

LEGISLATIVE BILL 181

Approved by the Governor May 4, 1979

Introduced by Brennan, 9

AN ACT to amend sections 14-1733, 14-1735, 14-1737, and 14-1738, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to change provisions relating to financing of off-street parking; to provide for contracts; to change provisions relating to eminent domain; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 14-1733, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-1733. In order to pay the cost required by any purchase, construction, or lease, of property and equipping of such facilities, or the enlargement of presently-owned facilities, the city may: (1) Issue revenue bonds to provide the funds for such improvements. Such revenue bonds shall ~~not be payable from any general tax upon the issuing municipality; but shall~~ be a lien only upon the revenue and earnings of the parking facilities and on-street parking meters. Such revenue bonds may be issued at an interest cost to maturity not to exceed eight per cent and shall mature in not to exceed forty years and shall be sold at public sale without premium or discount. Any such revenue bonds which may be issued shall not be included in computing the maximum amount of bonds which the issuing city of the metropolitan class may be authorized to issue under its charter or any statute of this state. Such revenue bonds may be issued and sold or delivered to the contractor at par and accrued interest for the amount of work performed. The city may pledge the revenue from any facility or parking meters as security for the bonds; ~~issued for that facility; but may not pledge revenue from one facility as security for bonds issued for another facility; or~~ (2) upon an initiative petition of the majority of the record owners of taxable property included in a proposed parking district, the city council may create, by ordinance, parking districts and delineate the boundaries thereof, and if the city council shall find that there are common benefits enjoyed by the public at large without reference to the ownership of property, or that there is a common benefit to the property encompassed within a parking district or districts, the city may assess the costs of such improvement or

improvements against all the property included in such district or districts, according to such rules as the city council, sitting as a board of equalization, shall adopt for the distribution or adjustment of the costs of such improvement or improvements. All such assessments shall be equalized, levied, and collected as provided by law for the equalization, levying, and collection of special assessments. Special assessments levied pursuant to this section shall be due, payable, and bear interest as the city council shall determine by ordinance. Installment payments shall not be allowed for any period in excess of twenty years; or (3) use, independently or together with revenue derived pursuant to subdivision (1) or (2) of this section, gifts, leases, devises, grants, federal or state funds, or agreements with other public entities.

No real property shall be included in any parking district created pursuant to this section when the zoning district in which such property is located is a residential zoning district or a district where the predominant type of land use authorized is residential in nature.

Sec. 2. That section 14-1735, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-1735. The governing body of any such city of the metropolitan class shall make all necessary rules and regulations governing the use, operation, and control of the facilities authorized by sections 14-1731 to 14-1740. In the exercise of the grant of power set forth in sections 14-1731 to 14-1740, the city of the metropolitan class may shall make contracts with other departments of the city, or others, if such contracts are necessary and needed for the payment of the revenue bonds authorized in sections 14-1731 to 14-1740 and for the successful operation of the parking facilities. If the city is unable to secure a reasonable lease with another party for operation of the facility, the city may operate the facility itself. ~~The governing board shall also establish and maintain equitable rates or charges for such services sufficient in amount to pay for the cost of operation, repair, and upkeep of the facilities to be purchased, acquired, or leased, and the principal of and interest on any revenue bonds issued pursuant to the provisions of sections 14-1731 to 14-1740.~~ The governing body may also make any other agreements with the purchasers of the bonds for the security of the issuing city and the purchasers of such bonds not in contravention of the provisions of sections 14-1731 to 14-1740.

Sec. 3. That section 14-1737, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-1737. On the creation of such motor vehicle parking facility for the use of the general public, the city ~~may-if-it-desires~~ shall lease such facility to one or more operators to provide for the efficient operation of the facility. Such lease shall be let on a competitive basis and no lease shall run for a period in excess of four years; provided, that leases of facilities in conjunction with office buildings, shopping centers, public facilities, or redevelopment areas may be for any period not to exceed twenty years. In granting any lease, the city shall retain such control of the facility as may be necessary to insure that the facility will be properly operated in the public interest and that the prices charged are reasonable. If the city is unable to secure a reasonable lease with another party for operation of the facility, the city may operate the facility itself. The provisions of sections 14-1731 to 14-1740 shall not be construed to authorize the city or the lessee of the facility to engage in the sale of any commodity, product, or service, or to engage in any business other than the purposes set forth in section 14-1732.

Sec. 4. That section 14-1738, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-1738. Multilevel parking structures now used or hereafter acquired for off-street motor vehicle parking by a private operator shall not be subject to eminent domain for the purpose of creating a parking facility pursuant to this act when such multilevel structure has a capacity of more than two hundred automobiles. ~~condemnation.~~

Sec. 5. That original sections 14-1733, 14-1735, 14-1737, and 14-1739, Reissue Revised Statutes of Nebraska, 1943, are repealed.