

ORDINANCE NO. 826

**AN ORDINANCE OF THE CITY OF GOTHENBURG, NEBRASKA CREATING STREET IMPROVEMENT PROJECT NO. 2008-1; 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**

and moved that the statutory rule requiring that ordinances be read by title on three different days be suspended so that the Ordinance might be introduced, read by title and then moved for final passage on the same day, without the same being read in full, which motion was seconded by Council Member Aden. On roll call vote, the following Council Members voted in favor of the motion to suspend the statutory rule: Kennedy, Whiting, Dudley, Aden; the following Council Members voted against the motion to suspend the statutory rule: none; the following Council Members were absent or did not vote: none. The motion to suspend the statutory rule having been agreed upon by at least three-fourths of all of the Council Members present and acting, the Mayor declared the motion passed and the statutory rule suspended.

Following the reading of the title of the Ordinance, Council Member Aden moved that the Ordinance be passed, which motion was seconded by Council Member Whiting. On roll call vote, the following Council Members voted in favor of the passage of the Ordinance: Kennedy, Dudley, Whiting, Aden; the following Council Members voted against the passage of the Ordinance: none; the following Council Members were absent or did not vote: none.

Street

Gothenburg, Nebraska  
January 22, 2008

A regular meeting of the Mayor and Council of the City of Gothenburg, Nebraska (the "City") was held on Tuesday, January 22, 2008, at 7:00 p.m., in Council Chambers, 409 9<sup>th</sup> Street in the City, the same being open to the public and preceded by advance publicized notice duly given in strict compliance with the provisions of the Open Meetings Act, Chapter 84, Article 14, Reissue Revised Statutes of Nebraska, as amended, as set forth on **Exhibit A** attached hereto stating (a) the date, time and place of the meeting; (b) that an agenda for the meeting, kept continuously current, was available for public inspection in the offices of the Clerk; and (c) that the meeting would be open to the attendance of the public. The Mayor and each member of the Council was also given advance notice of the meeting as acknowledged on **Exhibit B** attached hereto. Additionally, reasonable efforts were made to provide advance notice of the date, time, and place of the meeting to all news media requesting the same.

The Mayor, Joyce Hudson, presided and the Clerk, Connie Dalrymple, recorded the proceedings. On roll call, the Mayor and the following Council Members were present: Jeff Kennedy;  
Jim Aden, Roger Dudley, Jeff Whiting the following Council Members were absent: none. A quorum being present and the meeting duly convened, the following proceedings were had and done while the meeting was open to the attendance of the public. The Mayor publicly announced the location of a current copy of the Open Meetings Act posted in the meeting room for access by the public.

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(Omitted Proceedings)

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The Mayor stated that the next item on the agenda was the consideration of an ordinance creating a street improvement project. Council Member Dudley introduced an ordinance (the "Ordinance") titled as follows:

The passage of the Ordinance having been agreed upon by a majority of the Council, the Mayor declared the Ordinance passed and, in the presence of the Council, signed and approved the Ordinance. The Clerk attested to the passage of the Ordinance by signing the same and affixing the seal of the City to the Ordinance. A true and complete copy of the Ordinance is attached hereto as **Exhibit C**.

\* \* \* \* \*

(Omitted Proceedings)

\* \* \* \* \*

There being no further business to come before the meeting, on motion duly made, seconded and carried by unanimous vote, the meeting was adjourned.

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**CITY OF GOTHENBURG, NEBRASKA**

By: Annie L. Walz  
Clerk

**EXHIBIT A**

**AFFIDAVIT OF PUBLICATION  
OF NOTICE OF MEETING**

**(Please Attach Before Returning)**

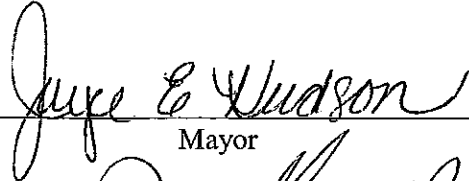
**EXHIBIT B**

**ACKNOWLEDGEMENT OF RECEIPT OF  
ADVANCE NOTICE OF MEETING**

**ACKNOWLEDGMENT OF RECEIPT OF  
ADVANCE NOTICE OF MEETING**

We, the undersigned, constituting the Mayor and each Member of the Council of the City of Gothenburg, Nebraska, hereby acknowledge receipt of advance notice of the regular meeting of the Mayor and Council and the agenda for the same held Tuesday, January 22, 2008, at 7:00 p.m., in the Council Chambers, 409 9<sup>th</sup> Street in the City of Gothenburg, Nebraska.

**DATED:** January 22, 2008.



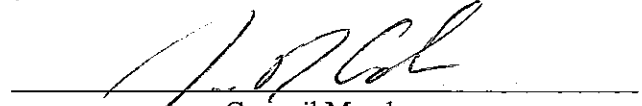
Mayor



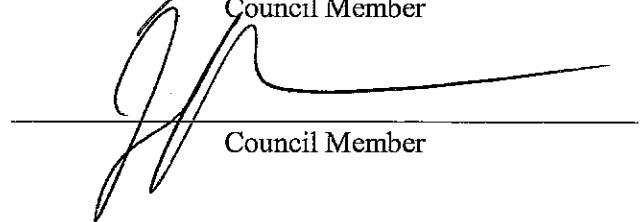
Council President



Council Member



Council Member



Council Member

**EXHIBIT C**

ORDINANCE NO. 826



ORDINANCE NO. 826

AN ORDINANCE OF THE CITY OF GOTHENBURG, NEBRASKA CREATING STREET IMPROVEMENT PROJECT NO. 2008-1; 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.** The Mayor and Council of the City of Gothenburg, Nebraska (the "City") hereby find and determine as follows:

- (a) Pursuant to Section 18-2001 *et seq.*, Reissue Revised Statutes of Nebraska, as amended (the "Act"), the City is authorized to grade, curb, gutter, and pave any unpaved street or alley that intersects a paved street for a distance of not to exceed one block on either side of such paved street.
- (b) Avenue "J" and Avenue "L" in the City are both paved streets and the Act permits the City to pave Jefferson Street for a distance of one block west and one block east of its intersection with Avenue "J" and Avenue "L," respectively.
- (c) It is necessary, desirable, advisable, and in the best interest of the City to grade, curb, gutter, and pave Jefferson Street from Avenue "J" to Avenue "L" under and pursuant to the Act, such work to be known as Street Improvement Project No. 2008-1 of the City of Gothenburg, Nebraska (the "Project").

**Section 2.** The Project is hereby authorized to be constructed pursuant to the Act and shall include the grading, curbing, guttering, and paving of Jefferson Street in the City from Avenue "J" to Avenue "L," including all incidental drainage improvements.

**Section 3.** The property to be included in the Project consists of the area described as follows:

A tract of land located in part of the North Half of the Northeast Quarter (N ½, NE ¼) of Section Fifteen (15), Township Eleven (11) North, Range Twenty-five (25) West, of the 6<sup>th</sup> P.M., City of Gothenburg, Dawson County, Nebraska, more particularly described as follows:

Beginning at the Northwest corner Goshen Subdivision to the City of Gothenburg, Dawson County, Nebraska; thence S 59°13'30" E (an assumed bearing with all other bearings shown hereon relative thereto) along the Northerly line of said Subdivision a distance of 720.00 feet to the Northeast corner of said Subdivision and the Westerly line of Avenue 'L'; thence N 30°04'00" E along said Westerly line of said Avenue 'L' a

distance of 550.00 feet; thence S 59°56'00" E perpendicular to said Westerly line a distance of 40.00 feet to the centerline of said Avenue; thence S 30°04'00" W along said centerline a distance of 1055.00 feet to the Southerly line of said Subdivision extended Easterly and the Northerly line of Washington Street; thence N 59°13'30' W along said Southerly line a distance of 400 feet to the Southwest corner of Lot 18 in said Subdivision; thence N 30°04'00" E along the Westerly line of said Lot a distance of 150 feet; thence N 59°13'30' W along the centerline of an alley as platted in said Subdivision a distance of 440.00 feet to the Westerly line of Avenue 'J' as platted in said City; thence N 30°04'00" E along said Westerly line a distance of 355.00 feet to the Northerly line of said Subdivision extended Westerly; thence S 59°13'30" E along said Northerly line extended a distance of 80.00 feet to the point of beginning.

**Section 4.** The following parcels of land, or portions thereof, are included in the Project area and are subject to assessment:

- Lots 1-8, 13-17, and 18, Goshen Subdivision of the City of Gothenburg, Dawson County, Nebraska
- A tract of land located in part of the North Half of the Northeast Quarter (N ½, NE ¼) of Section Fifteen (15), Township Eleven (11) North, Range Twenty-five (25) West, of the 6<sup>th</sup> P.M., City of Gothenburg, Dawson County, Nebraska, more particularly described as follows:

Beginning at the Northeast corner of Lot 18, Goshen Subdivision to the City of Gothenburg, Dawson County, Nebraska; thence S 30°04'00" W (an assumed bearing with all other bearings shown hereon relative thereto) along the Easterly line of said Lot 18 a distance of 300.00 feet to the Southeast corner of said Lot 18; thence S 59°13'30" E along the Southerly line of said Lot 18 extended Easterly and the Northerly line of Washington Street as platted in said City a distance of 215.00 feet to the Westerly line of Avenue 'L'; thence N 30°04'00" E along said Westerly line a distance of 300.00 feet to the Southerly line of Jefferson Street as platted in said City; thence N 59°13'30" W along said Southerly line a distance of 215.00 feet to the place of beginning

**Section 3.** The City's special engineer, Miller & Associates Consulting Engineers, P.C., Kearney, Nebraska (the "Engineer"), has been engaged to prepare detailed plans and specifications for the Project. Prior to the letting of bids for the construction of the Project, the Engineer shall submit the plans and specifications for and an estimate of the costs of the Project to the Mayor and Council for approval.

**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 bid therefor, the Mayor and Clerk are authorized to enter into a contract on behalf of the City for such work, and such contract shall be executed by the Mayor and attested by the Clerk. The City Council shall have and hereby reserves the right to reject any and all bids received.

**Section 5.** The costs of the Project shall be paid for 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 Project, 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 Project area in proportion to the benefits derived from such improvements.

**Section 7.** 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 8.** 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 9.** 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.

*[The remainder of this page intentionally left blank.]*

CITY OF GOTHENBURG, NEBRASKA

ATTEST:

By: Connie S. Malynpfe  
Clerk

By: Jeff E. Hudson  
Mayor

[SEAL]