

LEGISLATIVE BILL 125

Approved by the Governor April 12, 1983

Introduced by Von Minden, 17

AN ACT relating to public improvements; to amend sections 16-624 and 18-407, Reissue Revised Statutes of Nebraska, 1943, and section 17-510, Revised Statutes Supplement, 1982; to change provisions relating to the creation of improvement or utility districts in cities and villages; and to repeal the original sections.

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

Section 1. That section 16-624, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-624. Whenever the owners of lots or lands abutting upon any street, avenue, or alley within the city, representing three-fourths of the front footage thereon, so that such district when created will make up one continuous or extended thoroughfare or more, shall petition the mayor and council to make improvement of such street, avenue, or alley without cost to the city, and to assess the entire cost of any such improvements in any such street, avenue, or alley, including intersections of streets or avenues and spaces opposite alleys, against the private property within such improvement district or districts, it shall be the duty of the mayor and council to create the proper improvement district or districts, which shall be consecutively numbered, and to improve the same and to proceed in the same manner and form as hereinbefore provided for in other paving and improvement districts; PROVIDED, the mayor and council shall have power to levy the entire cost of such improvements of any such street, avenue, or alley, including intersections of streets or avenues and spaces opposite alleys, against the private property within such district, and to issue Street Improvement Bonds of District No. to pay for such improvements in the same manner and form as hereinbefore provided for in other improvement bonds. Such bonds shall be issued to cover the entire cost of so improving such streets or avenues, intersections of the same, and spaces opposite alleys. ~~The aforesaid bonds shall not be sold for less than their par value, and, if~~ if the assessments hereinbefore provided for, or any part thereof, shall

fail, or for any reason shall be invalid, the mayor and council may make other and further assessments upon such lots or lands as may be required to collect from the same the cost of any improvements properly chargeable thereto, as herein provided. The mayor and city council shall have the discretion to deny the formation of the proposed district when the area to be improved has not previously been improved with a water system, sewer system, and grading of streets. If the mayor and city council should deny a requested improvement district formation, they shall state their grounds for such denial in a written letter to interested parties.

Sec. 2. That section 17-510, Revised Statutes Supplement, 1982, be amended to read as follows:

17-510. Whenever a petition signed by the owners of the record title representing more than sixty per cent of the front footage of the property directly abutting upon the street, streets, alley, alleys, public way, or public grounds proposed to be improved, shall be presented and filed with the city clerk or village clerk, petitioning therefor, the governing body shall by ordinance create a paving, graveling, or other improvement district or districts, and shall cause such work to be done or such improvement to be made, and shall contract therefor, and shall levy assessments on the lots and parcels of land abutting on or adjacent to such street, streets, alley, or alleys especially benefited thereby in such district in proportion to such benefits, to pay the cost of such improvement. The governing body shall have the discretion to deny the formation of the proposed district when the area has not previously been improved with a water system, sewer system, and grading of streets. If the governing body should deny a requested improvement district formation, it shall state the grounds for such denial in a written letter to interested parties.

Sec. 3. That section 18-407, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-407. If a petition is filed, signed by the owners of a majority of the front footage of real estate within the proposed water or gas main, or other utility service district, which petition shall contain the consent of the owners of the said real estate for the installation of gas or water mains of sizes designated by said council or directors and inserted in said petition, or of other utility service, then said water or gas main, or utility service district, shall be created; and the entire cost of laying said water or gas main, or utility service, shall be assessed and collected as provided in sections 18-405 to 18-410. The governing body shall have the discretion to deny the formation of the proposed district when the area to be improved has not previously been improved with a water system, sewer system, and grading of streets. If the governing body should deny a requested district formation,

it shall state the grounds for such denial in a written letter to interested parties.

Sec. 4. That original sections 16-624 and 18-407, Reissue Revised Statutes of Nebraska, 1943, and section 17-510, Revised Statutes Supplement, 1982, are repealed.