

LEGISLATIVE BILL 793

Approved by the Governor February 3, 1988

Introduced by Labeledz, 5, Chairperson, Executive Board

AN ACT relating to the Nebraska Armory Board; to amend sections 14-520, 15-201, 16-201, 16-202, 17-503, and 18-1004, Reissue Revised Statutes of Nebraska, 1943; to eliminate references to the board which was repealed by Laws 1971, LB 94; to eliminate a provision relating to a transfer of funds in 1971; and to repeal the original sections, and also section 55-131.01, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 14-520, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-520. The city council is authorized to may issue bonds for the purpose of constructing an armory in any city of the metropolitan class. ~~But no such bonds shall be issued until authorized by electors thereof by a majority of these if the issuance of such bonds is first authorized by a majority of the electors of such city voting on such proposition. This~~ 7 PROVIDED, that ~~this~~ section shall not be applicable to the acquisition of real estate for armory purposes and its conveyance to the State of Nebraska ~~or to the Nebraska Armory Board,~~ as provided in sections 18-1001 to 18-1006.

Sec. 2. That section 15-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-201. Cities of the primary class shall be bodies corporate and politic, and shall have power (1) to sue and be sued, 7 (2) to purchase, ~~or~~ lease, or otherwise acquire as authorized by their home rule charters or state statutes real estate or personal property within or without the limits of the city for its use for a public purpose, 7 (3) to purchase real or personal property upon sale for general or special taxes or assessments and to lease, ~~or~~ sell, convey, or exchange such property so purchased, 7 (4) to sell, convey, exchange, or lease real or personal property owned by the city, in such manner and upon such terms and conditions as shall be deemed in the best interests of the city as authorized by its home rule charter.

except ; ~~PROVIDED~~; that real estate owned by the city may be conveyed without consideration to the State of Nebraska ~~or to the Nebraska Armory Board~~ for state armory sites; ~~or~~ if acquired for state armory sites, ~~it~~ shall be conveyed in the manner strictly as provided in sections 18-1001 to 18-1006, ~~and~~ (5) to make contracts and do all acts relative to the property and concerns of the city necessary or incident or appropriate to the exercise of its corporate powers, including powers granted by the Constitution of Nebraska or exercised by or pursuant to a home rule charter adopted pursuant thereto ~~and all acts incident thereto~~; and including the power to execute such bonds and obligations on the part of the city as may be required in judicial proceedings, ~~and~~ (6) to purchase, construct, and otherwise acquire, own, maintain, and operate public service and public utility property and facilities within and without the limits of the city and to redeem such property from prior encumbrance in order to protect or preserve the interest of the city therein; and to exercise such other and further powers as may be necessary or incident or appropriate to the powers of such city, including powers granted by the Constitution of Nebraska or exercised by or pursuant to a home rule charter adopted pursuant thereto, ~~and~~ (7) to receive grants, devises, donations, and bequests of money or property for public purposes in trust or otherwise. The powers shall be exercised by the mayor and council of the city except in cases otherwise specified by law. The mayor and council shall adopt a corporate seal for the use of any officer, board, or agent of the city whose duties require an official seal.

Sec. 3. That section 16-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-201. Each city of the first class shall be a body corporate and politic, and shall have power (1) to sue and be sued, ~~and~~ (2) to purchase, lease, lease with option to buy, or acquire by gift or devise, and to hold real and personal property within or without the limits of the city, and real estate sold for taxes for the use of the city in such manner and upon such terms and conditions as may be deemed in the best interests of the city, ~~and~~ (3) to sell and convey, exchange, or lease any real or personal property owned by the city, including park land, in such manner and upon such terms and conditions as may be deemed in the best interests of the city, except ; ~~PROVIDED~~; that real estate owned by the city may be conveyed without consideration to the State

of Nebraska ~~or to the Nebraska Armory Board~~ for state armory sites, ~~or~~ if acquired for state armory sites, shall be conveyed in the manner strictly as provided in sections 18-1001 to 18-1006, ~~and~~ (4) to make all contracts and do all other acts in relation to the property and concerns of the city necessary to the exercise of its corporate powers, ~~and~~ (5) to exercise such other and further powers as may be conferred by law.

Sec. 4. That section 16-202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-202. The power to sell and convey any real estate owned by the city, including park land, except real estate used in the operation of public utilities, and except real estate for state armory sites for the use of the State of Nebraska ~~or the Nebraska Armory Board~~, as expressly provided in section 16-201, shall be exercised by ordinance directing the conveyance of such real estate and the manner and terms thereof. Notice of such sale and the terms thereof shall be published for three consecutive weeks in a legal newspaper published in or of general circulation in such city immediately after the passage and publication of such ordinance. If ~~PROVIDED, if~~ a remonstrance against such sale signed by legal electors thereof equal in number to thirty percent of the electors of such city voting at the last regular municipal election held therein, ~~be is~~ filed with the governing body of such city within thirty days of the passage and publication of such ordinance, ~~said~~ the property shall not then, nor within one year thereafter, be sold.

Sec. 5. That section 17-503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-503. (1) Except as provided in section 17-503.01, the power of any city of the second class or village to convey any real and personal property owned by it, including land used for park purposes and public squares, except real property used in the operation of public utilities, shall be exercised by resolution directing the sale at public auction or by sealed bid of such real and personal property and the manner and terms thereof, except that such real and personal property shall not be sold at public auction or by sealed bid when:

(a) Such property is being sold in compliance with the requirements of federal or state grants or programs;

(b) Such property is being conveyed to another

public agency; or

(c) Such property consists of streets and alleys.

(2) The governing body of any such city or village may establish a minimum price for such real and personal property at which bidding shall begin or shall serve as a minimum for a sealed bid.

(3) After the passage of the resolution directing the sale, notice of all proposed sales of real and personal property described in subsection (1) of this section, and the terms thereof, shall be published once each week for three consecutive weeks in a legal newspaper published in or of general circulation in such city or village. ~~If~~ ~~;~~ ~~PROVIDED~~, ~~if~~ a remonstrance against such sale, signed by legal electors thereof equal in number to thirty percent of the electors of such city or village voting at the last regular municipal election held therein, ~~be is~~ filed with the governing body of such city or village, within thirty days after the third publication of the notice, such property shall not then, nor within one year thereafter, be sold. Real ~~;~~ ~~AND PROVIDED FURTHER~~, ~~that~~ ~~real~~ estate now owned or hereafter owned by a city of the second class or a village may be conveyed without consideration to the State of Nebraska ~~or to the Nebraska Armory Board~~ for state armory sites or, if acquired for state armory sites, ~~such property~~ shall be conveyed strictly in accordance with the conditions of sections 18-1001 to 18-1006.

(4) Following (a) passage of the resolution directing a sale, (b) publishing of the notice of the proposed sale, and (c) passing of the thirty-day right-of-remonstrance period, the property shall then be sold. Such sale shall be confirmed by passage of an ordinance stating the name of the purchaser and terms of the sale. The municipal clerk shall upon passage of such ordinance certify the name of the purchaser to the register of deeds of the county in which the property is located.

Sec. 6. That section 18-1004, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-1004. Notwithstanding any more general or special law respecting sale or conveyance of real estate now or hereafter owned by cities and villages in force and effect in this state, the local governing bodies thereof are hereby empowered by ordinance to direct their proper officers to execute deeds for conveyance of any real estate of such cities or villages without

consideration to the State of Nebraska ~~or to the Nebraska Armory Board~~ for the construction of state armory buildings thereon. Such ~~PROVIDED~~, said construction shall be made without cost to such cities or villages.

Sec. 7. That original sections 14-520, 15-201, 16-201, 16-202, 17-503, and 18-1004, Reissue Revised Statutes of Nebraska, 1943, and also section 55-131.01, Reissue Revised Statutes of Nebraska, 1943, are repealed.