



# City of Grand Island

Tuesday, September 09, 2003

Council Session

## Item G15

### **#2003-262 - Approving Continuation of Sanitary Sewer District No. 510, American Independence & Western Heights 4th & 5th Subdivisions**

*Council created the district at the July 22, 2003 council meeting. Gary Valasek, owner of American Independence Subdivision requested the creation of this District.*

*Public Works staff established a boundary for the District that makes sense for the area. Properties in Western Heights 4th and 5th Subdivisions and part of Section 11-11-10 were included to make the proposed District larger. Property owners in Western Heights Subdivisions have expressed concerns that their inclusion with the properties in American Independence Subdivision has unfairly stacked the deck against them. Staff will present a summary of the protests received on the district at the council meeting.*

*Many districts have been created and were unsuccessful in the Western Heights area. Some individuals are against the districts because they may have relatively new septic system. They are not interested in city sanitary sewer till they get more useful life out of their investment. Some of those properties now support a district because they may be having problems with their septic systems. Others have replaced their systems and now are against a district. It may be impossible to find a time for a sanitary sewer district when enough property owners support the district.*

*Legal notice of the creation of the district was published in the Independent and notice sent to the property owners on that same date. The district completed the protest period at 5:00 PM on Thursday, August 28, 2003. Protests were filed by 16 property owners representing 2,189.08 front feet, or 38.96% of the total district frontage of 5,619.10 feet.*

*Staff recommends continuing with the district.*

Staff Contact: Steven P. Riehle, Public Works Director/City Eng

RESOLUTION 2003-262

WHEREAS, Sanitary Sewer District No. 510 was created by Ordinance No. 8826 on July 22, 2003; and

WHEREAS, notice of the creation of such sewer district was published in the Grand Island Independent, in accordance with the provisions of Section 16-667.01, R.R.S. 1943; and

WHEREAS, Section 16-667.01, R.R.S. 1943, provides that if the owners of record title representing more than 50% of the front footage of the property abutting upon the streets, avenues, or alleys, or parts thereof which are within such proposed district shall file with the City Clerk within thirty days from the first publication of said notice written objections to such district, said work shall not be done and the ordinance shall be repealed; and

WHEREAS, the protest period ended on August 28, 2003, and protests have been filed against the creation of such district which represents 38.96% of the total district frontage.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that insufficient protests have been filed with the City Clerk against the creation of Sanitary Sewer District No. 510, therefore such district shall be continued and constructed according to law.

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Adopted by the City Council of the City of Grand Island, Nebraska, September 9, 2003.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
September 4, 2003	☐ City Attorney