

ORDINANCE NO. 02-575

AN ORDINANCE OF THE CITY OF FRIEND, NEBRASKA CREATING STREET IMPROVEMENT DISTRICT NO. 2002-1; 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 BENEFITED 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; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM AND THE TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Council Member Roger Horner moved that the statutory rule requiring that ordinances be read by title on three different days be dispensed with so that Ordinance No. 02-575 might be introduced, read by title and then moved for final passage on the same day, without the same being read in full, which motion was seconded by Council Member Gary Tuttle. The yeas and nays were called and the vote was as follows: "YEA": Dan Fricke, Gary Tuttle and Roger Horner. "NAY": none. Absent or not voting: Rhonda Bulwan. The motion to suspend the statutory rule, having been agreed upon by three-fourths (3/4) of the Members of the City Council present and acting, was by the Mayor declared passed and adopted.

Following the reading of the title of said ordinance, Council Member Dan Fricke then moved that said ordinance be passed, which motion was seconded by Council Member Roger Horner. The Mayor then stated, "The question is, shall Ordinance No. 02-575 be passed and adopted?" The yeas and nays were called, the vote being as follows: "YEA": Gary Tuttle, Roger Horner and Dan Fricke. "NAY": none. Absent or not voting: Rhonda Bulwan. The passage and adoption of said ordinance having been agreed upon by a majority of all of the Members elected to the City Council, the Mayor declared the ordinance passed and adopted and, in the presence of the City Council, signed and approved said ordinance and the City Clerk attested its passage and approval and affixed his signature and the seal of the City thereto.

The following is a true and complete copy of Ordinance No. 02-575:

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

Section 1. Street Improvement District No. 2002-1 ("District No. 2002-1") of the City of Friend, Nebraska (the "City") is hereby created pursuant to Sections 17-509, *et seq.*, Reissue Revised Statutes of Nebraska, as amended.

Section 2. District No. 2002-1 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:

STREET IMPROVEMENT DISTRICT NO. 2002-1

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

Cherry Street from Ninth Street to Eleventh Street

THE PROPERTY TO BE INCLUDED IN THE DISTRICT CONSISTS OF THE AREA DESCRIBED AS FOLLOWS:

A tract of land located in and contiguous to the City of Friend, Saline County, Nebraska, described as follows:

Beginning at the intersection of the north right-of-way line of Ninth Street and the east right-of-way line of Cherry Street, thence easterly on the east extension of the north right-of-way line of Ninth Street to a point 150 feet east of the east right-of-way line of Cherry Street; thence southerly parallel to east of the east right-of-way line of Cherry Street to the east extension of the south right-of-way line of Eleventh Street; thence westerly on the east extension of the south right-of-way line of Eleventh Street and the south right-of-way line of Eleventh Street to point 150 feet west of the west right-of-way line of Cherry Street; thence northerly parallel to the west right-of-way line of Cherry Street to the north right-of-way line of Ninth Street; thence east to the point of beginning.

THE FOLLOWING PARCELS OF LAND, OR PORTIONS THEREOF, ARE INCLUDED IN SAID DISTRICT AND ARE SUBJECT TO ASSESSMENT:

Lots 1,2,3,7,8,9,10,19,20,30,31 and 37, Burley & McLean's Southside Residence Tracts, City of Friend, Saline County, Nebraska;

A portion of the Southeast Quarter of Section 23, Township 8 North, Range 1, Saline County, Nebraska, commencing at the Northwest Corner of the Southeast Quarter of Section 23, thence 330 feet East along the North Line of the Southeast Quarter, then South 360 feet; then West 360 feet to the West Line of the Southeast Quarter of Section 23; then North 360 feet along the West Line to the point of beginning, containing 2.73 acres, more or less, and, a portion of the North Half of the Southeast Quarter of Section 23, Township 8 North, Range 1, Saline County, Nebraska, more particularly described as follows:

Beginning at the Northwest Corner of the North Half of the Southeast Quarter; then South 40 Rods; thence East 13 Rods; then South 20 Rods; then East 27 Rods; then South 20 Rods; then East 80 Rods; then North 80 Rods; then West 120 Rods to the point of beginning, except a one acre square tract of land in the Southeast Corner of the West Half of the Northeast Quarter of the Southeast Quarter of Section 23, and a portion of the Northwest Quarter of the Southeast Quarter described as beginning at a point 20 Rods North of the Southwest Corner of the North Half of the Southeast Quarter, then East 13 Rods; then North 20 Rods; then West 13 Rods; then South 20 Rods to the point of beginning.

Tract # 70, being a part of the Northwest Quarter of the Southeast Quarter of Section 23, Township 8 North, Range 1, East of the 6<sup>th</sup> P.M., Saline County, Nebraska, more particularly described as follows:

Commencing at point 117 feet North of the Southwest Corner of the Northwest Quarter of the Southeast Quarter of Section 23, thence running East 160 feet, thence North 135 feet, thence West 160 feet to the West Line of said Quarter Section, thence South along said Line 135 feet to the point of beginning, and;

A tract of land located in the Northwest Quarter of the Southeast Quarter of Section 23, Township 8 North, Range 1, East of the 6<sup>th</sup> P.M., Saline County, Nebraska more particularly described as follows:

Commencing at the Southwest Corner of the Northwest Quarter of the Southeast Quarter of Section 23; thence North along the Quarter Section Line a distance of 117 feet, thence East Parallel with the South Line of the Northwest Quarter of the Southeast Quarter of said Section a distance of 160 feet to a point of beginning, thence North Parallel with the West Line of the

Southeast Quarter of said Section, a distance of 135 feet, thence West Parallel with the South Line of the Northwest Quarter of the Southeast Quarter a distance of 160 feet, thence North along the West Line of the Southeast Quarter of said Section a distance of 78 feet, thence East Parallel with the South Line of the Northwest Quarter of the Southeast Quarter of said Section 23, a distance of 172 feet, thence South Parallel with the West Line of the Southeast Quarter a distance of 213 feet, thence West 12 feet to the place of beginning.

Lot 1, Block 2, Milton Addition, City of Friend, Saline County, Nebraska.

The Southwest Quarter of the Southeast Quarter of Section 23, Township 8 North, Range 1, East of the 6<sup>th</sup> P.M., Saline County, Nebraska.

Section 3. The City's special engineers, Kirkham Michael Consulting Engineers, Omaha Nebraska, shall make detailed plans and specifications for said improvements in District No. 2002-1 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 in each District 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.

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 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 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.

Section 7. After the passage and publication of this ordinance as in Section 8 provided, there shall be published at least once each week for not less than twenty (20) days, as provided by law, in the Friend Sentinel, a newspaper of general circulation in the City, a notice with respect to each District created by the terms of this ordinance, which notice shall provide, among other things, that if owners of record title representing more than fifty percent (50%) of the front footage of the property directly abutting on the street, streets, alley or alleys to be improved in said District shall file with the City Clerk within twenty (20) days after the first publication of said Notice, written objections to the creation of such District, the improvements in such District shall not be made as provided in this ordinance.

Section 8. This ordinance shall be published in pamphlet form, and in the form and manner provided by law, and shall take effect and be in full force from and after its passage, approval and publication as provided by law.

PASSED AND ADOPTED THIS 30<sup>TH</sup> DAY OF JANUARY, 2002



ATTEST

Ann L. Betka

*Ann L. Betka*

City Clerk



James W. Vossler

*James W. Vossler*

Mayor