

## LEGISLATIVE BILL 238

Approved by the Governor May 5, 1977

Introduced by Savage, 10

AN ACT to amend sections 14-1732, 14-1733, 14-1737, and 14-1738, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to provide additional locations for off-street parking facilities; to provide for levying of assessments in parking districts; to prescribe the term of certain leases; to harmonize provisions; and to repeal the original sections, and also section 14-1736, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 14-1732, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-1732. Any city of the metropolitan class is hereby authorized to own, purchase, construct, equip, lease, or operate within such city off-street motor vehicle parking facilities on property located beneath any elevated segment of the National System of Interstate and Defense Highways or portion thereof, or public property title to which is in the city on the effective date of sections 14-1731 to 14-1740, or property owned by the city and used in conjunction with and incidental to city-operated facilities, or on property situated so as to serve business in the central business district, or business in long-established outlying neighborhood business districts for the use of the general public. The grant of power in this section does not include the power to engage, directly or indirectly, in the sale of gasoline, oil or other merchandise or in the furnishing of any service other than that of parking motor vehicles as provided herein. Any such city shall have the authority to acquire by grant, contract, or purchase, as provided by law for such acquisition, all real or personal property, including a site or sites on which to construct such facilities, necessary or convenient in the carrying out of this grant of power.

Sec. 2. 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 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. 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 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.

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. 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 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, 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. 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. Property Multilevel parking structures now used or hereafter acquired for off-street motor vehicle parking by a private operator shall not be subject to condemnation.

Sec. 5. That original sections 14-1732, 14-1733, 14-1737, and 14-1738, Reissue Revised Statutes of Nebraska, 1943, and also section 14-1736, Reissue Revised Statutes of Nebraska, 1943, are repealed.