

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 20, 2016 AGENDA

| Subject: | Type: | Submitted By: |
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| OFF STREET PARKING NEAR 120 TH AND GILES ROAD | ◆ RESOLUTIONS ORDINANCE RECEIVE/FILE | RITA RAMIREZ ASST. CITY ADMINISTRATOR/ DIRECTOR OF COMMUNITY SERVICES |

SYNOPSIS

A public hearing has been scheduled to consider applications for private ownership and operation of off-street parking facilities in the vicinity of 120th Street and Giles Road. No applications have been received.

Resolutions have been prepared to initiate the process of proposed construction and acquisition of said facilities, initially fixing and establishing boundaries of the proposed district, directing notice, and establishing public hearing dates on the proposed project and creation of an off-street parking district in the vicinity of 120th Street and the Giles Road.

FISCAL IMPACT

Funding is provided in the FY 17 and FY 18 budgets.

RECOMMENDATION

Approval.

BACKGROUND

The Mayor and City Council in the Statement of Intent approved November 3, 2015 recognized the possible need for public infrastructure improvement in and around the Giles Road and Interstate 80 interchange.

The area north of 120th Street and east of Eastport Parkway (often referred to as the sod farm) has been purchased by a private developer who intends to construct a regional recreational area to include state-of-the-art championship swimming, soccer and tennis facilities. This development is consistent with the City's comprehensive plan and will provide better recreational services to the City and its inhabitants, and enhance the possibility for additional tax revenues for supporting the costs of public services. In the interests of public health, safety, and welfare additional public offstreet parking would facilitate among other things safe and uncongested traffic flows along City streets and in and around the Giles Road and 1-80 interchange. The creation of an offstreet parking district (which would include substantially all of the sod farm area, together with Giles Road and Eastport Parkway right of ways abutting said area), and acquisition and construction of off-street parking facilities in the district would allow the City to address the need for public offstreet parking. The engineer's estimated cost of initial off-street parking facilities in the district is \$3,630,000; proposed to be paid from general taxes, special property taxes or assessments on property within the district, and/or general property taxes, with financing being provided by issuance of the City's general obligation bonds. There is a potential for additional facility construction in the future.

Pursuant to §19-3311 of the Nebraska Revised Statutes, notice was issued inviting private ownership and operation of off-street parking facilities within the City. The City Clerk advises that no applications have been received, which allows the City to proceed to exercise the powers to create a district and acquire and construct off-street parking facilities. The first step of that process is providing notice and holding a hearing at the January 17, 2017 Council meeting on the creation of the proposed district. The first resolution under this item on the December 20 agenda is for that purpose. The second resolution on the agenda provides for notices and a hearing also to be held at the January 17, 2017 Council meeting on the proposed off-street parking project and to exempt any subsequent measures related to the project from any referendum or limited referendum procedures under state statute.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA REGARDING CITY OFFSTREET PARKING DISTRICT AND FACILITIES; MAKING FINDINGS REGARDING REQUEST FOR PRIVATE PARKING FACILITY APPLICATIONS, AND NEED FOR AND COMMENCEMENT OF PROGRAM FOR CITY PARKING FACILITIES IN THE VICINITY OF INTERSTATE 80, NORTH OF 120TH STREET AND EAST OF EASTPORT PARKWAY; ESTABLISHING BOUNDARIES OF PROPOSED PARKING DISTRICT; AND SPECIFYING PUBLIC HEARING DATE, NOTICE AND ESTIMATED COST OF FACILITIES.

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

1. The Mayor and Council hereby find and determine that notice inviting applications and fixing a date for a public hearing on any applications received for private ownership and operation of off-street parking facilities in the vicinity of Interstate 80, north of 120TH Street and east of Eastport Parkway, has been published as required by Section 19-3311, R.R.S. Neb. 1997; 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 a program for the acquisition and construction of off-street parking facilities and otherwise proceed in the exercise of the powers therein granted.

2. The Mayor and Council hereby find and determine that it is necessary and advisable for the City to encourage additional development in a portion of the City immediately adjacent to Interstate 80 in order to provide for better services to the City and its inhabitants and to enhance the possibility for additional tax revenues for supporting the costs of public services and that for such purposes it is necessary and advisable for the Mayor and Council to proceed under Sections 19-3301 to 19-3327, R.R.S. Neb. 1997, as amended, (the "Act").

3. The Mayor and Council hereby further find and determine that it is necessary and advisable for the City to commence a program to construct and acquire off-street parking facilities within the City of La Vista, Nebraska in the vicinity of Interstate 80, north of 120TH Street and east of Eastport Parkway, and that for such purpose it is necessary and advisable that boundaries be established for an off-street parking district to be created pursuant to the Act and to be designated as Vehicle Offstreet Parking District No. 3 of the City of La Vista, Nebraska.

4. The boundaries of proposed 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 B, 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 6TH 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, 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 district which might be specially benefited thereby. The costs of off-street parking facilities to be acquired and constructed and the costs of operating and maintaining such facilities are expected to be paid for from general taxes, special property taxes or assessments on property within Vehicle Offstreet Parking District No. 3 of La Vista, Nebraska, and/or general property taxes or other funds, 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.

5. 7:00 o'clock P.M. on the 17th day of January, 2017, at City Hall, 8116 Park View Blvd., La Vista, Nebraska, is hereby set as the time and place of a hearing before the Mayor and Council on the creation of said district and of protests and objections to the creation of the district. At said hearing, any protest or objections to the creation of said district as contemplated in this resolution shall be received, heard and considered. The City Clerk is hereby instructed to give notice of such hearing by publication one time each week for not less than three weeks in the *Papillion Times*, a weekly newspaper of general circulation published in the City of La Vista. Such notice to be published pursuant to this resolution shall be in the following form:

**NOTICE OF INTENTION TO CREATE
VEHICLE OFFSTREET PARKING DISTRICT NO. 3
OF THE CITY OF LA VISTA, NEBRASKA**

Public Notice is hereby given that the Mayor and Council of the City of La Vista, Nebraska, have determined that it is advisable and necessary to commence a program to construct and acquire off-street parking facilities within the City of La Vista pursuant to the provisions of Sections 19-3301 to 19-3327, R.R.S. Neb 1997, as amended, and have by resolution proposed the creation of Vehicle Offstreet Parking District No. 3 of the City of La Vista, Nebraska. The boundaries for said proposed district are as follows:

Those outer boundaries which are the same as the outer boundaries of the Area depicted in Exhibit B, 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 6th 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, as surveyed, platted and recorded in the City of La Vista, Sarpy County, Nebraska.

Notice is further given that a public hearing will be held at 7:00 o'clock P.M. on January 17, 2017, at City Hall, 8116 Park View Blvd., La Vista, Nebraska, before the Mayor and Council on the creation of said district and of protests and objections to the creation of said district. Not later than such hour for said hearing, the owners or any persons interested in any real estate within said proposed district may severally or with other owners file with the City Clerk written objections to the proposed creation of the district, the extent of the proposed district, or both, and every person so interested shall have a right to protest on any grounds and to object to his real estate being included in said district; at such hearing all objections and protests shall be heard and passed upon by the Mayor and City Council. Notice is further given that if the owners of record title representing more than 50% of the taxable valuation of all the taxable real estate included in said proposed district and who are such owners at the time of the first publication of this notice shall file with the City Clerk within 20 days of the first publication of this notice written objections to the formation of said district, said district shall not be formed. If objections are not filed as above set forth and if the Mayor and Council shall find, after considering any other protests and objections that may be filed and after considering the evidence presented at such hearing, that the public health, welfare, convenience or necessity require the formation of said off-street parking district and the acquisition and construction of off-street parking facilities therein, then such district shall be formed by ordinance.

Notice is further given that the engineer's estimate of the sum of money to be expended in the acquisition of property and the construction of initial off-street parking facilities in said district is \$3,630,000.

City Clerk

6. The engineer's estimate of the sum of money proposed to be expended for the proposed construction and acquisition of initial off-street parking facilities within said district is \$3,630,000.

7. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED THIS 20TH DAY OF DECEMBER, 2016

Douglas D. Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

K:/apps/cityhall/16 final resolutions/16. Parking District 3 Resolution #1 (120th & Giles)

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA MAKING CERTAIN FINDINGS AND DIRECTING NOTICE AND PUBLIC HEARING ON A PROPOSED PROJECT FOR ACQUISITION AND CONSTRUCTION BY THE CITY OF OFFSTREET PARKING FACILITIES IN THE VICINITY OF INTERSTATE 80, NORTH OF 120TH STREET AND EAST OF EASTPORT PARKWAY.

NOW THEREFORE, BE IT RESOLVED as follows:

1. The Mayor and Council find and determine that it is necessary and advisable for the Mayor and Council to consider the creation of a district and acquisition and construction by the City of off-street parking facilities within the City in the vicinity of Interstate 80, north of 120th Street and east of Eastport Parkway, pursuant to Neb. Rev. Stat. Sections 19-3301 to 19-3327, R.R.S. Neb. 1997, as amended, ("Act") to encourage additional development in a portion of the City immediately adjacent to Interstate 80 in order to provide for better services to the City and its inhabitants and to enhance the possibility for additional tax revenues for supporting the costs of public services.
2. The boundaries of said proposed district and off-street parking facilities, numbered and designated 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 B, incorporated herein by this reference, and comprised of the following: The boundaries of 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 6th 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, as surveyed, platted and recorded in the City of La Vista, Sarpy County, Nebraska.

Said boundaries include all land within the district which in the opinion of the Mayor and City Council might be specially benefited thereby. The costs of off-street parking facilities to be acquired and constructed and the costs of operating and maintaining such facilities are expected to 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 or other funds, 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.

3. Nebraska Statutes, Section 18-2528(4), as amended, provide a procedure of notices, public hearing and approval for projects involving the acquisition, construction, installation, improvement or enlargement of public ways, public property or other capital projects which, if followed, exempts all subsequent measures relating to the same project from referendum and limited referendum procedures provided for in Neb. Rev. Stat. Sections 18-2501 to 18-

2537; which procedure the Mayor and Council desire to follow and thereby exempt all subsequent measures relating to the acquisition and construction by the City of off-street parking facilities within the City in the vicinity of Interstate 80, north of 120th Street and east of Eastport Parkway, 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.

4. The Mayor and City Council shall hold a public hearing on the proposed project for said off-street parking facilities at the La Vista City Hall during and as part of its regular City Council meeting on January 17, 2017 commencing at 7:00 p.m. The City Clerk or her designee is hereby authorized and directed to place such hearing on the agenda of said meeting and to publish notice of such hearing in accordance with Neb. Rev. Stat. Section 18-2528(4)(a) and the following form:

"NOTICE OF PUBLIC HEARING

City of La Vista

Notice is hereby given pursuant to Neb. Rev. Stat. Section 18-2528(4)(a) that the Mayor and City Council of the City of La Vista, Nebraska will hold a public hearing during the regularly scheduled City Council meeting on January 17, 2017 commencing at 7:00 p.m. at the La Vista City Hall, 8116 Park View Blvd., for the purpose of hearing support, opposition, criticism, suggestions or observations with respect to the proposed acquisition and construction by the City of off-street parking facilities within the City in the vicinity of Interstate 80, north of 120th Street and east of Eastport Parkway. Attendance and comments of the public are welcome."

5. The engineer's estimate of the sum of money proposed to be expended for the proposed construction and acquisition of initial off-street parking facilities within said district is \$3,630,000.
6. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED THIS 20th DAY OF DECEMBER, 2016.

CITY OF LA VISTA

ATTEST:

Douglas D. Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

