

ORDINANCE NO. 938

AN ORDINANCE OF THE CITY OF GOTHENBURG, NEBRASKA CREATING STREET IMPROVEMENT DISTRICT NO. 2016-1; DEFINING THE BOUNDARIES AND LIMITS THEREOF; PROVIDING FOR PAVING, GRADING, AND OTHER NECESSARY AND INCIDENTAL WORK; APPROVING PLANS, SPECIFICATIONS, AND ESTIMATES OF COST; PROVIDING FOR THE SECURING OF BIDS; 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 IN PAMPHLET FORM; AND RELATED MATTERS

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

Section 1. Street Improvement District No. 2016-1 (the “**District**”) of the City of Gothenburg, Nebraska (the “**City**”) is hereby created pursuant to Sections 17-508 to 17-521, inclusive, Reissue Revised Statutes of Nebraska, as amended.

Section 2. The District shall include and encompass certain designated portions of the streets included within the District and the limits, boundaries and improvements of the District are defined and established as follows:

STREET IMPROVEMENT DISTRICT NO. 2016-1

The streets to be improved by grading, paving and related incidental work are the following described streets, including intersections:

That Part of Avenue “J” from 23rd Street to 27th Street

Which described streets are included within the boundaries of Street Improvement District No. 2016-1, which boundaries are legally described as follows:

A tract of land being Lots 5 and 6, Block One, Lots 6 through 9, Block Two, and Lots 5 through 12, Block Three of City Replat of Blocks 3 through 7, Hilltop Estates Subdivision, a subdivision to the City of Gothenburg, Lots 1 and 2 of Country Acres Addition, an addition to the City of Gothenburg, and Lots 1, 2, 7 and 8, Block 1 of Regency Estates Addition, an addition to the City of Gothenburg, all in the Northeast Quarter (NE 1/4) of Section Ten (10), Township Eleven (11) North, Range Twenty Five (25) West, of the 6th Principal Meridian, City of Gothenburg, Dawson County, Nebraska and more particularly described as follows:

BEGINNING at the intersection of the West line of Avenue J with the South line of 27th Street; thence Easterly on said South line of 27th Street a distance of 264.5 feet to the Northeast corner of Lot 5, Block One of City Replat of Blocks 3 through 7, Hilltop Estates Subdivision, a subdivision to the City of

Gothenburg, Dawson County, Nebraska; thence Southerly on the East line of said Lot 5, Block One a distance of 170.0 feet to the Southeast corner of said Lot 5, Block One; thence Southerly a distance of 60.8 feet to the Northeast corner of Lot 6, Block Two of said City Replat of Blocks 3 through 7, Hilltop Estates Subdivision; thence Southerly on the East line of said Lot 6, Block Two a distance of 129.7 feet to the Southeast corner of said Lot 6, Block Two; thence Southwesterly a distance 42.6 feet to the Northeast corner of Lot 9 of said Block Two; thence Southerly on the East line of said Lot 9, Block Two, the East line of Lot 5, Block Three of said City Replat of Blocks 3 through 7, Hilltop Estates Subdivision, and their Southerly extensions a distance of 339.9 feet to the North line of Lot 8 of said Block Three; thence Easterly on the North line of said Lot 8, Block Three and the North line of Lot 9 of said Block Three a distance of 111.3 feet to the Northeast corner of said Lot 9, Block Three; thence Southerly on East line of said Lot 9, Block Three and the East line of Lot 10 of said Block Three a distance of 369.1 feet to the Southeast corner of said Lot 10, Block Three; thence Westerly on the South line of said Lot 10, Block Three and the South line of Lot 11 of said Block Three a distance of 104.3 feet to the Northerly extension of the East line of Lot 2 of Country Acres Addition, an addition to the City of Gothenburg, Dawson County, Nebraska; thence Southerly on said Northerly extension and the East line of said Lot 2, Country Acres Addition a distance of 166.1 feet to the Southeast corner of said Lot 2, Country Acres Addition; thence Westerly on the North line of 23rd Street a distance of 424.4 feet to the Southwest corner of Lot 7, Block 1 of Regency Estates Addition, an addition to the City of Gothenburg, Dawson County, Nebraska; thence Northerly on the West line of said Lot 7, Block 1 and the West line of Lot 2 of said Block 1 a distance of 300.8 feet to the Northwest corner of said Lot 2, Block 1; thence Easterly on the North line of said Lot 2 and Lot 1 of said Block 1 a distance of 195.0 feet to the West line of Avenue J; thence Northerly on said West line of Avenue J a distance of 952.9 feet to the Point of Beginning.

Section 3. The City's engineer has prepared detailed plans, specifications and an estimate of costs, all of which have been filed with the Clerk and are hereby approved.

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 contracts 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 improvements to be constructed 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 *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 the owners of record title representing more than 50% of the front footage of the property abutting or adjoining any streets, avenues or alleys which are within the District shall file with the Clerk within 20 days after the first publication of the Notice written objections to the creation of the District, the improvements proposed to be constructed therein shall not be made.

Section 9. 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 10. All ordinances, resolutions or orders, or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

Section 11. This Ordinance shall be published in pamphlet form 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.

PASSED AND APPROVED this 6th day of December, 2016.

CITY OF GOTHENBURG, NEBRASKA

ATTEST:

By: Connie L. Dalrymple
Clerk

By: George E. Hudson
Mayor

[SEAL]

**NOTICE OF CREATION
STREET IMPROVEMENT DISTRICT NO. 2016-1
OF THE CITY OF GOTHENBURG, NEBRASKA**

NOTICE IS HEREBY GIVEN that on ~~December 6~~^{December 20}, 2016, the Mayor and Council of the City of Gothenburg, Nebraska (the “City”) passed and approved Ordinance No. 938 (the “Ordinance”) creating Street Improvement District No. 2016-1 (the “District”). The District shall encompass and include the described portions of the following streets in the City and the limits, boundaries and improvements are defined and established as follows:

STREET IMPROVEMENT DISTRICT NO. 2016-1

The streets to be improved by grading, paving and related incidental work are the following described streets, including intersections:

That Part of Avenue “J” from 23rd Street to 27th Street

Which described streets are included within the boundaries of Street Improvement District No. 2016-1, which boundaries are legally described as follows:

A tract of land being Lots 5 and 6, Block One, Lots 6 through 9, Block Two, and Lots 5 through 12, Block Three of City Replat of Blocks 3 through 7, Hilltop Estates Subdivision, a subdivision to the City of Gothenburg, Lots 1 and 2 of Country Acres Addition, an addition to the City of Gothenburg, and Lots 1, 2, 7 and 8, Block 1 of Regency Estates Addition, an addition to the City of Gothenburg, all in the Northeast Quarter (NE 1/4) of Section Ten (10), Township Eleven (11) North, Range Twenty Five (25) West, of the 6th Principal Meridian, City of Gothenburg, Dawson County, Nebraska and more particularly described as follows:

BEGINNING at the intersection of the West line of Avenue J with the South line of 27th Street; thence Easterly on said South line of 27th Street a distance of 264.5 feet to the Northeast corner of Lot 5, Block One of City Replat of Blocks 3 through 7, Hilltop Estates Subdivision, a subdivision to the City of Gothenburg, Dawson County, Nebraska; thence Southerly on the East line of said Lot 5, Block One a distance of 170.0 feet to the Southeast corner of said Lot 5, Block One; thence Southerly a distance of 60.8 feet to the Northeast corner of Lot 6, Block Two of said City Replat of Blocks 3 through 7, Hilltop Estates Subdivision; thence Southerly on the East line of said Lot 6, Block Two a distance of 129.7 feet to the Southeast corner of said Lot 6, Block Two; thence Southwesterly a distance 42.6 feet to the Northeast corner of Lot 9 of said Block Two; thence Southerly on the East line of said Lot 9, Block Two, the East line of Lot 5, Block Three of said City Replat of Blocks 3 through 7, Hilltop Estates Subdivision, and their Southerly extensions a distance of 339.9 feet to the North line of Lot 8 of said Block Three; thence Easterly on the North line of said Lot 8, Block Three and the North line of Lot 9 of said Block Three a distance of 111.3 feet to the Northeast corner of said

Lot 9, Block Three; thence Southerly on East line of said Lot 9, Block Three and the East line of Lot 10 of said Block Three a distance of 369.1 feet to the Southeast corner of said Lot 10, Block Three; thence Westerly on the South line of said Lot 10, Block Three and the South line of Lot 11 of said Block Three a distance of 104.3 feet to the Northerly extension of the East line of Lot 2 of Country Acres Addition, an addition to the City of Gothenburg, Dawson County, Nebraska; thence Southerly on said Northerly extension and the East line of said Lot 2, Country Acres Addition a distance of 166.1 feet to the Southeast corner of said Lot 2, Country Acres Addition; thence Westerly on the North line of 23rd Street a distance of 424.4 feet to the Southwest corner of Lot 7, Block 1 of Regency Estates Addition, an addition to the City of Gothenburg, Dawson County, Nebraska; thence Northerly on the West line of said Lot 7, Block 1 and the West line of Lot 2 of said Block 1 a distance of 300.8 feet to the Northwest corner of said Lot 2, Block 1; thence Easterly on the North line of said Lot 2 and Lot 1 of said Block 1 a distance of 195.0 feet to the West line of Avenue J; thence Northerly on said West line of Avenue J a distance of 952.9 feet to the Point of Beginning.

The improvements shall be made at public cost, but special assessments on the properties specially benefited thereby may be levied to reimburse the City to the extent provided by law.

If the owners of record title at the time the Ordinance was adopted representing more than 50% of the front footage of the property directly abutting any streets, avenues or alleys to be improved in the District shall file with the Clerk within 20 days after the first publication of this notice written objections to the creation of the District, such improvements shall not be made in the District. If sufficient objections are not filed against the District in the manner and time provided, the Mayor and Council shall forthwith proceed to construct the proposed improvements in the District as provided in the Ordinance.

**BY ORDER OF THE MAYOR AND COUNCIL OF
THE CITY OF GOTHENBURG, NEBRASKA**

CERTIFICATE OF FILING ORDINANCE NO. 938
IN OFFICE OF REGISTER OF DEEDS

I, Brandi Klopping, the duly appointed, qualified and acting Clerk of the City of Gothenburg, Nebraska (the "**City**"), do hereby certify, represent and warrant that a copy of Ordinance No. 938 creating Street Improvement District No. 2016-1 of the City was filed in the Office of the Register of Deeds of Dawson County, Nebraska on December 20, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of my office this 20 day of December, 2016.

[S E A L]

Brandi Klopping
Clerk, City of Gothenburg, Nebraska

PROOF OF PUBLICATION IN PAMPHLET FORM
ORDINANCE NO. 938

I, Brandi Klopping, the duly appointed, qualified and acting Clerk of the City of Gothenburg, Nebraska (the "City"), do hereby certify, represent and warrant that the attached copy of Ordinance No. 938 (the "Ordinance") creating Street Improvement District No. 2016-1 in the City is a true and correct copy of the Ordinance passed and approved by the Mayor and Council on December 6, 2016 and that the Ordinance was published in pamphlet form on December 21, 2016.

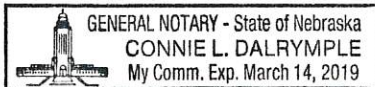
IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of my office this 21 day of December, 2016.

[SEAL]

Brandi Klopping
Clerk, City of Gothenburg, Nebraska

Subscribed in my presence and sworn to before me this 21st day of December 2016.

[SEAL]



By: Connie L. Dalrymple
Notary Public

Filed in my office:

Brandi Klopping
Clerk, City of Gothenburg, Nebraska

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Gothenburg, Nebraska
December 6, 2016

A regular meeting of the Mayor and Council of the City of Gothenburg, Nebraska (the "City") was held on ~~Monday, December 6,~~ Tuesday, December 20, 2016, at 7:00 p.m., in the Council Chambers 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 in **Exhibit A** attached hereto and 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. Advance notice of the meeting was also given to the Mayor and each member of the Council, 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, Brandi Klopping, recorded the proceedings. The meeting was called to order and on roll call, the Mayor and the following Council Members were present: Verlin Janssen, Jay Richeson, Randy Waskowiak, Jeff Kennedy _____; 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.

* * * * *

(Omitted Proceedings)

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The Mayor stated that the next item on the agenda was the consideration of an Ordinance creating Street Improvement District No. 2016-1. Council Member Verlin Janssen introduced an Ordinance (the "**Ordinance**") titled as follows:

ORDINANCE NO. 938

AN ORDINANCE OF THE CITY OF GOTHENBURG, NEBRASKA CREATING STREET IMPROVEMENT DISTRICT NO. 2016-1; DEFINING THE BOUNDARIES AND LIMITS THEREOF; PROVIDING FOR PAVING, GRADING, AND OTHER NECESSARY AND INCIDENTAL WORK; APPROVING PLANS, SPECIFICATIONS, AND ESTIMATES OF COST; PROVIDING FOR THE SECURING OF BIDS; 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 IN PAMPHLET FORM; 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

Randy Waskowiak. On roll call vote, the following Council Members voted in favor of the motion to suspend the statutory rule: Jeff Kennedy, Jay Richeson, Randy Waskowiak, Verlin Janssen;

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 Jeff Kennedy moved that the Ordinance be passed, which motion was seconded by Council Member

Verlin Janssen. On roll call vote, the following Council Members voted in favor of the passage of the Ordinance: Jay Richeson, Randy Waskowiak, Verlin Janssen, Jeff Kennedy;

the following Council Members voted against the passage of the Ordinance: none; the following Council Members were absent or did not vote: none.

The passage of the Ordinance having been agreed upon by a majority of all Members elected to 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.

Brandi Klopping
Clerk, City of Gothenburg, Nebraska

EXHIBIT A

**AFFIDAVIT OF PUBLICATION
OF NOTICE OF MEETING**

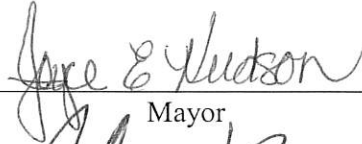
EXHIBIT B

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

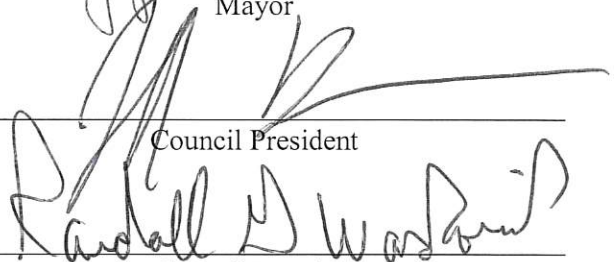
**ACKNOWLEDGMENT OF RECEIPT OF
ADVANCE NOTICE OF MEETING**

We, the undersigned, constituting the Mayor and all of the Members 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 ~~Monday, December 6,~~ ^{Tuesday, December 20} 2016, at ~~7:00 p.m.~~ ^{7:00 p.m.}, at Council Chambers in the City of Gothenburg, Nebraska.

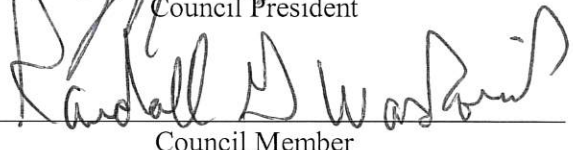
DATED: December 20, 2016.



Mayor



Council President



Council Member



Council Member



Council Member

EXHIBIT C

ORDINANCE NO. 938