

ORDINANCE NO. 4751

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA CREATING STREET IMPROVEMENT DISTRICT NO. 2023-1; DEFINING THE BOUNDARIES AND LIMITS THEREOF; PROVIDING FOR PAVING, GRADING, CURBING, GUTTERING AND OTHER NECESSARY AND INCIDENTAL WORK; APPROVING PLANS, SPECIFICATIONS, AND ESTIMATES OF COST; PROVIDING FOR THE SECURING OF BIDS; PROVIDING FOR THE PAYMENT OF SUCH IMPROVEMENTS AND OTHER INCIDENTAL EXPENSES BY THE ISSUANCE OF WARRANTS, BOND ANTICIPATION NOTES AND BONDS; PROVIDING FOR ASSESSMENT OF THE COSTS OF SUCH IMPROVEMENTS AGAINST THE PROPERTY SPECIALLY BENEFITED THEREBY AND THE LEVY OF GENERAL TAXES; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND RELATED MATTERS

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

Section 1. Street Improvement District No. 2023-1 (the “**District**”) of the City of Hastings, Nebraska (the “**City**”) is hereby created pursuant to Sections 16-619 to 16-623, inclusive, Reissue Revised Statutes of Nebraska, as amended.

Section 2. The District shall include and encompass the designated portions of the following streets as defined and established as follows:

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

M Street east from the edge of Baltimore Avenue (Hwy 281), a distance of 815 feet; all within the outer boundaries of the District described below.

Section 3. The outer boundaries of the District are defined as follows:

A TRACT OF LAND LOCATED IN PART OF VEITH’S PARK ADDITION, PART OF ANDERSON & SMITH SECOND SUBDIVISION, AND A UNPLATTED TRACT ALL IN THE NORTHWEST QUARTER (NW ¼) OF SECTION TWENTY-FOUR (24) TOWNSHIP SEVEN (7) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., PARTIALLY LOCATED IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 24 (WEST 1/16-NW ¼) THENCE S00°42’54”E (ASSUMED BEARING) ON THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 24, A DISTANCE OF 80.05 FEET, THENCE N88°58’59”E A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING N88°58’59”E A DISTANCE OF 807.72 FEET; THENCE N00°42’26”W A DISTANCE OF 152.99 FEET; THENCE S89°03’13”W A DISTANCE OF 807.74 FEET; THENCE S00°42’54”E A DISTANCE OF 153.98 FEET TO THE POINT OF BEGINNING, CONTAINING 2.85 ACRES MORE OR LESS.

Section 4. The City's Engineers have prepared detailed plans, specifications and an estimate of costs, all of which have been filed with the Clerk and are hereby approved.

Section 5. The City shall advertise for bids for the construction of the improvements to be made in the District in accordance with all applicable provisions of law. Upon acceptance of any such bid, the Mayor and Clerk are hereby authorized to enter into a contract for and on behalf of the City for the completion of such work. The Mayor and Council hereby reserve the right to reject any and all bids received.

Section 6. The improvements to be constructed in the District shall be made at public cost, but special assessments on the properties especially benefited thereby shall be levied to reimburse the City to the extent provided by law.

Section 7. For the purpose of paying the costs of the improvements to be made in the District, the Mayor and Council may issue warrants or bond anticipation notes of the City in the form and manner provided by law. To effect the final payment and retirement of such warrants and bond anticipation notes, or to pay for any of the improvements authorized herein, the Mayor and Council shall issue bonds in the manner and form provided by law and shall assess the costs of such improvements to the property in each District in proportion to the benefits derived from such improvements.

Section 8. After the passage and publication of this Ordinance, the Clerk shall publish in the Hastings Tribune, a newspaper of general circulation in the City, at least once each week for not less than three consecutive weeks, as provided by law, notice of the creation of the District in the form attached hereto (the "Notice").

Section 9. If the owners of record title representing more than 50% of the front footage of the property abutting or adjoining any streets, avenues or alleys which are within the District shall file with the Clerk within 20 days after the first publication of the Notice written objections to the creation of the District, the improvements proposed to be constructed therein shall not be made.

Section 10. If any section or other part of this Ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any other provision of this Ordinance.

Section 11. All ordinances, resolutions or orders, or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

Section 12. This Ordinance shall be published in pamphlet form in the manner and form provided by law and shall take effect and be in full force from and after its due passage, approval and publication as provided by law.

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PASSED AND APPROVED this 27th day of February, 2024.

CITY OF HASTINGS, NEBRASKA

ATTEST:

By: Kimberly S Jacobitz
Clerk

By: [Signature]
Mayor

[SEAL]

