

**ORDINANCE NO. 836**

**AN ORDINANCE OF THE CITY OF GOTHENBURG, NEBRASKA CREATING STREET IMPROVEMENT DISTRICT NO. 117; 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 17-510, Reissue Revised Statutes of Nebraska, as amended, a petition signed by the owners of the record title representing more than sixty percent of the front footage directly abutting upon 5<sup>th</sup> Street from Avenue “D” to Lake Avenue in the City has been filed with the City Clerk.
- (b) The petition requested the paving, curbing, and guttering of 5<sup>th</sup> Street from Avenue “D” to Lake Avenue in the City, and the construction of storm sewers therein.
- (c) A public hearing was held before the Mayor and Council on June 3, 2008, after notice thereof had been published in the *Gothenburg Times* on May 21, 2008 and May 28, 2008 as required by law, for the purpose of determining the sufficiency of the petition and the existence of the required facts and conditions.
- (d) Upon due investigation, it was determined and is hereby further determined that the petition was signed by the owners of the record title representing 100% of the front footage of the property directly abutting upon 5<sup>th</sup> Street from Avenue “D” to Lake Avenue in the City.
- (e) The petition having been duly signed by a sufficient percentage of the record owners of the front footage directly abutting such street, it is hereby deemed necessary, advisable, desirable, and in the best interest of the City that a paving district be created for the purpose of constructing the improvements previously described (the “District”).

**Section 2.** The District shall be designated “Street Improvement District No. 2008-1 of the City of Gothenburg, Nebraska,” shall include and encompass the designated portion of the following street, and the limits, boundaries, and improvements in the District are defined and established as follows:

## STREET IMPROVEMENT DISTRICT NO. 117

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

5<sup>th</sup> Street from Avenue "D" to Lake Avenue in the City.

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

Beginning at the centerline of 5th Street, a street in the City of Gothenburg, and the centerline of Lake Avenue, an avenue in the City of Gothenburg, both in Dawson County, Nebraska; thence northeasterly along the centerline of said Avenue a distance of 190 feet; thence northwesterly and parallel with the centerline of said 5th Street a distance of 380 feet to the centerline of Avenue D, an avenue in said City; thence southwesterly along said centerline a distance of 280 feet; thence southeasterly and parallel with the centerline of said 5th Street a distance of 380 feet to the centerline of said Lake Avenue; thence northeasterly along said centerline a distance of 90 feet to the point of beginning.

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

- Lot 1 and Lot 12, Resubdivision of Block 53, First Addition to the City of Gothenburg, Dawson County, Nebraska
- Lots 7-12, Block 46, First Addition to the City of Gothenburg, Dawson County, Nebraska

**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 improvements to be constructed in the District. Prior to the letting of bids for the construction of such improvements, the Engineer shall submit the plans and specifications for and an estimate of the costs of such improvements 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 improvements 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 improvements, 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.** 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.]*

**DATED:** June <sup>10</sup>~~8~~, 2008.

**CITY OF GOTHENBURG, NEBRASKA**

ATTEST:

By: Connie L. Matysmpke  
Clerk

By: James E. Hudson  
Mayor

[SEAL]