

# ORDINANCE RECORD

No. 728-REFFIELD & COMPANY INC., OMAHA

## ORDINANCE NO. 1301

AN ORDINANCE PROVIDING FOR THE CREATION OF VEHICLE OFFSTREET PARKING DISTRICT NO. 2 OF THE CITY OF LA VISTA, NEBRASKA, AND OFFSTREET PARKING FACILITIES IN THE 84<sup>TH</sup> STREET REDEVELOPMENT AREA; 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 84<sup>TH</sup> Street Redevelopment Area, 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. 2 of the City of La Vista, Nebraska in the 84<sup>TH</sup> Street Redevelopment Area, 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 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 offstreet parking facilities in Vehicle Offstreet Parking District No. 2, 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 offstreet 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.

(e) that, after considering any and all protests and objections that may be filed and after considering the evidence presented at the hearings, the

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public health, welfare, convenience and necessity require the formation of Vehicle Offstreet Parking District No. 2 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. 2 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, Nebraska State Highway 85 (84<sup>th</sup> Street), Giles Road, Harrison Street and connections with Interstate 80 and other parts of the metro area, encouraging redevelopment of the 84<sup>th</sup> Street Redevelopment Area and eliminating and preventing recurrence of the substandard and blighted area, and enhancing the possibilities of additional 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, 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; which boundaries shall include, without limitation, Lot 8, La Vista City Centre ("Lot") for reasons including the following, any or all of which the Mayor and Council find and determine shall be sufficient justification to include such Lot in the district: (i) the request to exclude such Lot did not satisfy Neb. Rev. Stat. Section 19-3313; (ii) such request failed to include other parties having an interest in the Lot, such as the record title owner of the fee; and (iii) such Lot will be specially benefited by the proposed district.

Section 2. There is hereby ordered formed and created Vehicle Offstreet Parking District No. 2 of the City of La Vista, Nebraska and acquisition and construction of offstreet parking facilities therein. The boundaries of Vehicle Offstreet Parking District No. 2 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: La Vista City Centre subdivision, including without limitation, Lots 1 through 17, inclusive, La Vista City Centre, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska; together with Lot 13, Park View Heights, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska; together with Tax Lot 12 and Tax Lot 13 in Section 14, Township 14 North, Range 12 East, of the 6<sup>th</sup> P. M. in Sarpy County, Nebraska, together with all right-of-ways abutting said lots. Vehicle Offstreet Parking District No. 2 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. 2 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

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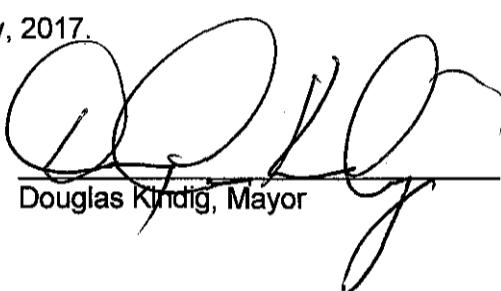
which, together with any sinking fund derived from special assessments and other revenue pledged for the payment of the bonds and interest thereon, shall be sufficient to meet payments of interest and principal as the same become due.

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 \$22,655,000. Potential sites for such facilities are owned by the City, having been acquired at an additional approximate cost of \$1,525,482 using proceeds of a bond issue to be repaid from revenues including the additional one-half percent local options sales and use tax approved by City of La Vista voters pursuant to Neb. Rev. Stat. Section 77-27,142. Additional improvements not covered by such estimate may be owned, purchased, constructed, equipped, leased, or operated, and 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. 2 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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