

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: Larry Franzen; Council Members: Joyce Hudson, Roger Dudley,
Gary Horseen

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 shown by the Affidavit of Publication attached to these minutes. Notice of this meeting was given to the Mayor and all members of the Council and a copy of their acknowledgment of receipt of notice and the agenda is attached to the minutes. 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.

The following Resolution of Necessity is hereby proposed for passage:

RESOLUTION OF NECESSITY 2004-2

Sewer 32

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GOTHENBURG, NEBRASKA, as follows:

Section 1. That the Mayor and Council deem and hereby declare it advisable and necessary to pass this Resolution and to construct improvements to the existing sanitary sewer system of the City, which improvements shall consist of sanitary sewer extensions under 25th and 26th Streets from Avenue L to the West line of City Replat of Blocks 3 through 7, Hilltop Estates Subdivision in Gothenburg, Dawson County, Nebraska, together with such other necessary appurtenances thereto as may be required, and the Mayor and Council further find that all or a portion of the costs of said improvements may be assessed against properties specially benefitted in connection therewith which may include Lots 1 through 6, Block 1, Lots 1 through 14, Block 2, and Lots 1 through 6, Block 3, all in City Replat of Lots 3 through 7, Hilltop Estate Subdivision, and Part of Lot 7, Hilltop Estates Subdivision, described as Exhibit A, all in the City of Gothenburg, Dawson County, Nebraska.

Section 2. That the improvements described in Section 1 shall be constructed in accordance with the plans and specifications prepared by the engineer for the City. Reference is hereby made to said plans and specifications, which plans, specifications and estimate of cost for the project have heretofore been filed with the City Clerk and are hereby approved and adopted. The size, location and terminal points for said ~~storm~~ ^{sanitary} sewer improvements shall be as follows:

Exhibit A

Said sanitary sewers shall be constructed of cement concrete pipe, vitrified clay pipe, or such other material deemed suitable by the engineer for the City. In advertising for bids for such work, such notice to bidders shall state the kind of materials to be bid upon, including types specified in the resolution.

Section 3. That to pay the cost of the sewer improvements herein provided for, the Mayor and Council will, after said improvements have been completed and accepted by the City, cause to be issued the negotiable bonds of the city to be called "Sewer Bonds." Such bonds shall be issued only in an amount sufficient to pay the costs of the project after taking into account all other funds which may become available to the City.

Section 5. That the engineer's estimate of construction costs is \$ _____.

Larry Franzen
Mayor

ATTEST:

Conrad Walbympfe
City Clerk

Council Member Dudley moved that the foregoing resolution be proposed and that notice thereof be published as required by law. Council Member Norseen seconded the motion. After consideration the roll was called thereon and the following Council Members voted in favor of the passage of said motion: Hudson, Norseen, Dudley. The following voted against the same: _____.

Council Member Dudley then introduced the following resolution and moved its adoption:

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


1. The Mayor and Council of the City of Gothenburg, Nebraska, will meet at the City Hall in said City at 7 o'clock p.m. on the 3rd day of Febr., 2004, for the purpose of considering objections to the passage of the Resolution of Necessity proposed for passage at a meeting of the Mayor and Council of the City of Gothenburg held on the 3 day of Febr., 2004, and the making of the proposed improvements, at which meeting said Resolution of Necessity may be amended and passed or passed as proposed.
2. The City Clerk be and hereby is instructed to cause notice of the pendency of said Resolution of Necessity and the time and place at which said Resolution will be considered for passage and objections heard thereto to be published in two consecutive weekly publications of The Gothenburg Times, a legal newspaper of general circulation published in said city, which publication shall contain the entire wording of the foregoing resolution and the last publication shall not be less than five days nor more than two weeks prior to the time set for such consideration. At said meeting the Council will hear objections to the passage of said resolution and to the making of the proposed improvements, after which the resolution may be passed as proposed or amended and passed as amended.

Council Member Norseen seconded the motion for the adoption of the foregoing resolution. The Mayor stated the motion and instructed the Clerk to call the roll. Upon roll call, the following voted AYE: Hudson Norseen Dudley.
NAYS: none. The Mayor then declared the motion carried and resolution duly passed and adopted and thereupon instructed the Clerk to cause the notice to be published as provided therein.

I, the undersigned, City Clerk of the City of Gothenburg, Nebraska, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council on Feb 3 2004; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next

convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

[SEAL]


City Clerk

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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.