



City of Grand Island

Tuesday, October 10, 2006

Council Session

Item G20

**#2006-302 - Approving Discontinuation of Water Main District
454 - Parkview Subdivision**

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Gary R. Mader, Utilities Director

Meeting: October 10, 2006

Subject: Consideration of Repeal of Water Main District 454 –
Parkview Subdivision - Ordinance No. 9062

Item #'s: G-20

Presenter(s): Gary R. Mader, Utilities Director

Background

Ground water polluted by industrial solvents continues to spread eastward across the southern portion of the City. The leading edge is now south of Grand Avenue and west of August Street, crossing the Park-View Subdivision. The City received a petition from property owners within the Park-View Subdivision requesting the extension of City water service to their area to provide an alternative to their private wells. The District was designed to install water lines in Park Drive, Commerce Avenue, and Pioneer Blvd.

Discussion

Ordinance 9062 provided for the creation of Water Main District 454. The proposed project would have installed 8" diameter water mains to serve the 102 lots within the District's boundary. The project was designed as an assessment district, the Department's standard method for installing water lines at the request of area property owners in developed areas. The district was subject to a 30 day protest period. All owners of record title within the District's boundary were notified of the creation of the District and advised of the protest provisions. The protest period for District 454 ended at 5:00 p.m., Thursday, September 28, 2006. Protests received represent 63.60% of the front footage of the District. Attached for reference is a plat indicating the District's boundaries and the protests received. Per Nebraska statute 16.667.01 R.R.S. 1943, if protest is received from property owners representing more than 50% of the front footage in the District, that District may not be continued.

Alternatives

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

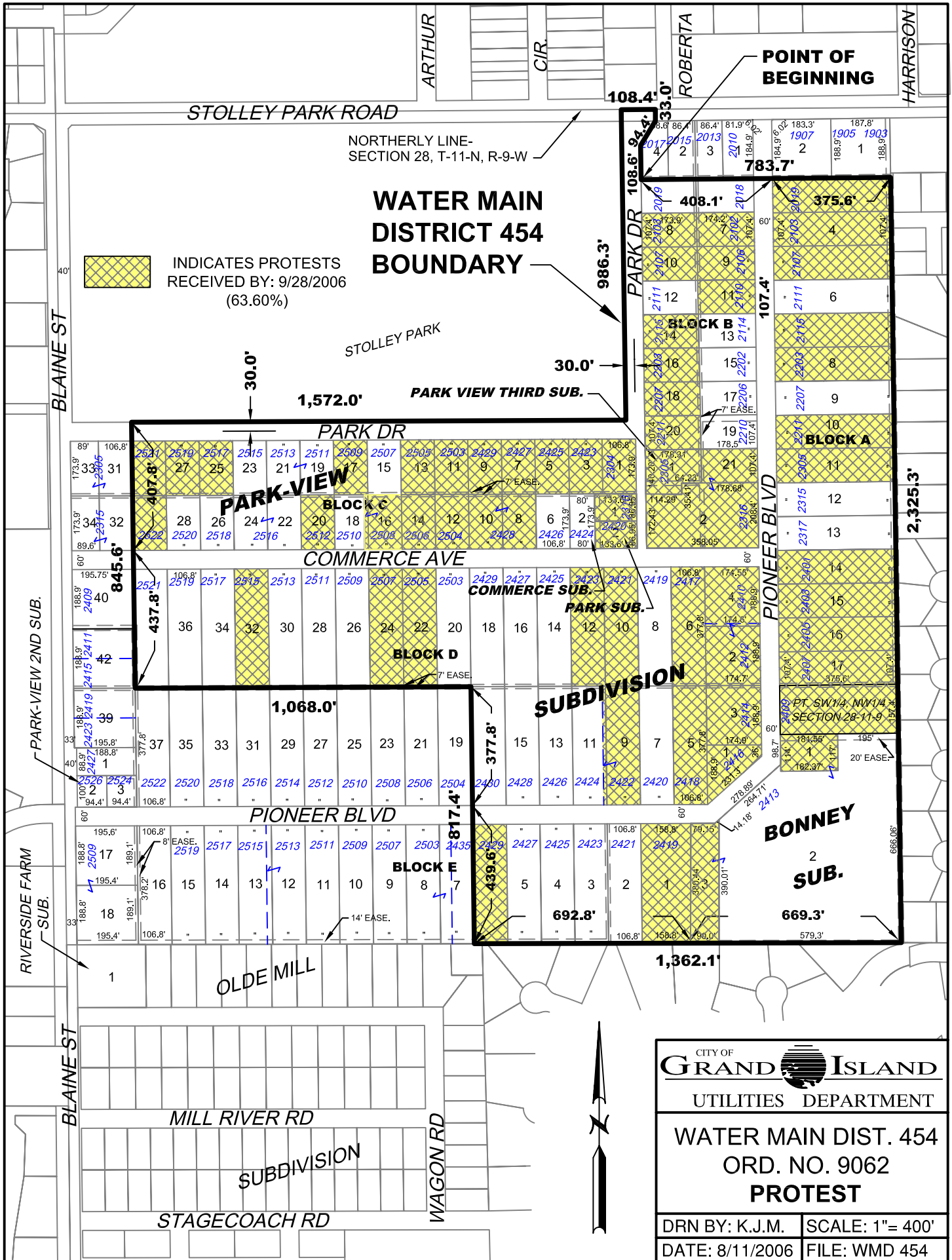
1. Repeal Ordinance 9062 creating Water Main Districts 454
2. Refer the issue to committee
3. Postpone the issue to a future date
4. Table the issue

Recommendation

City Administration recommends that the Council repeal Water Main District 454, in accordance with state statutes.

Sample Motion

Motion to repeal Ordinance #9062, creating Water Main District 454.



INDICATES PROTESTS RECEIVED BY: 9/28/2006 (63.60%)

WATER MAIN DISTRICT 454 BOUNDARY

CITY OF
GRAND ISLAND
 UTILITIES DEPARTMENT
 WATER MAIN DIST. 454
 ORD. NO. 9062
PROTEST

DRN BY: K.J.M.	SCALE: 1" = 400'
DATE: 8/11/2006	FILE: WMD 454

* This Space Reserved for Register of Deeds *

R E S O L U T I O N 2006-302

WHEREAS, Water Main District No. 454 was created by Ordinance No. 9062 on August 22, 2006; and

WHEREAS, notice of the creation of Water Main District No. 454 was published in the *Grand Island Independent*, in accordance with the provisions of Section 16-619, et seq., Neb. Rev. Stat. 1943; 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 water main 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 Water Main District No. 454 by abutting property owners representing 63.60% 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 Water Main District No. 454, 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, October 10, 2006.

Jay Vavricek, Mayor

Attest:

Approved as to Form	☐ _____
October 6, 2006	☐ City Attorney

RaNae Edwards, City Clerk