

ORDINANCE NO. 2010-18

AN ORDINANCE OF THE CITY OF WAYNE, NEBRASKA, CREATING A STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF WAYNE TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 2010-5; DEFINING THE BOUNDARIES OF SAID DISTRICT AND PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WAYNE, NEBRASKA:

Section 1. The Mayor and City Council of the City of Wayne, Wayne County, Nebraska, hereby find and determine that it is in the best interests of the City that Dearborn Street from the south right-of-way line of 4th Street (within the Benscoter Addition) north to the north right-of-way line of 4th Street including both intersections of Dearborn Street and 4th Street; 4th Street from Dearborn Street to Jaxon Street including the intersection of Jaxon Street and 4th Street; Jaxon Street from 4th Street to Tomar Drive including the intersection of Jaxon Street and Tomar Drive; Tomar Drive from the end of existing paving approximately 15' north of the north boundary line of the Benscoter Addition to the south easement line of the 60' easement on the north side of Lot 2, be improved as hereinafter described; and that it is in the best interests of the City of Wayne to create a street improvement district for the construction of the said improvements.

Section 2. There is hereby created within the City of Wayne, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 2010-5, the outer boundaries of which shall contain the following property:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW ¼ NE ¼) AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE ¼ NW ¼) OF SECTION 18, TOWNSHIP 26 NORTH, RANGE 4 EAST OF THE 6TH P.M., WAYNE COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW ¼ NE ¼); THENCE ON THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW ¼ NE ¼), N87°35'23"E, 1324.96 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW ¼ NE ¼); THENCE ON SAID EAST LINE, S01°49'36"E, 309.00 FEET TO A POINT ON THE ABANDONED SOUTHWESTERLY RIGHT OF WAY LINE OF THE CHICAGO AND NORTH WESTERN RAILROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE, CONTINUING ON SAID WEST LINE, S01°49'36"E, 1012.63 FEET; THENCE, S87°36'14"W, 1693.55 FEET; THENCE N01°49'36"W, 231.69 FEET; THENCE N87°37'13"W, 260.03 FEET TO THE ABANDONED

SOUTHWESTERLY RIGHT OF WAY LINE OF THE CHICAGO AND NORTH WESTERN RAILROAD; THENCE ON SAID SOUTHWESTERLY RIGHT OF WAY LINE, N59°09'08"E, 1639.28 FEET TO THE POINT OF BEGINNING, CONTAINING 21.86 ACRES MORE OR LESS.

Within said District, Dearborn Street from the south right-of-way line of 4th Street (within the Bencoter Addition) north to the north right-of-way line of 4th Street including both intersections of Dearborn Street and 4th Street; 4th Street from Dearborn Street to Jaxon Street including the intersection of Jaxon Street and 4th Street; Jaxon Street from 4th Street to Tomar Drive including the intersection of Jaxon Street and Tomar Drive; Tomar Drive from the end of existing paving approximately 15' north of the north boundary line of the Bencoter Addition to the south easement line of the 60' easement on the north side of Lot 2, shall be improved by grading and construction of curb and gutter, concrete paving, storm sewer, sidewalk and other necessary improvements and appurtenances.

Section 3. All of said improvements shall be constructed to the established grades as fixed by ordinances of the City of Wayne, and shall be constructed in accordance with plans and specifications to be prepared by Olsson Associates, the City's engineers, which plans shall be approved by the Mayor and City Council. The improvements shall be made at public cost, but special assessments shall be levied to reimburse the City for the cost of the improvements as provided by law.

Section 4. Notice of the creation of said Street Improvement District No. 2010-5 shall be published in The Wayne Herald newspaper, a legal newspaper published in and of general circulation within the City of Wayne, for three weeks after the publication of this Ordinance.

Section 5. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

PASSED AND APPROVED this 17th day of August 2010.

THE CITY OF WAYNE, NEBRASKA,

By _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

CITY OF WAYNE, NEBRASKA

**NOTICE OF CREATION OF STREET IMPROVEMENT
DISTRICT NO. 2010-5**

Notice is hereby given that at a meeting of the Mayor and City Council of the City of Wayne, Wayne County, Nebraska, held August 17, 2010, at 5:30 p.m. there was passed, approved and adopted Ordinance No. 2010-18 creating and establishing Street Improvement District No. 2010-5.

The outer boundaries of said Street Improvement District No. 2010-5 are as follows:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW ¼ NE ¼) AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE ¼ NW ¼) OF SECTION 18, TOWNSHIP 26 NORTH, RANGE 4 EAST OF THE 6TH P.M., WAYNE COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Such improvements shall be made in accordance with plans and specifications to be approved by the Mayor and Council. Such improvements shall be made at public cost and special assessments shall be levied on benefited properties as provided by law.

If the owners of record title representing more than 50% of the front footage of the property abutting or adjoining the street to be improved in said Street Improvement District No. 2010-5 shall file with the City Clerk written objections to the creation of said District and the construction of the improvement therein, within 20 days after the first publication of this notice, said work shall not be done in said District and the Ordinance creating the said District shall be repealed. If objections are not filed against said District No. 2010-5 in the time and manner aforesaid, the Mayor and City Council shall forthwith proceed to construct said improvements in the said District and shall contract therefor.

CITY OF WAYNE, NEBRASKA

[SEAL]

City Clerk

PUBLISH: _____, 2010
 _____, 2010
 _____, 2010

CITY OF WAYNE, NEBRASKA

