**ORDINANCE NO. 196**

**AN ORDINANCE OF THE VILLAGE OF STRATTON, NEBRASKA CREATING STREET IMPROVEMENT PROJECT NO. 2019-1; DEFINING THE BOUNDARIES AND LIMITS THEREOF; PROVIDING FOR GRADING, CURBING, GUTTERING AND OTHER NECESSARY AND INCIDENTIAL WORK; PROVIDING FOR THE PAYMENT OF IMPROVEMENTS AND OTHER INCIDENTIAL EXPENSES BY THE ASSESSMENT OF THE COSTS OF SUCH IMPROVEMENTS AGAINST THE PROPERTY SPECIALLY BENEFITED THEREBY; PROVIDING FOR PUBLICATION OF THE ORDINANCE; AND RELATED MATTERS.**

**BE IT ORDAINED BY THE CHAIRMAN AND THE BOARD OF TRUSTEES OF THE VILLAGE OF STRATTON, NEBRASKA.**

**Section 1.** The Chairman and the Board of Trustees of the Village of Stratton, Nebraska (the “Village”) hereby find and determine as follows:

**(a)** Pursuant to Section 17-509 *et seq*, Reissue Revised Statutes of Nebraska, as amended (the “Act”), the Village is authorized to grade, curb, gutter and pave any street or alley in the Village and fund the project at public cost or by levy of special assessments on the property especially benefited in proportion to such benefits.

**(b)** Scarber Street is a gravel street that needs curb and gutter on the North and South sides of the street to allow better drainage in the locations described herein.

**(c)** It is necessary, desirable, advisable and the best interest of the Village to grade, curb and gutter Scarber Street commencing at Beaver Avenue thence East on the North side of Scarber Street 330 feet, more or less; and commencing at Beaver Avenue thence East on the South side of Scarber Street 610 feet to the East side of Briarwood Street, under and pursuant to said Act, such work to be known as Street Improvement Project 2019-1 of the Village of Stratton, Nebraska (the “project”).

**Section 2.** Project is hereby authorized to be constructed pursuant to the Act and shall include the grading, curbing and guttering of Scarber Street as described in Section 1(c), including all incidental drainage improvements.

**Section 3.** The property to be included in this Project consists of the area described in the attached Exhibit “1” and is legally described as follows:

Commencing at Beaver Avenue, thence East on the North side of Scarber Street along Lots 6, 5 and 4 Block 11 and on the South side of Scarber Street along Lots 1, Block 12, and Lots 3, 2 and 1 of Block 13 to Briarwood Street, all in Miller Manufacturing Company Addition to the Village of Stratton, Hitchcock County, Nebraska

**Section 4.** The Village’s engineer, Miller & Associates Consulting Engineers, P.C., McCook, 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 Chairman and Board of Trustees for approval.

**Section 5.** The Village 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 Village is authorized to enter into a contract on behalf of the Village for such work, and such contract shall be executed by the Chairman. The Board of Trustees 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 Village 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 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 of the 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 \_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2019.

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Chairman-Board of Trustees

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Village Clerk

(SEAL)

CERTIFICATE

STATE OF NEBRASKA )

COUNTY OF HITCHCOCK ) ss.

VILLAGE OF STRATTON )

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the duly elected, qualified and acting Village Clerk for the Village of Stratton, Nebraska do hereby certify that the foregoing is a true, complete and correct copy of Ordinance #\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ now on file in my office as Village Clerk for the Village of Stratton, Nebraska.

Witness my hand this \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2019.

(seal)

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Village Clerk