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ORDINANCE NO. 267

AN ORDINANCE CONFIRMING THE CREATION AND ESTABLISHMENT OF LOCAL SIDEWALK AND CURB IMPROVEMENT DISTRICT NO. 1, IN THE CITY OF PAYETTE; APPROVING THE ASSESSMENT ROLL FOR SAID DISTRICT AS FILED IN THE OFFICE OF THE CITY CLERK AND CONFIRMED BY THE COUNCIL ON THE 22ND DAY OF SEPTEMBER, A. D. 1914, PROVIDING FOR THE PAYMENT BY INSTALLMENTS OF THE COST AND EXPENSES OF THE IMPROVEMENTS MADE IN SAID DISTRICT; PROVIDING FOR THE ISSUE OF IMPROVEMENT BONDS OF THE DISTRICT; ASSESSING THE COST OF THE SAID IMPROVEMENTS AGAINST THE LOTS, BLOCKS AND PARCELS OF LAND IN SAID DISTRICT CONTIGUOUS TO, FRONTING OR ABUTTING UPON SAID IMPROVEMENTS; AND DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS.

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WHEREAS, the city council of the city of Payette, county of Canyon, state of Idaho, has heretofore pursuant to the requisite preliminary proceedings and ordinance No. 246, adopted the 28th day of November, 1913, established Local Sidewalk and Curb Improvement District No. 1, in said city, for the purpose of constructing local improvements therein, consisting of grading, sidewalks and curbs upon and along the streets in said district; and,

WHEREAS, the committee on streets, together with the city engineer, have heretofore, in strict conformity with law and the ordinances of said village, made out and certified to the city council an assessment roll in and for said Local Sidewalk and Curb Improvement District No. 1, fixing the total cost of the improvements therein at the sum of thirty-five thousand nine hundred fifty-nine dollars and ninety-seven cents (\$35,959.97), assessing said amount against the lots, blocks and parcels of land contiguous to, fronting or abutting upon said improvements in said district, in proportion to the number of feet fronting on said improvements, and in proportion to the benefits accruing to said property by reason of the said improvements, which assessment roll was

duly ratified and approved by order of the city council on the 27th day of September, A. D. 1914; and,

WHEREAS, upon receiving the said assessment roll, the clerk of said city gave notice by three successive publications in the official newspaper of said city that such assessment roll was on file in his office, the date of filing the same, and stating a time at which the council would hear and consider objections to said assessment roll by the parties aggrieved by such assessments; and,

WHEREAS, at a time appointed for hearing objections to such assessments the council heard and determined all objections which were filed by any party interested to the regularity of the proceedings in making such assessments and the correctness of such assessments, or of the amount levied on any particular lot or parcel of land, after which hearing the said assessment roll was duly approved and confirmed by the council; and,

WHEREAS, it is the opinion of the city council of said city that the cost and expense of the improvements made in said Local Sidewalk and Curb Improvement District No. 1, which is chargeable to the abutting, adjoining, contiguous or approximate property, should be provided for and paid for by installments instead of levying the entire tax or special assessments for such costs at one time; and,

WHEREAS, the city council of said city desires to issue in the name of the city, improvement bonds of the district, to bear date the first day of June, A. D. 1915, payable in ten (10) installments of equal amounts each year, each installment of bonds maturing in the respective years annually from 1916 to 1925, inclusive;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR  
AND COUNCIL OF THE CITY OF PAYETTE, IDAHO:

Section 1. That all the proceedings, matters and things heretofore taken, had and done in connection with the establishment of Local Sidewalk and Curb Improvement District No. 1, in the city of Payette, Idaho, the construction therein of the improvements, the construction therein of the improvements, consisting of grading, sidewalks and curbs in said district, the apportionment of the cost of said improvements against the lots, blocks and parcels of land in said district, be and the same are hereby in all respects fully approved, ratified and confirmed.

Section 2. That the cost and expense of said improvements, consisting of grading, sidewalks and curbs within the boundaries of said Local Sidewalk and Curb Improvement District No. 1, which is chargeable to the abutting, adjoining, contiguous or approximate property, be paid for by installments, consisting of ten (10) equal annual installments, payable as provided by law in each of the year 1916 to 1925 inclusive.

Section 3. That there be issued in the name of the city of Payette, improvement bonds of said Local Sidewalk and Curb Improvement District No. 1, in the principal amount representing the total assessments remaining unpaid on the <sup>18</sup>th day of June, A. D. 1915, which bonds shall bear date the 1st day of June, A. D. 1915, and shall bear interest at the rate of seven per centum per annum, payable semi-annually on the 1st day of December and June in each year, said interest to be evidenced by coupons attached to said bonds. Said bonds shall be numbered in regular and consecutive order, commencing with number one, shall be in denomination of five hundred dollars (\$500.00) each, (except the last bond of

each series, which may be in such suitable amount as may be required to make the total issue conform to the amount hereby authorized), and the total issue hereby authorized shall be divided into ten (10) series, each series consisting of one-tenth of the total issue, and each series maturing in the respective years annually from 1916 to 1925, inclusive. Said bonds and the coupons thereto attached shall be payable at the office of the city treasurer or at the banking house of Kountze Brothers, in the city of New York, U. S. A., at the option of the holder. Said bonds shall be signed by the mayor and attested by the city clerk and countersigned by the city treasurer of the city of Payette, Idaho, and shall have affixed thereto the corporate seal of said city. All coupons shall bear the engraved fac-simile signatures of the mayor, city clerk and city treasurer of said city, and when so executed, shall constitute the binding obligations of said district for said interest.

Section 4. That said bonds and the coupons thereto attached, as authorized by this ordinance, shall be in substantially the following form:

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UNITED STATES OF AMERICA.

STATE OF IDAHO.

CITY OF PAYETTE.

LOCAL SIDEWALK AND CURB IMPROVEMENT  
DISTRICT NO. 1.

IMPROVEMENT BOND.

No. \_\_\_\_\_

The city of Payette, in the county of Canyon, state of Idaho, for value received, hereby promises to pay to the bearer the sum of \_\_\_\_\_ dollars, in lawful money of the United States of America, on the presentation and surrender of this obligation, on the first day of June, A. D. nineteen hundred and \_\_\_\_\_, with interest thereon from the date thereof until paid at the rate of seven per centum per annum, payable semi-annually in like medium on the 1st day of December and the 1st day of June in each year, on the presentation and surrender of the proper coupons hereto attached, both principal and interest payable at the office of the city treasurer of Payette, or at the banking house of Kountze Brothers, in the city and state of New York, U.S.A., at the option of the holder.

This bond is one of a series issued for the payment of the cost and expense for local street improvements in said Local Sidewalk and Curb Improvement District No. 1, as authorized by chapter 5 of title 13 of the Revised Codes of the state of Idaho, as amended by chapter 81 of the General Laws of the state of Idaho, passed at the eleventh session of the state legislature, and all other amendments and laws thereunto enabling, and in conformity with section 2238 of the revised

codes of the state of Idaho, it is hereby recited that  
"The holder of any bond issued under the authority of this section shall have no claim thereof against the city or village by which the same is issued, in any event, except from the collection of the special assessment made for the improvement for which said bond was issued, but this remedy in case of non-payment shall be confined to the enforcement of such assessment."

The principal sum herein named and the interest thereon shall be payable out of the local improvement fund created for the payment of the cost and expense of such improvement, and not otherwise. This obligation is not to be deemed or taken to be within, or any part of, the limitation imposed by law as to the indebtedness of said city. And it is further certified and recited that all the requirements of law have been fully complied with by the proper officers in the issuance of this bond, and that the total amount of this issue does not exceed the limit prescribed by law.

For the collection of the assessments levied in said Local Sidewalk and Curb Improvement District No. 1, the city of Payette, county of Canyon, state of Idaho, hereby pledges the exercise of all lawful corporate powers.

IN TESTIMONY WHEREOF, the city council of the city of Payette, has caused this bond to be signed by the mayor of said city, attested by the clerk thereof under the seal of the city, and countersigned by the city treasurer as of the first day of June, A. D. 1915.

ATTEST:

\_\_\_\_\_  
MAYOR.

\_\_\_\_\_  
CITY CLERK.

\_\_\_\_\_  
CITY TREASURER.



Section 5. That said bonds, when executed, shall be issued to Lathrop and McComsey, contractors, in accordance with the terms of their contract with the city, and when so issued shall transfer to said contractors, or to any owner or holder thereof, all the right and interest of the city of Payette in and with respect to every assessment against the property in said district liable to assessment for such local improvements, and the lien thereby created against the property of such owners assessed as shall not have availed themselves of the provisions of law in regard to the redemption of their property from the lien of such assessment, and shall authorize the owners and holders of said bonds to receive, sue for and collect or have collected such assessment embraced in any such bond, or through any of the methods provided by law for the collection of assessments for local improvements; and the city of Payette hereby pledges to such bondholder the exercise of all lawful corporate powers in the collection of the assessments levied for the payment of such bonds.

Section 6. That the whole cost of the improvements made in said Local Sidewalk and Curb Improvement District No. 1, and the apportionment of the same as set forth in the assessment roll made out according to the provisions of said Ordinance No. 246, adopted November 28, 1913, as filed in the office of the city clerk, and approved by the council on the 22nd of September, 1914, is hereby assessed against all the real estate in said district and to and upon each lot or tract of land within said district, against such persons and in the proportions and amounts severally set forth in said assessment roll.

which is hereby specifically referred to and made a part hereof, the same as if set forth at length herein.

Section 7. Said assessments shall bear interest thereon at the rate of seven per centum per annum, which assessments and interest, from the first day of June, A. D. 1915, being the date of the district bonds authorized by this ordinance, until the maturity of the installments of said bonds, are hereby declared to be a lien in the several amounts assessed against each lot or tract of land hereinbefore described, from and after the publication of this ordinance, and shall have priority over all other liens except general taxes.

Section 8. The owner of any piece of property liable for any special assessment herein made and provided for, may redeem his property from such liability by paying the entire assessment chargeable against his property, in the manner now provided by law.

Section 9. The city clerk is hereby authorized and directed to publish a printed notice in three (3) consecutive issues of the official weekly newspaper of the city, which notice shall state that the bonds of Local Sidewalk and Curb Improvement District No. 1, authorized and provided for in this ordinance, will be issued on the <sup>18<sup>th</sup></sup>~~6<sup>th</sup>~~ day of June, A. D. 1915, and which notice shall also state that the owner of any piece of property liable for any special assessment, as herein made, may redeem his property from such liability by paying the entire assessment chargeable against his property at any time prior to the <sup>18<sup>th</sup></sup>~~6<sup>th</sup>~~ day of June, 1915, and that if such payment be made before the date of the issuance of said bonds, no penalty, interest or costs shall be collected, but if after the

issuance of the said bonds, the owner may redeem his property from such liability by paying all the installments of the assessments, with interest at the rate of seven per centum (7%) per annum from the date of the issuance of said bonds to the time of maturity of the last installment. All payments shall be made to the city treasurer, who shall receipt therefor, and all sums so paid shall be applied solely to the payment of the cost of the improvements made in said Local Sidewalk and Curb Improvement District No. 1, or to the redemption of the bonds issued therefor. The notice in this section mentioned shall be in substantially the following form, to-wit:

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NOTICE

of

THE ASSESSMENT OF THE PROPORTIONATE COST OF THE IMPROVEMENTS IN LOCAL SIDEWALK AND CURB IMPROVEMENT DISTRICT NO. 1, CONSISTING OF GRADING, SIDEWALKS AND CURBS UPON AND ALONG THE STREETS WITHIN SAID DISTRICT IN THE CITY OF PAYETTE, CANYON COUNTY, IDAHO, IN ACCORDANCE WITH ORDINANCE NO. 267, ADOPTED AND APPROVED THE 19th DAY OF April A. D. 1915.

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TO WHOM IT MAY CONCERN:

Pursuant to the provision of Ordinance No. 267 of Payette, Idaho, adopted and approved the 19th day of April A. D. 1915, public notice is hereby given that the bonds of Local Sidewalk and Curb Improvement District No. 1, authorized and provided for in said ordinance, will be issued on the ~~19th~~ <sup>18th</sup> day of June, A. D. 1915; and notice is further hereby given that the owner of any piece of property liable for any special assessments made under the provisions of said ordinance No. 267 of Payette (to which ordinance reference is hereby made for greater certainty), may redeem his property from such liability by paying the entire assessment chargeable against his property at any time prior to the ~~19th~~ <sup>18th</sup> day of June, A. D. 1915. If payment be made before the ~~19th~~ <sup>18th</sup> day of June, A. D. 1915, the owner may redeem said property as aforesaid and no penalty, interest or costs will be collected. If payment be made after said ~~19th~~ <sup>18th</sup> day of June, A. D. 1915, the owner may redeem his property from such liability by paying all the installments of the assessments, with interest at the rate of seven per centus (7%) per annum from the date of the issuance of the said bonds authorized

by said ordinance, to the time of maturity of the last installment of said bonds. Interest on all unpaid installments shall be due and payable at the time each installment is payable, and all payments must be made to the city treasurer at his office in Payette.

Dated at Payette, Idaho, this 20<sup>th</sup> day of April

A. D. 1915.

Martin O. Luther  
CITY CLERK.

Section 10. The city council or other lawfully authorized taxing officers of Payette shall, for the purpose of ratifying and confirming the assessments hereby made, levy special assessments each year hereafter sufficient to redeem the installments of bonds, with interest, next thereafter maturing, as issued pursuant to the provisions of this ordinance, and in computing the amount of special assessments to be thus levied against each piece of property liable therefor, interest at the rate of seven per centum (7%) per annum from the date of the issuance of said bonds until the maturity of the installments of said bonds next thereafter maturing shall be included in such levies.

Section 11. This ordinance shall be in force and take effect upon its passage and approval and upon publication in The Payette Enterprise, the official newspaper of said city.

Passed the city council of the city of Payette, Idaho, the 19<sup>th</sup> day of April A. D. 1915.

Approved by the mayor of the city of Payette, Idaho, this 19<sup>th</sup> day of April A. D. 1915.

APPROVED:

C. B. Compton  
MAYOR.

ATTEST:

Martin Luther  
CITY CLERK.

And here

Do not print

It was moved by Councilman Crighton and seconded by Councilman Smith that the reading of said ordinance on three different days, as required by section 2276 of the Revised Codes of Idaho, be dispensed with.

The question being upon the adoption of said motion, the roll was called with the following result:

Those voting aye: Councilmen Crighton, Smith, Peterson, Shaw, Fulton and Gorham.

Those voting nay: None.

The mayor declared that three-fourths of the city council had voted in the affirmative, and that said motion was duly carried, and that the further reading of said ordinance was dispensed with.

Thereupon, Councilman Fulton moved that said ordinance be placed upon its passage, which motion was duly seconded by Councilman Gorham and the roll was called upon said motion with the following result:

Those voting aye: Councilmen Crighton, Smith, Peterson, Shaw, Fulton and Gorham.

Those voting nay: None.

The mayor declared the motion carried and the said ordinance placed upon its passage. Thereupon Councilman Crighton moved that said ordinance be passed as read, and the motion was seconded by Councilman Peterson.

The question being upon the passage of said ordinance, the roll was called, with the following result:

Those voting aye: Councilmen Crighton, Smith, Peterson, Fulton and Gorham.

Those voting nay: None. Shaw not voting by the consent of the mayor

The mayor declared that a majority of all the members elected to the city council had voted for the passage of said ordinance, and that said motion was carried and said ordinance duly passed.

On motion, said ordinance was numbered 267 and ordered published in The Payette Enterprise, a newspaper published in the city of Payette, according to law.

On motion, the meeting adjourned.

C. B. Compton  
MAYOR.

ATTEST:

Martin Luther  
CITY CLERK.

STATE OF IDAHO, }  
County of Canyon, } SS.  
CITY OF PAYETTE. }

I, Martin O. Luther, city clerk of the city of Payette, in the state of Idaho, do hereby certify that the foregoing is a true, full and correct copy of the record of proceedings taken by the city council of the said city at a regular meeting held on Monday, the 19<sup>th</sup> day of April A. D. 1915; that the ordinance therein set forth was duly passed by the said city council at said meeting; was approved by the mayor by his original signature thereon, and was referred to therein as ordinance No. 267. The same was attested by me as city clerk and was recorded in the ordinance book of said city.

I further certify that said ordinance was duly published in The Payette Enterprise, a newspaper published in Payette, Idaho, and of general circulation therein, on the 6<sup>th</sup> day of May A. D. 1915.

WITNESS my hand and the seal of said city this 7<sup>th</sup> day of May A. D. 1915.

Martin Luther  
CITY CLERK.

(SEAL)

PROOF OF PUBLICATION OF ORDINANCE NO. 267

PROOF OF PUBLICATION OF NOTICE OF PAYMENT.