

City of Scottsbluff, Nebraska

Monday, June 5, 2023

Regular Meeting

Item Resolut.2

Council to consider action on the first reading of the Ordinance to consider the creation of Sanitary Sewer District 167 located North of 27th Street and West of Avenue I in 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 SANITARY SEWER DISTRICT NO. 167; DEFINING THE SAME AND THE LIMITS THEREOF; PROVIDING THE CONSTRUCTION OF NECESSARY IMPROVEMENTS AND 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 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. The city does hereby resolve to act pursuant to the provisions of Section 18-401 to 18-411, Reissue Revised States of Nebraska, as amended, in creating a sanitary sewer district. Sanitary Sewer District No. 167 (the ADistrict@) of the City of Scottsbluff, Nebraska (the ACity@) is hereby created.

Section 2. The outer boundaries of such district are 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 BEARING N02°04=46@E, A DISTANCE OF 415.71 FEET TO THE SOUTHWEST CORNER OF LOT 5, BLOCK 1, FRANK PROPERTIES, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING ON THE WEST LINE OF LOT 4 AND LOT 5, BLOCK 1, FRANK PROPERTIES, BEARING N02°04=46@E A DISTANCE OF 364.71 FEET TO THE NORTHWEST CORNER OF LOT 4, BLOCK 1, FRANK PROPERTIES; THENCE BEARING S88°21=39@E, ON THE NORTH LINE OF LOTS 2-4, BLOCK 1, FRANK PROPERTIES, A DISTANCE OF 327.06 TO THE NORTHEAST CORNER OF LOT 2, BLOCK 1, FRANK PROPERTIES; THENCE BEARING S02°05=00@W, ON THE EAST LINE OF LOT 2 AND LOT 7, BLOCK 1, FRANK PROPERTIES, A DISTANCE OF 364.32 FEET TO THE SOUTHEAST CORNER OF LOT 7, BLOCK 1, FRANK PROPERTIES; THENCE BEARING N88°25=50@W, ON THE SOUTH LINE OF LOTS 5-7, BLOCK 1, FRANK PROPERTIES, A DISTANCE OF 327.05 FEET, TO THE POINT OF BEGINNING.

THE SANITARY SEWER TO BE IMPROVED BY PLACEMENT OF MANHOLES, SANITARY SEWER MAIN, AND INCIDENTAL WORK

CONNECTED THEREWITH IS: THE SANITARY SEWER DISTRICT WILL INCLUDE AN 8-INCH PVC SANITARY SEWER MAIN THAT WILL TIE INTO THE SANITARY MANHOLE ON THE SOUTHEAST CORNER OF 28TH & AVENUE K AND CONTINUE NORTH IN THE AVENUE K RIGHT OF WAY TO THE NORTH SIDE OF LOT 5, BLOCK 1 FRANK PROPERTIES AND THEN CONTINUE EASTERLY IN A DEDICATED EASEMENT ALONG THE SOUTH SIDE OF LOTS 2-4, BLOCK 1, FRANK PROPERTIES.

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

LOTS 2-7, BLOCK 1 FRANK PROPERTIES TO THE CITY OF SCOTTSBLUFF.

Section 3. The City's special engineers, M.C. Schaff & Associates, 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 such improvements, 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 such sanitary sewer improvements, 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 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 be addressed generally to the owners of the real estate within the District, notifying them of the creation of the District and of the ordering of the creation. The notice shall further provide that if owners of record title representing a majority of the front footage of taxable property in such District file with the City Clerk within thirty (30) days after the first publication of said Notice, written protest to the creation of such District, the improvements in such District shall not be made as provided in this ordinance. of sanitary sewer improvements.

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 ADOPTED THIS _____ DAY OF _____, 2023.

Mayor

ATTEST:

City Clerk

Approved:

City Attorney