City of Minden
P.O. Box 239, 325 N. Colorado
Minden, Nebraska 68959

phone 308.832.1820
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www.MindenNebraska.org

The Christmas City
Minden NEBRASKA

ADOPTING ORDINANCE
ORDINANCE NO. 1242

AN ORDINANCE OF THE CITY OF MINDEN, NEBRASKA CREATING STREET IMPROVEMENT PROJECT NO. 2018-5; DEFINING THE BOUNDARIES AND LIMITS THEREOF; PROVIDING FOR PAVING, GRADING, CURBING, GUTTERING, AND OTHER NECESSARY AND INCIDENTAL WORK; PROVIDING FOR THE PAYMENT OF SUCH IMPROVEMENTS AND OTHER INCIDENTAL EXPENSES BY THE ISSUANCE OF WARRANTS, BOND ANTICIPATION NOTES AND BONDS; PROVIDING FOR ASSESSMENT OF THE COSTS OF SUCH IMPROVEMENTS AGAINST THE PROPERTY SPECIALLY BENEFITED THEREBY AND THE LEVY OF GENERAL TAXES; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE; AND RELATED MATTERS

PASSED AND APPROVED this 6th day of May, 2019.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)

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

Section 1. The Mayor and Council of the City of Minden, Nebraska (the **"City"**) hereby find and determine as follows:

(a) Pursuant to Section 18-2001 to 18-2004, inclusive, Reissue Revised Statutes of Nebraska, as amended (the **"Act"**), the City is authorized to grade, curb, gutter, and pave any unpaved street or alley that intersects a paved street for a distance of not to exceed one block on either side of such paved street.

(b) Brown Avenue in the City is a paved street and the Act authorizes the City to pave 10th Street for a distance of one block west of its intersection with Brown Avenue.

(c) It is necessary, desirable, advisable, and in the best interest of the City to grade, curb, gutter, and pave 10th Street for a distance of not to exceed one block west of its intersection with Brown Avenue under and pursuant to the Act, such work to be known as Street Improvement Project No. 2018-5 of the City of Minden, Nebraska (the **"Project"**).

Section 2. The Project is hereby authorized to be constructed pursuant to the Act and shall include the grading, curbing, guttering, and paving of 10th Street for a distance of not to exceed one block west of its intersection with Brown Avenue including all incidental drainage improvements.

Section 3. The property to be in included in the Project consists of the area described as follows:

The outer boundaries of the project consist of a boundary line which encompasses all of the lots abutting 10th Street from the intersection of Tower Avenue to the intersection of Brown Avenue / Highway 10, including such section of 10th Street.

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Section 4. The City's special engineer, Olsson Associates, Grand Island, Nebraska (the **"Engineer"**), has been engaged to prepare detailed plans and specifications for the Project. Prior to the letting of bids for the construction of the Project, the Engineer shall submit the plans and specifications for and an estimate of the costs of the Project to the Mayor and Council for approval.

Section 5. The City shall advertise for bids for the construction of the improvements to be made in the District in accordance with all applicable provisions of law. Upon acceptance of any bid therefor, the Mayor and Clerk are authorized to enter into a contract on behalf of the City for such work, and such contract shall be executed by the Mayor and attested by the Clerk. The City Council shall have and hereby reserves the right to reject any and all bids received.

Section 6. The costs of the Project shall be paid for at public cost.

Section 7. For the purpose of paying the costs of the Project, the Mayor and Council may issue warrants or bond anticipation notes of the City in the form and manner provided by law. To effect the final payment and retirement of such warrants and bond anticipation notes, or to pay for any of the improvements authorized herein, the Mayor and Council shall issue bonds in the manner and form provided by law and shall assess the costs of such improvements to the property in the Project area in proportion to the benefits derived from such improvements.

Section 8. If any section or other part of this Ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any other provision of this Ordinance.

Section 9. All ordinances, resolutions or orders, or parts thereof in conflict with the provisions of this Ordinance, are to the extent of such conflict or conflicts hereby repealed.

Section 10. This Ordinance shall be published in the manner and form provided by law and shall take effect and be in full force from and after its due passage, approval and publication as provided by law.

PASSED AND APPROVED this 6th day of May, 2019.

/s/ Ted Griess
Ted Griess, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk

(SEAL)