



City of Grand Island

Tuesday, February 26, 2002

Council Session

Item G16

#2002-58 - Approving Discontinuation of Sanitary Sewer District 504.

Sanitary Sewer District 504 was created by the City Council on January 8, 2002. Legal Notice of the creation of the District was published in the Grand Island Independent on January 15, 2002. A letter with a copy of the Ordinance and Notice was also mailed to all property owners on January 15, 2002. On January 29, 2002 a public informational meeting was held at Shoemaker School to answer property owners' questions and concerns. Sanitary Sewer District 504 completed the 30-day protest period at 5:00 p.m. Thursday, February 14, 2002. There were protests filed against this District by sixty-six abutting property owners. These owners represented 7,296.08 front feet, or 51.4% of the total District frontage of 14,172.03 feet.

According to Nebraska Statute 16-667.01 (see Attached), Council must discontinue the District. If Council would like to create a Sanitary Sewer District for the Subdivision and force the improvements because of public health concerns, another district would have to be created.

Staff Contact: Steve Riehle, City Engineer/Public Works Director



Nebraska Revised Statutes
Chapter 16. Cities of the First Class.

16-667.01. Prohibit formation of district; procedure.

Upon formation by city ordinance of sewerage, drainage, and water service districts as described by section 16-667, the city shall mail copies of such city ordinance and this section to the owners of the record title of any property abutting upon the streets, avenues, or alleys, or parts thereof, which are within such district within twenty calendar days of the passage of the ordinance. The owners of the record title representing more than fifty percent of the front footage of the property abutting upon the streets, avenues, or alleys, or parts thereof which are within such a proposed district may, by petition, stop formation of such a district. Such written protest shall be submitted to the city council or clerk within thirty calendar days after publication of notice concerning the ordinance in a newspaper of general circulation in the city. Publication of such notice shall follow within ten calendar days after passage of such an ordinance. The mailing notice requirement of this section shall be satisfied by mailing a copy of the ordinance and this section by United States mail to the last-known address of the owners of the record title.

Source:

Laws 1901, c. 18, § 48, XXVII, p. 251; Laws 1905, c. 24, § 1, p. 247; Laws 1911, c. 14, § 1, p. 129; Laws 1913, c. 161, § 1, p. 500; R.S. 1913, § 4951; C.S. 1922, § 4120; C.S. 1929, § 16-649; Laws 1933, c. 136, § 19, p. 528; C.S.Supp., 1941, § 16-649; R.S. 1943, § 16-667.01; Laws 1981, LB 31, § 1.

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RESOLUTION 2002-58

WHEREAS, Sanitary Sewer District No. 504 was created by Ordinance No. 8710 on January 8, 2002; and

WHEREAS, notice of the creation of such Sanitary Sewer District No. 504 was published in the *Grand Island Independent*, in accordance with the provisions of Section 16-619 et seq., Neb. Rev. Stat. 1943; and

WHEREAS, a public meeting was held on January 29, 2002 at Shoemaker Annex to provide information and answer questions from residents; and

WHEREAS, Section 16-620, Neb. R.R.S. 1943, provides that if owners of record title representing more than 50% of the front footage of the property abutting or adjoining the streets, avenues or alleys, or parts thereof to be improved in any district shall file with the City Clerk within thirty days from the first publication of said notice written objections to the sanitary sewer district, said work shall not be done and the ordinance shall be repealed; and

WHEREAS, protests were filed with the City Clerk against the creation of Sanitary Sewer District No. 504 by abutting property owners representing 51.4% of the total district frontage.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that sufficient protests having been filed with the City Clerk against the creation of Sanitary Sewer District No. 504, such district should not be continued and the ordinance which created said district shall be repealed.

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Adopted by the City Council of the City of Grand Island, Nebraska on February 26, 2002.

RaNae Edwards, City Clerk

Approved as to Form ? _____ February 22, 2002 ? City Attorney
