



# City of Grand Island

Tuesday, March 27, 2018

Council Session

## Item F-2

**#9681 - Consideration of Creation of Street Improvement District  
No. 1265; Jay Street – Capital Avenue to Dack Avenue**

Staff Contact: John Collins, P.E. - Public Works Director

# **Council Agenda Memo**

**From:** John Collins PE, Public Works Director

**Meeting:** March 27, 2018

**Subject:** Consideration of Creation of Street Improvement District No. 1265; Jay Street – Capital Avenue to Dack Avenue

**Presenter(s):** John Collins PE, Public Works Director

## **Background**

Council action is needed to create a Street Improvement District. If the District is created, a notice will be mailed to all affected property owners and a 20-day protest period will begin. If the district passes the protest and the Council continues the district, plans will be prepared. The City will then bid, construct, and levy special assessments for the work.

This district is being presented at the request of Councilmember Haase, and consists of Jay Street extending north from Capital Avenue to the existing hard surface portion of Jay Street at Dack Avenue.

## **Discussion**

Requests to pave this section of roadway date back to 1988, with a lack of support to continue with paving improvements for the southern portion of Jay Street (Capital Avenue to Dack Avenue).

Street Improvement District No. 1159 was created via Ordinance No. 7472 with approval from City Council on July 5, 1988. On August 15, 1988 such district was discontinued with 52.4% of the total district frontage protesting.

Street Improvement District No. 1171, representing the northern portion of Jay Street, (Dack Avenue north past David Avenue) was created via Ordinance No 7490 with approval from City Council on August 29, 1988. Such improvements were completed June 1990 with an average assessment to the affected fourteen (14) properties in the amount of \$3,680.00. The southern portion of Jay Street was removed from this district with the belief that the northern portion held more support for paving improvements.

Street Improvement District No. 1179G failed creation via Ordinance No. 7796 with City Council voting to deny (yes-2, no-7, abstain-1). City Council did approve Resolution No.

1992-102 developing a policy to address pavement of gravel streets within the City. Such resolution is attached for reference; however the southern segment of Jay Street does not meet the conditions of the Resolution. Said resolution allows gravel roads to be hard paved without curb and gutter if the segment of road is surrounded by paved roads without curb, gutter and storm sewer. The norther portions of Jay Street are paved with concrete curb and gutter.

Street Improvement District No. 1241 was created via Ordinance No. 8700 with approval from City Council on October 23, 2001. On December 4, 2001 such district was discontinued with 62.55% of the total district frontage protesting.

An alternative to ensure success would be for Council to cause such improvements through Gap Paving, which would not give a protest opportunity for the affected property owners; however would offer them the same repayment schedule as an improvement district. If this is the preferred method for improving this section of roadway, staff recommends a public hearing for the affected property owners.

#### State Statutes pertaining to Gap Paving –

##### ***Neb.Rev.St. § 18-2001***

18-2001. Street improvements; without petition or creation of district; when

Any city or village may, without petition or creating a street improvement district, grade, curb, gutter, and pave any portion of a street otherwise paved so as to make one continuous paved street, but the portion to be so improved shall not exceed two blocks, including intersections, or thirteen hundred and twenty-five feet, whichever is the lesser. Such city or village may also grade, curb, gutter, and pave any unpaved street or alley which intersects a paved street for a distance of not to exceed one block on either side of such paved street. The improvements authorized by this section may be performed upon any portion of a street or any unpaved street or alley not previously improved to meet or exceed the minimum standards for pavement set by the city or village for its paved streets.

##### **Credits**

Laws 1963, ch. 76, § 1, p. 280; Laws 1965, ch. 75, § 1, p. 307; Laws 1974, LB 652, § 1; [Laws 1999, LB 738, § 1](#).

Neb. Rev. St. § 18-2001, NE ST § 18-2001

Current through the end of the 1st Regular Session of the 105th Legislature (2017)

##### ***Neb.Rev.St. § 18-2002***

18-2002. Street improvements; additional authorization

Any city or village may, without petition or creating a street improvement district, order the grading, curbing, guttering, and paving of any side street or alley within its corporate limits connecting with a major traffic street for a distance not to exceed one block from such major traffic street. The improvements authorized by this section may be performed upon any side street or alley not previously improved to meet or exceed the minimum standards for pavement set by the city or village for its paved streets.

### **Credits**

Laws 1963, ch. 76, § 2, p. 280; Laws 1965, ch. 75, § 2, p. 308; [Laws 1999, LB 738, § 2](#).

Neb. Rev. St. § 18-2002, NE ST § 18-2002

Current through the end of the 1st Regular Session of the 105th Legislature (2017)

### ***Neb.Rev.St. § 18-2003***

18-2003. Special taxes and assessments; bonds; warrants; interest on amounts due; contractor; sinking fund

In order to defray the costs and expenses of the improvements authorized by [sections 18-2001](#) and [18-2002](#), the mayor and council or chairman and board of trustees, as the case may be, may levy and collect special taxes and assessments upon the lots and parcels of real estate adjacent to or abutting upon the portion of the street or alley thus improved, or which may be specially benefited by such improvements, notwithstanding that the same may be unplatted and not subdivided; and the method of levying, equalizing, and collecting such special assessments, and generally financing such improvements by bond issues and other means, shall be as provided by law for paving and street improvements in such municipality. For the purpose of paying the cost of street improvements as provided in [section 18-2001](#) the mayor and council or chairman and board of trustees, as the case may be, shall have the power, after the improvements have been completed and accepted, to issue negotiable bonds of such city or village to be called Paving Bonds, payable in not exceeding fifteen years and bearing interest payable annually or semiannually, which may be sold by the city for not less than the par value thereof. For the purpose of making partial payments as the work progresses, warrants bearing interest may be issued by the governing body of the city or village upon certificates of the engineer in charge showing the amount of work completed and materials necessarily purchased and delivered for the orderly and proper continuation of the project, in a sum not exceeding ninety-five percent of the cost thereof until the work has been completed and accepted by the city or village, at which time a warrant for the balance of the amount may be issued, which warrants shall be redeemed and paid upon the sale of the bonds or from any other funds available. The city or village shall pay to the contractor interest at the rate of eight percent per annum on the amounts due on partial and final payments beginning forty-five days after the certification of the amounts due by the engineer in charge and approval by the governing body, and running until the date that the warrant is tendered to the contractor. All special assessments which may be levied upon property specially benefited by such work or improvements shall, when collected, be set aside and constitute a sinking fund for the payment of the interest and principal of such bonds. There shall be levied annually upon all taxable property in such city or village a tax which, together with such sinking fund derived from special assessments, shall be sufficient to meet payments of interest and principal as the same become due.

### **Credits**

Laws 1963, ch. 76, § 3, p. 280; Laws 1965, ch. 75, § 3, p. 308; Laws 1969, ch. 51, § 69, p. 316; Laws 1974, LB 636, § 6.

Neb. Rev. St. § 18-2003, NE ST § 18-2003

Current through the end of the 1st Regular Session of the 105th Legislature (2017)

### ***Neb.Rev.St. § 18-2004***

18-2004. Sections, how construed

Nothing in [sections 18-2001](#) to 18-2004 shall be construed to repeal or amend any statutes except those hereinafter specifically repealed, and [sections 18-2001](#) to 18-2004 shall be construed as an independent and complete act. Other statutes may be relied upon, if need be, to supplement and effectuate the purposes of [sections 18-2001](#) to 18-2004.

**Credits**

Laws 1965, ch. 75, § 4, p. 309.

Neb. Rev. St. § 18-2004, NE ST § 18-2004

Current through the end of the 1st Regular Session of the 105th Legislature (2017)

This project is currently estimated at \$210,000.00, not including sidewalk installation, and would be assessed to adjacent property owners. All property owners in this proposed boundary will be notified upon direction of City Council.

**Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

**Recommendation**

City Administration recommends that the Council approve the creation of Street Improvement District No. 1265; Jay Street – Capital Avenue to Dack Avenue to the existing hard surface portion of Jay Street.

**Sample Motion**

Move to approve creation of Street Improvement District No. 1265.

RESOLUTION 92-102

WHEREAS, Grand Island's paving standard is Portland cement concrete with curb, gutter, and storm sewer; and

WHEREAS, the standard may not be suitable for existing gravel roads in areas where all surrounding paved roads have been constructed without curb, gutter, and storm sewer.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that paving without curb, gutter, and storm sewer may be installed on existing gravel public roads that are surrounded by paved roads without curb, gutter, and storm sewer, except that this shall not apply to new subdivisions. New subdivisions will conform with the paving standards of the City of Grand Island as outlined in the Subdivision Regulations.

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Moved by Councilmember JOHNSON

Seconded by Councilmember HUTCHINSON

Roll call vote: "Yes": HUTCHINSON, MURRAY, JOHNSON, NEAL, FEASTER,  
SEIFERT, SORENSEN, SHAFER, KUZMA

"No": NONE (WIT ABSENT)

Motion carried APRIL 20, 1992

APPROVED AS TO FORM  
  
APR 15 1992  
LEGAL DEPARTMENT

• THIS SPACE RESERVED FOR REGISTER OF DEEDS •

### ORDINANCE NO. 9681 (A)

An ordinance to create Street Improvement District No. 1265; to define the boundaries of the district; to provide for the improvement of a street within the district by paving, curbing, guttering, and other incidental work in connection therewith; to provide for the filing of this ordinance with the Hall County Register of Deeds; and to provide the publication and effective date of this ordinance.

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

SECTION 1. Street Improvement District No. 1265 in the City of Grand Island, Nebraska, is hereby created.

SECTION 2. The properties included in such district shall be as follows:

Parcel No.	Owner	Legal Description
400156652	Charles David & Deann J Reed	Lot 1, Block 5, Jenkinson Subdivision
400156660	Mike L & Lori L Ahrens	Lot 2, Block 5, Jenkinson Subdivision
400156679	Michael A & Cynthia A Knopik	Lot 3, Block 5, Jenkinson Subdivision
400156687	Raymond E & Mary H Micek	Lot 4, Block 5, Jenkinson Subdivision
400156474	Joseph E & Lisa A Heineman	Lot 5, Block 2, Jenkinson Subdivision
400156466	Clayton E & Barbara L Milner	Lot 4, Block 2, Jenkinson Subdivision
400156482	Kenneth D & Marilyn L Luth	Lot 6, Block 2, Jenkinson Subdivision
400156458	Michael J & Jannice L Roy	Lot 3, Block 2, Jenkinson Subdivision

Approved as to Form    ☐ \_\_\_\_\_  
April 5, 2018                      ☐ City Attorney

ORDINANCE NO. 9681 (A) (Cont.)

SECTION 3. The following street in the district shall be improved by paving and other incidental work in connection therewith:

Jay Street in the City of Grand Island, Hall County, Nebraska.

Said Improvements shall be made in accordance with plans and specifications approved by the Engineer for the City of Grand Island.

SECTION 4. All improvements shall be made at public cost, but the cost thereof shall be assessed upon the lots and lands in the district specially benefited thereby as provided by law.

SECTION 5. This ordinance, with the plat, is hereby directed to be filed in the office of the Register of Deeds, Hall County, Nebraska.

SECTION 6. This ordinance shall be in force and take effect from and after its passage and publication, without the plate, as provided by law.

SECTION 7. After passage, approval and publication of this ordinance, without the plate, notice of the creation of said district shall be published in the Grand Island Independent, a legal newspaper published and of general circulation in said City, as provided by law.

Enacted: March 27, 2018

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Jeremy L. Jensen, Mayor

Attest:

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RaNae Edwards, City Clerk



• THIS SPACE RESERVED FOR REGISTER OF DEEDS •

ORDINANCE NO. 9681 (B)

An ordinance requiring grading, curbing, guttering, and paving of Jay Street from Capital Avenue to Dack Avenue; providing for the levy and collection of special taxes and assessments upon the adjacent or abutting properties specially benefited by such improvements; and providing an effective date of this ordinance.

WHEREAS, that portion of Jay Street from Capital Avenue to Dack Avenue is unpaved and does not exceed two blocks including intersections, or thirteen hundred twenty-five feet, whichever is lesser; and

WHEREAS, paving said portion of Jay Street will make Jay Street one continuous paved street.

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

SECTION 1. Pursuant to Chapter 18, Article 20, R.R.S. Neb. 1943, that portion of Jay Street from Capital Avenue to Dack Avenue shall be improved by paving, curbing, guttering, and all incidental work in connection therewith, to be known as Street Gap Paving

Approved as to Form	▣ _____
April 5, 2018	▣ City Attorney

ORDINANCE NO. 9681 (B) (Cont.)

No. 1265G, in accordance with plans and specifications prepared by the Engineer for the City of Grand Island and approved by the Mayor and City Council.

SECTION 2. The improvements shall be made at public cost, but the cost thereof, excluding intersections, shall be assessed upon the lots and lands in the district specially benefited thereby as provided by law.

SECTION 3. The lots and parcels of real estate adjacent to or abutting upon the portion of said street to be improved shall be as follows:

Parcel No.	Owner	Legal Description
400156652	Charles David & Deann J Reed	Lot 1, Block 5, Jenkinson Subdivision
400156660	Mike L & Lori L Ahrens	Lot 2, Block 5, Jenkinson Subdivision
400156679	Michael A & Cynthia A Knopik	Lot 3, Block 5, Jenkinson Subdivision
400156687	Raymond E & Mary H Micek	Lot 4, Block 5, Jenkinson Subdivision
400156474	Joseph E & Lisa A Heineman	Lot 5, Block 2, Jenkinson Subdivision
400156466	Clayton E & Barbara L Milner	Lot 4, Block 2, Jenkinson Subdivision
400156482	Kenneth D & Marilyn L Luth	Lot 6, Block 2, Jenkinson Subdivision
400156458	Michael J & Jannice L Roy	Lot 3, Block 2, Jenkinson Subdivision

SECTION 4. This ordinance shall be in force and take effect from and after its passage, approval, and publication within fifteen days, without the plat, as provide by law.

SECTION 5. This ordinance, with the plat, is hereby directed to be filed in the office of the Register of Deeds, Hall County, Nebraska.

SECTION 7. After passage, approval and publication of this ordinance, without the plat, notice of the creation of said district shall be published in the Grand Island Independent, a legal newspaper published and of general circulation in said City, as provided by law.

Enacted: March 27, 2018

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Jeremy L. Jensen, Mayor

ORDINANCE NO. 9681 (B) (Cont.)

Attest:

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RaNae Edwards, City Clerk

