

January 31, 1974

SPEAKER: Amendment withdrawn. Senator Moylan?

SENATOR MOYLAN: LB652 would move that it be advanced to E & R. This is a bill introduced, or asked to be introduced by the city of Omaha really. Now it really creates that 1,200 feet that is in the statutes at the present time, it creates a problem every now and then where it does not allow you to go a quarter of a mile for paving, curbing or guttering, and they have to create a new street improvement, district maybe for 50-100 feet, and that is the purpose of this bill is to allow them to go a full quarter of a mile in areas where that would apply in areas where the land is not developed and is not cut off in blocks. One side of the street might be in blocks, the other side isn't they can go full distance on the other side without creating a new street improvement district. That explains the bill, I believe, and I move that it be advanced to E & R.

SPEAKER: Senator Barnett?

SENATOR BARNETT: Yea I wonder if Senator Moylan would yield to a question.

SENATOR MOYLAN: Yes sir.

SENATOR BARNETT: I was just reading over this bill and I am wondering if this might eliminate a problem that we have within my district where the people have been concerned that the city has some kind of 51% rule for these land owners, property owners along the street. Now I have a two block area that is not paved. They have a church on this block that will not sign the paving district, they will not you know sign the petition. They feel that they are a non-paying, taxable organization and they shouldn't be able to sign these districts. Does this bill say that the city could go in there and pave that two block area without the approval of 51% of the people if they so desire?

SENATOR MOYLAN: Well I am not an attorney but I understand that that is the situation that they have a right to pave up to two blocks or 1,325 feet whichever is the lesser, that is where it is not planted in blocks, they can use that footing. But as I understand it they can go two blocks without the 51% signatures. I am not an attorney but that is my interpretation.

SENATOR BARNETT: Maybe Senator Snyder could answer then.

SPEAKER: Senator Snyder?

SENATOR SNYDER: Senator Barnett that is correct. That would allow the the city to pave up to two blocks without having the necessity of a petition requesting paving.

SENATOR BARNETT: That would include even a home rule charter city?

SENATOR SNYDER: Yes, and then they the homeowners in the area are still accessed as if they would be if they had requested the paving.

SENATOR BARNETT: Well they have requested it, like I said, but the non-paying, taxable property owner in this case will not sign, which is the church will not sign this paving petition. So the way that I read this bill, and I looked for one this year that we might amend to take care of the problem. This looks like I don't have to amend anything. This says that the city can pave it, the way I understand.

SENATOR SNYDER: I wouldn't pretend to know the exact answer to that question and I am sorry.