

LEGISLATIVE BILL 1430

Approved by the Governor March 9, 1972

Introduced by Gerald A. Storer, 36th District

AN ACT to amend sections 19-3303, 19-3314, and 19-3317, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages, particular classes; to change provisions for financing of off-street parking facilities as prescribed; to provide severability; to repeal the original sections, and also section 19-3326, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 19-3303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-3303. In addition to matters specifically elsewhere set forth in sections 19-3301 to 19-3326, such sections authorize and include the following:

(1) The formation of off-street parking districts;

(2) The acquisition of lands, property and rights-of-way necessary or convenient for use as off-street parking facilities;

(3) The acquisition of lands, property and rights-of-way necessary or convenient for the opening, widening, straightening or extending of streets or alleys necessary or convenient for ingress to and egress from any off-street parking facility;

(4) The acquisition by condemnation, purchase or gift of property or any interest therein. Any lands or property necessary or convenient for off-street parking facilities may be acquired in fee simple by condemnation or otherwise;

(5) The improvement of any acquired lands by the construction thereon of garages or other buildings, including multifloor buildings, or improvements necessary or convenient for off-street parking facilities including paying from revenue received pursuant to sections 19-3301 to 19-3326 all or a portion of the cost of a covered or uncovered mall to be constructed in a street or alley

pursuant to city authority to construct such improvements in connection with paving and street improvements;

(6) The improvement of parking places and any alleys, streets or ways necessary or convenient for ingress to or egress from off-street parking facilities;

(7) The issuance, sale and payment of bonds to pay the cost and expense of any acquisition or improvement authorized by sections 19-3301 to 19-3326;

(8) The administration, maintenance, operation and repair of such off-street parking facilities, including the maintenance of parking meters thereon;

(9) The collection of fees or charges to pay all or any part of the cost of improving, repairing, maintaining or operating off-street parking facilities and of acquiring and improving off-street parking facilities;

~~{10} The levy and collection of property taxes within any district of not to exceed ten mills on the dollar of assessed valuation to pay all or any part of the cost of improving, repairing, maintaining and operating or acquiring of off-street parking facilities, acquiring and improving additional off-street parking facilities, and to pay principal and interest on any bonds issued. Provided, that the levy and collection of taxes in a given district shall be for the benefit of that particular district only and such levy shall not be subject to or apply against any statutory mill levy limit applicable to such city or property;~~

{10} {10} The employment of engineers, attorneys and other persons necessary or convenient for the doing of any acts authorized by sections 19-3301 to 19-3326; and

{11} {11} The doing of all acts and things necessary or convenient for the accomplishment of the purpose of sections 19-3301 to 19-3326. The enumeration of specific authority in sections 19-3301 to 19-3326 does not limit in any way the general authority granted by sections 19-3301 to 19-3326.

Sec. 2. That section 19-3314, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-3314. In the ordinance creating the district, the mayor and city council may provide that in addition to the levy of taxes and pledge of revenue all or a

portion of the cost may be paid for by special assessment against the real estate located in such district in proportion to the special benefit of each parcel of real estate. The amounts thereof of such special assessments shall be determined by the mayor and city council sitting as a quasi-judicial-body board of equalization. An appeal by writ of error or direct appeal to the district court of the county in which such city is located may be taken from the decision of the city council in the same manner and under like terms and conditions as appeals may be taken from the amount of special assessments levied in street improvement districts of such city as now provided by law.

Sec. 3. That section 19-3317, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-3317. For the purpose of paying the cost of such off-street parking facility, or any portion thereof or to refund all or a portion of any outstanding bonds of the city authorized to be refunded by sections 19-3301 to 19-3326, the mayor and city council shall have power and may, by ordinance, cause to be issued general obligation bonds of the city, to be called Off-Street Parking Bonds ~~of-District-No------~~ of the City of, Nebraska payable in not exceeding twenty years from date and bearing interest, payable either annually or semiannually, not exceeding a rate of seven per cent per annum with interest coupons attached. In such cases they shall also provide that special taxes levied within the district pursuant to section 19-3303 shall constitute a sinking fund for the payment of such bonds and the mayor and city council may, in the ordinance, pledge all or any part of the revenue from fees and charges on the use of the parking facility or fees and charges from on-street parking meters within the district not already pledged as security for such bonds. There shall be levied upon all the taxable property in such city a tax which, together with such sinking fund derived from special assessments and other revenue pledged for the payment of the bonds and interest thereon, shall be sufficient to meet payments of interest and principal as the same become due. All such bonds shall bear such date or dates, mature at such time or times, be in such denominations, be in such form either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, and at such place or places within or without the State of Nebraska,--and--be subject--to--such--terms--of--redemption--and--at--such redemption-premiums-as-such-resolution-or-resolutions-may provide.--The-bonds-may-be-sold-at-public-or-private-sale for-such-price-or-prices-as--the--city--shall--determine;

Provided, that the net interest cost shall not exceed seven per cent per annum to maturity; and provided further, no redemption premium shall be considered in determining such net interest cost as such ordinance may provide. No proceedings for the issuance of bonds of any city shall be required other than those required by the provisions of sections 19-3301 to 19-3326, 7 and the provisions of all other laws and city charters, if any, relative to the terms and conditions for the issuance, the option for prepayment, payment, redemption, registration, sale or delivery of bonds of public bodies, corporations or political subdivisions of this state shall not be applicable to bonds issued by cities pursuant to sections 19-3301 to 19-3326. Any ordinance authorizing any bonds or any issue of bonds of a city may contain covenants and agreements on the part of the city to protect and safeguard the security and payment of such bonds, which shall be a part of the contract with the holders of the bonds thereby authorized:

Any city shall have power from time to time to issue bond anticipation notes referred to as notes herein and from time to time to issue renewal notes if such notes in any case are to mature not later than thirty months from the original date of issuance thereof and to bear interest not exceeding seven per cent per annum. The aggregate of such notes shall not be in excess of the engineer's estimate of the cost of the improvements in any given district for which the notes are issued and shall be paid from money or revenue available for such purpose or from the proceeds of the sale of bonds of the city as authorized by sections 19-3301 to 19-3326 as may be provided by contract between the purchaser of the notes and the city. Such bonds may be issued either before or after the completion of the acquisition or construction of the off-street parking facility, as the mayor and city council may determine best. For the purpose of paying costs of an off-street parking facility prior to issuance of bonds, warrants may be issued by the mayor and city council upon such terms as the mayor and city council may determine, which warrants shall be redeemed and paid upon the sale of bonds authorized in this section.

Sec. 4. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

Sec. 5. That original sections 19-3303, 19-3314, and 19-3317, Reissue Revised Statutes of Nebraska, 1943, and also section 19-3326, Reissue Revised

Statutes of Nebraska, 1943, are repealed.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.