

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**FEBRUARY 5, 2008 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
BOARD OF EQUALIZATION — LEVY OF SPECIAL ASSESSMENTS SOUTHPORT WEST	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

**SYNOPSIS**

A public hearing has been scheduled and a resolution prepared to approve the levying of special assessments for improvements to the former Sanitary and Improvement District No. 253 (Southport West)

**FISCAL IMPACT**

The total project costs for improvements to former SID 253 (Southport West) are \$6,158,422.00. It is proposed that the Board of Equalization specially assess \$4,027,080.80 to benefiting properties. The balance of the total project costs of \$2,131,341.20 is to be paid by general obligation debt of the City.

**RECOMMENDATION**

Continue Public Hearing to the March 4, 2008 meeting.

**BACKGROUND**

Benefiting property owners have been given notice that the City Council will sit as the Board of Equalization for the purpose of levying special assessments on properties in the former SID 253 subdivision known as Southport West. These improvements include Sanitary Sewer, Paving, and Storm Sewer Section I, Water Section I, Power Section I, Giles Road & 126<sup>th</sup> Street Improvements Section I, Traffic Signals Section I, Traffic Signals Section II, and Sanitary Outfall Sewer No. 2.

In accordance with the Subdivision Agreement between the Subdividers, Sanitary and Improvement District No. 253, and the City of La Vista, Nebraska, the difference in construction cost of storm sewers 24 inches in diameter and the actual size required, sanitary outfall sewers, and the construction cost of intersections and certain extra width pavement, together with their proportionate share of engineering, legal, and miscellaneous fees, are considered to be of benefit to the City at large and should be treated as general obligation costs with the balance being specially assessed. The special assessment schedule has been established.

One protest has been received asking the City to grant time for the owner of the property or their agent to meet with the City engineer to review and understand the assessment amounts. With continuation of the public hearing to March 4, 2008 all assessments can be done at the same time.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA LEVYING SPECIAL ASSESSMENTS FOR IMPROVEMENTS BENEFITING PROPERTIES LOCATED IN FORMER SANITARY AND IMPROVEMENT DISTRICT NO. 253 OF SARPY COUNTY, NEBRASKA, (SOUTHPORT WEST)

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LA VISTA, NEBRASKA:

Section 1. The Mayor and Council find and determine: (a) that by ordinance duly passed and approved, the territory located in former Sanitary and Improvement District No. 253 of Sarpy County, Nebraska, ("Southport West") has been annexed and that public improvements benefiting properties within Southport West have been constructed; (b) that in accordance with Neb. Rev. Stat. Section 31-763 (Reissue 2004), the City may exercise the authority to levy special assessments for such improvements; (c) that the public improvements in Southport West have been completed and accepted, as evidenced by the certificate of acceptance on file with the City Clerk and approved by the Mayor and City Council, and a statement of costs, plat of area in Southport West and schedules for proposed assessment (including any approved revisions, the "Schedule") have been prepared, presented to the Mayor and Council and received and placed on file with the City Clerk; (d) that the Mayor and Council has heretofore designated this time and place to sit as a Board of Equalization for holding a public hearing and considering levying special assessments upon property located in Southport West; (e) that notice of the time and place of holding this meeting and public hearing for said purposes has been duly given as provided by statute by publication in the *Papillion Times*, a newspaper published and of general circulation in this City; for not less than twenty (20), nor more than thirty (30), days before the time designated therein for holding this meeting and said public hearing, said publication being made on the same day in each week for two consecutive weeks in the issues of said paper published on January 10<sup>th</sup> and January 17<sup>th</sup>, 2007 and by mailing a copy of such notice to each record owner of property proposed to be specially assessed; (f) that the Mayor and Council have at this session heard all persons who desired to be heard in reference to the proposed assessments, special benefits or damages by reason of the construction of said improvements; and (g) that, based upon the advice of the City's engineer, the Mayor and Council hereby determine that the amounts shown on the Schedule represent, as to each listed property, the special benefit to such property as served by such improvements within Southport West and should be specially assessed against such property.

Section 2. The Mayor and Council, acting as a Board of Equalization pursuant to Neb. Rev. Stat. Section 16-707 (Reissue 1997), find and determine, after hearing, that all of the benefited properties are as set forth in the Schedule and none of the properties in Southport West have been damaged by said improvements, and such amounts as set forth in the Schedule for each property are hereby determined and equalized and it is further declared and determined that none of such assessments exceeds the benefits upon the respective properties as set forth in the Schedule, which Schedule is hereby incorporated in this resolution.

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The following lots are located in Southport West:

Lot	Area (acres)	Sanitary Sewer	Storm Sewer	Paving	126th & Giles Paving & Storm Sewer	Water	Power	Total
1	27.761	\$83,520.99	\$213,229.87	\$142,333.17	\$209,302.75	\$129,128.43	\$102,424.33	\$879,939.54
2	2.281	\$6,862.55	\$17,520.17	\$11,694.89	\$10,000.74	\$10,609.92	\$8,415.76	\$65,104.03
3	2.106	\$6,336.05	\$16,176.01	\$10,797.65	\$9,233.48	\$9,795.92	\$7,770.10	\$60,109.21
4	8.847	\$26,616.84	\$67,953.05	\$45,359.37	\$38,788.51	\$41,151.23	\$32,641.04	\$252,510.04
15	6.612	\$19,892.68	\$50,786.21	\$33,900.33	\$28,989.44	\$30,755.28	\$24,395.00	\$188,718.94
16	2.389	\$7,187.48	\$18,349.71	\$12,248.62	\$10,474.26	\$11,112.27	\$8,814.23	\$68,186.57
19	0.818	\$2,461.01	\$6,282.99	\$4,193.96	\$3,586.41	\$3,804.87	\$3,018.01	\$23,347.25
20	0.806	\$2,424.91	\$6,190.82	\$4,132.44	\$3,533.80	\$3,749.06	\$2,973.74	\$23,004.77
23	1.019	\$3,065.74	\$7,826.85	\$5,224.51	\$4,467.67	\$4,739.81	\$3,759.60	\$29,084.18
24	0.854	\$2,569.32	\$6,559.50	\$4,378.54	\$3,744.25	\$3,972.32	\$3,150.84	\$24,374.77
25	0.877	\$2,638.52	\$6,736.16	\$4,496.46	\$3,845.09	\$4,079.31	\$3,235.70	\$25,031.24
26	0.89	\$2,677.63	\$6,836.01	\$4,563.11	\$3,902.09	\$4,139.78	\$3,283.66	\$25,402.28
27	18.673	\$56,179.08	\$143,425.72	\$95,738.17	\$101,847.56	\$86,856.21	\$68,894.11	\$552,940.85

The following lots are located in Southport West Replat One:

1	10.304	\$31,000.33	\$79,144.15	\$52,829.55	\$45,176.53	\$47,928.37	\$38,016.65	\$294,095.58
2	11.59	\$34,869.36	\$89,021.80	\$59,422.98	\$50,814.83	\$53,910.11	\$42,761.35	\$330,800.43
3	20.502	\$61,681.76	\$157,474.11	\$105,115.62	\$89,888.32	\$95,363.68	\$75,642.21	\$585,165.70

The following lots are located in Southport West Replat Two:

2	0.88	\$2,647.54	\$6,759.20	\$4,511.84	\$3,858.24	\$4,093.26	\$3,246.76	\$25,116.84
3	0.783	\$2,355.71	\$6,014.16	\$4,014.51	\$3,432.96	\$3,642.07	\$2,888.88	\$22,348.29

The following lots are located in Southport West Replat Three:

1	4.946	\$14,880.40	\$37,989.80	\$25,358.59	\$21,685.09	\$23,005.99	\$18,248.29	\$141,168.16
2	7.853	\$23,626.32	\$60,318.22	\$40,263.05	\$34,430.45	\$36,527.70	\$28,973.68	\$224,139.42
3	6.534	\$19,658.04	\$50,187.11	\$33,500.41	\$28,647.48	\$30,392.45	\$24,107.22	\$186,492.71

Total 137.325 \$413,152.26 \$1,054,781.62 \$704,077.77 \$709,649.95 \$638,758.04 \$506,661.16 \$4,027,080.80

Section 3. The special assessments as shown in the Schedule for each benefited property are hereby levied upon the respective properties to which they apply as set forth in the Schedule. Said special assessments shall be a lien on each of said properties against which they are assessed as shown on said Schedule from and after the date of levy and shall become due within fifty (50) days after the date of this levy and may be paid within that time without interest but if not so paid shall bear interest at the rate of 6 % per annum (or at any lower rate as may be required by law) until delinquent. Said special assessments shall become delinquent in 10 equal annual installments of principal in accordance with Neb. Rev. Stat. Section 31-753 (Reissue 2004), with the first such installment due fifty (50) days after the date of adoption of this resolution. Delinquent installments shall bear interest at the rate provided by law until paid and shall be collected in the usual manner for the collection of taxes. If three or more installments shall be delinquent, the Mayor and City Council may declare all of the remaining installments to be at once delinquent, as permitted under applicable law, and such installments declared delinquent shall bear interest at the rate specified in Neb. Rev. Stat. Section 45-104.01 (Reissue 2004), as such rate may from time to time be adjusted by the Legislature, until paid and may be collected the same as other delinquent installments may be collected. The assessments hereby levied shall be collected in the same manner as general taxes and shall be subject to the provisions of Neb. Rev. Stat. Section 77-1917.01 (Reissue 2003).

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Section 4. This resolution shall be in force and effect immediately and shall be certified as provided by law to the County Clerk and County Treasurer of Sarpy County for entry upon the proper tax lists.

PASSED AND APPROVED THIS 5TH DAY OF FEBRUARY, 2008.

CITY OF LA VISTA

ATTEST:

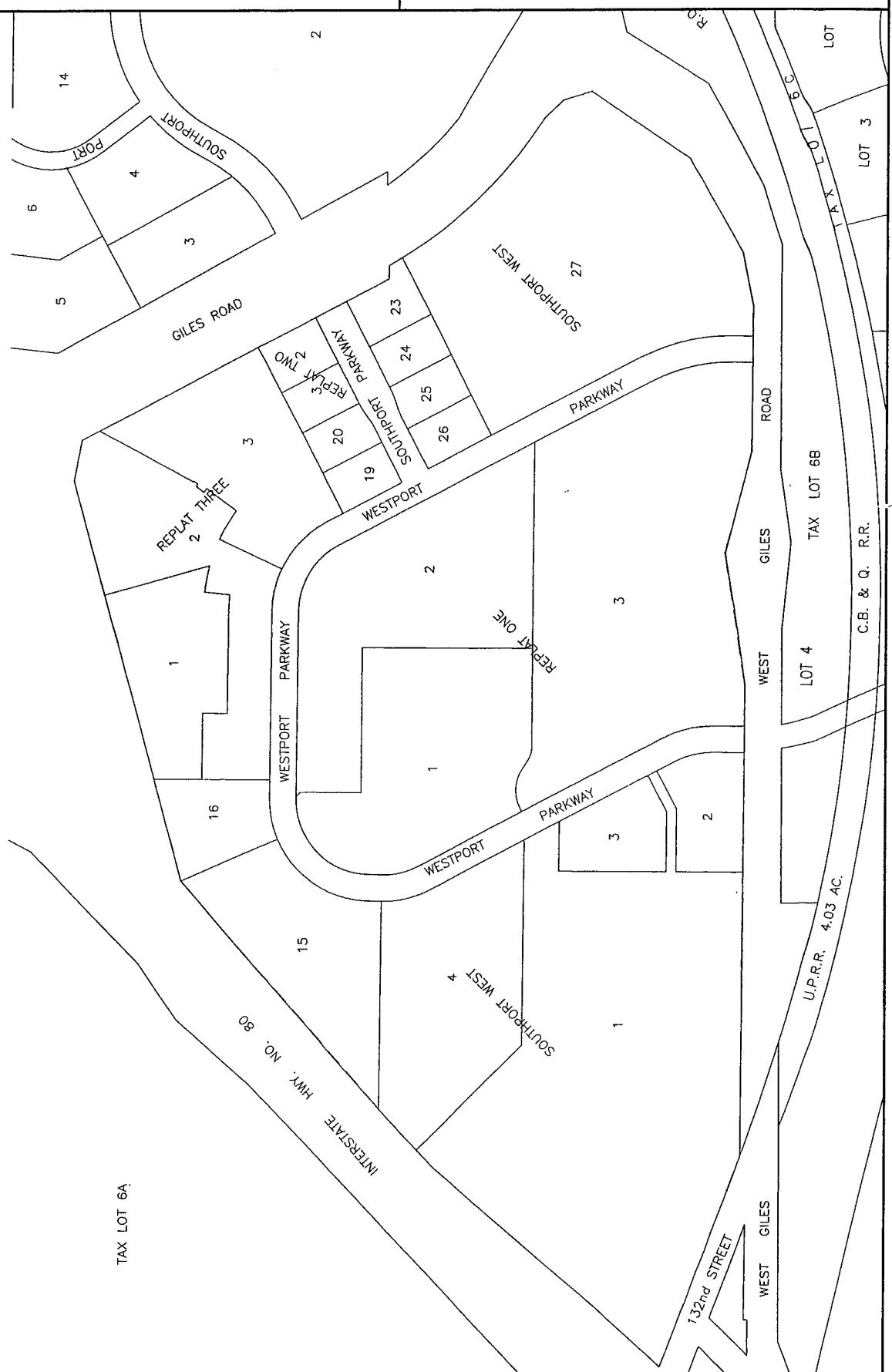
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Douglas Kindig, Mayor

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Pamela A. Buethe, CMC  
City Clerk

**SOUTHPORT WEST REPLAT ONE  
SOUTHPORT WEST REPLAT TWO  
SOUTHPORT WEST REPLAT THREE**



NOTICE OF HEARING

TO: ALL PERSONS INTERESTED IN PROPOSED ASSESSMENT OF COSTS OF PUBLIC IMPROVEMENTS CONSTRUCTED IN THE TERRITORY OF FORMER SANITARY AND IMPROVEMENT DISTRICT NO. 253 OF SARPY COUNTY, NEBRASKA, NOW KNOWN AS SOUTHPORT WEST, CITY OF LA VISTA.

NOTICE IS HEREBY GIVEN that a statement of costs of improvements and plat showing the properties to be assessed within the territory of former Sanitary and Improvement District No. 253 of Sarpy County, Nebraska, as annexed and now located in the City of La Vista, Nebraska, and a schedule of proposed special assessments of the property within such district, as prepared by the engineers for the City, are on file in the office of the City Clerk and open to public inspection. All objections to said statement, plat or schedule, or to prior proceedings on account of errors, irregularities, or inequalities, not made in writing and filed with the City Clerk within twenty (20) days after the first publication of this notice, shall be deemed to have been waived.

You are further notified that the Mayor and City Council, pursuant to Neb. Rev. Stat. Section 16-707 (Reissue 1997), will sit as a Board of Equalization in the Council Chambers, City Hall, 8116 Park View Boulevard, City of La Vista, Nebraska, at 7:00 o'clock p.m. on the 5<sup>th</sup> day of February, 2008 to hold a public hearing on the proposed assessments and consider objections, to adjust and equalize the proposed assessments with reference to the special benefits resulting from the improvements, and to levy special assessments therefore. Each owner shall have the right to be heard. Any objector may appear in person or by representative and submit such comments, objections or additional information as he or she may desire.



CITY OF LA VISTA, NEBRASKA

By: Pamela A. Bueche  
City Clerk

PUBLISH ABOVE NOTICE ON THE FOLLOWING DATES:

January 10, 2008  
January 17, 2008