

ORDINANCE NO. 22xx

AN ORDINANCE LEVYING A SPECIAL ASSESSMENT UPON THE LOTS, PARTS OF LOTS, LANDS AND REAL ESTATE SPECIALLY BENEFITED BY THE IMPROVEMENTS IN IMPROVEMENT DISTRICT 09-02, OF THE CITY OF LEXINGTON, NEBRASKA; TO DEFRAY THE COSTS OF SAID IMPROVEMENTS TO THE EXTENT OF THE SPECIAL BENEFIT TO SUCH LOTS, PARTS OF LOTS, LANDS AND REAL ESTATE BY REASON OF SUCH IMPROVEMENTS AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

WHEREAS, it has been determined by the City Council sitting as a Board of Equalization, after publication and notice to property owners as required by law, that the benefit to the lots, parts of lots, lands and real estate in Improvement District No. 09-02, for construction of asphalt paving and improvements on Price Drive, West Elm Street between Price Drive and Ontario Street, Ontario Street between Elm and Spruce Streets, and Spruce Streets between Price Drive and South Adams Street, are equal and uniform in proportion to the various lots, parts of lots, lands, and real estate in said District.

BE IT THEREFORE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, AS FOLLOWS:

SECTION 1. There is hereby levied against the lots, parts of lots, lands, and real estate within and specially benefited by improvements in Improvement District No. 09-02, a special tax of \$314,832.57, to pay the costs of improvements in the districts, to be apportioned among the lots, parts of lots, lands and real estate, according to front footage of real estate abutting the paving and according to rules which the Board of Equalization considers fair and equitable, and duly adopted, and all of said assessments being in proportion to benefits received by the real estate in question.

SECTION 2. The assessments shall be apportioned and levied against the lots, parts of lots, lands, and real estate, respectively, in proportion to the benefits received and according to the Assessment Plats attached to this Ordinance as Exhibit A, and made a part hereof by reference.

SECTION 3. The levy date will be set at June 1, 2011.

SECTION 4. The assessments shall be payable in Ten (10) installments as follows:

- a. The First Installment, consisting of 1/10th of the total assessment, shall be due immediately and shall be delinquent Fifty (50) days from the date of this levy shown in Section 3.
- b. The balance shall be paid in Nine (9) equal annual installments, the first to be delinquent One (1) year from the date of this levy, and subsequent installments delinquent upon the same day of each year thereafter;
- c. Each of said installments, except the first, shall draw interest of 4.5% per annum from the date of levy until the same shall become delinquent, and thereafter any installments, including the first, shall draw delinquent interest at the rate provided by law. PROVIDED, that the owner of any lot, parts of lots, land and real estate may pay the entire assessment against the same within Fifty (50) days from the date of this levy and thereupon such lots, parts of lots, land and real estate shall be exempt from any lien or charge therefore.

SECTION 5. This Ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 10th day of May 2011.

CITY OF LEXINGTON, NEBRASKA

By \_\_\_\_\_

John Fagot, President of the Council

ATTEST:

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Pamela Berke, Deputy City Clerk