

ORDINANCE RECORD

431

No. 728 *** K-B PRINTING Co. *** OMAHA

CITY HALL LEXINGTON, NEBRASKA

The Mayor and Council of the City of Lexington, Dawson County, Nebraska, met in regular special session in the City Hall at 8 o'clock P.M., on December 3, 1946, Mayor W. A. Stewart, Jr., presided and City Clerk A.R. Kirkpatrick recorded the proceedings of this meeting.

The Mayor instructed the Clerk to call the roll. The Clerk called the roll and the following Councilmen were present: Smith, Morganson, Hemelstrand, Hebrew, Reutlinger, and Egenberger.

Absent: None.

Whereupon the Mayor announced that the introduction of ordinances was now in order, and the matter now coming before the Mayor and Council was the passage and approval of Ordinance No. 430 of the City of Lexington, Nebraska.

This ordinance was introduced by Councilman Reutlinger and is in words and figures as follows, to wit:

ORDINANCE NO. 430

AN ORDINANCE DECLARING THE NECESSITY FOR AND APPROPRIATING PRIVATE PROPERTY OUTSIDE OF THE CITY OF LEXINGTON, NEBRASKA, FOR THE USE BY SAID CITY IN THE ENLARGEMENT OF ITS AIRPORT; FOR THE APPOINTMENT OF THREE DISINTERESTED FREEHOLDERS TO ASSESS DAMAGES FOR THE LAND SO TAKEN; FIXING THE TIME AND PLACE FOR THE MEETING OF SUCH ASSESSORS AND FOR THE MAKING OF THEIR RETURN; AND TO PROVIDE FOR THE FILLING OF ANY VACANCIES IN THE BOARD OF ASSESSORS; AND FOR THE APPROVAL OF SUCH ASSESSMENT BY THE COUNCIL OF SAID CITY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA:

Section 1. The Mayor and Council of the City of Lexington, Nebr., hereby find, determine and declare the necessity for, and hereby appropriate for the use of said city of Lexington in the enlargement of its airport, the following described real estate, to-wit:

Tract A - The North Half of the Southeast Quarter (NE $\frac{1}{2}$ of SE $\frac{1}{4}$) and the South One Hundred Feet (S.100) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty-six (36), in Township Ten (10) North, Range Twenty-Two (22), West of the 6th P.M. in Dawson County, Nebraska.

Tract B - The East Half of the Northeast Quarter of the Southwest Quarter (E $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Thirty-Six (36), in Township Ten (10), North, Range Twenty-Two (22) West of the 6th P.M. in Dawson County, Nebraska.

That the record owner of Tract A, as appears from the records in the office of the Register of Deeds of Dawson County, Nebraska, is James H. Cover, Jr.

That the record owner of Tract B, as appears from the records in the office of the Register of Deeds of Dawson County, Nebraska, is Hoseph N. Dill.

Section 2. That for the purposes of assessing the damages to the respective owners of said tracts of land, or the interests of other persons interested therein, there is hereby appointed a Board of Assessors, consisting of the following named persons:

J. L. LEMMER,
GARNETTE E. PAGE,
D. D. ERNST,

and each of said persons being disinterested freeholders of said City of Lexington.

Said assessors, as herein appointed, shall receive the

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(ORDINANCE NO. 430 CONTINUED)

sum of \$5.00 per day for their time necessarily occupied. They shall meet on the 10th day of January, 1947, and after taking oath before the City Clerk to discharge their duties faithfully and impartially, shall, on said, day, view the property herein appropriated. And on the same day, or as soon thereafter as practicable, make, sign and return to the City Clerk in writing, a just and fair assessment of the damages for each piece of property so appropriated. If more than one party has an interest in either piece of property, the damage shall be justly proportioned and stated to each.

Section 3. In case of Vacancy in the Board of Assessors by absence or otherwise, the Mayor, or in his absence, the Chairman of the Council, shall fill such vacancy by appointment.

Section 4. This ordinance shall be published in one issue of the Lexington Clipper, a legal weekly newspaper published in the City of Lexington, and of general circulation therein, as much as thirty (30) days before the day of meeting of the Assessors, and such publication shall constitute notice to owners and parties interested as do not reside in the City of Lexington. The City Clerk shall deliver to each of the owners of the fee title to said tracts, or any part thereof, residing in the City of Lexington, or when the owner be not found, by delivering to some person at their respective residences, as much as ten (10) days before the day fixed for meeting of the Assessors, the newspaper containing this ordinance, and at the same time calling attention of the person to whom delivered to such ordinance as published in said newspaper. The facts of such service shall be certified to by the City Clerk upon the book in his office in which the ordinance is recorded, below such ordinance.

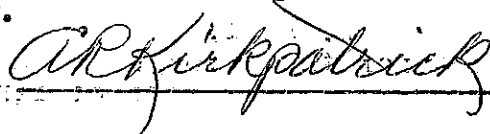
Section 5. At the next regular meeting of the Council of said City, after such assessment, the Council shall approve or vacate such assessment, and if so vacated, or in case of failure to obtain the assessment, for any cause, the Council, by ordinance institute new proceedings by the passage and adoption of a new ordinance. If the damages so assessed by the Board of Assessors be approved by the Council, the same shall be paid to the parties entitled thereto as determined by the Board of Assessors, or if refused, shall be deposited with the City Treasurer subject to the order of such owner and parties interested.

Section 6. The City of Lexington may take possession of all real estate herein described at any time after the passage, adoption and publication of this ordinance.

Passed and Approved this 3rd day of December, 1946.

I hereby certify that I, A. R. Kirkpatrick, City Clerk of the City of Lexington, Dawson County, Nebraska, did on December 24, 1946, endeavor to locate the residences or places of abode, of one James H. Cover, Jr., and one Joseph N. Dill, in the City of Lexington, Nebraska. By careful investigation, it was determined that one James H. Cover, Jr., and one Joseph N. Dill, did not, in any manner, maintain a residence in the City of Lexington, Nebraska, on the date of December 24, 1946, and that the published notice of Ordinance No. 430 in the Lexington Clipper, a weekly newspaper, published on December 5, 1946 in the City of Lexington, Nebraska, would furnish the necessary and legal notice as required by law.

(Seal)



City Clerk

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I, A. R. Kirkpatrick, City Clerk of the City of Lexington, Nebraska, hereby certify that on December 4, 1946, a notice of appointment was prepared and dispatched by United States Mail to J. L. Lemmer, Garnette E. Page, and D. D. Ernst, advising each of them that they were thereby appointed as a Board of Assessors as outlined in Ordinance No. 430 passed on December 3, 1946.

A. R. Kirkpatrick

City Clerk

Seal

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CERTIFICATE OF PASSAGE

STATE OF NEBRASKA }
COUNTY OF DAWSON } SS.
CITY OF LEXINGTON }

I, **A. R. Kirkpatrick**, City Clerk of the City of Lexington, Dawson County, Nebraska, hereby certify that the annexed ordinance, purporting to be Ordinance No. **430** of said City was passed as such by the Mayor and Council of the City of Lexington, Dawson County, Nebraska, pursuant to the rules and regulations prescribed by general law and by said City for the passage of ordinance and was duly approved by the Mayor of said City, said passage and approval having been made on the **3rd** day of **December**, 19 **46**, with respect to said ordinance aforesaid which said Ordinance No. **430** has been published in a legal newspaper, **The Lexington Clipper**, by authority of the Mayor and Council of said City under direction of its duly constituted authorities pursuant to resolution of the Mayor and Council thereof, said publication having been made in issue of **December 5**, 19 **46**.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal this

6th day of **December** 19 **46**.

A. R. Kirkpatrick

CITY CLERK

(Seal)