GEO.B.BARNARD STA.CO., ST.LOUIS

ORDINANCE NO. 443

AN ORDINANCE AMENDING AND CHANGING ZONING ORDINANCE NO. 390 OF THE CITY OF REXBURG TO PROVIDE THAT LOTS 1, 2, AND 3, BLOCK 6 OF THE SORENSON ADDITION TO THE CITY OF REXBURG, COUNTY OF MADISON, STATE OF IDAHO, AS HEREINAFTER DESCRIBED, BE PLACED IN "B" RESIDENTIAL DISTRICT RATHER THAN "A" RESIDENTIAL DISTRICT.

BE IT ORDAINED by the Mayor and City Council of the City of Rexburg, Idaho:

SECTION 1. That Section 2 of Ordinance No. 390 of theCity of Rexburg, Idaho, be amended to read as follows:

"That Lots 1, 2, and 3, Block 6 of the Sorenson Addition to the City of Rexburg, Madison County, State of Idaho, be placed in B Residential District rather that A Residential District before any permits for construction are granted, for the purpose of permitting the construction thereon of apartment type dwellings not to exceed eight apartment units in any one dwelling."

PASSED by the City Council this 29th day of May, 1964.

APPROVED by the City Council this 29th day of May, 1964

Hubert L. Larsen
MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. 444

AN ORDINANCE REGULATION THE SUBDIVISION OF LAND AND RELATED MATTERS AFFECTED BY SUCH SUBDIVISIONS WITHIN THE CITY OF REXBURG, IDAHO, AND TO PROMOTE AND FACILITATE THE ORDERLY GROWTH AND DEVELOPMENT OF THE CITY OF REXBURG, IDAHO; PROVIDING FOR THE PREPARATION, APPROVAL AND RECORDING OF SUBDIVISION PLATS AND AMENDMENTS THEREOF; SETTING FORTH THE IMPROVEMENTS REQUIRED AND PROVIDING FOR PERFORMANCE BONDS; PROVIDINGTHAT THE CITY OF REXBURG SHARE IN THE COSTS OR CERTAIN IMPROVEMENTS; REQUIRING THAT ALL FACILITIES AND UTILITIES CONFORM TO CITY OF REXBURG MINIMUM STANDARDS FORPUBLIC UTILITY AND STREET IMPROVEMENTS AND RELATED FACILITIES; REQUIRING THAT ALL PUBLIC SERVICE FACILITIES IN SUCH SUB-DIVISIONS BE INSPECTED AND APPROVED BEFORE ACCEPTANCE OR LICENSES; DECLARING THE VIOLATION OF THE ORDINANCE A PUBLIC OFFENSE AND PROVIDING PENALTIES FOR SUCH VIOLATION.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG, IDAHO:

SECTION I. PURPOSE OF ORDINANCE

The underlying purpose and intent of this ordinance is to promote the health, safety, convenience and general welfare of the inhabitants of the City in the matter of the subdivision of land and related matters affected by such subdivisions. This chapter is enacted for the further purpose of facilitating the orderly growth and development of the city; lesseming congestion in the streets; preventing the overcrowding of land; avoiding undue concentration of

provisions for transportation, water, sewerage, schools, parks and other public requirements; stabilizing the value of property and increasing the security of home life.

SECTION II. PREPARATION, APPROVAL AND RECORDING OF PLAT REQUIRED, SALE BY METES AND BOUNDS.

Whosoever, being the owner or agent of the owner of any land located within the corporate limits of the City of Rexburg except land located in a recorded subdivision, transfers or sells any lots or lands without first preparing a final subdivision plat and having such plat approved by the planning commission and by the city council and recorded in the office of the county recorder shall be quilty of a misdemeanor for each lot so transferred or sold. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the requirement of the preceding sentence, except that, in subdivisions of less than five lots, lands may be sold by metes and bounds without the necessity of recording a final subdivision plat if all of the following conditions are met:

(a) The subdivision layout shall have first been approved in writing by the planning commission.

(b) The subdivision is not traversed by the mapped lines of a proposed street, as shown on the master plan of the city, and does not require the dedication of any land for streets or other public purposes.

(c) Each lot in the subdivision meets the frontage, width and area requirements of the Zoning Ordinance for that area being subdivided, or had been granted a variance from such requirements by the City Council.

SECTION III. DEFINITIONS.

For the purpose of this chapter the following definitions shall apply:

City of Rexburg Standards. The words "City of Rexburg Standards" means a set of standard drawings and specifications entitled "Minimum Standards for public utility and street improvements and related facilities for City of Rexburg.

City Engineer. The words "City Engineer" mean the city engineer of City of Rexburg.

City Planner. The words "city planner" mean the planner employed by the planning commission.

Cul-de-sac. The term "cul-de-sac" (dead-end street) means a street, existing or proposed, which has access from one open end and is terminated by a vehicular turn-around at the other end.

Easement. The word "easement" means a quantity of land set aside or over which a liverty, privilege, or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.

Final plat. The words "final plat" mean a drawing of the proposed subdivision drawn accurately to scale, which has thereon all measurements, date, certificates and dedications required for approval and acceptance by the proper agencies and for recording in the office of the county recorder.

Intervening property. "Intervening property" shall be any property

GEO. D. BARNARD STA. CO., ST. LOUIS

existing public facilities or utilities.

Major Street. The words "major street" mean a street, existing or proposed, which serves or is intended to serve as a major trafficway and is so designated on the master plan. The priiary function of a major street is to serve through traffic.

Master Plan. The words "master plan" mean a plan, labeled "Master Plan of City, of Rexburg", including maps or reports or both, which has been approved by the planning commission and the council as required by law.

MINOR STREET. The words "minor street" mean a street, existing or proposed, which is of limited continuity and which serves or is intended to serve the local needs of a neighborhood or as minor access to abutting property.

OFF-SITE FACILITIES AND UTILITIES. The words "off-site facilities and utilities" mean facilities and utilities installed in, under, upon or over other property outside the legally described perimeter of a subdivision which are required for the proper development of such subdivision and which may be located and designed to serve such other property.

ON-SITE FACILITIES AND UTILITIES. The words "on-site facilities" and "on-site utilities" mean facilities and utilities installed in, under, upon or over the public streets, rights of way or easements within the legally described perimeter of a subdivision.

OVERSIZED FACILITIES AND UTILITIES. The words "oversized facilities and utilities" mean facilities and utilities which are designed with added capacity, width, depth, ets., with the expressed purpose of making service available to other properties outside the legally described perimeter of the subdivisions.

PLANNING COMMISSION. The words "planning commission" mean the City of Rexburg planning commission.

PRELIMINARY PLAT. The words "preliminary plat" mean a drawing drawn to scale representing a proposal as to a method of subdividing a tract, lot or parcel of land but which does not require the certificates and dedications necessary for acceptance by the council.

SUBDIVIDER. The word "subdivider" means an individual, corporation, or registered partnership owning or controlling any tract, lot or parcel of land to be subdivided or a group of two or more persons owning any tract, lot or parcel of land to be subdivided who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, in representing or executing the purpose of the subdivision.

SUBDIVISION. The word "subdivision" as used in this chapter, is hereby defined as the division of a tract or parcel of land into three or more parts, whether immediate or future, for the purpose of sale or of building development; provided, that if any one person within one calendar year divides any tract into three or more parts, such land shall be deemed a subdivision withing the meaning of this ordinance. This definition of a subdivision shall not include a bona fide division of partition of agricalture lands in parcels of more than one acre for other than building development purposes, nor shall it included the division of property in commercial or industrial districts for commercial or

ORDINACE NO. 444 continued

streets are required or are to be dedicated for public use, nor shall it include or apply to the allocation of land use, nor shall it include or apply to the allocation of land in the settlement of an estate or a court decree for the distribution of property.

UTILITIES. The word"utilities" means culinary water lines, pressure and gravity irrigation lines, sanitary and storm sewer lines, electric power and telephone transmission lines, together with all poles, wires, underground conduit and junction boxes, guy wires and bracing thereto.

VICINITY PLAN. The vicinity plan shall be drawn on maps of the city furnished by the city engineer. Such vicinity plan shall be drawn to scale and shall show a representation of the blocks and streets of the proposed subdivision and their relationship to existing and proposed streets and to existing and proposed utilities. Size of such utilities shall also be shown.

ZONING ORDINANCE. The words "Zoning ordinance" shall mean the Zoning Ordinance of the city, including the map labeled 'Zoning Map of Rexburg, Idaho.

SECTION IV. PROCEDURE FOR OBTAINING APPROVAL OF SUBDIVISIONS REQUIRING SUBMISSION OF FINAL PLATS.

Step 1. Information as to standards and master plan requirements to be secured.

Any person wishing to subdivide land within the city shall secure from the city engineer or other authorized representative of the planning commission information pertaining to the city standards and to the city's plan of streets, parks, drainage, zoning, subdivision of land, and other master plan requirements affecting the land to be subdivided.

Step 2. Preparation of preliminary plat and vicinity plan; submission to city engineer.

The subdivider shall then prepare a preliminary plat and vicinity plan. Eight copies of the preliminary plat and three copies of the vicinity plan shall be submitted to the city engineer for review and recommendations by the City Department Heads, Engineer and City Council.

(1) The preliminary plat shall be submitted on a drawing not to exceed twenty-four inches by thirty-six inches and shall include:

a. Scale - which shall be one of the following: ten, twenty, thirty, forty, fifty, sixty or one hundred feet to the inch.

b. Name of subdivision.

c. Name of subdivider.

d. Names of all adjoining subdivisions, property owners, present property lines and streets.

e. North point, and date.

f. Contour map at appropriate intervals where required by the planning commission.

g. The boundary lines of the tract to be subdivided.

h. The location, widths and other diiensions of all existing or platted streets and other important features such as railroad lines, watercourses, exceptional topography and buildings within the tract or within two hundred feet of the tract to be subdivided.

i. The location, widths and other diiensions of proposed streets, alleys, easements, parks and other open spaces and lots, with proper labeling of spaces to be dedicated to the public.

j. Plans or written statements regarding the width and type of proposed sanitary sewers or other sewage disposal facilities, culinary water lines, drainage facilities and other proposed improvements, such as sidewalks, planting and parks and any grading of individual lots.

k. Statement signed by the subdivider stating that, "the undersigned hereby agrees to install all facilities and utilities in accordance with the Rexburg City Subdivision Ordinance and the City of Rexburg Standards".

(1) The preliminary plat shall have a statement of preliminary approval with a space for approval signatures by the City Engineer, City Planning Board Chairman, and City Council Representatives.

m. Another data deemed necessary by the planning commission.

(2) In all cases where the subdivider is not an individual corporation or registered partnership, the preliminary plat, when presented shall be accompanied by a notarized statement, bearing the signatures of owners of record of the property to subdivided, designating a single individual who shall act for and on behalf of the group in all appearances before bodies, agencies or representatives necessary to execute the purpose of subdividing the property.

GEO.D.BARNARD STA.CO., ST.LOUIS

City Council shall not constitute final acceptance of the subdivision by the City Council

Step 3. Review of preliminary plat.

(1) The City Engineer shall deliver a copy of the preliminary plat to each of the city departments that will be affected. Each of the departments receiving the preliminary plat shall, within five working days, return its copy of the preliminary plat to the city engineer with its recommendations. The city engineer shall thereafter present such preliminary plat and one copy of vicinity plan to the planning commission or city council with his recommendations.

(2) The planning commission and/or city council shall review, and shall approve or disapprove the preliminary plat, or approve it with modifications, within thirty calendar days from the date of the submission of the preliminary plat to the planning commission or city council by the city engineer unless a longer period is granted by the subdivider.

(3) Action taken by the planning commission or city council shall be written on the face of three copies of the plat, one of which shall be retained in the files of the planning commission or city council and the other retained by the subdivider, and one returned to the city engineer. If disapproved, or approved conditionally, the planning commission or city council shall express its reasons therefor in writing to the subdivider.

Step 4. Plan and profile drawings of streets.

After the preliminary plan has been approved, the subdivider shall prepare and submit for approval, if required by the city engineer, plan and profile drawings of streets serving the subdivision showing proposed final street grades, and locations, size and grades of all proposed utilities.

SECTION V. IMPROVEMENTS REQUIRED; PERFORMANCE BOND PERMITTED IN LIEU OF ACTUAL CONSTRUCTION.

For all subdivisions, the following improvements shall be installed without cost to the city, in accordance with City of Rexburg Standards. In lieu of actual construction of the improvements, a bond or other acceptable assurance may be furnished to the city by the subdivider at the time a subdivision final plat is approved by the City, as a guarantee that the improvements will be constructed and paid for within one year from the time construction of homes is started on the particular street.

(1) All streets shall be graded, graveled, and hardsurfaced, in accordance with City of Rexburg Standards as approved by the city engineer. No streets shall be paved to a width less than the total paved width required for the specific street by the City of Rexburg Standards.

(2) Sanitary sewer mains and laterals shall be installed in accordance with the City of Rexburg Standards as approved by the city engineer. No sanitary sewer mains shall be installed whose inside nominal diameter is less than eight inches unless approved in writing by the city engineer.

(3) Culinary water mains and laterals shall be installed in accordance with the City of Rexburg Standards. No culinary water mains shall be installed whose nominal inside diameter is less than six inches unless approved in writing by the city engineer or city coundil, and in no case shall fire hydrants be connected to a culinary water main whose nominal inside diamter is less that six inches. Fire hydrants shall be installed in accordance with City of Rexburg Standards at locations as approved by the City Engineer.

(4) Irrigation lines, both pressure and gravity, when installed within the limits of dedicated streets or alleys shall be installed as directed by the city engineer.

(5) Curbs and gutters, sidewalks, ddiveways and street signs shall be installed in accordance with the City of Rexburg Standards as approved by the city engineers; provided that curb and gutters and sidewalks shall be required on only one side of a street serving the subdivision when such street bounds a subdivision.

(6) Easements shall be granted and provided by the subdivider for the installation of all utilities as required by the city engineer.

Section VI. Division of Cost of Improvements.

Cost of improvements which are required under the provisions of this chapter, as well as the cost of other immprovements which the developer may install, shall be shared between the developer and the city according to the following schedule (it further being herein construed that the city shall in no way share in the cost of any improvements not expressly noted within this section):

ORDINANCE NO. 444 continued

Facility Description	Subdivider % of Cost	City of Rexburg % of Cost
1. Easements and rights of way; grading of streets; curb and gutter; cross drains; dip stones and connecting piping; driveways; sidewalks; street signs; fire hydrant companion valves; service lines; thrust blocks; sanitary sewer manholes and laterals "on-site" culinary water laterals.	100%	100% of cost of fire hydrants only
2. Base gravel course; street ppaving; bridges and culverts.	100% for all streets requiring road widths of 50 feet back to back of curb and gutter or less.	100% for all additional width required by the city in excess of 50 feet back to back of curb and gutter.
3. Street lighting	100% of easements & rights of way	100% of facilities.
4. Culinary water mains and valves "on-site" & "on-site oversized".	100% of all costs of mains and laterals 6 inches inside nominal diameter or less. All mains in excess of 6 inches inside nominal diameter when not "over-sized" as defined in this ordinance.	All additional costs to install "over-sized" facilities; said costs to be determined by the city engineer.
5. Sanitary sewer mains, "on-site".	100% of all costs of mains 8 inches inside nominal diameter or less. All mains in excess of 8 inches inside nominal diameter when not "over-sized" as defined in this ordinance.	All additional costs required to install "over-sized facilities" said costs to be determined by the city engineer.
6. Culinary water & sanitary sewer facilities; and streets "off-site".	Refer to paragraph 1 below	Refer to paragraph 1 below
7. Storm surface runoff facilities "on-site" and "off-site".	100%	0%
8. Storm sewer facilities.	Special negotiations with the Council	Special negotiations with the Council.

1. Whenever any intervening property ("off-site") is benefited by the installation of any of the required bacilities, the subdivider may pay the cost of such facilities to the city, such cost to be determined by competitive bods solicited by the city together with verified engineering costs required therefor. The City shall thereafter enter a deferred credit in its books and records and shall charge the benefited intervening property owners the fee rates for sewer and watter connections in effect at the time such connections are made. Such fees shall then be returned to the subdivider to reimburse the costs of the installation of the facilities; such agreement for reimbursement shall extend for a maximum periof of 5 years from initial date of agreement after which time no further reimbursement shall be made to the subdivider. The city may also elect to reimburse the subdivider for such "off-site" facilities in full or in part after the subdivider has furnished the city with acceptable evidence that an agreed number of housing units are occupied. No interest shall accrue or become payable on such reimbursement. Engineering drawings showing benefited property shall be prepared by the city engineer and cipies forwarded to the sewer, water and streets departments of the city.

SECTION VII. DESIGN REQUIREMENTS.

(1) All facilities and utilities installed within a subdivision shall conform to the "Minimum Standards for Public Utility and Street Improvements and Related Facilities for City of Rexburg, Idaho" which is herein made a part of this section by reference.

(2) The arrangements of streets in new subdivisions shall make provision for the cintinuation of the existing streets in adjoining areas or their proper protection where adjoining land is not subdivided at the same or greater width but in no case less than the required minimum width unless variations are deemed necessary by theplanning commission. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they play their own land and seek to provide for convenient access to it. Where, in the opinion of the planning commission, it is desirable to provide for street

GEO.B.BARNARD STA.CO., ST.LOUIS

(3) Street reverse curves shall have a tangent of at least one hundred feet unless in the opinion of the city engineer and planning commission such is not necessary.

(4) All streets shall intersect each other as near as possible at right angles, but shall in no case intersect other streets at an angle of less that eighty degrees.

(5) Minimum street grades of three-tenths per cent will be required with the maximym grade being seven percent for major streets (unless otherwise dictated by Idaho State Highway Department requirements) and ten per cent for minor streets. Where the observance of the standar is impossible, the planning commission shall have the power upon the recommendation of the city engineer to grant an exception when approved pavement surfaces and adequate leveling areas are installed, or in the opinion of the planning commission the best subdivision of theland is thereby secured.

(6) Any break or change in alignment of a street centerline shall be not less than three hundred fifty feet for major streets, and one hundred feet for minor streets, unless approved otherwise by the city engineer.

(7) Property lines at all street intersections shall be rounded with curves having a minimum radius of fifteen feet.

(8) New street names shall not duplicate those already existing A street obviously a continuation of another already in existence and named shall bear the same name. Before the street is named, the proposed name must be submitted to and be approved by the planning commission.

(9) All streets within the corporate limits of the city shall be required to be dedicated for public use. The dedication and paving of half of the width of a street, in any subdivision, is strictly prohibited. Where subdivision streets parallel contiguous property of other owners, the subdividers may retain a protection strip not less than one foot in width between such street and adjacent property, provided, that an agreement approved by the city attorney has been made with the city by the subdivider, contracting to dedicate the one foot or larger protection strip free of charge to the city for street purposes upon payment of the then owners of the contiguous property, plus the value of one-half the land in the street at the time of the subdivision of such contiguous property.

(10) The maximum length of cul-de-saxs shall be five hundred feet and shall require a turn-around at the dead end whose radius shall be a minimum of forty-five feet. Approved drainage facilities shall be installed.

(11) The maximum length of blocks shall be twelve hundred feet and the minimum length of blocks shall be five hundred feet. In blocks over eight hundred feet in length the subdivider may be required to dedicate, pave, and fence with four-foot high chain link fencing, a walkway through the block at approximately the center of the block. Such walkway shall not be less than ten feet in width.

(12) The width of blocks shall be sufficient to allow two tiers of lots unless otherwise approved by the planning commission or city council. No lot shall face a street and back onto another street except in the specific case of lots backing onto a limited access or no access highway.

(13) The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings and be properly related to topography and conform to requirements set forth herein. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage which would be unusable for normal purposes.

(14) All lots shown on the subdivision plat must conform to the minimum requirements of the zoning ordinance then in effect, if any, for the zone in which the subdivision is located, and to the minimum requirements of the health department for water supply and sewage disposal.

(15) Each lot shall face and abutt on a street dedicated by the subdivision plat or an existing publicly dedicated street. Side lot lines shall intersect front lot lines at right angles and radially unless otherwise specifically approved by the planning commission.

(16) Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.

(17) All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather that allowed to remain as unusable parcels.

(18) No subdivision shall be accepted and approved for recording until acceptable evidence is subnitted verifying that each individual lot is, or will be, in single, joint or common tenancy prior to the time of such recording, nor until approved evidence is presented assuring marketable title for all property within the legally described perimeter of the subdivision.

(19) All curb and gutter, paving, sidewalks and utilities shall be extended and installed to the borders of the subdivision in all ordinary circumstances. However, where a street l es within and borders a subdivision, only the curb and gutter and sidewalks which abut lots within the subdivision

ORDINANCE NO. 444 CONTINUED

(20) Whenever a proposed subdivision which required a final plat borders on an existing dedicated street, the subdivider shall be required to meet with the city council or their designated representative to determine and negotiate the methods and means required for the improvement of, and the installation of utilities in such street.

(21) The subdivider shall be required to install standard city street monuments at all street cen erline intersections, at the center of all cul-de-sac turn-arounds and at such other major locations as may be required by the city engineer. Installation of such monuments shall be a condition of final acceptance of the streets by the city for perpetual maintenance.

(22) Streets shall conform tothe width designated on the Master Street Plan wherever a subdivision falls in an area for which a Master Street Plan has been adopted. For territory where such Street Plan has not been completed at the time the subdivision preliiinary plan is submitted to the Planning Commission, streets shall be provided as required by the Planning Commission. The following street widths are noted as the minimum allowed:

MAJOR STREETS: (4' sidewalks required both sides of street)	
Property Line to Property Line	70 feet
Back of Curb to Back of Curb	60 feet
COLLECTOR STREETS (4' sidewalks required both sides of street)	
Property Line to Property Line	60 feet
Back of Curb to Back ofCurb	40 feet
MINOR STREETS (4' sidewalks required both sides of street)	
Property Line to Property Line	50 feet
Back of Curb to Back of Curb	36 feet
CUL-DE-SACS: (No sidewalks required)	
Entry road:	
Property line to property line	50 feet
Back of curb to back of curb	40 feet
Turnaround:	
Property line radius (minimum)	50 feet
Back of curb radius (minimum)	45 feet

SECTION VIII. DETAILED INSTRUCTIONS FOR SUBMISSION OF FINAL PLAT

The requirements for the final plat, or drawing to be submitted, as above provided, shall consist of a sheet of good quality, cold-pressed, double-mounted paper, eighteen (18) inches by twenty-four (24) inches in size, with the muslin extending three inches at the left and for ginding purposes. The plat shall be so drawn that the top of the sheet either faces North or West whichever accomodates the drawing best. All lines, dimensions, and markings shall be made on the plat paper with approved waterproof black "India Drawing Ink". The actual map drawn shall be made on a scale large enough to clearly show all details and the workmanship on finished drawings shall be near, clean-cut, and readable, and shall be of such scale that the entire plat or diagrams shall be on one side of the sheet, and no part thereof shall come any nearer any edge of said sheet than one (1) inch.

The subdivider must also furnish in addition to the original plat or drawing a reproduceable reproduction made on tracing linen, certified to be an exact copy of the original, and to the same dimensions and size as the original. Both the original plat and the linen copy, shall be signed separately by all parties duly authorized and required to sign. The subdivider shall furnish four (4) black and white prints of the final plat when submitting the original plat; one(1) for the planning commission, one(1) for the county assessor, one(1) for the City Clerk, and one(1) for the City Engineer. The final drawings or plats shall contain the following information:

1. A subdivision name and the general location of the subdivision, in bold letters at the top of the sheet.

2. A north point and scale on the drawing, and the date.

3. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, property ties to public survey monuments. These lines should be slightly heavier than street and lot lines.

4. The names, widths, lengths, bearings, and curve date on center lines of proposed streets and property lines, alleys, easements; also the bounda ies, bearings, and dimensions of all portions within the subdivision, as intended to be dedicated to the use of the public; the lines, dimensions, bearings and numbers of all lots, blocks and parts within the subdivision. All lots and blocks are to be numbered consecutively under a definite system approved by the Planning Commission. All proposed streets shall be named or numbered in a system approved by the Planning Commission.

5. The location of all monuments as required in Section XIV of this ordinance.

6. The description and locations of all monuments set and established by the City or the United States Government that are adjacent or near this proposed subdivision.

GEO. D. BARNARD STA. CO., ST. LOUIS

ORDINANCE NO. 444 Continued

7. Standard forms lettered for the following:

(a) Description of land to be included in subdivision.

(b) Registered Professional Engineer and/or Land Surveyer's "Certificate of Survey".

(c) Owner's dedication which shall "warrant and save the city harmless from any easements or other encumbrances and do hereby dedicate for the perpetual use of the public all parcels of land shown on the plat as intended for public use".

(d) Notary Public's acknowledgement.

(e) City of Rexburg Planning Commission's Certificate of Approval

(f) The City or County Engineer's Certificate of Approval.

(g) The City Council's Certificate of Acceptance attested by the City Recorder.

(h) County Commissioner Certificate of Approval.

(i) County Recorder's Certificate of filing.

8. It is necessary that all dimensions and calculations made by the Engineer shall show proper closures in all boundaries of the subdivision, or otherwise, in completing this survey and no plat will be accepted that shows a plus or minus distance for closure, unless agreed by the Commission or other person duly empowered by resolution.

9. Easement of not less than eight feet on each side of all rear lot lines and on certain side lot lines shall be required where necessary for public utilities.

10. Before approving and signing the final plat, the City Council shall collect a checking fee from the subdivider and shall then submit the plan for approval to the City Engineer or County Surveyor, who shall check the engineering requirements of the drawing for the outside dimensions of said plat and for all properties which are to be didicated to the use of the public. After approval and signature by the City Engineer or County Surveyor the plan shall be submitted first to the Planning Commission and then to the City Council for approval and certificate of acceptance, together with evidence of marketable title in the dedicatory owners to the satisfaction of the City Attorney. Upon the final plan being approved by theCity Council and signed by its designatedauthority, it shall be deposited with the City Recorder, who shall cause it to be deposited with the County Recorder for recording upon payment of all equired recording fees by the subdivider. No Recorder and no lot included in such subdivision shall be sold or exchanged and no offer shall be made to sell or exchange any such lot unless and until the plan is so approved.

11. The subdivider shall at all times comply with thelaws of the State of Idaho pertaining to the subdivision plats and developments, and such laws and any subsequent amendments thereto are hereby made a part of this ordinance.

SECTION IX. FINAL INSPECTION AND RELEASE.

The subdivider shall be responsible for the quality of all materials and workmanship. At the completion of the work, upon written request of the subdivider, an inspection committee appointed by the council shall make an inspection of the public service facilities and shall submit a report to the city council setting forth the condition of such facilities. If the condition thereof is found to be satisfactory, all liens have been paid, all work and material within the dedicated areas has been paid for and signed affidavits filed, the council shall in writing accept such facilities on behalf of the city for perpetual maintenance. If the condition of material or workmanship shows unusual deterioration or does not comply with acceptable standards of durability, the council shall require the subdivider to repair or replace the faulty facility to an approved standard, or if the subdivider shall fail to perform as directed, the council shall eclare the subdivider to be in default. The council shall not accept such facilities until all phases of this ordinance are satisfactorily complied with.

SECTION X. APPROVAL OF SUBDIVISION BEFORE GRANT OF BUILDING PERMIT.

No permit shall be granted for the erection of any building or other structure within a subdivision unless and until the subdivision shall have been approved as required.

SECTION XI. AMENDED PLATS.

When changes in a final plat of a subdivision which has been recorded are made, such final plat shall be vacated and an amended final plat shall be filed and recorded in accordance with the requirements of this chapter and state local laws.

SECTION XII. SCHOOL SITES, PARKS, PLAYGROUNDS, ETS.

In subdividing property, consideration shall be given to sites for schools, parks, playgrounds and any other areas for public use, as shown on the master plan.

ORDINANCE NO. 444 Continued

Any provision for such open spaces should be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to , or acquired by, the appropriate agency.

SECTION XIII. NO PERMIT OR LICENXE FOR USE IN VIOLATION OF CHAPTER.

No officer of the city shall grant any permit or license for the use of any building or land if such would in violation of this chapter.

SECTION XIV. MONUMENTS.

Monuments shall be set as follows:

(a) Initial point of subdivision - Galvanized iron pipe not less than two inches in diameter and three feet long and shall be set or driven six inches below the surface of the ground.

(b) The intersection of all streets, avenues, public highways and all points on the exterior boundary where the boundary line changes directions - Galvanized iron pipe one inch in diameter and at least thirty inches long, or an iron or steel rod, at least five-eighths of an inch in diameter and thirty inches long.

(c) All lot corners - Galvanized iron pipes, or steel or iron rods not less than one-half inch in diameter and at least two feet long.

SECTION XV. PENALTY FOR VIOLATION.

It shall be unlawful and constitute a public offense for any person to violate any of the provisions of the ordinance. Every person convicted of the violation of this ordinance shall upon conviction thereof, be punished by a fine of note more than $300.00 or by imprisionment in the city jail for not more than thirty days, or by both such fine and imprisonment, plus the costs of prosecution. In the event of default in payment of such fine and costs, any such person so convicted of the violation of this ordinance shall be confined in the city jail for the payment thereof at the rate of $5.00 per day.

SECTION XVI. VALIDITY OF ORDINANCE.

If any portion of this ordinance shall be declared invalid it shall not affect the validity of the remainder thereof.

SECTION XVII. REPEALING ORDINANCES IN CONFLICT.

All ordinances or parts of ordinances insofar as they are in conflict herewith be, and the same are hereby repealed.

PASSED by the City Council this 20th day of May, 1964

APPROVED by the Mayor this 20th day of May, 1964

Lulu L. Larsen

MAYOR

ATTEST:

CITY CLERK.

(Seal)