

ORDINANCE NO. 01-573

AN ORDINANCE OF THE CITY OF FRIEND, NEBRASKA CREATING STREET IMPROVEMENT DISTRICT NOS. 2001-1 AND 2001-2; 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 DISTRICTS 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 Tuttle moved that the statutory rule requiring that ordinances be read by title on three different days be dispensed with so that Ordinance No. 01-573 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 Horner. The yeas and nays were called and the vote was as follows: "YEA": Fricke, Tuttle, Horner

\_\_\_\_\_. "NAY": none

Absent or not voting: Bulwan absent. 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 Fricke then moved that said ordinance be passed, which motion was seconded by Council Member Horner. The Mayor then stated, "The question is, shall Ordinance No. 01-573 be passed and adopted?" The yeas and nays were called, the vote being as follows: "YEA": Tuttle, Horner, Fricke

"NAY": none. Absent or not voting:

Bulwan absent. 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. 01-573:

ORDINANCE NO. 01-573

AN ORDINANCE OF THE CITY OF FRIEND, NEBRASKA CREATING STREET IMPROVEMENT DISTRICT NOS. 2001-1 AND 2001-2; 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 DISTRICTS 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.

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

Section 1. Street Improvement District No. 2001-1 ("District No. 2001-1") 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. 2001-1 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. 2001-1

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

Page Street from First Street to Fifth Street  
Fifth Street from Race Street to Page 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 northwest corner of Lot 3, Block 1, Ainsworth First Addition, City of Friend, Saline County, Nebraska; thence easterly on the south right of way line of U.S. Highway 6 to a point 120 feet east of the west line of the Northwest Quarter (NW1/4) Section 24, Township 8 North, Range 1 East of the 6<sup>th</sup> P.M., Saline County, Nebraska; thence southerly parallel to the west line of the Northwest Quarter (NW1/4) Section 24, to the easterly extension of the south right-of-way line of Fifth Street; thence westerly on the easterly extension of the south right-of-way line of Fifth Street to the

line of the Northwest Quarter (NW1/4) of Section 24, Township 8 North, Range 1 East of the 6<sup>th</sup> P.M., Saline County, Nebraska; thence southerly on the west line of said Northwest Quarter (NW1/4) of said Section 24 142 feet; thence westerly parallel to the south right-of-way line of Fifth Street to the south extension of the east right-of-way line of Race Street; thence northerly on the south extension of the east right-of-way line of Race Street and the east right-of-way line of Race Street to the northwest corner of Lot 6, Block 15, Ainsworth First Addition, City of Friend, Saline County, Nebraska; thence easterly to the northwest corner of Lot 12, Block 15, Ainsworth First Addition, City of Friend, Saline County, Nebraska; thence northerly to the northwest corner of Lot 3, Block 1, Ainsworth First Addition, City of Friend, Saline County, Nebraska, the point of beginning.

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

- Lots 1,2,3,12,13 and 14, Block 1, Ainsworth First Addition, City of Friend, Saline County, Nebraska;
- Lots 1,2,3,12,13 and 14, Block 8, Ainsworth First Addition, City of Friend, Saline County, Nebraska;
- Lots 1,2,3,12,13 and 14, Block 9, Ainsworth First Addition, City of Friend, Saline County, Nebraska;
- Lots 1,2,3,8,9,10,11,12,13 and 14, Block 16, Ainsworth First Addition, City of Friend, Saline County, Nebraska;
- Lots 6,7,8,9 and 10, Block 15, Ainsworth First Addition, City of Friend, Saline County, Nebraska;

Portions of the following parcels of land lying within the described boundaries of Street Improvement District 2001-1:

A tract of land located in the Northwest Quarter (NW1/4) of Section 24, Township 8 North, Range 1 East of the 6<sup>th</sup> P.M., Saline County, Nebraska, described as follows: Commencing at the Northwest Corner of said NW1/4; thence S01°01'54" E (assumed bearing) on the West Line of said NW1/4, 60.0 feet to the Point of Beginning, said point being on the southerly right of way line of Highway #6; thence S87°31'02" E on said Southerly Right of Way Line, 17.00 feet; thence S34°00'38" E, 626.00 feet; thence N90°00'00" W on a line 609.0 feet South of and parallel to the North Line of said NW1/4, 1049.00 feet to the West line of said NW1/4; thence N01°01'54" W on the West Line of said NW1/4, 549.00 feet to the Point of Beginning; hereinafter referred to as "Tract 1".

A tract of land located in the NW1/4 of Section 24, T8N, R1E of the 6<sup>th</sup> P.M., Saline County, Nebraska, described as follows: Commencing at the NW Corner of said NW1/4; thence S01°01'54"E (Assumed Bearing) on the west

line of said NW1/4, 609.00 feet to the point of beginning; thence S90°00'00"E parallel with the north line of said NW1/4, 487.00 feet; thence S01°01'54"E parallel with the west line of said NW1/4, 293.00 feet; thence N90°00'00"W parallel with the north line of said NW1/4, 487.00 feet to the west line of said NW1/4; thence N01°01'54"W on the west line of said NW1/4; thence N01°01'54"W on the west line of said NW1/4, 293.00 feet to the point of beginning; hereinafter referred to as "Tract 2".

That part of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section 24, Township 8 North, Range 1 East of the 6<sup>th</sup> P.M., more particularly described as follows: Commencing at a point 609 feet South of the Northwest corner of said Section 24, Township 8 North, Range 1, above described, thence running East parallel to Highway No. 6 a distance of 1049 feet, thence running South a distance of 580 feet, thence running West a distance of 1049 feet, thence running North a distance of 580 feet to the place of beginning, and containing 13.97 acres, more or less, in Saline County, Nebraska; hereinafter referred to as "Tract 3".

That portion of the Northwest Quarter (NW1/4) of Section 24, Township 8 North, Range 1 East of the 6<sup>th</sup> P.M., Saline County, Nebraska lying within the described boundaries of Street Improvement District 2001-1 excluding Tract 1, Tract 2 and Tract 3

An irregular tract No. 31, being a part of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4), of Section Twenty-Three (23), Township Eight (8) North, Range One (1) East of the 6<sup>th</sup> P.M., Saline County, Nebraska, described as follows: Commencing at the Southeast corner of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of Section Twenty-Three (23), Township Eight (8) North, Range One (1), thence running North 16 and 91/100 chains to the southeast corner of Ainsworth's Addition to Friend, Saline County, Nebraska, thence west along the south line of First Street in said Friend, Saline County, Nebraska, 2 and 95/100 chains, thence south 16 and 91/100 chains, thence east 2 and 95/100 chains to the place of beginning.

Part of the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) of Section Twenty-Three (23), Township Eight (8) North, Range One (1), East of the 6<sup>th</sup> P.M., Saline County, Nebraska, described as follows: Beginning 227.09 feet West of the Southeast corner of said Quarter Section, thence West on the South line of the said Northeast Quarter 390 feet, thence North 1117.05 feet to the South line of Ainsworth's Addition to Friend, thence East 390 feet, thence South 1117.05 feet to the place of beginning, containing 10 acres, more or less; A parcel of real estate described as follows: Commencing at a point 33 rods 2 5/6 feet East of the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 23, Township 8 North, Range

1 East of the 6<sup>th</sup> P.M., Saline county, Nebraska, thence running East 9 rods 7 1/3 feet, thence running North 67 rods 12 1/2 feet, thence running West 9 rods 7 1/3 feet and thence running South 67 rods 12 1/2 feet to the place of beginning, containing 4 acres, more or less.

Section 3. Street Improvement District No. 2001-2 ("District No. 2001-2") 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 4. District No. 2001-2 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. 2001-2

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

Fourth Street from Race Street to Page Street

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

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

Beginning at the northwest corner of Lot 6, Block 10, Ainsworth First Addition, City of Friend, Saline County, Nebraska; thence easterly to the northeast corner of Lot 14, Block 9, Ainsworth First Addition, City of Friend, Saline County, Nebraska; thence southerly to the southeast corner of Lot 1, Block 16, Ainsworth First Addition, City of Friend, Saline County, Nebraska; thence westerly to the southwest corner of Lot 6, Block 15, Ainsworth First Addition, City of Friend, Saline County, Nebraska; thence northerly to the point of beginning.

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

Lots 8,9,10,11,12,13 and 14, Block 9, Ainsworth First Addition, City of Friend, Saline County, Nebraska;

Lots 6,7,8,9 and 10, Block 10, Ainsworth First Addition, City of Friend, Saline County, Nebraska;

Lots 1,2,3,4 and 5, Block 15, Ainsworth First Addition, City of Friend, Saline County, Nebraska;

Lots 1,2,3,4,5,6 and 7, Ainsworth First Addition, City of Friend, Saline County, Nebraska;

Section 5. The City's special engineers with respect to District No. 2001-1, Speece & Lewis Engineers, Lincoln Nebraska, shall make detailed plans and specifications for said improvements in District No. 2001-1 and an estimate of the cost thereof, and shall submit the same to the City Council. The City's special engineers with respect to District No. 2001-2, Kirkham Michael Consulting Engineers, Omaha Nebraska, shall make detailed plans and specifications for said improvements in District No. 2001-2 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 6. 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 7. 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 8. 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 9. 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 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 10. 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 20<sup>TH</sup> DAY OF DECEMBER, 2001

ATTEST:

410579.1



*James W. Vank*  
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Mayor



*Ann D. Betka*

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City Clerk