

ORDINANCE RECORD

No. 728—REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 979

AN ORDINANCE PROVIDING FOR THE CREATION OF VEHICLE OFFSTREET PARKING DISTRICT NO. 1 OF THE CITY OF LA VISTA, NEBRASKA; MAKING DETERMINATIONS WITH RESPECT TO THE PUBLIC HEALTH, WELFARE, CONVENIENCE AND NECESSITY OF SUCH DISTRICT; DETERMINING THE OUTER BOUNDARIES OF SUCH DISTRICT; SETTING FORTH THE CITY ENGINEER'S ESTIMATE OF THE SUM OF MONEY TO BE EXPENDED; DETERMINING UPON THE PLEDGE OF REVENUES FOR THE PAYMENT OF BONDS; PROVIDING NOTICE OF REFERENDUM AND LIMITED REFERENDUM RIGHTS; PROVIDING FOR THE PUBLICATION AND EFFECT OF THIS ORDINANCE

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, as follows:

Section 1. The Mayor and Council hereby find and determine as follows:

(a) that notice requesting applications for ownership and operation of off-street parking facilities has been published as required by Section 19-3311, R.R.S. Neb. 1997; that no applications have been received by the City; and that the City is now authorized under the terms of such section to commence and conduct a program for the acquisition and construction of off-street parking facilities and otherwise proceed in the exercise of the powers granted in Sections 19-3301 et seq, R.R.S. Neb 1997;

(b) that by resolution passed and approved on December 6, 2005 pursuant to Section 19-3312, R.R.S. Neb. 1997, the Mayor and Council have proposed the creation of Vehicle Off-Street Parking District No. 1 of the City of La Vista, Nebraska; that notice of the creation of such district, and of the hearing thereon and of protests and objections to the creation thereof, has been published one time each week for not less than 3 weeks in the *Papillion Times*, a weekly newspaper of general circulation published in the City of La Vista, Nebraska; that on January 3, 2006, the time set by the Mayor and Council for hearing and set forth in the published notice, the Mayor and Council held a public hearing on the creation of such district and of protests and objections to the creation of said district; and that all persons desiring to be heard at such hearing were heard;

(c) that no written objections have been filed within the twenty days after first publication of such notice or at any time prior to such hearing;

(d) that after hearing all persons desiring to be heard and considering all matters deemed appropriate, including the desirability of encouraging the development of new commercial retail and other services in order to provide for better retail and other services to the City and its inhabitants and to enhance the possibility for additional tax revenues for supporting the costs of public services, the Mayor and City Council find and determine that it is necessary and advisable for the Mayor and Council to proceed with the creation of Vehicle Off-Street Parking District No. 1 of the City of La Vista, Nebraska under Sections 19-3301 to 19-3327, R.R.S. Neb. 1997, as amended, (the "Act"); and

(e) that, after considering any and all evidence presented at the hearing, the public health, welfare, convenience and necessity require the creation of Vehicle Off-Street Parking District No. 1 of the City of La Vista, Nebraska, and the acquisition and construction of facilities therein.

Section 2. There is hereby ordered created Vehicle Off-Street Parking District No. 1 of the City of La Vista, Nebraska. The boundaries of Vehicle Off-Street Parking District No. 1 of the City of La Vista, Nebraska, shall be as follows:

such outer boundaries are the same as the outer boundaries of Southport West Subdivision; Vehicle Off-Street Parking District No. 1 of the City of La Vista, Nebraska, shall include all lots, lands, streets and street right of way located within Southport West Subdivision, as surveyed, platted and recorded in the City of La Vista, Sarpy County, Nebraska.

Said boundaries are hereby determined to include all land within the City of La Vista which might be specially benefited by off-street parking improvements within said district. The costs of off-street parking facilities to be acquired and constructed and the costs of operating and maintaining such facilities shall be paid for from general taxes, special property taxes or assessments on property within Vehicle Off-Street Parking District No. 1 of the City of La Vista, Nebraska, and/or general property taxes, with financing being provided by issuance of the City's general obligation bonds, all as provided for in the Act and from time to time determined by the Mayor and City Council, and with

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such revenues, as the Mayor and City Council determine appropriate at the time of issuance, to be pledged for the payment of any such bonds. In addition to the levy of such taxes and pledge of revenues, a portion of the cost of acquisition, including construction, maintenance, repair, and reconstruction of any offstreet parking facility may be paid for by special assessments against the real estate located in said district in proportion to the special benefit of each parcel of real estate in accordance with the terms of Section 19-3314, R.R.S. Neb. 1997.

Section 3. The engineer's estimate of the sum of money expected to be expended for the proposed construction and acquisition of off-street parking facilities within said district is \$9,000,000. Additional improvements not covered by such estimate may be constructed and additional expense incurred, from time to time, as provided for in Section 19-3327, R.R.S. Neb. 1997.

Section 4. This Ordinance is intended as and shall constitute a measure approving the project with respect to off-street parking facilities to be constructed in Vehicle Off-Street Parking District No. 1 of the City of La Vista, Nebraska, as provided for in Section 18-2528(4)(b), R.R.S. Neb. 1997, after separate hearing held on January 3, 2006. Notice is hereby given pursuant to Section 18-2528(4)(c) that this project as described in this Ordinance is subject to limited referendum for a period of thirty days after the first publication of this notice and, after such thirty-day period, the project and measures related to it will not be subject to any further right of referendum.

Section 5. This Ordinance shall be published in full and shall be in force and take effect from and after its passage and approval as provided by law.

PASSED AND APPROVED THIS 17TH DAY OF JANUARY 2006.

CITY OF LA VISTA


Douglas Kindig, Mayor

ATTEST:


Rita M. Ramirez, CMC
City Clerk

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