

ORDINANCE NO. § 39

AN ORDINANCE OF THE CITY OF GOTHENBURG, NEBRASKA CREATING STREET IMPROVEMENT PROJECT NO. 118; 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 to 18-2004, inclusive, 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) 23<sup>rd</sup> Street in the City is a paved street and the Act authorizes the City to pave Avenue "T" for a distance of one block south of its intersection with 23<sup>rd</sup> Street.

(c) It is necessary, desirable, advisable, and in the best interest of the City to grade, curb, gutter, and pave Avenue "T" for a distance of not to exceed one block south of its intersection with 23<sup>rd</sup> Street under and pursuant to the Act, such work to be known as Street Improvement Project No. 2008-3 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 Avenue "T" for a distance of not to exceed one block south of its intersection with 23<sup>rd</sup> Street 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 centerline of 22nd Street, a street in the City of Gothenburg, and the centerline of Avenue I, an avenue in the City of Gothenburg, both in Dawson County, Nebraska; thence southerly along the centerline of said Avenue a distance of 210 feet to the centerline of an alley as platted between 22nd Street and 21st Street and the POINT OF BEGINNING; thence easterly on the centerline of said alley a distance of 180 feet; thence northerly parallel with the centerline of said Avenue I a distance of 520 feet; thence westerly and parallel with the centerline of said 22nd Street a distance of 360 feet;

thence southerly parallel the centerline of said Avenue I a distance of 520 feet; thence easterly on the centerline of said alley a distance of 180 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 4, 5 and 6, Sitorius Replat of Block 28, Summit Addition, City of Gothenburg, Dawson County, Nebraska
- Lots 1, 2, 3, 4, 5, 20, 21, 22, 23 and 24, Block 29, Summit Addition, City of Gothenburg, Dawson County, Nebraska
- Lots 1,2, 3, 4 and 5, Block 32, Summit Addition, City of Gothenburg, Dawson County, Nebraska
- Lots 13, 14, 15, 16 and 17, Block 33, Summit Addition, 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 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.

CITY OF GOTHENBURG, NEBRASKA

ATTEST:

By: Conroy G. Matympak  
Clerk

By: James E. Hudson  
Mayor

[SEAL]

To Times 9-3-08