

ORDINANCE NO. 2376

AN ORDINANCE OF THE CITY OF LEXINGTON, NEBRASKA CREATING STREET IMPROVEMENT PROJECT NO. 2016-1; DEFINING THE BOUNDARIES AND LIMITS THEREOF; PROVIDING FOR PAVING, GRADING, CURBING, GUTTERING, AND OTHER NECESSARY AND INCIDENTAL WORK; PROVIDING FOR THE PAYMENT OF IMPROVEMENTS AND OTHER INCIDENTAL EXPENSES BY THE ASSESSMENT OF THE COSTS OF SUCH IMPROVEMENTS AGAINST THE PROPERTY SPECIALLY BENEFITED THEREBY; PROVIDING FOR PUBLICATION OF THIS ORDINANCE; AND RELATED MATTERS.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA.

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

(a) Pursuant to Section 18-2001 *et. seq.*, 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; and

(b) W 10th Street is a paved street and W 9th Street is a paved street and N Ontario St. is unpaved and intersects said streets and the Act permits the City to pave said portion of N Ontario St. for a distance of one block.

(c) It is necessary, desirable, advisable, and in the best interest of the City to grade, curb, gutter, and pave N Ontario Street from W 10th Street to W 9th Street under and pursuant to said Act, such work to be known as Street Improvement Project No. 2016-1 of the City of Lexington, 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 N Ontario Street in the City from W 10th Street to W 9th Street, including all incidental drainage improvements or handicap ramps.

Section 3. The property to be included in this Project consists of the area described in the attached Exhibit "A."

Section 4. The City's engineer, Miller & Associates Consulting Engineers, P.C., Kearney, 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 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 pursuant to the Project in accordance with all applicable provisions of the law. Upon acceptance of any bid therefore, the City Manager is authorized to enter into a contract on behalf of the City for such work, and such contract shall be executed by the City Manager. 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, but special assessments on the properties especially benefited thereby shall be levied to reimburse the City to the extent provided

by law. Such assessments to be assessed against the lots and tracts of land adjacent to or abutting the portion of the streets thus improved, or which may be specially benefited by such improvements.

Section 7. 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 8. All ordinances, resolutions, or orders, or parts thereof in conflict with the provisions in this Ordinance, are to the extent of such conflict or conflicts hereby repealed.

Section 9. This Ordinance shall be published in the manner and form provided by law and shall take effect and be in full force and after its due passage, approval and publication as provided by law.

PASSED AND APPROVED this ____th day of May 2016.

CITY OF LEXINGTON, NEBRASKA

ATTEST:

By: *Pamela Baruth*
City Clerk

By: *John H. Feyer*
Mayor



EXHIBIT A

ATTACHED PROJECT AREA OR DESCRIPTION

Project Area



Affected Properties

