

ORDINANCE No. 339

By Councilman C. A. Smith.

AN ORDINANCE ESTABLISHING LOCAL IMPROVEMENT DISTRICT No. 4, FOR THE PURPOSES OF GRADING, PAVING, CURBING AND SURFACE DRAINING CERTAIN AVENUES, STREETS AND PARTS OF STREETS WITHIN THE CITY OF PAYETTE, IDAHO, ORDERING THE MAKING OF SAID IMPROVEMENT, PROVIDING FOR THE PAYMENT OF THE EXPENSE THEREOF BY SPECIAL ASSESSMENT TO BE LEVIED AGAINST THE ABUTTING, CONTIGUOUS AND TRIBUTARY PROPERTY AND DEFINING THE DUTIES AND POWERS OF THE STREET COMMITTEE IN CONNECTION THEREWITH.

WHEREAS, The City of Payette, Idaho, did on the 21st day of March, 1921, adopt Ordinance No. 338, declaring its intention to grade, pave, curb and surface drain certain avenues, streets and parts of streets in said City, and provided therein for the payment of the cost and expense of such improvement the levying of a special assessment against the abutting, contiguous and tributary property, and defining the duties and powers of the street committee in connection therewith;

NOW, THEREFORE, BE IT ORDAINED BY The Mayor and Council of the City of Payette, Idaho, as follows:

SECTION 1. That there be and hereby is established within the City of Payette, State of Idaho, Local Improvement District No. 4, consisting of the avenues, streets and parts of streets and avenues in said City as follows, to-wit:

FIRST AVENUE NORTH. Beginning at the Oregon Short Line Railroad depot, and extending easterly a distance of 150 feet with two 25-foot strips of paving with 25 foot parking between said two strips of paving, thence easterly along said First Avenue North 85 feet in length and 85 feet in width across the intersection of Seventh Street and First Avenue North, thence East one block from Seventh Street to Eighth Street 300 feet in length and 50 feet in width to the property line on the west side of Eighth Street.

EIGHTH STREET. Beginning at the property line on the south side of Third Avenue North and extending south on Eighth Street the length and a distance of 317 feet and 67 feet in width, thence on said Eighth Street south where the same intersects with Second Avenue North, in length and a distance of 67 feet and in width 80 feet, thence on said Eighth Street extending south in length and a distance of 335 feet and 67 feet in width, thence extending on said Eighth Street south where said Eighth Street and First Avenue North intersect, in length and a distance of 50 feet, and in width of 90 feet, thence on said Eighth Street extending south in length for a distance of 335 feet and in width 67 feet; thence on said Eighth Street extending south where said Eighth Street and Center Avenue intersect in length and a distance of 67 feet and in width 80 feet; thence on said Eighth Street extending south in length and a distance of 335 feet, and in width 67 feet; thence on said Eighth Street extending south in length and a distance of 67 feet and a width of 80 feet; thence on said Eighth Street extending south in length and a distance of 317 feet and in width 67 feet, to the property line on the north side of Second Avenue South.

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

SECTION 2. That such avenues and streets in said Local Improvement District No. 4 to be graded, paved, curbed and surface-drained between the points as hereinbefore specified, the said paving to be done with some suitable pavement, according to the general plans on file in the offices of the City Engineer and City Clerk, and the curbing to be done by the construction of a concrete curb along the side of said portion of said avenues and streets as hereinbefore specified, where a concrete curb is not already constructed, extending the concrete curbs which are already constructed along the said portion of said avenues and streets downward where they are found to be not deep enough for the purpose of paving, except crossroadways or intersection of streets.

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

SECTION 3. That the said improvements be made, and the cost and expense thereof be assessed upon and against the lands and lots within said improvement district.

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

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

Their meeting shall be called by the chairman and the City Clerk shall act as Clerk of the committee, and shall keep a record of the proceedings.

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

All the property within said local improvement district No. 4 shall be assessed as aforesaid for the cost of said improvements herein ordered, except that the expense of improvement in the space formed by the junction of two or more streets or avenues where one main street or avenue terminates at or crosses another main street or avenue and also necessary street or avenue crossings or crossways at corners and intersections of streets or avenues, and the expense of making and repairing sewers shall not be included in said assessment but shall be paid by the City of Payette, Idaho.

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

SECTION 5. The said assessment roll prepared by said street committee shall contain, among other things, the names of the property owners affected by the proposed improvement, the description of each piece, lot or parcel of land, and the amount assessed against the same. Upon receiving the assessment roll the City Clerk shall give notice by three (3) consecutive

publications in the official newspaper of said City of Payette, that said assessment roll is on file in his office, the date of filing the same, and said notice shall state the time at which the Council of said City will hear and consider objections to said assessment roll by parties aggrieved by such assessment.

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

SECTION 6. That all assessments hereinbefore provided for be known as special assessments for improvements, and shall be levied and collected as separate taxes in addition to the taxes for general revenue purposes to be placed on the tax roll for collections, subject to the same penalty and collected in the same manner as other city taxes.

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

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

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

For the payment of installments on such bonds the Mayor and Council of said City of Payette are hereby empowered and they shall levy annually special assessments against the specific property abutting, contiguous and tributary to the proposed improvements hereinbefore provided, and in proportion to the benefits derived, sufficient to redeem the installments of such bonds next thereafter maturing, with interest thereon at not to exceed seven percent per annum from the date of the issuance of such bonds until the date of the installment next thereafter maturing.

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

The funds arising from all assessments levied for the redemption of said bonds shall be applied solely towards the payment of the cost and expense of such improvements on the redemption of said bonds issued therefor.

SECTION 9. The bonds herein provided for shall have printed thereon (among other things) substantially the following: "The holder of this bond shall have no claim against the City of Payette, Idaho, in any event,

except for the collection of special assessment made for the improvement for which the same was issued, but his remedy, in case of non-payment, shall be confined to the enforcement of such assessments."

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

PASSED By the Council of the City of Payette, Idaho, this 11th day of April, 1921.

APPROVED By the Mayor of the City of Payette, Idaho, this 11th day of April, 1921.

I. R. Woodward, Mayor.

Attest: Martin O. Luther, City Clerk.