

AUGUST 15, 1960

The Council reconvened on Monday, August 15, 1960, at 7:30 P.M. after recess, to further consider protests against the creation of said Local Improvement District No. 26, and such other business as might come before the Meeting. All members were present.

All written protests having been considered and disposed of, except the protests of the Westland Heights residents, J. L. Meyers and Alfred J. Pouch, the Council passed to a consideration of verbal objections and suggestions made by various individuals. It appeared that the following matters should be considered:

1. The proposal by the owners of Lots in Westland Heights Addition that such addition be excluded from the proposed District and be set up as separate District.
2. The proposal that commercial properties be assessed on a higher basis than residential properties.
3. The proposal that other property should be included in the District, particularly the property known as the proposed Taylor Subdivision.
4. The location of the proposed sewer lines, and whether there should be any addition thereto to deletions there from.
5. The verbal protest of Grace M. Garrett against assessment of part of her property now undeveloped and which she says does not intend to develop.

The Council then considered the protest of the 151 signers, owners of 83 Lots in Westland Heights Addition, requesting that such addition be excluded from proposed Local Improvement District No. 26 and be set up as a separate District. After full consideration of such request, the Council determined that the granting of such request would mean that similar requests would be made by other areas, and would result in making it impossible to create the proposed District situated so that sewer service could not be provided for such areas; would not solve the public health problem arising from the existence of septic tanks in the proposed District, and would not be for the best interests of the City nor the inhabitants of the proposed District.

Councilman Donald R. Foote moved that said protest of said owners of property in Westland Heights be denied. The motion was seconded by Councilman Johnson. On roll call the vote was as follows: Ayes, 4; No, None; carried.

The Council then considered the protest of J. L. Meyers and Beryl Meyers against assessment of their property, which had been referred to the City Attorney for study and opinion on the easement agreement theretofore entered into between the City and the protestants. After full consideration, a motion was made by Councilman Foote, seconded by Councilman Johnson, that such part of protestants property as would not be benefited by the proposed District be excluded there from, and that the City Engineer determine the description of the remainder to go on the assessment roll. On roll call, the vote was as follows: Ayes, 4; No, None; carried.

The Council then proceeded to consider the protest of Alfred J. Pouch to have excluded the portions of certain Lots which will be left after taking of portions of such Lots by the State Highway Department. After full consideration, the Council concluded the balance of the Lots would be of some value to the Lots adjoining and should be assessed on a remote or secondary basis in relation to such benefits, to-wit: on the basis of one-half per cent square foot for the portion remaining and not

AUGUST 15, 1960

taken by the State. Councilman Foote made a motion to that effect, seconded by Councilman Creek. On roll call the vote was as follows: Ayes, 4; No, None; carried.

The Council then considered the question of whether property used for commercial purposes should be separately classified and assessed on a higher basis than residential property. After full consideration, Councilman Petersen moved that such proposal be rejected and all property of the proposed District be assessed on the same basis. The motion was seconded by Councilman Creek. On roll call, the vote was as follows: Ayes, 4; No, None; carried.

The Council then considered the proposal that additional areas, particularly the proposed Taylor Subdivision, be added to the proposed District. It appeared that the inclusion of such area would add materially to the cost of the individual owners in the District because of the amount of rock which would be encountered in such areas and that the areas are still largely undeveloped. Councilman Foote made a motion, seconded by Councilman Johnson, that the proposal be rejected. On roll call, the vote was as follows: Ayes, 4; No, None; carried.

The Council then considered the complaints regarding the location of sewer lines as proposed by the City Engineer. It appeared that the location of the lines was a matter to be determined by the City Engineer based on all the factors involved. A motion was made by Councilman Johnson, seconded by Foote, that the Council adopt the Engineer's recommendations in respect to the location of the sewer lines. On roll call, the vote was as follows: Ayes, 4; No, None; carried.

The verbal protest of Grace M. Garrett in respect to her request that the portion of her property not presently used for residential purposes be excluded from assessment was next considered. It appearing that the exclusion of such property would be contrary to law, it was moved by Councilman Petersen, seconded by Councilman Johnson, that her protest be denied. On roll call, the vote was as follows: Ayes, 4; No, None; carried.

The Council then proceeded to a consideration of the actual value of the real property included in proposed Local Improvement District No. 26, the purposes of the creation of the District, and other matters pertinent to the organization of the District.

After full consideration, the following resolution was offered by Councilman Johnson, seconded by Councilman Creek, and adopted by the unanimous vote of the Council and Mayor:

(Resolution No. 1960-09)

“Resolved: That the actual value of the real property included in the proposed Local Improvement District No. 26 is \$7,494,330.00; that the actual value of the real property included in said District exclusive of the improvements thereon, is \$2,498,110.00; that several protests against said proposed District and the improvement, or portions thereof, to be made there under, have been made in writing by property owners and filed with the City Clerk; that such protests have been made by the owners of less than two-thirds of the abutting, adjoining, contiguous and adjacent lots and land within said proposed District which should not be assessed to pay the costs and expenses of such District and the improvement proposed to be made there under, and that the same may be eliminated from the District; that the City Council, on its initiative, did on the 14th day of July, 1960, at a Regular Meeting, pass a resolution declaring its intention to create a Local Improvement District, the cost and expenses of which are to be assessed against the property of the District which will be benefited thereby;

AUGUST 15, 1960

that the purpose of said District is to provide sewer service to the properties within said District; that such purpose is a proper purpose and the District, after elimination of the portions not benefited, will be for the best interest of the property affected and the City of Idaho Falls, Idaho; that there is a reasonable probability that the obligations of such District, as modified, will be paid; that the resolution of intention passed by the City Council and approved by the Mayor on July 14th, 1960, shall be, and the same hereby is, amended and modified as to the streets, alleys, easements, and right-of-way in which the sewer lines are to be laid, and the lots and land to be included within the boundaries of Local Improvement District No. 26, to read as follows:

Sewer Lines in Westland Heights Addition

In the alley between Sonja and Jeri Avenue from the South boundary of Charlene Street to the West line of Jeri Avenue.

In Jeri Avenue from the North property line of Lot 17, of Block 7, to the South line of Lot 13, Block 8.

In the alley between Jeri and Reed Avenues from Charlene Street to Raymond Drive.

In the alley between Reed Avenue and Skyline Drive from Charlene Street to Raymond Drive.

In Charlene Street from Skyline Drive to the alley in Block 2.

In the alley North of Blocks 1 and 6 from Skyline Drive to the West boundary of Lot 2, Block 6.

In Raymond Drive from the alley in Block 3 to Skyline Drive.

In Skyline Drive from Raymond Drive to U. S. Highway 20.

Sewer Lines in Templeview Park Addition

In Skyline Drive from the North line of Lot 24, Block 2 to the quarter line of Section 13, Township 2 North, Range 37, East Boise Meridian.

In the right-of-way along the North boundary of Lots 22 to 24, inclusive, Block 2.

In the right-of-way between Lots 20 and 21 and Lots 25 to 26, of Block 2.

In Summit Circle from Skyline Drive to the West line of Lot 35, Block 2.

In Claire View Lane from Westland Avenue to Saturn Avenue.

AUGUST 15, 1960

In Westland Avenue from Claire View Lane to Crestmont Avenue.

In Crestmont Avenue from Beverly Road to Claire View Lane.

In Glen Arbor from Crestmont Avenue to the East line of Lot 12, Block 2.

In Beverly Road from Claire View Lane to Saturn Avenue.

In Cassiopeia Street from Saturn Avenue to the West line of Lot 8, Block 6.

In Saturn Avenue from Cassiopeia Street to Polaris Street.

Sewer Lines In Solaria Tract

In Polaris Street from Saturn Avenue to Vega Drive.

In right-of-way in Block 2 from Saturn Avenue approximately 175 feet East.

In Antares Drive from the Northeast corner of Lot 7, Block 4, to the Westerly line of the proposed interstate highway.

From Antares Drive Northwesterly along the right-of-way line of said proposed interstate highway, to Polaris Street.

In Scorpius Drive from Saturn Avenue to Lot 15 of Block 4.

Sewer Lines in West Broadway Addition.

In Seattle Street from Airport Road to Oregon Avenue.

In West Broadway from Airport Road to Lot 3 of Block 3.

Sewer Lines in Un-platted Lands in Section 13, Township 2 North, Range 37, East Boise Meridian

In River Parkway for South line of Section 13, North approximately 600 feet.

In North Colorado Avenue from Mountain View Lane North approximately 500 feet.

In Mountain View Lane from North Colorado Avenue West approximately 400 feet.

In right-of-way beginning 600 feet West of the South quarter corner of Section 13 from West Broadway to Mountain View Lane.

AUGUST 15, 1960

In Saturn Avenue from Cassiopeia Street to West Broadway.

Sewer Lines in Un-platted Lands in Section 24, Township 2 North, Range 37, East Boise Meridian.

In River Parkway from North line of Section 24 to West Broadway.

In right-of-way approximately 800 feet South of North line of Section 24, from River Parkway to Airport Road.

Along right-of-way of Oregon Short Line Railroad from Houston Street to Broadway Street.

In South Utah Avenue from Broadway Southeasterly approximately 275 feet.

In West Broadway from railroad right-of-way of Oregon Short Line Railroad, approximately 600 feet Northwesterly.

In the right-of-way approximately 650 feet West of the North quarter corner of Section 24, 430 feet, on a line bearing S 75° 34' 30" East.

In West Broadway from Skyline Drive approximately 2000 feet East.

The lots and lands proposed to be assessed for said District and said improvement are stated in said resolution and are described as follows:

In Westland Heights Addition

All of Blocks 1, 2, 3, 5, and 7, Lots 1 to 5, inclusive, and Lots 11 to 16, inclusive, of Block 4, and Lots 1 and 2 of Block 6.

In Templeview Park Addition

All of Blocks 1, 2, 3, 4, 5 and Lots 1 to 13, inclusive, of Block 6.

In Solaria Tract

All of Block 1; part of Lot 1, all of Lots 2 to 9, inclusive, parts of Lot 10 and all of Lot 11 of Block 2, Lots 3 to 14, inclusive, and part of Lots 2, 15, and 16 of Block 4, Lots 2 to 8, and part of Lot 1 of Block 5.

In Bird Addition

Lot 8 of Block 4.

In West Broadway Addition

All of Blocks 1, 2, 3, 5, 6 and 7, part of Lots 6, 7 and 8, of Block 4, Lots 1 to 4, inclusive, in Block 8, part of Lot 2 and all of Lots 3 to 7, in Block 9, that part of Block 13, South of Seattle Street.

Un-platted Lands in Section 13, Township 2 North, Range 37, East of the Boise Meridian.

Commencing at a point 30 feet East of the West Quarter corner of said Section 13; thence South 89° 26' East along the East-West centerline of said Section 13 a distance of 220.03 feet; thence South 0° 13' West 258.2 feet to the point of beginning.

Also:

Beginning at a point 346 feet East and 30 feet North of Southwest corner of said Section 13; thence East along the North right-of-way line of U. S. Highway 91, 1600 feet, more or less, to the West boundary line of proposed interstate highway; thence Northerly and Northeasterly along said right-of-way line of said interstate Highway to the South line of Solaria Tract; thence Westerly along said South line of Solaria Tract to the East line of Saturn Avenue; thence along the East line of Saturn Avenue 110 feet; thence West 176 feet; thence South to the Southerly line of Cassiopeia Avenue; thence West along said South line of Cassiopeia Avenue to a point 125 feet East of the East line of the Bird Addition; thence South and parallel to said East line of Bird Addition 670 feet; thence West 125 feet to the East line of said Bird Addition; thence Southwesterly along the Southerly line of Lots 5, 6 and 7 of Block 4 of said Bird Addition; thence South 290 feet; more or less, to the point of beginning.

Also:

Beginning at a point on the section line common to Sections 13 and 24, Township 2 North, Range 37 East Boise Meridian at its intersection with the East Bank of the Porter Canal; thence Northerly along said East bank of the Porter Canal, 950 feet, more or less, to the West line of River Parkway; thence in a Southerly direction along said West line of River Parkway to the South line of said Section 13; thence West to the point of beginning.

Also:

Commencing at a point on the South section line of said Section 13 at its intersection with the West right-of-way line of the Oregon Short Line Railroad; thence West 450 feet to the East line of the proposed interstate highway; thence in a Northerly direction 625 feet to the centerline of Denver Street, extended; thence Southeasterly along said centerline of Denver Street, extended, to the West right-of-way line of the Oregon Short Line Railroad; thence Southerly along the West right-of-way line of said railroad to the point of beginning.

Un-platted Lands in Section 23, Township 2 North, Range 37, East of the Boise Meridian

AUGUST 15, 1960

Commencing at a point that is South 89° 30' West 25 feet and South 0° 23' East 28 feet from the Northeast corner of said Section 23, being on the Southern boundary line of U.S. Highway 91 and West boundary of Skyline Drive; thence South 370 feet along the West right-of-way line of Skyline Drive; thence West 125 feet; thence North 170 feet; thence West 30 feet; thence North 200 feet; thence East to the point of beginning.

Un-platted Lands in Section 24, Township 2 North, Range 37, East of the Boise Meridian

Commencing at a point 25 feet East and 28 feet South from the Northwest corner of said Section 24; thence East 2050 feet along the South line of U.S. Highway 91; thence South 300 feet; thence West and parallel to the South line of said Highway 91, 2050 feet to the East line of Skyline Drive; thence North 300 feet to the point of beginning.

Also:

Beginning at a point where the North line of said Section 24 intersects the West line of the proposed interstate highway; thence South 310 feet; thence West 130 feet, more or less, to the East line of Texas Avenue; thence South along the East line of Texas Avenue, 550 feet, more or less, to the North line of Houston Street; thence East along the North line of Houston Street, 300 feet; thence South 1450 feet, more or less, to the North line of Utah Avenue; thence Northeasterly along the Northerly line of Utah Avenue, 90 feet; thence Southeasterly 450 feet, more or less, to the East-West centerline of said Section 24; thence East on said centerline 450 feet, more or less, to the West bank of Porter Canal; thence Northerly along the West bank of the Porter Canal to the Southerly line of the Oregon Short Line Railroad right-of-way; thence Northwesterly along said railroad right-of-way to the North line of said Section 24; thence West along said North line of said Section 24, 422 feet, more or less, to the point of beginning.

Also:

Beginning at a point on the South line of Broadway Street at its intersection with the Easterly line of the right-of-way of the Oregon Short Line Railroad; thence Southeasterly along the Southerly line of Broadway Street 1400 feet; thence Southwesterly 300 feet, more or less, to the Northerly line of the right-of-way of the Oregon Short Line Railroad; thence Northwesterly along said Northerly line of said railroad right-of-way to the point of beginning, excepting there from the Westerly 284.5 feet of the following described tract:

Beginning at a point in the produced South line of that portion of Broadway West of Capital Avenue, said point being Northwest 1010 feet from the East line of Capital Avenue on the South line of Broadway, thence Northwesterly along the South line of Broadway, 384.5 feet, thence Southwesterly along the East side of Tract 2B, to the centerline of the G. G. Wright spur, thence Southeasterly along said centerline to its intersection with the North line of the Oregon Short Line Railroad right-of-way, thence Easterly along said North line to a point on line with the East end of the Consolidated Wagon and Machine Company's warehouse; thence Northeasterly 331.7 feet to the point of beginning, located all in Section 24, Township 2 North, Range 37, E.B.M.

Also:

AUGUST 15, 1960

Beginning at the North line of Broadway Street at its intersection with the East Bank of the Porter Canal; thence Northerly along the East bank of the Porter Canal to the North line of said Section 24; thence East along said North line of said Section 24 to the West line of River Parkway; thence Southerly along the West line of River Parkway to the Northerly line of Broadway Street; thence Northwesterly to the point of beginning.

That said resolution of intention as so modified and amended shall be, and the same hereby is, ratified and approved, that said Local Improvement District be created, and that the City Attorney prepare and submit to the Council an ordinance creating such District"

In other matters, Councilman Creek asked authority to acquire the necessary material and equipment for a small pole treatment plant in the amount of about \$3,500.00. It was moved by Councilman Johnson, seconded by Petersen, that he be so authorized. Roll call as follows: Ayes, 4; No, None; carried.

Councilman Creek then explained that there is need of a six inch water line to be installed underneath the taxi way in front of the ramp area at the airport, said ramp area being about 500 feet long and 50 feet wide. To this the Council gave their consent.

The Mayor noted that Mr. Joe Call is now acting as chairman of both the Recreation committee and the Traffic Advisory committee and has asked to be relieved of his position on the Recreation committee. To this the Council agreed.

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

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ W. J. O'Bryant
MAYOR
