

ADDITION *dwe*
J
27 to 28

A meeting of the Mayor and Council of the City of Gothenburg, Nebraska, was held at the City Council Chambers in said City on the 3rd day of Febr., 2004, at 7 o'clock p.m. Present were: Mayor: Harry Franzen; Council Members: Joyce Hudson, Rager Dudley, Gary Norseen

Absent: Jeff Kennedy. Notice of the meeting was given in advance thereof by publication in The Gothenburg Times, a designated method for giving notice, as show by the Affidavit of Publication attached to these minutes. Notice of this meeting was given to the Mayor and all members of the Council. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Council Member Dudley introduced Ordinance No. 287 entitled:
ORDINANCE NO. 287

AN ORDINANCE OF THE CITY OF GOTHENBURG, NEBRASKA, CREATING WATER SERVICE DISTRICT NO. 7 ~~2004-1~~; DEFINING THE SAME AND THE LIMITS THEREOF; PROVIDING FOR CONSTRUCTION OF A WATER MAIN AND SUCH OTHER WORK AS IS NECESSARY AND INCIDENTAL THERETO; PROVIDING FOR ASSESSMENT OF THE COST OF SAID IMPROVEMENTS; PROVIDING FOR THE ISSUANCE OF DISTRICT IMPROVEMENT WARRANTS OR BOND ANTICIPATION NOTES AND DISTRICT BONDS; PROVIDING FOR REPEALING OF ALL ORDINANCES IN CONFLICT THERewith; AND PROVIDING THE TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT AND ORDERING THE PUBLICATION OF THE ORDINANCE.

and moved that the statutory rule requiring reading on three different days be suspended. Council Member Norseen seconded the motion. The following Council Members voted AYE:

Hudson, Norseen, Dudley. The following voted NAY: none.

The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said Ordinances.

Said Ordinance was then read by title and thereafter Council Member Dudley moved for final passage of the Ordinance, which motion was seconded by Council Member Hudson. The Mayor then stated the question was "Shall Ordinance No. _____ be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Norseen, Hudson, Dudley

_____. The following voted NAY: none. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the Ordinance to be published as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 787

AN ORDINANCE OF THE CITY OF GOTHENBURG, NEBRASKA, CREATING WATER SERVICE DISTRICT NO. ~~2004-1~~; DEFINING THE SAME AND THE LIMITS THEREOF; PROVIDING FOR CONSTRUCTION OF A WATER MAIN AND SUCH OTHER WORK AS IS NECESSARY AND INCIDENTAL THERETO; PROVIDING FOR PLANS, SPECIFICATIONS, ESTIMATES OF COST AND SECURING OF BIDS; PROVIDING FOR THE PAYMENT OF SUCH WORK AND OTHER EXPENSES INCIDENTAL THERETO; PROVIDING FOR ASSESSMENT OF THE COST OF SAID IMPROVEMENTS; PROVIDING FOR THE ISSUANCE OF DISTRICT IMPROVEMENT WARRANTS OR BOND ANTICIPATION NOTES AND DISTRICT BONDS; PROVIDING FOR REPEALING OF ALL ORDINANCES IN CONFLICT THERewith; AND PROVIDING THE TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT AND ORDERING THE PUBLICATION OF THE ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GOTHENBURG, NEBRASKA:

Section 1. Water Service District No. ~~2004-1~~⁷ of the City of Gothenburg, Nebraska is hereby created.

Section 2. Said Water Service District No. ~~2004-1~~⁷ shall include and encompass the designated portions of the following areas in the City of Gothenburg, Nebraska, and the limits, boundaries and improvements are defined and established as follows:

WATER SERVICE DISTRICT NO. ~~2004-1~~⁷

THE WATER MAIN TO BE CONSTRUCTED AND INCIDENTAL WORK CONNECTED THEREWITH IS:

Under 25th and 26th Streets from Avenue J on the West Edge of City Replat of Blocks 3 through 7, Hilltop Estates Subdivision, to Avenue L, all in Gothenburg, Dawson County, Nebraska.

and from 27th to 23rd street under Ave J.

THE ABUTTING PROPERTY TO BE INCLUDED IN THE DISTRICT IS LOCATED WITHIN THE FOLLOWING BOUNDARIES:

Lots 1 through 6, Block 1, Lots 1 through 14, Block 2, and Lots 1 through 6, Block 3, all in City Replat of Block 3 through 7, Hilltop Estates Subdivision, and Part of Block 7, Hilltop Estates Subdivision, described as Exhibit A, all in Gothenburg, Dawson County, Nebraska.

Section 3. The City's special engineer has made detailed plans and specifications for said improvements and an estimate of the cost thereof, which have been approved by the City Council. The Mayor and City Clerk are authorized to enter into a contract on behalf of the City for such work upon compliance with and in accordance with advertising, bidding and contracting procedures prescribed in Nebraska Revised Statutes Section 17-568.01, 1997, as amended. The City Council shall have and hereby reserves the right to reject any and all bids received.

Section 4. The work and improvements shall be made at public cost, but special assessments on any properties determined by the City Council to be especially benefitted thereby, proportionate to benefits, shall be levied to reimburse the City to the extent provided by law.

Section 5. The District created hereby is separate and distinct, and if the District is objected to by owners of record title representing more than 50% of the front footage of the property directly abutting on the water main to be constructed, the work will not be constructed in the District.

Section 6. For the purpose of paying for the construction of the water main and other necessary improvements incidental thereto, the Mayor and City Council of the City may issue district improvement warrants or bond anticipation notes of Water Service District No. ~~2004-1~~ of the City of Henderson, Nebraska in the form and manner provided by law. *7*

Section 7. To effect the final payment and retirement of said warrants or bond anticipation notes, and to pay for the cost of constructing the water main and other necessary improvements incidental thereto, the Mayor and City Council shall issue bonds in the form and manner provided by law.

Section 8. This ordinance shall be published one time in The Gothenburg Times, a legal newspaper published and of general circulation in the City of Henderson, Nebraska, and shall *Gothenburg*

take effect and be in full force from and after its passage, approval and publication as provided by law.

Section 9. After the passage, approval and publication of this ordinance as in Section 8 provided, there shall be published for two consecutive weeks, as provided by law, in The Gothenburg Times, a legal newspaper published and of general circulation in the City of Henderson, Nebraska, a notice with respect to the District created by the terms of this ordinance, which notice shall provide, among other things, that if owners of record title representing more than 50% of the front footage of the property directly abutting on the water main in said District shall file with the City Clerk within twenty (20) days after the first publication of said notice, writing objections to the creation of said District, the improvements in such District shall not be made as provided in this ordinance.

Gothenburg

Section 10. All provisions of any prior ordinance of the City of conflict herewith are hereby repealed.

PASSED AND APPROVED this 3rd day of Febr., 2004.

Harry Franzen
Mayor

ATTEST:

Ronnie L. Maleymple
City Clerk

Part of Block 7 of Hilltop Estates Subdivision of part of the NE1/4 of Section 10, Township 11 North, Range 25 West of the 6th P.M., and within the city of Gothenburg, Dawson County, Nebraska, and more particularly described as follows:

Beginning at the Northeast Corner of Block 7 of Hilltop Estates Subdivision of part of the NE1/4 of Section 10, Township 11 North, Range 25 West of the 6th P.M., and within the city of Gothenburg, Dawson County, Nebraska:

Thence S 0°30'20" E (an assumed bearing), along the West Line of Avenue L, and parallel to the East Line of the NE1/4 of said Section 10, a distance of 174.20 feet;

Thence S 89°29'40" W, and parallel to the South Line of said Block 7, a distance of 95.60 feet;

Thence N 0°30'20" W, and parallel to the East Line of the NE1/4 of said Section 10, a distance of 173.39 feet, to a point on the North Line of said Block 7;

Thence N 89°00'23" E, along the North Line of said Block 7, and parallel to the North Line of the NE1/4 of said Section 10, a distance of 95.60 feet, to the Point of Beginning.