., and running thence S 89° 22' 06" E 374.68 feet; thence S 1° 30' W 200.13 feet; thence N 89° 22' 06" W 367.20 feet; thence N 0° 30' W 200 feet to the point of beginning.

Beginning at a point East along the Section line 877 feet and North 41.5 feet and N 2° 12' W 975.80 feet from the South ¼ corner of Section 8, T2N R38 E.B.M., and running thence S 51° 20' W 61 feet; thence S 2° 12' E 248.69 feet; thence N 51° 20' E 61 feet; thence N 2° 12' W 248.69 feet to the point of beginning.

Beginning at a point that is N 89° 56' E along the Section line 726.69 feet and N 0° 04' W 41.5 feet from the South ¼ corner of Section 8, T2N R38, E.B.M., and running thence N 2° 00' 30" W 200 feet; thence N 89° 56' E 150 feet; thence S 2° 12' E 200 feet; thence S 89° 56' W 150 feet to the point of beginning.

Beginning at a point 54 feet North of South ¼ corner of Section 8, T2N R38 E.B.M., thence North 326 feet; thence N 50° 45' E 212.70 feet; thence S 27° 10' E 202.82 feet; thence S 50° 45' W 55 feet; thence S 89° 22' 06" E 68 feet; thence South 200 feet; thence N 89° 22' 06" W 293.3 feet to the point of beginning.

Beginning at a point that is 468.67 feet North and N 50° 54' E 231.96 feet from the South ¼ corner of Section 8, T2N R38 E.B.M., and running thence N 23° 54' W 207.40 feet; thence N 50° 54' E 300 feet; thence S 23° 54' E 207.40 feet; thence S 50° 54' W 300 feet to the point of beginning.

Beginning at a point that is 175 feet East and 60 feet South of the NW corner NE ¼ NW ¼ Section 17, T2N R38 E.B.M., and running thence S 28° 10' E 265 feet; thence East 65 feet; thence N 51° 50' E 275 feet; thence to the left along a 20 foot radius curve 49.51 feet; thence West 436 feet to the point of beginning.

Beginning at a point that is S 0° 39' E 10.31 feet and S 89° 21' E 702.95 feet from the NW corner of the SW ¼ SE ¼ Section 8, T2N R38 E.B.M., and running thence N 50° 45' E 570 feet; thence S 12° 40' 50" E 205 feet; thence S 50° 45' W 555 feet; thence N 23° 54' W 207.40 feet to the point of beginning.

Beginning at a point that is North 30 feet and West 25 feet from the SE corner SW ¼ SW ¼ Section 8, T2N R38 E.B.M., and running thence N 50° 45' E 570 feet; thence S 12° 40' 50" E 205 feet; thence S 50° 45' W 555 feet; thence N 23° 54' W 207.40 feet to the point of beginning.

Beginning at a point that is North 30 feet and West 25 feet from the SE corner SW ¼ SW ¼ Section 8, T2N R38, E.B.M., and running thence West 100 feet; thence North 100 feet; thence East 100 feet; thence South 100 feet to the point of beginning.

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Beginning at a point that is 26.02 feet South and 50 feet West of the North $\frac{1}{4}$ corner Section 17, T2N R38 E.B.M., and running thence West 376 feet; thence S $51^{\circ} 50'$ W 323.65 feet; thence East 630.46 feet; thence North 200 feet to the point of beginning.

Beginning at a point that is N $0^{\circ} 22' 40''$ E along the $\frac{1}{4}$ Section line 339.15 feet and N $51^{\circ} 31'$ E 212.70 feet from the South $\frac{1}{4}$ corner of Section 8, T2N R38 E.B.M., and running thence N $51^{\circ} 31'$ E 165.40 feet; thence S $0^{\circ} 04''$ W 255.61 feet; thence S $51^{\circ} 31'$ W 39.91 feet; thence N $27^{\circ} 10'$ W 202.82 feet to the point of beginning.

Beginning at a point that is N $89^{\circ} 55'$ E 416.20 feet and South 31.22 feet from the North $\frac{1}{4}$ corner of Section 17, T2N R38 E.B.M., and running thence South 200 feet; thence S $89^{\circ} 22' 06''$ E 125.01 feet; thence North 200 feet; thence N $89^{\circ} 22' 06''$ W 125.01 feet to the point of beginning.

Beginning at a point 50.34 feet North and 293.3 feet East of the South $\frac{1}{4}$ corner of Section 8, T2N R38 E.B.M., and running thence N $0^{\circ} 09'$ W 200 feet; thence East 273.51 feet; thence S $2^{\circ} 41'$ E 200.20 feet; thence West 282.30 feet to the point of beginning.

Beginning at a point that is N $0^{\circ} 22' 40''$ E along the $\frac{1}{4}$ Section line 339.15 feet and N $51^{\circ} 31'$ E 378.11 feet from the South $\frac{1}{4}$ corner of Section 8, T2N R38 E/B.M., and running thence N $51^{\circ} 31'$ E 319.60 feet; thence S $2^{\circ} 41'$ E 247.79 feet; thence S $51^{\circ} 31'$ W 319.88 feet; thence N $0^{\circ} 09'$ W 255.61 feet, to the point of beginning.

Beginning at a point that is N $0^{\circ} 22' 40''$ E along the $\frac{1}{4}$ Section line 339.15 feet and N $51^{\circ} 31'$ E 378.11 feet from the South $\frac{1}{4}$ corner of Section 8, T2N R38 E.B.M., and running thence N $51^{\circ} 31'$ E 319.60 feet; thence S $2^{\circ} 41'$ E 247.79 feet; thence S $51^{\circ} 31'$ W 319.88 feet; thence N $0^{\circ} 09'$ W 255.61 feet; to the point of beginning.

Beginning at a point that is 26.02 feet South of the North $\frac{1}{4}$ corner of Section 17, T2N R38 E.B.M., and running thence South 200 feet; thence S $89^{\circ} 22' 06''$ 196.20 feet; thence North 200 feet; thence N $89^{\circ} 22' 06''$ W 196.20 feet to the point of beginning.

Section 2. That Monday, the 28th day of May, 1962, at 8:00 o'clock P.M. of said day, and the Chambers of the City Council in the City Building, 308 C Street, Idaho Falls, be, and the same hereby are, designated as the time and place when and where protests against the creation of said District or the making of said improvements will be heard and considered by the City Council.

Section 3. All protests against the creation of said District or the making of said improvements, to be considered by the Council, must be in writing, and must be filed in the office of the City Clerk prior to the time set for the hearing thereof.

The foregoing was presented. It was moved by Councilman Foote, seconded by Leahy, that this resolution be adopted, that the date of the protest hearing be scheduled for May 28th, 1962, and

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that the City Clerk be authorized to publish the notice of intention to establish the District. Roll call as follows: Ayes, 3; No, None; carried.

ORDINANCE NO. 1028

AN ORDINANCE VACATING AND CLOSING THE ALLEY RUNNING IN A NORTHWESTERLY – SOUTHEASTERLY DIRECTION THROUGH BLOCK 20, OF WINNS ADDITION TO THE CITY OF IDAHO FALLS, ACCORDING TO THE RECORDED PLAT THEREOF.

The foregoing Ordinance was presented in title. It was moved by Councilman Creek, seconded by Leahy, that the provisions of Section 50-2004 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being "SHALL THE PROVISIONS OF SECTION 50-2004 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 3; No, None; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the Ordinance placed before the Council for final consideration, the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 3; No, None; carried.

In connection with the foregoing alley vacating ordinance, a deed was presented in favor of the Upper Snake River Valley Dairymen's Association. It was moved by Councilman Creek, seconded by Leahy, that the Mayor and City Clerk be authorized to sign. Roll call as follows: Ayes, 3; No, None; carried.

Permission was requested for Detectives Val Johnson and Lowell Cramer to attend the Western States Crime Conference in Tacoma, Washington, on May 16th, 17th, and 18th. It was moved by Councilman Creek, seconded by Leahy, that this request be granted. Roll call as follows: Ayes, 3; No, None; carried.

The Mayor appointed Mr. William Barry to replace Mr. Harry Mansfield on the Recreation Committee. It was moved by Councilman Foote, seconded by Creek, that the appointment be confirmed. Roll call as follows: Ayes, 3; No, None; carried.

There being no further business, it was moved by Councilman Leahy, seconded by Creek, that the Council adjourn. Carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ W. J. O'Bryant
MAYOR
