

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MAY 6, 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 continued from the meeting of February 5, 2008 and March 18, 2008 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 revised total project costs for improvements to former SID 253 (Southport West) are \$6,111,538.74. It is proposed that the Board of Equalization specially assess \$3,926,823.13 to benefiting properties. The balance of the total project costs of \$2,184,715.61 is to be paid by general obligation debt of the City.

**RECOMMENDATION**

Approval

**BACKGROUND**

Benefiting property owners were given notice and the City Council sat as the Board of Equalization on March 4, 2008 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 had been established.

One protest had 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. A continuation of the public hearing to March 18, 2008 was approved by the Board of Equalization in order that all assessments could be done at the same time.

At the March 18, 2008 meeting Council received a letter from the agent for the property owner requesting adjustments to the special assessments proposed for Southport West. A continuation of the public hearing to May 6, 2008 was approved by the Board of Equalization in order to give the City Engineer the opportunity to review and make a recommendation on the proposed adjustments.

The initial proposal from the agent for the property owner requesting adjustments was approximately \$173,625.75. Upon review of the request a reduction of the special assessments in the amount of \$101,298.91 was determined appropriate by the City Engineer and City Attorney. On April 30, 2008 the original protest was withdrawn regarding the levying of special assessments based upon the reduction of the special assessments.

K:\APPS\City Hall\CNCLRPT\08file\08 ADM BOE set levy Southport West Special Assessments(3).DOC

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

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA,  
NEBRASKA EQUALIZING AND LEVYING SPECIAL ASSESSMENTS TO PAY FOR THE  
IMPROVEMENTS TO SOUTHPORT WEST, FORMERLY SID NO. 253**

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 to the same extent as the district may have levied; (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 (the "Schedule"), including any recommended revisions, 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 have 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 April 10 and April 17, 2008 and by mailing a copy of such notice and a copy of the schedule of proposed assessments to each record owner or mortgagee of property proposed to be specially assessed or other interested person; (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 by reference.

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 equal annual installments over a period of ten (10) years 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).

Section 4. The Mayor and Council hereby direct that notice that special assessments are due shall be mailed or otherwise delivered to the last-known address of the person against whom such special assessments are assessed or to the lending institutions or other party responsible for paying such special assessments, along with such other notice as necessary or advisable.

Section 5. 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 6TH DAY OF MAY, 2008.

ATTEST:

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Douglas Kindig, Mayor

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Pamela A. Buethe, CMC  
City Clerk

[SEAL]

City of La Vista, Nebraska

Assessment Schedule  
 Former Sanitary and Improvement District No. 253  
 of Sarpy County, Nebraska  
 Improvements

3/25/08

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	\$ 73,098.28	\$ 210,408.15	\$ 138,239.27	\$ 207,555.84	\$ 128,207.06	\$ 101,693.49	\$ 859,202.09
2	2.281	\$ 6,006.17	\$ 17,288.32	\$ 11,358.52	\$ 9,908.56	\$ 10,534.21	\$ 8,355.71	\$ 63,451.49
3	2.106	\$ 5,545.37	\$ 15,961.95	\$ 10,487.08	\$ 9,148.37	\$ 9,726.02	\$ 7,714.65	\$ 58,583.44
4	8.847	\$ 23,295.29	\$ 67,053.81	\$ 44,054.71	\$ 38,430.96	\$ 40,857.60	\$ 32,408.14	\$ 246,100.51
15	6.612	\$ 17,410.25	\$ 50,114.14	\$ 32,925.26	\$ 28,722.23	\$ 30,535.83	\$ 24,220.93	\$ 183,928.64
16	2.389	\$ 6,290.54	\$ 18,106.88	\$ 11,896.32	\$ 10,377.71	\$ 11,032.98	\$ 8,751.33	\$ 66,455.76
19	0.818	\$ 2,153.90	\$ 6,199.84	\$ 4,073.33	\$ 3,553.35	\$ 3,777.72	\$ 2,996.48	\$ 22,754.62
20	0.806	\$ 2,122.30	\$ 6,108.89	\$ 4,013.57	\$ 3,501.23	\$ 3,722.30	\$ 2,952.52	\$ 22,420.81
23	1.019	\$ 2,683.16	\$ 7,723.28	\$ 5,074.23	\$ 4,426.49	\$ 4,705.99	\$ 3,732.78	\$ 28,345.93
24	0.854	\$ 2,248.69	\$ 6,472.70	\$ 4,252.60	\$ 3,709.74	\$ 3,943.98	\$ 3,128.35	\$ 23,756.06
25	0.877	\$ 2,309.25	\$ 6,647.02	\$ 4,367.13	\$ 3,809.65	\$ 4,050.20	\$ 3,212.61	\$ 24,395.86
26	0.890	\$ 2,343.48	\$ 6,745.55	\$ 4,431.86	\$ 3,866.12	\$ 4,110.24	\$ 3,260.23	\$ 24,757.48

The following lots are located in Southport West Replat One:

1	10.304	\$ 27,131.76	\$ 78,096.81	\$ 51,310.02	\$ 44,760.11	\$ 47,586.38	\$ 37,745.39	\$ 286,630.47
2	11.590	\$ 30,517.96	\$ 87,843.75	\$ 57,713.81	\$ 50,346.43	\$ 53,525.44	\$ 42,456.24	\$ 322,403.63
3	20.502	\$ 53,984.40	\$ 155,390.22	\$ 102,092.20	\$ 89,059.75	\$ 94,683.23	\$ 75,102.48	\$ 570,312.28

The following lots are located in Southport West Replat Two:

2	0.880	\$ 2,317.15	\$ 6,669.76	\$ 4,382.07	\$ 3,822.68	\$ 4,064.05	\$ 3,223.60	\$ 24,479.31
3	0.783	\$ 2,061.74	\$ 5,934.57	\$ 3,899.04	\$ 3,401.32	\$ 3,616.08	\$ 2,868.27	\$ 21,781.02

The following lots are located in Southport West Replat Three:

1	4.946	\$ 13,023.45	\$ 37,487.08	\$ 24,629.21	\$ 21,485.20	\$ 22,841.83	\$ 18,118.08	\$ 137,584.85
2	7.853	\$ 20,677.96	\$ 59,520.02	\$ 39,104.97	\$ 34,113.07	\$ 36,267.07	\$ 28,766.94	\$ 218,450.03
3	6.534	\$ 17,204.86	\$ 49,522.95	\$ 32,536.84	\$ 28,383.40	\$ 30,175.64	\$ 23,935.20	\$ 181,758.89

The following lots are located in Southport West Replat Four:

1	7.476	\$ 19,685.27	\$ 56,662.63	\$ 37,227.65	\$ 40,416.90	\$ 34,525.99	\$ 27,385.92	\$ 215,904.36
2	11.197	\$ 29,483.14	\$ 84,865.10	\$ 55,756.83	\$ 60,533.45	\$ 51,710.47	\$ 41,016.61	\$ 323,365.60

Total	137.325	\$ 361,594.37	\$ 1,040,823.42	\$ 683,826.52	\$ 703,332.56	\$ 634,200.31	\$ 503,045.95	\$ 3,926,823.13
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**SOUTHPORT WEST REPLAT ONE  
SOUTHPORT WEST REPLAT TWO  
SOUTHPORT WEST REPLAT THREE  
SOUTHPORT WEST REPLAT FOUR**

**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 the public hearing and meeting of the Mayor and City Council of the City of La Vista, Nebraska sitting as a Board of Equalization with regard to proposed special assessments in Southport West (formerly Sanitary & Improvement District No. 253 of Sarpy County, Nebraska), originally scheduled for February 5, 2008, has been continued and adjourned to and will be held May 6, 2008 at 7:00 p.m. in the Council Chambers, City Hall, 8116 Park View Boulevard, City of La Vista, Nebraska, at which time and place the Mayor and City Council shall again meet as a Board of Equalization, hold and conclude the continued public hearing and consider any objections, adjust and equalize the proposed assessments with reference to the special benefits resulting from the improvements, and levy the special assessments. 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 desired. The revised statement of costs of improvements and revised schedule of amount proposed to be assessed against each separate property in Southport West, showing a reduction in the amount of costs and assessments originally proposed, along with the revised plat of properties to be assessed within Southport West, are on file in the City Clerk's office and open for public inspection.

CITY OF LA VISTA, NEBRASKA

BY: \_\_\_\_\_  
City Clerk

**PUBLISH ABOVE NOTICE ON THE FOLLOWING DATES:**

April 10, 2008  
April 17, 2008