

CORRECTED COPY

LEGISLATIVE BILL 59

Approved by the Governor February 15, 1993

Introduced by Schellpeper, 18

AN ACT relating to public property; to amend sections 16-202, 17-503, 17-953.01, 51-216, and 51-511, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the collection of signatures for and filing of a remonstrance against the sale, conveyance, purchase, or construction of property as prescribed; and to repeal the original sections.

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

Section 1. That section 16-202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-202. The power to sell and convey any real estate owned by the city, including park land, except real estate used in the operation of public utilities and except real estate for state armory sites for the use of the State of Nebraska as expressly provided in section 16-201, shall be exercised by ordinance directing the conveyance of such real estate and the manner and terms thereof. Notice of such sale and the terms thereof shall be published for three consecutive weeks in a legal newspaper published in or of general circulation in such city immediately after the passage and publication of such ordinance. If within thirty days after the passage and publication of such ordinance a remonstrance against such sale is signed by legal electors thereof registered voters of the city equal in number to thirty percent of the electors of such registered voters of the city voting at the last regular municipal election held therein and is filed with the governing body of such city, within thirty days of the passage and publication of such ordinance, the property shall not then, nor within one year thereafter, be sold. If the date for filing the remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the thirty-day period, but the filing shall be considered timely if filed or postmarked on or before the next business day.

Sec. 2. That section 17-503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-503. (1) Except as provided in section 17-503.01, the power of any city of the second class or village to convey any real and personal property owned by it, including land used for park purposes and public squares, except real property used in the operation of public utilities, shall be exercised by resolution directing the sale at public auction or by sealed bid of such real and personal property and the manner and terms thereof, except that such real and personal property shall not be

sold at public auction or by sealed bid when:

(a) Such property is being sold in compliance with the requirements of federal or state grants or programs;

(b) Such property is being conveyed to another public agency; or

(c) Such property consists of streets and alleys.

(2) The governing body of any such city or village may establish a minimum price for such real and personal property at which bidding shall begin or shall serve as a minimum for a sealed bid.

(3) After the passage of the resolution directing the sale, notice of all proposed sales of real and personal property described in subsection (1) of this section and the terms thereof shall be published once each week for three consecutive weeks in a legal newspaper published in or of general circulation in such city or village. If within thirty days after the third publication of the notice a remonstrance against such sale is signed by legal electors thereof registered voters of the city or village equal in number to thirty percent of the electors of such registered voters of the city or village voting at the last regular municipal election held therein and is filed with the governing body of such city or village, within thirty days after the third publication of the notice; such property shall not then, nor within one year thereafter, be sold. If the date for filing the remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the thirty-day period, but the filing shall be considered timely if filed or postmarked on or before the next business day. Real estate now owned or hereafter owned by a city of the second class or a village may be conveyed without consideration to the State of Nebraska for state armory sites or, if acquired for state armory sites, shall be conveyed strictly in accordance with the conditions of sections 18-1001 to 18-1006.

(4) Following (a) passage of the resolution directing a sale, (b) publishing of the notice of the proposed sale, and (c) passing of the thirty-day right-of-remonstrance period, the property shall then be sold. Such sale shall be confirmed by passage of an ordinance stating the name of the purchaser and terms of the sale. The municipal clerk shall upon passage of such ordinance certify the name of the purchaser to the register of deeds of the county in which the property is located.

Sec. 3. That section 17-953.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-953.01. If the funds to be used to finance the purchase or construction of a building under section 17-953 are available other than through a bond issue, notice of the proposed purchase or construction shall be published in a newspaper of general circulation in the city or village and no election shall be required to approve such purchase or construction unless within thirty days after the publication of the notice a remonstrance against such purchase or construction; is signed by electors registered voters of the city or village equal in number to fifteen percent of the electors registered voters of such city or village voting at the last regular municipal election held therein; and is filed with the

governing body of ~~such the~~ city or village. If the date for filing the remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the thirty-day period, but the filing shall be considered timely if filed or postmarked on or before the next business day. ~~within thirty days of the publication of such notice.~~ If a remonstrance with the necessary number of qualified signatures is timely filed, the question shall be submitted to the voters of such city or village at a general municipal election or a special election duly called for that purpose. If such purchase or construction is not approved, the property involved shall not then, nor within one year thereafter, be purchased or constructed.

Sec. 4. That section 51-216, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

51-216. The library board may, by resolution, direct the sale and conveyance of any real estate owned by the library board or by the public library, which is not used for library purposes, or of any real estate so donated or devised to the library board or to the public library upon such terms as the library board may deem best. Before any such sale is made the library board shall advertise such sale once each week for three consecutive ~~for three~~ weeks in a legal newspaper published or, if none is published, of general circulation in the city, village, township, or county in which the public library is situated, and such notice shall set out the time, place, terms, manner of sale, legal description of such real estate, and the right to reject any and all bids. If such bid or bids have not been rejected, then the real estate shall be sold to the highest bidder for cash, and the chairperson of the library board, upon resolution of the library board directing him or her so to do, shall convey such real estate to the purchaser of such real estate upon his or her payment of his or her bid. If within thirty days after the third publication of such notice a remonstrance against such sale is signed by thirty percent of the electors registered voters of such city, village, township, or county voting at the last regular city, village, or county election and is filed with the governing body of such city, village, township, or county, ~~three or more days prior to the day set for sale,~~ such property shall not then, nor within one year thereafter, be sold. If the date for filing the remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the thirty-day period, but the filing shall be considered timely if filed or postmarked on or before the next business day.

Sec. 5. That section 51-511, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

51-511. The museum board may, by resolution, direct the sale and conveyance of any real estate or other property owned by the museum board or by the museum, which is not used for museum purposes, or of any real estate or other property so donated or devised to the museum board or to the museum upon such terms as the museum board deems best. Before any such sale is made the museum board shall advertise such sale once each week for three consecutive ~~for three~~ weeks in a legal newspaper published or, if none is published, of general

circulation in the city, village, county, or township in which the museum is situated, and such notice shall set out the time, place, terms, manner of sale, legal description of such real estate or other property, and the right to reject any and all bids. If such bid or bids have not been rejected, then the real estate or other property shall be sold to the highest bidder for cash, and the president of the board, upon resolution of the museum board directing him or her so to do, shall convey the real estate or other property to the purchaser thereof upon his or her payment of his or her bid therefor. If within thirty days after the third publication of such notice a remonstrance against such sale is signed by thirty percent of the electors registered voters of such city, village, county, or township voting at the last regular city, village, county, or township election and is filed with the governing body of such city, village, county, or township, three or more days prior to the day set for sale, such property shall not then, nor within one year thereafter, be sold. If the date for filing the remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the thirty-day period, but the filing shall be considered timely if filed or postmarked on or before the next business day.

Sec. 6. That original sections 16-202, 17-503, 17-953.01, 51-216, and 51-511, Reissue Revised Statutes of Nebraska, 1943, are repealed.