

City of Scottsbluff, Nebraska

Monday, June 5, 2023

Regular Meeting

Item Resolut.1

Council to consider action on the first reading of the Ordinance to consider the creation of Paving District 314 for portions of 28th Street and Avenue K in the SE Quarter of the SE Quarter of Section 15, Township 22 North, Range 55 West of the 6th P.M.

Staff Contact: Zachary Glaubius, Development Services Director

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA CREATING PAVING DISTRICT NO. 314; DEFINING THE SAME AND THE LIMITS THEREOF; PROVIDING FOR PAVING, GRADING, CURBING AND GUTTERING, OR SUCH OTHER WORK AS IS NECESSARY AND INCIDENTAL THERETO; PROVIDING FOR PLANS, SPECIFICATIONS, ESTIMATES OF COST AND SECURING OF BIDS; PROVIDING FOR THE PAYMENT OF SUCH WORK AND OTHER EXPENSES INCIDENTAL THERETO; PROVIDING FOR ASSESSMENT OF THE COST OF SAID IMPROVEMENTS AGAINST THE PROPERTY IN SAID DISTRICT ESPECIALLY BENEFITTED THEREBY IN PROPORTION TO SAID BENEFITS; PROVIDING FOR THE ISSUANCE OF DISTRICT IMPROVEMENT WARRANTS AND DISTRICT AND INTERSECTION IMPROVEMENT BONDS AND FOR THE LEVY OF SPECIAL ASSESSMENTS AND GENERAL TAXES TO PAY FOR SAID IMPROVEMENTS; PROVIDING FOR THE REPEALING OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM AND THE TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

Section 1. Pursuant to the provisions of Section 16-617, *et seq.*, Reissue Revised Statutes of Nebraska, as amended, Paving District No. 314 (the "District") of the City of Scottsbluff, Nebraska (the "City") is hereby created.

Section 2. Said District shall include and encompass the designated portions of the following streets in the City and the limits, boundaries and improvements are defined and established as follows:

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., IN THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 15, THENCE WESTERLY ON THE SOUTH LINE OF SAID SECTION 15, ON AN ASSUMED BEARING OF N88°24'41"W A DISTANCE OF 767.85 FEET; THENCE N02°04'46"E A DISTANCE OF 33.00 FEET TO THE NORTH RIGHT OF WAY LINE OF WEST 27TH STREET, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF BLOCK 1, ALF ADDITION, AND SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING ON THE WEST LINE OF BLOCK 1, ALF ADDITION, BEARING N02°04'46"E A DISTANCE OF 316.71 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 1, ALF ADDITION; THENCE BEARING N88°25'29"W A DISTANCE OF 160.00 FEET TO A POINT IN UNPLATTED LANDS, SAID POINT BEING WEST 130.00 FEET AND PARALLEL WITH THE SOUTHERLY EXTENSION OF THE CENTERLINE OF AVENUE K ; THENCE BEARING N02°04'46"E ON A LINE BEING 130.00 FEET WEST OF AND PARALLEL WITH THE SOUTHERLY EXTENSION OF THE CENTERLINE OF AVENUE K, IN UNPLATTED LANDS, A DISTANCE OF 430.89 FEET TO THE POINT OF INTERSECTION WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 4, BLOCK 1, FRANK PROPERTIES ; THENCE BEARING S88°21'39"E ON THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 160.00 FEET TO THE NORTHWEST CORNER OF LOT 4, BLOCK 1, FRANK PROPERTIES; THENCE CONTINUING ON THE NORTH LINE OF SAID LOT 4, BEARING S88°21'39"E A DISTANCE OF 109.02 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE BEARING S02°04'49"W, ON THE EAST LINE OF SAID LOT 4, A DISTANCE OF

220.00 FEET TO THE NORTHEAST CORNER OF LOT 5, BLOCK 1, FRANK PROPERTIES; THENCE EASTERLY ON THE NORTH LINE OF LOTS 5-9, BLOCK 1, FRANK PROPERTIES, BEARING S88°21'39"E A DISTANCE OF 430.03 FEET; THENCE BEARING N02°05'00"E ON THE NORTH LINE OF LOT 9, BLOCK 1, FRANK PROPERTIES, A DISTANCE OF 17.01 FEET; THENCE BEARING S88°21'16"E ON THE NORTH LINE OF SAID LOT 9, A DISTANCE OF 19.85 FEET TO THE NORTHWEST CORNER OF LOT A, A REPLAT OF VACATED LOTS 2, 3, AND 4, REPLAT OF BALTES ADDITION; THENCE BEARING S88°19'33"E ON THE NORTH LINE OF SAID LOT A, A DISTANCE OF 162.06 FEET TO THE NORTHEAST CORNER OF SAID LOT A, SAID POINT ALSO BEING ON THE WEST RIGHT OF WAY LINE OF AVENUE I; THENCE BEARING S01°56'09"W ON THE WEST RIGHT OF WAY LINE OF AVENUE I AND THE EAST LINE OF SAID LOT A, A DISTANCE OF 160.65 FEET TO THE SOUTHEAST CORNER OF SAID LOT A; THENCE BEARING S01°56'09"W ON THE WEST RIGHT OF WAY LINE OF AVENUE I, A DISTANCE OF 66 FEET TO THE NORTHEAST CORNER OF LOT B, A REPLAT OF VACATED LOTS 2, 3, AND 4, REPLAT OF BALTES ADDITION; THENCE BEARING S02°02'27"W ON THE WEST RIGHT OF WAY LINE OF AVENUE I AND THE EAST LINE OF SAID LOT B, A DISTANCE OF 250.47 FEET TO THE SOUTHEAST CORNER OF SAID LOT B; THENCE BEARING S43°48'24"W ON THE WEST RIGHT OF WAY LINE OF AVENUE I AND THE SOUTHWESTERLY LINE OF SAID LOT B, A DISTANCE OF 89.93 FEET TO THE SOUTHEAST CORNER OF SAID LOT B, SAID POINT ALSO BEING ON THE NORTH RIGHT OF WAY LINE OF WEST 27TH STREET; THENCE BEARING N88°24'41"W ON THE NORTH RIGHT OF WAY LINE OF WEST 27TH STREET, A DISTANCE OF 661.84 FEET, TO THE POINT OF BEGINNING.

THE STREET TO BE IMPROVED BY PAVING, GRADING, CURBING AND GUTTERING, DRAINAGE AND STORM SEWER, AND INCIDENTAL WORK CONNECTED THEREWITH IS:

THE PAVING DISTRICT WILL INCLUDE AVENUE K BEGINNING AT THE PRESENT END OF AVENUE K JUST SOUTH OF 29TH STREET AND CONTINUING SOUTH THROUGH THE INTERSECTION OF 28TH STREET. THE PAVING DISTRICT WILL ALSO INCLUDE 28TH STREET FROM AVENUE K CONTINUING EAST TO THE INTERSECTION OF AVENUE I.

THE FOLLOWING PARCELS OF LAND ARE INCLUDED IN SAID DISTRICT AND ARE SUBJECT TO ASSESSMENT:

LOTS 5-9, BLOCK 1, FRANK PROPERTIES; LOTS A AND B, A REPLAT OF VACATED LOTS 2, 3, AND 4 REPLAT OF BALTES ADDITION; LOTS 1-4A, BLOCK 5, BALTES 2ND ADDITION; BLOCK 1, ALF ADDITION; THAT PART OF UNPLATTED LANDS AS DESCRIBED ABOVE LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., ALL SAID PROPERTIES BEING IN THE CITY OF SCOTTSBLUFF.

Section 3. The City's special engineers, M. C. Schaff and Associates, Scottsbluff, Nebraska, shall make detailed plans and specifications for said improvements and an estimate of the cost thereof, and shall submit the same to the City Council. Upon approval of the same by the City Council, bids for construction of said work shall be provided by advertisement. On acceptance of any bid therefor, the Mayor and City Clerk are authorized to enter into a contract on behalf of the City for such work, and such contract shall be executed by said Mayor and attested by said City Clerk. The City Council shall have and hereby reserves the right to reject any and all bids received.

Section 4. The work and improvements shall be made at public cost, but special assessments on the properties especially benefitted thereby shall be levied to reimburse the City to the extent provided by law. Property included within the boundaries and limits of said District as hereinbefore described and defined is hereby declared to be benefitted by said work and improvements to the extent as will be determined by the City Council as provided by law and special assessments against the same to be made as hereinafter prescribed.

Section 5. For the purpose of paying for the paving, grading, curbing and guttering, sidewalks, drainage and storm sewer, or such other necessary improvements incidental thereto, the Mayor and City Council may borrow funds or issue district improvement warrants or bond anticipation notes of the City in the form and manner provided by law.

Section 6. To effect the final payment and retirement of said loan, warrants and bond anticipation notes, and to pay for the cost of paving, grading, curbing and guttering, sidewalks, drainage and storm sewer, or other necessary improvements incidental thereto, the Mayor and City Council shall issue bonds in the form and manner provided by law, and may assess the cost of said work to the property in said District in proportion to the benefits derived therefrom.

Section 7. After the passage and publication of this ordinance as in Section 10 provided, there shall be published at least once each week for not less than twenty (20) days, as provided by law, in the Scottsbluff Star-Herald, a newspaper of general circulation in the City, a notice with respect to the District created by the terms of this ordinance, which notice shall provide, among other things, that if the owners of record title representing more than fifty percent (50%) of the front footage of the property abutting or adjoining any continuous or extended street, cul de sac, or alley of the district, or portion thereof which is closed at one end, and who were such owners at the time the ordinance creating the District was published shall file with the City Clerk within twenty (20) days from the first publication of this notice written objections to the improvement of such District, said improvements shall not be made under said Ordinance in such District and said Ordinance shall be repealed. If sufficient objections are not filed against such District in the time and manner aforesaid, the Mayor and City Council shall forthwith proceed to construct such improvements in said District as provided in said Ordinance.

Section 8. The project described in this Ordinance is subject to limited referendum for a period of thirty days from the date of passage of this Ordinance. After the expiration of this thirty-day period, the project and measures related to it will not be subject to any further right of referendum.

Section 9. All provisions of any ordinance adopted prior hereto by the City and in conflict herewith are hereby repealed.

Section 10. This ordinance shall take effect and be in full force from and after its passage, approval and publication, which shall be in pamphlet form.

PASSED AND APPROVED THIS ____ DAY OF _____, 2023.

ATTEST:

Mayor

City Clerk

City Attorney