

# ORDINANCE RECORD

No. 728-REFFIELD & COMPANY INC., OMAHA

## ORDINANCE NO. 1302

AN ORDINANCE PROVIDING FOR THE CREATION OF VEHICLE OFFSTREET PARKING DISTRICT NO. 3 OF THE CITY OF LA VISTA, NEBRASKA, AND OFFSTREET PARKING FACILITIES IN THE VICINITY OF INTERSTATE 80, NORTH OF 120<sup>TH</sup> STREET AND EAST OF EASTPORT PARKWAY; MAKING DETERMINATIONS WITH RESPECT TO THE PUBLIC HEALTH, WELFARE, CONVENIENCE AND NECESSITY OF SUCH DISTRICT AND FACILITIES; DETERMINING THE OUTER BOUNDARIES OF SUCH DISTRICT; SPECIFYING POTENTIAL SOURCES OF FUNDS; SETTING FORTH THE CITY ENGINEER'S ESTIMATE OF THE SUM OF MONEY TO BE EXPENDED; PROVIDING NOTICE OF REFERENDUM AND LIMITED REFERENDUM RIGHTS; PROVIDING FOR THE PUBLICATION AND EFFECT OF THIS ORDINANCE

BE IT ORDAINED BY THE MAYOR AND CITY 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 inviting applications and fixing a date for a public hearing on any applications received for private ownership and operation of offstreet parking facilities in the vicinity of Interstate 80, north of 120<sup>TH</sup> Street and east of Eastport Parkway, has been published as required by Neb. Rev. Stat. Section 19-3311; that the public hearing was held; 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 offstreet parking facilities and otherwise proceed in the exercise of the powers granted in Neb. Rev. Stat. Sections 19-3301 et seq;

(b) that by resolution passed and approved on December 20, 2016 pursuant to Neb. Rev. Stat. Section 19-3312 ("Resolution"), the Mayor and Council have proposed the creation of Vehicle Offstreet Parking District No. 3 of the City of La Vista, Nebraska in the vicinity of Interstate 80, north of 120<sup>TH</sup> Street and east of Eastport Parkway and fixed and established boundaries of the proposed district; that notice of the creation of such district, and of the time and place of hearing thereon and of protests and objections to the creation thereof, and including the proposed boundaries of the district and the engineer's estimate for the acquisition and the construction of initial offstreet parking facilities, ("Notice") 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 17, 2017, at 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 of the public 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 at or prior to the hour set for such hearing;

(d) that by resolution passed and approved on December 20, 2016, the Mayor and Council set for January 17, 2017 a public hearing on the acquisition and construction by the City of off-street parking facilities in Vehicle Offstreet Parking District No. 3, of the City of La Vista, Nebraska, which project would include, but not be limited to, creation of a parking district and development, acquisition, construction and financing of one or more off-street parking facilities; notice of the hearing was published in accordance with Neb. Rev. Stat. Section 18-2528(4)(a); on January 17, 2017, at 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 proposed project; and no comments from the public were made at the hearing.

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(e) that, after considering any and all protests and objections that may be filed and after considering the evidence presented at the hearings, the public health, welfare, convenience and necessity require the formation of Vehicle Offstreet Parking District No. 3 of the City of La Vista, Nebraska, and the acquisition and construction of facilities therein;

(f) that after hearing all persons desiring to be heard and considering all matters deemed appropriate, it is necessary and advisable for the Mayor and Council to proceed with the creation of Vehicle Offstreet Parking District No. 3 of the City of La Vista, Nebraska under Neb. Rev. Stat. Sections 19-3301 to 19-3327, as amended, (the "Act"), and acquisition and construction of offstreet parking facilities, for purposes that include, without limitation, the City's interests in promoting safe and uncongested traffic flows through, in and around City streets, the Interstate 80 and Giles Road interchange and connections with other parts of the metro area, and enhancing the possibilities of additional development and services to the City and its inhabitants, and for additional tax revenues for supporting the costs of public services; and

(g) that the boundaries of such district, essentially comprised of all areas as proposed in the Resolution and Notice, are proper and such boundaries shall be fixed by this Ordinance so the district is comprised of all such areas.

Section 2. There is hereby ordered created Vehicle Offstreet Parking District No. 3 of the City of La Vista, Nebraska and acquisition and construction of offstreet parking facilities therein. The boundaries of Vehicle Offstreet Parking District No. 3 of the City of La Vista, Nebraska, shall be as follows:

Those outer boundaries which are the same as the outer boundaries of the Area depicted in Exhibit A, incorporated herein by this reference, and comprised of the following: Tax Lots 11 and 15, together with all of Tax Lot 2A and parts of Tax Lots 2B1 and 3 lying North and West of railroad right-of-way, together with Tax Lot 1A1B and parts of Tax Lots 2B1 and 3 lying South and East of railroad right-of-way, all located in Section 17, Township 14 North, Range 12 East, of the 6<sup>th</sup> P. M. in Sarpy County, Nebraska together with Giles Road and Eastport Parkway right-of-ways abutting said tax lots. Vehicle Offstreet Parking District No. 3 of the City of La Vista, Nebraska shall include all lots, lands, streets and street right of way located within said Area.

Said boundaries are hereby determined to include all land within the district which might be specially benefited thereby. The costs of offstreet 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 Offstreet Parking District No. 3 of the City of La Vista, Nebraska, and/or general property taxes, sales taxes, occupation taxes, or other funds of the City or made available for such purposes, with financing being provided by issuance of the City's general obligation bonds, all as provided for in the Act or other applicable statutes and from time to time determined by the Mayor and City Council, and with 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 revenue, all or a portion of the cost of acquisition, including construction, maintenance, repair, and reconstruction of any offstreet parking facility 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 in accordance with the terms of Neb. Rev. Stat. Section 19-3314. There shall be levied upon all the taxable property in the 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.

Section 3. The engineer's estimate of the sum of money to be expended pursuant to the Act for the proposed construction and acquisition of initial offstreet parking facilities within said district is \$10,000,000. Additional improvements not covered by such estimate may be owned, purchased, constructed, equipped, leased, or operated, and

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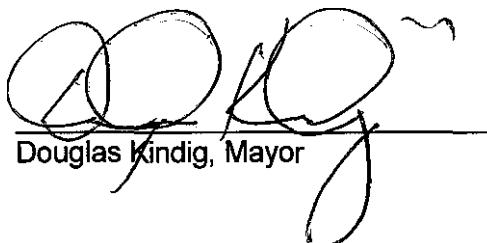
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additional costs and expenses incurred, from time to time, as provided for in Neb. Rev. Stat. Section 19-3327, or other applicable statutes.

Section 4. This Ordinance is intended as and shall constitute a measure approving the project with respect to offstreet parking facilities to be acquired or constructed in Vehicle Offstreet Parking District No. 3 of the City of La Vista, Nebraska, as provided for in Neb. Rev. Stat. Section 18-2528(4)(b), after separate hearing held on January 17, 2017. Notice is hereby given pursuant to Section 18-2528(4)(c) that the project as described in the Ordinance is subject to limited referendum for a period of thirty days after the first publication of such notice, separately or as part of this Ordinance, and, that after such thirty-day period, the project and measures related to it will not be subject to any further right of referendum.

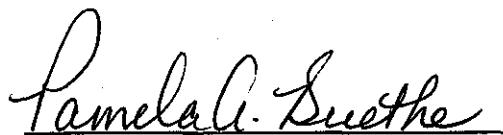
Section 5. This Ordinance shall be published in full and shall be in force and take effect from and after its passage and approval as provided by law.

PASSED AND APPROVED this 7th day of February, 2017.



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe  
Pamela A. Buethe, CMC  
City Clerk

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