



City of Grand Island

Tuesday, May 11, 2004

Council Session

Item I1

**#2004-116 - Approving Continuation of Sanitary Sewer No. 513,
Gosda Subdivision Along Lillie Drive West of North Road**

Staff Contact: Steven P. Riehle, P.E., Public Works Director

Council Agenda Memo

From: Steven P. Riehle, P.E., Director of Public Works

Meeting: May 11, 2004

Subject: Continuation of Sanitary Sewer No. 513, Gosda
Subdivision Along Lillie Drive West of North Road

Item #'s: I-1

Presenter(s): Steven P. Riehle, P.E., Director of Public Works

Background

Sanitary Sewer District 513 was created at the regular City Council meeting on March 23, 2004. Legal Notice of the creation of the District was published in the *Grand Island Independent* on March 30, 2004. A letter was mailed to all property owners on March 30, 2004.

Discussion

The protest period for Sanitary Sewer District 513 ended at 5:00p.m. on Thursday, April 29, 2004. No protests were filed against this district; however, this is assuming that the agricultural deferment will be approved by Council on May 11, 2004 for Steven and Connie Asche. If the deferment is not approved the Asche's will be on record as opposed to the Sanitary Sewer District. The Asche's have 825.04 feet of frontage or 51.9% of the total district frontage of 1,590.08 feet; therefore, if the Asche's property is considered as protesting the district will fail.

Alternatives

1. Approve the continuation of Sanitary Sewer District 513.
2. Disapprove or /Deny the continuation of Sanitary Sewer District 513.
3. Modify the recommendation to meet the wishes of the Council.
4. Table the issue.

Recommendation

City Administration recommends that the Council approve the continuation of Sanitary Sewer District 513 along Lillie Drive with the approved agricultural deferment.

Sample Motion

Move to approve the continuation of Sanitary Sewer District # 513.

RESOLUTION 2004-116

WHEREAS, Sanitary Sewer District No. 513 was created by Ordinance No. 8892 on March 23, 2004; 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 April 29, 2004; and

WHEREAS, Steven and Connie Asche filed a request for an agricultural deferral on April 29, 2004 pertaining to any assessments against their property located within Sanitary Sewer District No. 513; and

WHEREAS, Steven and Connie Asche have filed a protest to the creation of Sanitary Sewer District No. 513 if such agricultural deferment is not granted; and

WHEREAS, in the event the agricultural deferment is not granted, Steven and Connie Asche's protest will represent 51.9% of the total district frontage; Steven and Connie Asche's protest is the only protest filed against the creation of such district.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the agricultural deferment of Steven and Connie Asche has been granted, therefore insufficient protests have been filed with the City Clerk against the creation of Sanitary Sewer District No. 513, and 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, May 11, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
May 6, 2004	☐ City Attorney