

ORDINANCE NO. 819

**AN ORDINANCE OF THE CITY OF GOTHENBURG, NEBRASKA CREATING STREET IMPROVEMENT DISTRICT NO. 100; DEFINING THE BOUNDARIES AND LIMITS THEREOF; PROVIDING FOR PAVING, GRADING, CURBING, GUTTERING, AND OTHER NECESSARY AND INCIDENTAL WORK; PROVIDING FOR THE PAYMENT OF SUCH IMPROVEMENTS AND OTHER INCIDENTAL EXPENSES BY THE ISSUANCE OF WARRANTS, BOND ANTICIPATION NOTES AND BONDS; PROVIDING FOR ASSESSMENT OF THE COSTS OF SUCH IMPROVEMENTS AGAINST THE PROPERTY SPECIALLY BENEFITED THEREBY AND THE LEVY OF GENERAL TAXES; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE; AND RELATED MATTERS**

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

**Section 1.** Street Improvement District No. 100 (the “**District**”) of the City of Gothenburg, Nebraska is hereby created pursuant to Section 17-510, *et seq.*, Reissue Revised Statutes of Nebraska, as amended.

**Section 2.** The District shall include and encompass the designated portions of the following street and the limits, boundaries and improvements in the District are defined and established as follows:

**STREET IMPROVEMENT DISTRICT NO. 100**

THE STREET TO BE IMPROVED BY GRADING, PAVING, CURBING, GUTTERING, DRAINAGE, STORM SEWER AND RELATED INCIDENTAL WORK IS:

22<sup>nd</sup> Street commencing at the centerline of 22<sup>nd</sup> Street, a street in the City of Gothenburg and the west right-of-way line of “J” Avenue, an avenue in the City of Gothenburg all in Dawson County, Nebraska; thence in a westerly direction on the centerline of said 22<sup>nd</sup> Street a distance of 830.0 feet to its terminus, being on the east right-of-way line of “H” Avenue, an avenue in the City of Gothenburg, Dawson County, Nebraska.

THE PROPERTY TO BE INCLUDED IN THE DISTRICT CONSISTS OF THE AREA DESCRIBED AS FOLLOWS:

Commencing at the centerline of 22<sup>nd</sup> Street, a street in the City of Gothenburg and the west right-of-way line of “J” Avenue, an avenue in the City of Gothenburg all in Dawson County, Nebraska; thence in a westerly direction on the centerline of said 22<sup>nd</sup> Street a distance of 830.0 feet to its terminus, being on the east right-of-way line of “H” Avenue, an avenue in the City of Gothenburg, Dawson County, Nebraska and including all lots and lands abutting thereon and being more particularly described as follows:

Lots Six (6) thru Nine (9) (inclusive), Sitorius Replat of Block 28 Summit Addition to the City of Gothenburg, Dawson County, Nebraska,

And

Lots Thirteen (13) thru Twenty-four (24) (inclusive), Block Twenty-nine (29), Summit Addition, an addition to the City of Gothenburg, Dawson County, Nebraska,  
And

Lots One (1) thru Twelve (12) (inclusive), Block Thirty-two (32), Summit Addition, an addition to the City of Gothenburg, Dawson County, Nebraska,  
And

Lots One (1) thru Five (5) (inclusive) and Lots Eleven (11) thru Seventeen (17) (inclusive), Block Thirty-three (33), Summit Addition, an addition to the City of Gothenburg, Dawson County, Nebraska.

THE FOLLOWING PARCELS OF LAND, OR PORTIONS THEREOF, ARE INCLUDED IN THE DISTRICT AND ARE SUBJECT TO ASSESSMENT:

Lots Six (6) thru Nine (9) (inclusive), Sitorius Replat of Block 28 Summit Addition to the City of Gothenburg, Dawson County, Nebraska,

And

Lots Thirteen (13) thru Twenty-four (24) (inclusive), Block Twenty-nine (29), Summit Addition, an addition to the City of Gothenburg, Dawson County, Nebraska,

And

Lots One (1) thru Twelve (12) (inclusive), Block Thirty-two (32), Summit Addition, an addition to the City of Gothenburg, Dawson County, Nebraska,

And

Lots One (1) thru Five (5) (inclusive) and Lots Eleven (11) thru Seventeen (17) (inclusive), Block Thirty-three (33), Summit Addition, an addition to the City of Gothenburg, Dawson County, Nebraska.

**Section 3.** The City's special engineer, Miller & Associates, Consulting Engineers, P.C., has prepared an estimate of costs for the same in the amount of \$249,256.25, all of which have been filed with the Clerk and previously approved by the Council. Certain change orders to the original plans and specifications have also been submitted to and previously approved by the Council.

**Section 4.** The City shall advertise for bids for the construction of the improvements to be made in the District in accordance with all applicable provisions of law. Upon acceptance of any such bid, the Mayor and Clerk are hereby authorized to enter into a contract for and on behalf of the City for the completion of such work. The Mayor and Council hereby reserve the right to reject any and all bids received.

**Section 5.** The work and improvements in the District shall be made at public cost, but special assessments on the properties especially benefited thereby shall be levied to reimburse the City to the extent provided by law.

**Section 6.** For the purpose of paying the costs of the improvements to be made in the District, the Mayor and Council may issue warrants or bond anticipation notes of the City in the form and manner provided by law. To effect the final payment and retirement of such warrants and bond anticipation notes, or to pay for any of the improvements authorized herein, the Mayor and Council shall issue bonds in the manner and form provided by law and shall assess the costs of such improvements to the property in the District in proportion to the benefits derived from such improvements.

**Section 7.** After the passage and publication of this Ordinance, the Clerk shall publish in the *Gothenburg Times*, a newspaper of general circulation in the City, at least once each week for not less than three consecutive weeks, as provided by law, notice of the creation of the District in the form attached hereto (the "Notice").

**Section 8.** If any section or other part of this Ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any other provision of this Ordinance.

**Section 9.** All ordinances, resolutions or orders, or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict or conflicts hereby repealed.

**Section 10.** This Ordinance shall be published in the manner and form provided by law and shall take effect and be in full force from and after its due passage, approval and publication as provided by law.

**CITY OF GOTHENBURG, NEBRASKA**

ATTEST:

By: Connie L. Halimph  
Clerk

By: James E. Winson  
Mayor

[SEAL]