

ORDINANCE NO. 2010-11-1

AN ORDINANCE AUTHORIZING THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE REFUNDING BONDS, 2010 SERIES OF THE VILLAGE OF MADRID, NEBRASKA IN THE PRINCIPAL AMOUNT OF ONE HUNDRED TWO THOUSAND DOLLARS (\$102,000) FOR THE PURPOSE OF PAYING CERTAIN OUTSTANDING BONDS OF THE VILLAGE; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR A SINKING FUND AND FOR THE LEVY OF TAXES TO PAY SAID BONDS; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF MADRID, NEBRASKA:

Section 1. The Chairperson and Board find and determine: That the Village has heretofore issued interest-bearing bonds, all of which remain unpaid and constitute a legal liability against the Village as follows:

Highway Allocation Fund Pledge Bonds, 2002 Series, numbered as they are shown on the books and records of the Paying Agent and Registrar, dated September 17, 2002, maturing September 15, 2011 through September 15, 2017, in the principal amount of \$100,000 (the "Outstanding Bonds");

that by taking up and paying off such Outstanding Bonds by an issue of refunding bonds of the Village, a substantial savings in the amount of yearly running interest will be made to the Village; that by issuing its refunding bonds in the amount of \$102,000, in pursuance of Section 10-142, R.R.S. Neb. 2007, together with a deposit of other available funds of the Village, the Outstanding Bonds can be taken up and paid off on January 14, 2011, and have been called for redemption on said date, and that all conditions, acts and things required by law to exist or to be done precedent to the issuance of a Refunding Bond, in the principal amount of \$102,000 do exist and have been done as required by law.

Section 2. For purposes as set out in Section 1 hereof, there shall be and there are hereby ordered issued Refunding Bonds, in the principal amount of \$102,000 to bear date of original issue of January 14, 2011, and to be in fully registered form. Said bonds shall bear interest at the rates per annum and mature on September 15 of each year in the principal amounts as follows:

*Ordinance  
Street Bond  
12-10*

<u>Principal Amount</u>	<u>Maturing on September 15 of Year</u>	<u>Interest Rate Per Annum</u>
\$12,000	2011	1.10%
10,000	2012	1.40
15,000	2013	1.65
15,000	2014	1.95
15,000	2015	2.20
15,000	2016	2.50
20,000	2017	2.85

The bonds shall be issued as one bond per maturity and shall be numbered from 1 upwards in the order of their issuance. No bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the bonds issued shall be as directed by the initial purchasers thereof. Interest on the bonds shall be payable semiannually on September 15 and March 15 of each year, starting September 15, 2011. The interest due on each interest payment date shall be payable to the registered owners of record as of the close of business on the last day of the calendar month immediately preceding the calendar month in which the interest payment date occurs (the "Record Date"), subject to the provisions of Section 3 hereof. Payment of interest due on the bonds prior to maturity or redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 3 hereof, by mailing a check in the amount due for such interest on each interest payment date to the registered owner of each bond, as of the applicable Record Date, to such owner's registered address as shown on the books of registration, as required to be maintained in Section 3 hereof. Payment of principal due at maturity or at any date fixed for redemption, together with any accrued interest then due, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the bonds to said Paying Agent and Registrar. In the event that bonds of this issue are held in the nominee name of a national clearinghouse or depository, payment of principal or interest shall be made by wire transfer of funds in accordance with any applicable regulations governing "Depository Eligible Securities". The Village and said Paying Agent and Registrar may treat the registered owner of any bond as the absolute owner of such bond for the purpose of making payments thereon and for all other purposes and neither the Village nor said Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary whether such bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any bond shall be valid and effectual and shall be a discharge of the Village and said Paying Agent and Registrar, in respect of the liability upon the bonds or claims for interest to the extent of the sum or sums so paid. If any bond is not paid upon presentation of the bond at maturity or any interest installment is not paid when due, the delinquent bond or delinquent interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01, R.R.S. Neb., 2004, as now existing or as the same may be amended from time to time by the Nebraska Legislature.

Section 3. The Village Treasurer is hereby designated as Paying Agent and Registrar for the bonds. Said Paying Agent and Registrar shall keep and maintain for the Village books for the registration and transfer of the bonds at the office of the Paying Agent and Registrar in Madrid, Nebraska. The names and registered addresses of the registered owner or owners of the bonds shall at all times be recorded in such books. Any bond may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar upon surrender of such bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to such Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar will register such transfer upon said registration books and deliver to the transferee registered owner or owners (or send by registered mail to the transferee owner or owners at such owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new bond or bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the bonds by this ordinance, one bond may be transferred for several such bonds of the same interest rate and maturity and for a like aggregate principal amount, and several such bonds may be transferred for one or several such bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a bond, the surrendered bond or bonds shall be cancelled and destroyed. All bonds issued upon transfer of the bonds so surrendered shall be valid obligations of the Village evidencing the same obligations as the bonds surrendered and shall be entitled to all benefits and protection of this ordinance to the same extent as the bonds upon transfer of which they were delivered. The Village and the Paying Agent and Registrar shall not be required to transfer bonds during any period from any Record Date until its immediately following interest payment date or to transfer any bonds called for redemption for a period of 30 days next preceding the date fixed for redemption prior to maturity. In the event that payments of interest due on the bonds on an interest payment date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such interest payment date and shall be payable to the registered owners of the bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 4. The Bonds shall be subject to redemption, in whole or in part, prior to maturity at any time, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The Village may select the bonds to be redeemed from such optional redemption in its sole discretion. Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond evidencing the unredeemed principal thereof. Notice of redemption of any bond called for redemption shall be given at the direction of the Chairperson and Board by the Paying Agent and Registrar by mail not less than thirty days prior to the date fixed for redemption, first class postage prepaid, sent to the registered owner of such bond at said owner's registered address. Such notice shall designate the bond or bonds to be redeemed by number and maturity, the date of original issue, the date fixed for redemption and state that such bond or bonds are to be presented for payment at the office of the Paying Agent and Registrar. No defect in the mailing of notice for any bond shall affect the sufficiency of the proceedings of the Chairperson and Board designating the bonds called for redemption or the effectiveness of such call for bonds for which notice by mail has been properly given and the Chairperson and Board shall have the right to

further direct notice of redemption for any such bond for which defective notice has been given.

Section 5. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the Village of Madrid, Nebraska are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 6. The bonds shall be executed on behalf of the Village by being signed by the Chairperson and the Village Clerk, both of which signatures may be facsimile signatures, and shall have the Village seal impressed on each bond. The Village Clerk shall make and certify a transcript of proceedings had and done precedent to the issuance of said bonds which shall be delivered to the purchaser of said bonds. After being executed by the Chairperson and Village Clerk, said bonds shall be delivered to the Treasurer of the Village who shall be responsible therefore under his/her official bond. Such Treasurer shall maintain a record of information with respect to said bonds in accordance with the requirements of Section 10-140, R.R.S. Neb. 2007, as amended, and shall cause the same to be filed with the office of the Auditor of Public Accounts of the State of Nebraska. The Paying Agent and Registrar shall register each bond in the name of its initial registered owner as designated by the initial purchaser.

Section 7. Said bonds shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
COUNTY OF PERKINS  
VILLAGE OF MADRID  
HIGHWAY ALLOCATION FUND PLEDGE  
REFUNDING BOND, 2010 SERIES

<u>Interest Rate</u> %	<u>Maturity Date</u> September 15, ____	<u>Date of Original Issue</u> January 14, 2011
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Registered Owner: \_\_\_\_\_

Principal Amount: \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS: That the Village of Madrid, in the County of Perkins, in the State of Nebraska, hereby acknowledges itself to owe and for value received promises to pay to the registered owner specified above the principal amount specified above in lawful money of the United States of America on the maturity date specified above, with interest thereon from date of original issue specified above or most recent interest payment date, whichever is later, to maturity (or earlier redemption) at the rate per annum specified above. Said interest shall be payable semiannually on the fifteenth day of September and March in each year, starting September 15, 2011. If this bond is not paid upon presentation at maturity or any interest installment hereon is not paid when due, the bond or interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01, R.R.S. Neb. 2004, as now existing or as the same may be amended from time to time by the Nebraska Legislature. The interest hereon due prior to maturity or earlier redemption shall be paid on each interest payment date by the Village Treasurer, as Paying Agent and Registrar for the Village by check or draft mailed to the registered owner hereof, as shown on the records of the Paying Agent and Registrar as of the close of business on the last day of the month immediately preceding the month in which the interest payment date occurs, at such owner's registered address as it appears on the books of registration of the Village. The principal of this bond and the interest due at maturity or upon call for redemption prior to maturity are payable on presentation and surrender to said Paying Agent and Registrar at the office of the Paying Agent and Registrar in Madrid, Nebraska. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available. For the prompt payment of this bond, principal and interest as the same become due, the full faith, credit and resources of said Village are hereby irrevocably pledged.

The Village, however, reserves the right and option of paying bonds of this issue at any time, at the principal amount thereof plus accrued interest to the date fixed for redemption. Notice of any such redemption shall be given by mail, sent to the registered owner of any bond to be redeemed at said registered owner's address in the manner provided in the ordinance authorizing said bonds. Any

bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond or bonds evidencing the unredeemed principal thereof.

This bond is one of an issue of fully registered bonds of the total principal amount of \$102,000, of like tenor herewith except as to denomination, date of maturity and rate of interest issued by said Village for the purpose of paying the bonded debt of said Village on its legally issued Highway Allocation Fund Pledge Bonds, 2002 Series, numbered as they are shown on the books and records of the Paying Agent and Registrar, dated September 17, 2002, in the principal amount of \$100,000, now existing and unpaid, and in strict conformity with and in pursuance of the provisions of Section 10-142, R.R.S. Neb. 2007. The issuance of said bonds has been authorized by an ordinance duly passed by the Chairperson and Board of said Village.

This bond is transferable by the registered owner or such owner's attorney duly authorized in writing at the office of the Paying Agent and Registrar upon surrender of this bond, for notation of transfer as provided on the reverse hereof. The Village, its Paying Agent and Registrar and any other person may treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment hereof and for all purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as required by law, and that the indebtedness of said Village, including this bond, does not exceed any limitations imposed by law. The Village covenants and agrees that it will cause to be levied and collected annually a tax by valuation on all the taxable property in said Village, in addition to all other taxes, sufficient in rate and amount to pay the interest on this bond when and as the same becomes due and to create a sinking fund to pay the principal of this bond when the same becomes due.

IN WITNESS WHEREOF, the Chairperson and Board of the Village of Madrid, Nebraska, have caused this bond to be executed on behalf of the Village by being signed by the Chairperson and Clerk of the Village and by causing the official seal of the Village to be affixed hereto as of the date of issue hereof.

VILLAGE OF MADRID, NEBRASKA

By \_\_\_\_\_ (Do not sign)  
Chairperson

ATTEST:

\_\_\_\_\_ (Do not sign)  
Village Clerk

(S E A L)

PROVISION FOR REGISTRATION

The ownership of this bond shall be registered as to both principal and interest on the books and records of the Village of Madrid, Nebraska, kept by the Paying Agent and Registrar identified in the foregoing bond, who shall make notation of such registration in the registration blank below, and the transfer of this bond may thereafter be registered only upon an assignment duly executed by the registered owner or such owner's attorney or legal representative, in such form as shall be satisfactory to said Paying Agent and Registrar, such registration of transfer to be made on such books and endorsed hereon by said Paying Agent and Registrar.

Date of Registration	Name of Registered Owner	Paying Agent & Registrar (Village Treasurer)

Section 8. Said bonds are hereby sold to the Village of Madrid, Nebraska at 100% of the principal amount thereof, and the Village Treasurer is authorized to deliver the bond to said purchaser upon receipt of said amount plus accrued interest (if any) to date of payment. Said bond is sold to the purchaser subject to the opinion of independent bond counsel that said bond is lawfully issued; that said bond constitutes a valid obligation of the Village; and that under existing laws and regulations the interest on said bond is exempt from both Nebraska state and federal income taxes.

Section 9. The Chairperson and Board shall cause to be levied and collected annually a tax by valuation on all the taxable property in the Village, in addition to all other taxes, sufficient in rate and amount to pay the interest on the bonds herein authorized as the same becomes due and to create a sinking fund to pay the principal of said bonds when and as such principal becomes due.

Section 10. The Village of Madrid, Nebraska, hereby covenants to the purchasers and holders of the bonds hereby authorized that it will make no use of the proceeds of said bond issue, including monies held in any sinking fund for the payment of said bonds, which would cause said bonds to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and further covenants to comply with said Sections 103 and 148 and all applicable regulations thereunder throughout the term of said bond issue. The Village hereby covenants and agrees to take all actions necessary under the Code to maintain the tax-exempt status of interest payable on the bonds with respect to taxpayers generally but not including insurance companies or corporations subject to the additional minimum tax. The Village hereby designates the bonds as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not anticipate issuing tax-exempt obligations in calendar 2011 in an amount in excess of \$10,000,000.

Section 11. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 13<sup>th</sup> day of December, 2010.

ATTEST:

Timothy E. Moore  
Chairperson

Madeira Moore  
Village Clerk

(S E A L)



STATE OF NEBRASKA            )  
  ) SS.  
COUNTY OF PERKINS         )

PROOF OF PUBLICATION AND POSTING

Marlene Mohr, duly sworn under oath says that she is the Clerk of the Village of Madrid, and that the attached and foregoing copy of Ordinance No. 2010-11 is a true and correct copy of said ordinance as passed by the Chairperson and Board at the meeting of December 13, 2010, and that said ordinance as published in pamphlet form and filed in my office this 14 day of December, 2010, and a copy of the pamphlet was posted on said date in the following three public places:

Adams Bank

Post Office

Country Kitchen

Marlene Mohr  
Village Clerk

(SEAL)

SECTION 4: That the Village Clerk is directed to recorded the plat in the office of the County Clerk of Perkins County, together with a certified copy of this ordinance declaring such annexation, under the seal of the Village of Madrid, Perkins County, Nebraska and upon such time the annexation of such adjacent territory shall be deemed complete, and the territory included and described in the plat on file in the office of the clerk or register of deeds shall be deemed and held to be a part of said original corporate village, and the inhabitants thereof shall thereafter enjoy the privileges and benefits of such annexation, and be subject to the ordinances and regulations of said village.

SECTION 5: That all other ordinances or parts of ordinances insofar as they conflict herewith are hereby repealed.

SECTION 6: That this Ordinance shall become effective and be in full force and effect from and after its passage, approval and publication as required by law.

Voting Aye: Nick Ross, JJ Long, Mark Heil, Tim Mook

Voting Nay: NONE

Abstentions: NONE

PASSED AND APPROVED this 9<sup>th</sup> day of February 2008

Russell E Moore  
CHAIRMAN

(seal)

ATTEST:

Mardene Mohr  
VILLAGE CLERK

STATE OF NEBRASKA } ss  
County of Perkins  
Filed in this office of County Clerk  
the 11 day of February  
2008 at 11:58 A.M.  
and recorded as Instrument No. 09-00106  
ROB BLS P6312  
Rob Alexander  
County Clerk

ORDINANCE FOR THE ANNEXATION OF REAL PROPERTY

ORDINANCE NO. 2008-09-1

AN ORDINANCE OF THE VILLAGE OF MADRID, PERKINS COUNTY, NEBRASKA, FOR THE ANNEXATION OF REAL PROPERTY INTO THE CORPORATE LIMITS OF THE VILLAGE.

BE IT ORDAINED by the Chairman and Board of Trustees of the Village of Madrid, Perkins County, Nebraska:

SECTION 1: That a plat and request for annexation were filed with the Village Clerk pursuant to NEB. REV. STAT. §17-405, et. al.

SECTION 2: That on a regular meeting of the Board of Trustees for the Village of Madrid, held ~~September 8~~ <sup>December</sup> 8, 2008, the Village determined that the request was made by the sole owner of the property and therefore represents the will of the majority of the landowners and residents; that the request was properly before the Board; and that it was in the best interests of the Village to annex said property.

SECTION 3: That the Village Board of Trustees voted to annex said property by a unanimous vote. That said property is legally described as follows, to-wit:

*A tract of land located in the E 1/2 of Section 9, Township 10 North, Range 37 West of the 6th P.M., Perkins County, Nebraska, being more particularly described as follows:*

*Beginning at the E 1/4 corner of Section 9, T. 10 N., R. 37 W. of the 6th P.M. Perkins County, Nebraska; thence S 01°51'06" E on the East line of the SE 1/4 of said Section, 93.50 feet to a point on the north Right-of-Way line of Highway 23, said point also being the beginning of a non-tangent 5679.58 foot radius curve concave northerly thence Southwesterly on the arc of said curve 458.84 feet (chord bearing S 88°30'19" W, with a cord distance of 458.71 feet); thence N 89°12'02" W. 422.72 feet; thence N 00°47'58" E perpendicular with said north Right-of-Way line, 418.18 feet to the south Right-of-Way line of the B.N.S.F. Railroad; thence S 89°19'46" E on said Right-of-Way line, 862.65 feet to a point on the said east line of the NE 1/4 of said Section; thence S 01°48'57" E on said east line, 308.69 feet to the Point of Beginning containing 8.33 acres more or less.*

SECTION 4: That the Village Clerk is directed to recorded the plat in the office of the County Clerk of Perkins County, together with a certified copy of this ordinance declaring such annexation, under the seal of the Village of Madrid, Perkins County, Nebraska and upon such time the annexation of such adjacent territory shall be deemed complete, and the territory included and described in the plat on file in the office of the clerk or register of deeds shall be deemed and held to be a part of said original corporate village, and the inhabitants thereof shall thereafter enjoy the privileges and benefits of such annexation, and be subject to the ordinances and regulations of said village.

SECTION 5: That all other ordinances or parts of ordinances insofar as they conflict herewith are hereby repealed.

SECTION 6: That this Ordinance shall become effective and be in full force and effect from and after its passage, approval and publication as required by law.

Voting Aye: Nick Ross, JJ Long, Mark Heil, Tim Mook  
Voting Nay: NONE  
Abstentions: NONE

PASSED AND APPROVED this 9<sup>th</sup> day of February 2008

Therese E Moore  
CHAIRMAN

(seal)

ATTEST:

Mardene Mober  
VILLAGE CLERK

FORMAL REQUEST FOR ANNEXATION

December 4, 2008

Tim Moore  
Mayor of the Village of Madrid

*should be township 10  
instead of 9*

We herewith submit our written request for annexation of the following described real estate by the Village of Madrid:

A tract of land located in the E ½ of Section 9, Township 9 North, Range 37 West of the 6<sup>th</sup> P.M., Perkins County, Nebraska being more particularly described as follows:

Beginning at the E 1/4 corner of Section 9, Township 10 North, Range 37 West of the 6<sup>th</sup> P.M., Perkins County, Nebraska; thence S 01°51'06" E on the east line of the SE 1/4 of said Section, 93.50 feet to a point on the north Right-of-Way line of Highway 23, said point also beginning of a non-tangent 5679.58 foot radius curve concave northerly thence Southwesterly on the arc of said curve 458.84 feet (chord bearing S 88°30'19" W, with a chord distance of 458.71 feet); thence N 89°12'02" W 422.72 feet; thence N 00°47'58" E perpendicular with said north Right-of-Way line, 418.18 feet to the south Right-of-Way line of the B.N.S.F. Railroad; thence S 89°19'46" E on said Right-of-Way line, 82.65 feet to a point on the said east line of the NE 1/4 of said Section; thence S 01°48'57" E on said east line, 308.69 feet to the Point of Beginning containing 8.33 acres more or less.

Thank you.

Sincerely,

*Neal Vlasin*  
*Barbara Vlasin*

Neal Vlasin and Barbara Vlasin

STATE OF NEBRASKA } ss  
County of Perkins  
Filed in this office of County Clerk  
the 11 day of February  
2009 at 11:58 A.M.  
and recorded as instrument No. 09-00106  
ROD BEG P6312  
Patricia A. Adams  
County Clerk

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SECTION 1: That a plat and request for annexation were filed with the Village Clerk pursuant to NEB. REV. STAT. §17-405, et. al.:

SECTION 2: That on a regular meeting of the Board of Trustees for the Village of Madrid, held ~~September~~ <sup>December</sup> 8, 2008, the Village determined that the request was made by the sole owner of the property and therefore represents the will of the majority of the landowners and residents; that the request was properly before the Board; and that it was in the best interests of the Village to annex said property.

SECTION 3: That the Village Board of Trustees voted to annex said property by a unanimous vote. That said property is legally described as follows, to-wit:

*A tract of land located in the E 1/2 of Section 9, Township 10 North, Range 37 West of the 6th P.M., Perkins County, Nebraska, being more particularly described as follows:*

*Beginning at the E 1/4 corner of Section 9. T. 10 N., R. 37 W. of the 6th P.M. Perkins County, Nebraska; thence S 01°51'06" E on the East line of the SE 1/4 of said Section, 93.50 feet to a point on the north Right-of-Way line of Highway 23, said point also being the beginning of a non-tangent 5679.58 foot radius curve concave northerly thence Southwesterly on the arc of said curve 458.84 feet (chord bearing S 88°30'19" W, with a cord distance of 458.71 feet); thence N 89°12'02" W. 422.72 feet; thence N 00°47'58" E perpendicular with said north Right-of-Way line, 418.18 feet to the south Right-of-Way line of the B.N.S.F. Railroad; thence S 89°19'46" E on said Right-of-Way line, 862.65 feet to a point on the said east line of the NE 1/4 of said Section; thence S 01°48'57" E on said east line, 308.69 feet to the Point of Beginning containing 8.33 acres more or less.*

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Mayor of the Village of Madrid

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Thank you.

Sincerely,

*Neal Vlasin*  
*Barbara Vlasin*

Neal Vlasin and Barbara Vlasin

David

## WATER DROUGHT/EMERGENCY ORDINANCE

Ordinance No. 2007-08-3

An ordinance authorizing the declaration of a water watch, warning or emergency; establishing procedures and voluntary and mandatory conservation measures; authorizing the issuance of administrative regulations; and prescribing certain penalties.

Be it Ordained by the Governing Body of the City of Madrid

Section 1. Purpose. The purpose of this ordinance is to provide for the declaration of a water supply watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such a watch, warning or emergency is declared.

Section 2. Definitions:

- (a) "Water," as the term is used in this ordinance, shall mean water available to the City of Madrid for treatment by virtue of its water rights or any treated water introduced by the City into its water distribution system, including water offered for sale at any coin-operated site.
- (b) "Customer," as the term is used in this ordinance, shall mean the customer of record using water for any purpose from the City's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.
- (c) "Waste of water," as the term is used in this ordinance, includes, but is not limited to: (1) permitting water to escape down a gutter, ditch, or other surface drain; or (2) failure to repair a controllable leak of water due to defective plumbing.
- (d) The following classes of uses of water are established:

**Class 1:**

Water used for outdoor watering; either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational areas; or the washing of motor vehicles, boats, trailers, or the exterior of any building or structure.

**Class 2:**

Water used for any commercial or industrial, including agricultural, purposes: except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.



## Class 3:

Domestic usage, other than that which would be included in either classes 1 or 2.

## Class 4:

Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

Section 3. Declaration of Water Watch. Whenever the governing body of the City finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare, by resolution, that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official city newspaper.

Section 4. Declaration of Water Warning. Whenever the governing body of the City finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. Such a warning shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official city newspaper.

Section 5. Declaration of Water Emergency. Whenever the governing body of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper.

Section 6. Voluntary Conservation Measures. Upon the declaration of a water watch or water warning as provided in Sections 3 and 4, the mayor (or the city manager) is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses including, but not limited to, limitations on the following uses:

- (a) Sprinkling of water on lawns, shrubs or trees (including golf courses).
- (b) Washing of automobiles.
- (c) Use of water in swimming pools, fountains and evaporative air conditioning systems.
- (d) Waste of water.

Section 7. Mandatory Conservation Measures. Upon the declaration of a water supply emergency as provided in Section 5, the mayor (or the city manager) is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

- (a) Suspension of new connections to the City's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the City prior to the effective date of the declaration of the emergency;
- (b) Restrictions on the uses of water in one or more classes of water use, wholly or in part;
- (c) Restrictions on the sales of water at coin-operated facilities or sites;
- (d) The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;
- (e) Complete or partial bans on the waste of water; and
- (f) Any combination of the foregoing measures.

Section 8. Emergency Water Rates. Upon the declaration of a water supply emergency as provided in Section 5, the governing body of the City shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to: (a) higher charges for increasing usage per unit of use (increasing block rates); (b) uniform charges for water usage per unit of use (uniform unit rate); or (c) extra charges in excess of a specified level of water use (excess demand surcharge).

Section 9. Regulations. During the effective period of any water supply emergency as provided for in Section 5, the mayor (or city manager or water superintendent) is empowered to promulgate such regulations as may be necessary to carry out the provisions of this ordinance, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting.

Section 10. Violations, Disconnections and Penalties.

- (a) If the mayor, city manager, water superintendent, or other city official or officials charged with implementation and enforcement of this ordinance or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to Sections 7 or 9 of this ordinance, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record any other person known to the City who is responsible for the violation or its correction shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the City determines is reasonable under the circumstances. If the order is not complied with, the City may terminate water service to the customer subject to the following procedures:
  - (1) The City shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City governing body or a city official designated as a hearing officer by the governing body;
  - (2) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and
  - (3) The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.

- (b) A fee of \$50 shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be \$200 for the second reconnection and \$300 for any additional reconnections.
- (c) Violations of this ordinance shall be a municipal offense and may be prosecuted in Municipal Court. Any person so charged and found guilty in Municipal court of violating the provisions of this ordinance shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of \$100. In addition, such customer may be required by the Court to serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of \$200. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days.

Section 11. Emergency Termination. Nothing in this ordinance shall limit the ability of any properly authorized city official from terminating the supply of water to any or all customers upon the determination of such city official that emergency termination of water service is required to protect the health and safety of the public.

Section 12. Severability. If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and its applicability to other persons and circumstances shall not be affected thereby.

Section 13. This ordinance shall become effective upon its publication in the official city newspaper.

Passed by the governing body this 14<sup>th</sup> day of July, 2008

*Therese E. Moore*  
 (Mayor's Signature)

ATTEST:

*Mardene Mohr*  
 (City Clerk's Signature)

ORDINANCE NO. 2007-2008-2

An Ordinance granting CONSOLIDATED CABLE, INC. a non-exclusive franchise for a term of nineteen (19) years to operate a Community Antenna Service and Cable Television System within the VILLAGE OF MADRID, NEBRASKA, and to use and occupy the streets, alleys, electric power poles, easements, and other public places of the Village for such purpose, and providing for the regulation of such service and system, penalties and the effective date of this Ordinance.

WHEREAS, pursuant to Ordinance 87-88-2, dated September 14, 1987, the Village of Madrid, Nebraska ("Village") approved the cable television franchise; and

WHEREAS, the term of the Cable Franchise Ordinance 87-88-2 did expire on September 14, 2007, as provided in Ordinance 87-88-2; and

WHEREAS, the Village desires to grant Consolidated the right to continue to operate the Village cable television system from and after the date of expiration of the Original Cable Franchise Ordinance, as provided herein;

BE IT THEREFORE ORDAINED by the Board of Trustees of the Village of Madrid Springs, Nebraska:

Section 1. Grant of Franchise. Consolidated is hereby granted a non-exclusive franchise, for a term of nineteen (19) years commencing on May 12, 2008, to build, effect, operate, sell and maintain a community antenna service/cable television system within the Village. This franchise shall include the right to sell and furnish such services to the inhabitants of the Village, and the right to enter upon, for the purpose of constructing and repairing lines, cables and other improvements of all kinds which are necessary for the operation of this franchise, across, under, on or along the streets, alleys, roadways and other public property of the Village, during the term of this franchise.

Section 2. Use of Pole Facilities, Easements and Rights of Way.

A. Consolidated is hereby expressly granted an easement and right to use and make attachments to electric poles, light poles or other poles or structures in existence and owned by the Village. In addition, Consolidated shall have the right to erect and maintain its own poles as necessary for the construction, maintenance and operation of the franchise granted herein. Consolidated is also granted use of any easement owned by the Village or any Village right of way to bury and repair any cable, provided that said cable is buried in a manner that will not interfere with the use of said easements and rights of way and that after burying or repairing said cable, Consolidated shall repair, at its own expense, any excavation that it shall make and shall use its best efforts to restore said areas of easement and rights of way to the condition existing prior to the burial or repair of said cable, except that Consolidated shall have the right to bury, repair or replace cable at any time that the Village is burying, repairing or replacing electric lines and the costs of the excavation and its repair in that instance shall be borne by the Village.

B. Consolidated shall further have the right, authority, power and privilege to attach any of its system facilities to any existing or future power poles, or other electrical facilities owned by the Village, in such a manner that it will not interfere with the use of such poles or other electrical facilities by the Village.

C. All transmission and distribution structures, lines and equipment erected or placed by Consolidated within the Village shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places and to cause minimum interference with the rights and reasonable convenience of owners of properties which adjoin any of said streets, alleys or other public ways and places.

D. If, during the term of this franchise, the Village shall lawfully elect to alter or change the grade of any street, alley or other public way, Consolidated, upon reasonable notice by the Village, shall remove, relay and relocate its poles, wires, cables, underground cables or conduits, or other fixtures, at Consolidated's own expense.

Section 3. Temporary Removal of Wire for Building Moving. Consolidated shall, upon the request of any person holding a building moving permit issued by the Village, temporarily release or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same and Consolidated shall have the authority to require such payment in advance of releasing or lowering its facilities or equipment. Consolidated shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.

Section 4. Tree Trimming. Consolidated shall have the authority to trim trees upon and overhanging public ways and public places of the Village so as to prevent the branches of such trees from coming into contact with its wires and cables; all trimming to be done in a manner approved by the Village (which approval shall not be unreasonably withheld, conditioned or delayed) and at the expense of Consolidated.

Section 5. Compliance with Applicable Laws and Ordinances. Consolidated shall, at all times during the term of this franchise, be subject to all lawful exercise of governmental and police powers of the Village, to all applicable laws and ordinances not in conflict with the rights granted herein, and to such reasonable regulations as the Village Board shall hereafter by resolution, or ordinance, provide regarding the operation of the Village cable television system. The right is reserved to the Village to adopt, in addition to the provisions contained herein and in other existing applicable ordinances, such additional regulations as the Village may find necessary in the exercise of its police power, provided, such regulations, by ordinance or otherwise, shall be reasonable and not in conflict with the rights herein granted.

Section 6. Service.

A. Consolidated shall, during the term of this franchise, operate and maintain a community antenna service/cable television system which shall serve all points within the corporate limits of the Village. Consolidated may, in its discretion, extend its services and system, by constructing extensions to Consolidated's plant in the Village, to customers who request the same and whose property is located outside the corporate limits of the Village, provided that a mutually agreeable construction assistance price (to be paid to Consolidated by the customer) is negotiated between Consolidated and customer.

B. Consolidated shall provide its service to any person residing within the corporate limits of the Village who applies therefor, subject, however, to (i) reasonable rules and regulations which may be adopted and implemented by Consolidated for the delivery of such service, and (ii) the timely payment of service fees and installation and other charges by such person to Consolidated. All rules and regulations and terms and conditions of service adopted by Consolidated shall not be in conflict with the provisions hereof.

C. Consolidated shall render upon request and without charge, service under the franchise consisting of the basic offering of cable television programming, excluding any premium and/or digital channels for which there is an additional charge, to all schools within the Village, whether public or private, with the understanding that said service will be provided to a convenient point to the exterior of the said school designated by Consolidated. All wiring and connections completed within any said school building shall be completed at a fair and reasonable cost. Any premium and/or digital channels offered by Consolidated may be purchased by said schools at the same cost as charged to other subscribers of the system.

Section 7. Notice of Interruption for Repairs. Whenever it is necessary to shut off or interrupt service for the purpose of making repairs, adjustments, or installation, Consolidated shall do so at such time as shall cause the least amount of inconvenience to its subscribers, and unless such interruption is unforeseen and immediately necessary, it shall give reasonable notice thereof to its customers.

Section 8. Service Maintenance. During the operation of this franchise, Consolidated shall maintain a toll-free or collect telephone number available for subscribers to call if they need service or repairs, and Consolidated shall notify all subscribers of such toll-free or collect telephone number.

Section 9. Rates. Each subscriber to the system operated by Consolidated under the franchise will be charged installation and hook-up fees based on Consolidated's standard company-wide time and materials rate schedules, which will change from time to time during the term of the franchise. Service rates charged to subscribers by Consolidated will vary depending on the programming package selected by each subscriber, but a minimum monthly service charge of \$28.95 will apply as of the effective date of this Ordinance, which minimum monthly service charge may be increased from time to time by Consolidated during the term of the franchise. All notices concerning rate changes imposed or adopted by Consolidated will be communicated to subscribers and customers of the system by bill messages, company letter, post card or other means in accordance with all applicable state and federal laws, rules, regulations, guidelines and procedures as in effect from time to time during the term of the franchise.

Section 10. Indemnification and Liability Insurance. Consolidated agrees that it will hold the Village harmless from any and all damages and liabilities that may arise or result from the construction, maintenance and operation of the franchise service created by this ordinance, except for any damage or liability caused by the negligent act or omission of Village, its employees, agents and contractors. Further, Consolidated agrees, during the term of this franchise, to obtain and maintain public liability and property damage insurance coverage in such amounts and covering such losses and hazards as are customary in the industry. Proof of insurance shall be furnished to the Village by Consolidated upon request of Village. The Village

shall notify Consolidated, at its corporate office, Attn: General Manager, P.O. Box 6147, Lincoln, NE 68506, or by fax (402) 489-9034, within five (5) days after the presentation of any such demand, claim or suit against the Village.

Section 11. Approval of Transfer. Consolidated shall not sell or transfer its plant or system to another, nor transfer any rights under this franchise to another, without the approval of the Village, which approval shall not be unreasonably withheld, delayed or conditioned, and until the vendee, assignee or lessee has filed in the office of the Village Clerk, an instrument duly executed, reciting the fact of such sale, assignment or lease, accepting the terms of this franchise and agreeing to perform all obligations of Consolidated arising hereunder.

Section 12. Severability. If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 13. Penalties. In regulating the franchise granted hereunder, the Village shall enforce and comply with all state and federal laws, rules, regulations and procedures governing the operation of the franchise, as may be in effect from time to time during the term of the franchise. In the event Consolidated violates any provision of this Ordinance, or any material portion thereof, or fails to promptly perform any of its obligations hereunder, and such violation or failure is not cured or performed by Consolidated within a reasonable time after receiving notice thereof from Village, Village may terminate and revoke the franchise.

Section 14. Procedure after Termination or Revocation. Upon revocation of this franchise by the Village Board, or upon expiration of the term of this franchise, the Village shall have the right to determine whether Consolidated shall be entitled to a renewal or reinstatement of the franchise. In the interim, Consolidated shall continue to operate and maintain its system in accordance with the terms hereof. If Consolidated shall not have acquired an extension, renewal or reinstatement of the franchise and accepted the same, Consolidated shall have and is hereby granted, the right to enter upon the streets, alleys, roads and public ways of the Village, for the purposes of removing therefrom any or all of its plants, structures, works, pipes, mains, conduits, cables, poles and wires, and other property, at any time after the Village has had reasonable time and opportunity to purchase, condemn or replace them. In so removing said plant and equipment, Consolidated shall repair, at its own expense, any excavation that it shall make and shall leave said streets, alleys and public ways and places in as good a condition as existed prior to its removal.

Section 15. Ordinances Repealed. All ordinances or parts of ordinances previously adopted by Village which materially conflict with the provisions of this Ordinance are hereby repealed.

Section 16. Binding Effect. This Ordinance shall take effect upon its proper passage and publication according to state law. This Ordinance shall become effective on and binding against Consolidated upon the signing and filing of the Ordinance with the Village Clerk, and Consolidated's acceptance in writing of the terms and conditions of this Ordinance.

ADOPTED AND APPROVED on this 12<sup>th</sup> day of May, 2008, by the BOARD OF TRUSTEES of the VILLAGE OF MADRID, NEBRASKA.

VILLAGE OF MADRID

By: Timothy E. Moore  
Title: Chairman Board of Trustees

ATTEST:

Madlene Mahr  
Village Secretary/Clerk

ACCEPTANCE

The undersigned, CONSOLIDATED CABLE, INC., a Nebraska corporation ("Consolidated"), hereby agrees to accept the franchise granted to, and to perform all obligations imposed on, Consolidated pursuant to the foregoing Ordinance.

Dated: April 17, 2008.

CONSOLIDATED CABLE, INC.

By: Charles L. Fast  
Charles L. Fast, President



**ORDINANCE TO CHANGE THE SPEED LIMIT ON STONE ROAD**

**ORDINANCE NO. 2007-2008-1**

**AN ORDINANCE OF THE VILLAGE OF MADRID, PERKINS COUNTY, NEBRASKA, TO ESTABLISHMENT A SPEED LIMIT OF 20 MILES PER HOUR FOR STONE ROAD, A STREET LOCATED WITHIN THE CORPORATE LIMITS OF SAID VILLAGE.**

BE IT ORDAINED by the Chairman and Board of Trustees of the Village of Madrid, Perkins County, Nebraska, that the following Ordinance shall be and hereby is adopted:

**SECTION 1: FINDINGS.**

That the Village has determined that the character and nature of the traffic traveling on Stone Road has changed from primarily residential to primarily commercial; and,

That the traffic has changed to include a substantial amount of large trucks; and,

That the determination to change the speed limit from the current residential speed limit of 25 miles per hour to 20 miles per hour is made consistent with the commercial nature of the traffic and pursuant to Nebraska statutes and the application of engineering judgment.

**SECTION 2: SPEED LIMIT**

The speed limit on Stone Road shall be and hereby is established as 20 miles per hour.

**SECTION 3: PENALTIES**

Penalties for violation of said speed limit shall be as established, and may be changed from time to time, by the State of Nebraska and the Department of Motor Vehicles for all public highways, streets and roads.

**SECTION 4: EFFECTIVE DATE**

That this Ordinance shall become effective and be in full force and effect from and after its passage, approval and publication as required by law and after the proper posting of the new speed limit in accordance with State Statute, Village Ordinances and the current Traffic Manual.

Voting Aye: Nick Ross, Don Lee, Mark Heil, Tim Moore

Voting Nay: \_\_\_\_\_

Abstentions: \_\_\_\_\_

Absent: J. Long

PASSED AND APPROVED this 12<sup>th</sup> day of May 2008.

Timothy E. Moore  
CHAIRMAN

(seal)

ATTEST:

Marlene Maki  
VILLAGE CLERK

STATE OF NEBRASKA }  
County of Perkins  
Filed in this office of County Clerk  
On the 18th day of September  
2007 at 12:19 P.M.  
Recorded as Instrument No. \_\_\_\_\_  
2007-00228  
Bret A. King, B.S.  
County Clerk

**ORDINANCE TO ESTABLISH AND REGULATE THE HOURS  
FOR THE SALE AND DISPENSING OF ALCOHOLIC LIQUOR**

**ORDINANCE NO. 2006-07-6**

**AN ORDINANCE OF THE VILLAGE OF MADRID, PERKINS COUNTY,  
NEBRASKA, FOR THE ESTABLISHMENT THE HOURS FOR THE SALE OR  
DISPENSING OF ALCOHOLIC LIQUOR WITHIN THE VILLAGE OF  
MADRID, PERKINS COUNTY, NEBRASKA, PURSUANT TO NEBRASKA  
REVISED STATUTE SECTION 53-179.**

BE IT ORDAINED by the Chairman and Board of Trustees of the Village of Madrid, Perkins County, Nebraska, that the following Ordinance shall be and hereby is adopted, that:

1. It shall be unlawful for any licensed person or persons to sell at retail or dispense any alcoholic beverages during the hours that the polls are open on the day in which any local, county or statewide primary or general election is conducted. It shall further be unlawful for any licensed person or persons or their agents to sell or dispense any alcoholic beverages within the Municipality except during the hours provided herein.
2. Hours of Sale for Alcoholic Liquors (except beer and wine)
  - a. Secular Days
    - i. Off Sale: 6:00 a.m. to 1:00 a.m. of the following day
    - ii. On Sale: 6:00 a.m. to 1:00 a.m. of the following day
  - b. Sundays
    - i. Off Sale: 12:00 noon to 1:00 a.m. of the following day
    - ii. On Sale: 12:00 noon to 1:00 a.m. of the following day
3. Hours of Sale for Beer and Wine
  - a. Secular Days
    - i. Off Sale: 6:00 a.m. to 1:00 a.m. of the following day
    - ii. On Sale: 6:00 a.m. to 1:00 a.m. of the following day
  - b. Sundays
    - i. Off Sale: 6:00 a.m. to 1:00 a.m. of the following day
    - ii. On Sale: 6:00 a.m. to 1:00 a.m. of the following day

provided that such limitation shall not apply after twelve o'clock (12:00) noon on Sunday to a licensee which is a non-profit corporation holding a license pursuant to NEB. REV. STAT. §53-124 (5) (C).

No person or persons shall consume or be allowed to remain in control or be in possession of alcoholic liquor in open containers between the hours of 1:15 a.m. and 6 a.m. on any day. For the purposes of this Section, "on sale" shall be defined as alcoholic beverages sold by the drink for consumption on the premises of the licensed establishment; "off sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

Nothing in the Section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this Section. (Ref. NEB. REV. STAT §53-179)

4. All other ordinances or parts of ordinances insofar as they conflict herewith are hereby repealed.
5. This Ordinance shall become effective and be in full force and effect from and after its passage, approval and publication as required by law.

Voting Aye: Nick Ross, Dan Lee, JJ Long, Mark Heil, Tim Moore

\_\_\_\_\_

Voting Nay: \_\_\_\_\_

Abstentions: \_\_\_\_\_

\_\_\_\_\_

PASSED AND APPROVED this 10<sup>th</sup> day of September 2007.

Timothy E. Moore  
CHAIRMAN

(seal)

ATTEST:

Mardene Mahs-  
VILLAGE CLERK

ORDINANCE FOR THE ANNEXATION OF REAL PROPERTY

ORDINANCE NO. 2006/07- 5

AN ORDINANCE OF THE VILLAGE OF MADRID, PERKINS COUNTY, NEBRASKA, FOR THE ANNEXATION OF REAL PROPERTY INTO THE CORPORATE LIMITS OF THE VILLAGE.

BE IT ORDAINED by the Chairman and Board of Trustees of the Village of Madrid, Perkins County, Nebraska:

SECTION 1: That a plat and request for annexation were filed with the Village Clerk pursuant to NEB. REV. STAT. §17-405, et. al.

SECTION 2: That on a regular meeting of the Board of Trustees for the Village of Madrid, held May 14, 2007 the Village determined that the request was made by the sole owner of the property and therefore represents the will of the majority of the landowners and residents; that the request was properly before the Board; and that it was in the best interests of the Village to annex said property.

SECTION 3: That the Village Board of Trustees voted to annex said property by a unanimous vote. That said property is legally described as follows, to-wit:

*That part lying north of State Highway No.23 of the Northwest Quarter of Section 10, Township 10 North, Range 37 west of the 6<sup>th</sup> P.M., in Perkins County, Nebraska; EXCEPT that part of the NW ¼ lying north of Highway #23 described as follows: A strip of land 100 feet wide it being 50 feet on each side of the center line of the railroad as now located on said NW ¼ and conveyed by ROW deed recorded in Book 1, Deeds, Page 22 and EXCEPT a tract of land now owned by the Village of Madrid, Nebraska for its use as a sanitary sewer system and disposal plant, as described in Book 17, Miscellaneous, Page 164; and by Warranty Deed recorded in Book 37, Deeds, Page 150; and EXCEPT a tract of land lying south of the ROW and north of State Hwy #23 ROW conveyed by Warranty Deed recorded in Book 37, Deeds, Page 149 of the records of Perkins County, Nebraska.*

*A tract of land in the NW ¼ of Section 10, Township 10 North, Range 37 West of the 6<sup>th</sup> P.M., in Perkins County, Nebraska, more particularly described as follows: Referring to the West quarter corner of said Section 10, thence north along the West line of Section 10 a distance of 309.04 feet to its intersection with the South line of C.B.&Q. Railroad right of way; thence Easterly along the South right of way line of C.B.&Q. Railroad a distance of 885 feet to the point of beginning; thence 90 degrees right for a distance of 269.5 feet to a point on the North right of way line of Highway #23; thence*

Northeasterly along the North right of way of Highway #23 on a 5,679.58 foot radius curve to the left for a distance of 260 feet to a point of tangency; thence continuing Northeast along said North right of way line for a distance of 160.1 feet to a point of curvature; thence continuing Northeasterly along said North right of way line on a 5,779.58 foot radius curve to the right (initial tangent of which coincides with the last described course) for a distance of 980 feet, more or less, to the point of where the North right of way line of Highway #23 and the South right of way line of C.B.&Q. Railroad meet; thence Westerly along the South right of way line of C.B.&Q. Railroad for a distance of 1,400 feet, more or less, to the point of beginning.

Part of the Northeast Quarter (NE1/4) of Section Ten (10) Township Ten(10) North, Range Thirty-seven (37) West of the sixth Principal Meridian, Perkins County, Nebraska, more particularly described as follows: Beginning at the Northwest corner of the Northeast Quarter of said Section 10 and assuming the north line of said Northeast Quarter as bearing S 88°59'10" E and all bearings contained herein are relative thereto; thence S 88°59'10" E and on said north line a distance of 2671.97 feet to the Northeast corner of said Northeast Quarter; thence S 01°27'18" E and on the east line of said Northeast Quarter a distance of 2158.98 feet to the north right-of-way line of the Burlington Northern Railroad; thence N 89°19'46" W and on said north right-of-way line a distance of 2660.72 feet to the west line of said Northeast Quarter; thence N 01°44'02" W and on said west line a distance of 2175.42 feet to the place of beginning. Containing 132.53 acres, more or less, of which 1.64 acres, more or less, are presently being used for road purposes on the east side.

Part of Northwest Quarter (NW1/4) of Section Eleven (11), Township Ten (10) North, Range Thirty-seven (37) West of the Sixth Principal Meridian, Perkins County, Nebraska, more particularly described as follows: Beginning at the Northwest corner of the Northwest Quarter of said Section 11 and assuming the north line of said Northwest Quarter as bearing S 88°57'27" E and all bearings contained herein are relative thereto; thence S 88°57'27" E and on said north line a distance of 2671.15 feet to the Northeast corner of said Northwest Quarter; thence S 01°40'29" E on the east line of said Northwest Quarter a distance of 2142.0 feet to the north right-of-way line of the Burlington Northern Railroad; thence N 89°19'41" W and on said north right-of-way line a distance of 2678.68 feet to the west line of said Northwest Quarter; thence N 01°27'18" W and on the west line of said Northwest Quarter a distance of 2158.98 feet to the place of beginning. Containing 131.94 acres, more or less, of which 1.64 acres, more or less, are presently being used for road purposes on the west side.

Part of the Northeast Quarter (NE1/4) of Section Eleven (11), Township Ten (10) North, Range Thirty-Seven (37) West of the Sixth Principal Meridian, Perkins County, Nebraska, more particularly described as follows: Referring to the Southeast corner of the Northeast Quarter of said Section 11 and assuming the east line of said Northeast Quarter as bearing N 01°40'45" W and all bearings contained herein are relative thereto; thence N 01°40'45" W and on said east line a distance of 498.12 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the north right-of-way line of Burlington Northern Railroad, thence N 01°40'45" W continuing on said east

line a distance of 326.5 feet; thence N 89°19'41" W parallel with said north right-of-way line of the Burlington Northern Railroad a distance of 2670.5 feet to the west line of said Northeast quarter; thence S 01°40'29" E and on said west line a distance of 326.5 feet to said north right-of-way line of the Burlington Northern Railroad; thence S 89°19'41" E on said north right-of-way line a distance of 2670.53 feet to the place beginning. Containing 20.00 acres, more or less, of which 0.25 acres, more or less, are presently being used for road purposes on the east side.

SECTION 4: That the Village Clerk is directed to recorded the plat in the office of the County Clerk of Perkins County, together with a certified copy of this ordinance declaring such annexation, under the seal of the Village of Madrid, Perkins County, Nebraska and upon such time the annexation of such adjacent territory shall be deemed complete, and the territory included and described in the plat on file in the office of the clerk or register of deeds shall be deemed and held to be a part of said original corporate village, and the inhabitants thereof shall thereafter enjoy the privileges and benefits of such annexation, and be subject to the ordinances and regulations of said village.

SECTION 5: That all other ordinances or parts of ordinances insofar as they conflict herewith are hereby repealed.

SECTION 6: That this Ordinance shall become effective and be in full force and effect from and after its passage, approval and publication as required by law.

Voting Aye: NICK ROSS, JJ Long, Don Lee, Mark Heil  
TIM MOORE

Voting Nay: NONE

Abstentions: NONE

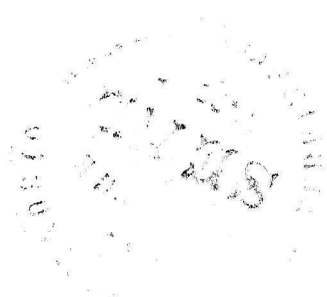
PASSED AND APPROVED this 9<sup>th</sup> day of July 2007.

Timothy E. Moore  
CHAIRMAN

(seal)

ATTEST:

Mardene Mahr  
VILLAGE CLERK



**ORDINANCE FOR THE ADOPTION OF PROPER STANDARDS FOR THE  
HANDLING OF LIQUID WASTES**

*Also  
in  
Code  
Book*

**ORDINANCE NO. 2006-07-4**

**AN ORDINANCE OF THE VILLAGE OF MADRID, PERKINS COUNTY,  
NEBRASKA, FOR THE ESTABLISHMENT OF CERTAIN RULES AND  
REGULATIONS REGARDING THE HANDLING OF LIQUID WASTES  
CONTAINING FLOATABLE GREASE, OIL AND SAND.**

BE IT ORDAINED by the Chairman and Board of Trustees of the Village of Madrid, Perkins County, Nebraska, that the following Ordinance shall be and hereby is adopted:

**SECTION 1: GREASE, OIL, AND SAND INTERCEPTORS.**

That the Village has determined that it is in the public interest to promote proper handling of liquid wastes. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Village Board of Trustees, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in this chapter or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village Board of Trustees and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the Village Board of Trustees or their duly appointed employee or agent. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.

**SECTION 2: MAINTENANCE OF EQUIPMENT.**

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

**SECTION 3: CONFLICTING ORDINANCES**

That all other ordinances or parts of ordinances insofar as they conflict herewith are hereby repealed.



SECTION 4: EFFECTIVE DATE

That this Ordinance shall become effective and be in full force and effect from and after its passage, approval and publication as required by law.

JJ Motion Nick - 2nd

Voting Aye: NICK Ross, Don Lee, JJ Long, Mark Heil  
Tim Moore

Voting Nay: \_\_\_\_\_

Abstentions: \_\_\_\_\_

PASSED AND APPROVED this 12<sup>th</sup> day of March 2007.

Timothy S. Moore  
CHAIRMAN

(seal)

ATTEST:

Marlene Moore  
VILLAGE CLERK

STATE OF NEBRASKA } 14  
County of Perkins  
Filed in this office of County Clerk  
the 15 day of March  
2007 at 10:30 A.M.  
and recorded in Book 67  
Misc Page 14  
Rita A. Jones  
County Clerk

**ORDINANCE TO REGULATE TRUCK TRAFFIC  
WITHIN THE VILLAGE LIMITS**

**ORDINANCE NO. 2006-07-3**

**AN ORDINANCE OF THE VILLAGE OF MADRID, PERKINS COUNTY,  
NEBRASKA, FOR THE ESTABLISHMENT OF CERTAIN RULES AND  
REGULATIONS REGARDING THE OPERATION, PARKING, LOADING AND  
UNLOADING OF TRUCKS WITHIN THE VILLAGE OF MADRID, PERKINS  
COUNTY, NEBRASKA.**

BE IT ORDAINED by the Chairman and Board of Trustees of the Village of Madrid, Perkins County, Nebraska, that the following Ordinance shall be and hereby is adopted:

SECTION 1: FINDINGS.

That the Village has determined that to protect the public health, safety, and welfare, it is necessary to place certain and reasonable restrictions on the operation of trucks within the Village corporate limits. (Ref. NEB. REV. STAT. §60-680)

SECTION 2: ENGINE BRAKING

Engine brakes are hereby prohibited between the hours of 6:00 p.m. and 7:00 a.m., local time.

SECTION 3: PARKING, LOADING, AND UNLOADING

Truck parking on Perkins Avenue between Nebraska Highway 23 and North Railway Street is prohibited. Cargo and freight loading and unloading is prohibited in all areas other than those designated by the Village for "Truck Loading."

SECTION 4: PENALTIES

A person who violates this section shall be punished as provided generally in the code. The penalty for violation of any provisions of this Article shall be fined not more than One Hundred Dollars (\$100.00.)

SECTION 5: EFFECTIVE DATE

That this Ordinance shall become effective and be in full force and effect from and after its passage, approval and publication as required by law.

MOTION : DON 2nd - MARK

Voting Aye: NICK ROSS, Don Lee, JJ Long, Mark Heil,  
Tim Moore

Voting Nay: \_\_\_\_\_

Abstentions: \_\_\_\_\_

PASSED AND APPROVED this 12<sup>th</sup> day of March 2007.

Timothy E. Moore  
CHAIRMAN

(seal)

ATTEST:

Madlene Mah  
VILLAGE CLERK

ORDINANCE NO. 2006-2007-2

(GENERAL PENAL PROVISIONS FOR POLICE REGULATIONS)

AN ORDINANCE TO ADOPT GENERAL PENAL PROVISIONS FOR VIOLATIONS OF POLICE REGULATIONS WHERE SPECIFIC PENALTIES ARE NOT PROVIDED; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF MADRID, PERKINSCOUNTY, NEBRASKA:

Section 1. A new Article 5 of Chapter 6 entitled Penal Provisions is hereby added to the Municipal Code of Madrid, Nebraska as follows:

Section 6-501. Violation; Penalty: Unless otherwise specified by ordinance any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, whether set forth in full herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00) for each offense. Each twenty-four (24) hour period shall constitute a new a separate violation.

Section 6-502. (1) Whenever a nuisance exists as defined in this Chapter, the Municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law. (2) Whenever in any action, it is established that a nuisance exists, the court may together with the fine or penalty imposed, enter an order of abatement as part of the judgment in the case.

(Ref. NEB. REV. STAT. §§18-1720, 10-1722)

Section 2. That all other ordinances or parts of ordinances insofar as they conflict herewith are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

Passed and approved this 11<sup>th</sup> day of December, 2006.

Timothy E. Moore  
Chairperson

Attest:

Marilyn Moore  
Clerk  
(SEAL)

(5) Sex offender means an individual who has been convicted of a crime listed in Nebr. Rev. Stat. section 29-4003 and who is required to register as a sex offender pursuant to the Sex Offender Registration Act;

(6) Sexual predator means an individual who is required to register under the Sex Offender Registration Act, who has been classified as Level 3 because of a high risk of recidivism as determined by the Nebraska State Patrol under NEB. REV. STAT. section 29-4013, and who has victimized a person eighteen years of age or younger.

SECTION 6-403. Sexual Predator Residency Restrictions:

(1) PROHIBITED LOCATION OF RESIDENCE. It is unlawful for any sexual predator to reside within five hundred feet from a school or childcare facility.

(2) MEASURE OF DISTANCE. For purposes of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the residence to the nearest outer boundary line of the school or child care facility.

SECTION 6-404. Penalties:

A person who violates this section shall be punished as provided generally in the code. The penalty for violation of any provisions of this Article shall be fined not more than \$500.00. Each twenty-four (24) hour period shall constitute a new and separate violation.

SECTION 6-405. Exceptions:

This ordinance shall not apply to a sexual predator who:

(1) Resides within a prison or correctional or treatment facility operated by the state or a political subdivision;

(2) Established a residence before July 1, 2006, and has not moved from that residence; or

(3) Established a residence after July 1, 2006, and the school or childcare facility triggering the restriction was established after the initial date of the sexual predator's residence at that location.

[Statutory Reference: The Sexual Predator Residency Restriction Act, Laws 2006, LB 1199, §§27 to 29; NEB. REV. STAT. section 29-4003 and Sec. 29-4013]

Section 2. That Article 4 of the current Madrid Code is hereby repealed.

ORDINANCE NO. 2006-07-1

(SEXUAL PREDATOR RESIDENCY RESTRICTIONS)

AN ORDINANCE TO ADOPT SEXUAL PREDATOR RESIDENCY RESTRICTIONS; TO PROHIBIT CERTAIN PERSONS SUBJECT TO THE SEX OFFENDER REGISTRATION ACT AND DEFINED AS SEXUAL PREDATORS FROM RESIDING IN CERTAIN AREAS WITHIN THE VILLAGE; TO ESTABLISH PENALTIES FOR A VIOLATION; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNCIL CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF MADRID, PERKINSCOUNTY, NEBRASKA:

Section 1. A new Article 4 of Chapter 6 is hereby added to the Municipal Code of Madrid, Nebraska as follows:

Section 6-401. Findings and Intent:

The Nebraska Legislature has found that certain sex offenders present a high risk to commit repeat offenses and has enabled municipalities to restrict such persons' place of residency as provided in the Sexual Predator Residency Restriction Act. Sex offenders who prey on children and who are high risks to repeat such acts present an extreme threat to public safety. The cost of sex offender victimization to these children and to society at large, while incalculable, is exorbitant. It is the intent of this ordinance to serve the Village's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the Village by creating certain areas around locations where children regularly congregate in concentrated numbers where certain sexual predators cannot reside.

Section 6-402. Definitions for purposes of this ordinance:

- (1) Child care facility means a facility licensed pursuant to the Child Care Licensing Act;
- (2) School means a public, private, denominational, or parochial school, which meets the requirements for state accreditation or approval;
- (3) Reside means to sleep, live, or dwell at a place, which may include more than one location, and may be mobile or transitory;
- (4) Residence means a place where an individual sleeps, lives, or dwells, which may include more than one location, and may be mobile or transitory;

**ORDINANCE FOR THE ADOPTION OF ANSI A300-2001 TREE PRUNING  
STANDARD**

ORDINANCE NO. <sup>2005-</sup>2006-1

**AN ORDINANCE OF THE VILLAGE OF MADRID, PERKINS COUNTY,  
NEBRASKA, FOR THE ESTABLISHMENT OF CERTAIN RULES AND  
REGULATIONS REGARDING THE PRUNING AND TRIMMING OF TREES,  
INCLUDING BUT NOT LIMITED TO THE ADOPTION OF THE ANSI 300-2001  
PRUNING STANDARD.**

BE IT ORDAINED by the Chairman and Board of Trustees of the Village of Madrid, Perkins County, Nebraska, that the following Ordinance shall be and hereby is adopted:

SECTION 1: That the Village has determined that it is in the public interest to promote the growth of healthy trees within the Village limits and to protect the health and safety of the Village citizens and their guests, to enhance the appearance of the Village and to protect land valuations and to encourage legitimate business.

SECTION 2: That arborists, employees, contractors and agents, pruning or trimming any public trees for the Village shall have and shall follow the trimming guidelines set in the American National Standard Institute (ANSI) A 300-2001 Pruning Standard. That the Village or arborists, employees, contractors or agents working on behalf of the Village shall not engage in the practices of "Topping", "Roundovers", or "Stubbing."

SECTION 3: That the Village does hereby encourage all Village citizens to utilize only arborists or tree services that are trained and insured and agree to employ the ANSI A300-2001 Pruning Standards.

SECTION 4: That the Village Clerk is hereby directed to obtain a copy of the most current ANSI standards and maintain said standards with the official public records of the Village for the benefit of the Village, its governing board and the general public and that said copy is hereby and henceforth incorporated herein as though a part of this ordinance.

SECTION 5: That all other ordinances or parts of ordinances insofar as they conflict herewith are hereby repealed.

SECTION 6: That this Ordinance shall become effective and be in full force and effect from and after its passage, approval and publication as required by law.

Voting Aye: JAY, JJ, DON, TIM

Voting Nay: \_\_\_\_\_

Abstentions: \_\_\_\_\_

PASSED AND APPROVED this 9<sup>th</sup> day of January 2006.

Timothy E. Moore  
CHAIRMAN

(seal)

ATTEST:

Mardene Moore  
VILLAGE CLERK



**ORDINANCE FOR THE ADOPTION OF LAND USE PLANNING**

**ORDINANCE NO. 2004-05-03**

AN ORDINANCE OF THE VILLAGE OF MADRID, PERKINS COUNTY, NEBRASKA, FOR THE PURPOSE OF ESTABLISHING LAND USE PLANNING AND REGULATIONS BY ADOPTING EXTRA-TERRITORIAL AUTHORITY, THE ADOPTING OF A COMPREHENSIVE PLAN AND THE ADOPTING OF ZONING REGULATIONS

BE IT ORDAINED by the Chairman and Board of Trustees of the Village of Madrid, Perkins County, Nebraska:

SECTION 1: That the Board of Trustees, after due consideration has deemed it to be in the best interest for the Village to adopt a policy for land use planning to the fullest extent available under law and therefore exercises the right of the Village, pursuant to Nebraska Revised Statutes, to exercise the Village's right to regulate land use up to and including one mile beyond the corporate limits of said Village.

SECTION 2: That in all manners a comprehensive plan, entitled Comprehensive Plan for the Village of Madrid, Perkins County, Nebraska, as referenced herein is incorporated as though a part of this ordinance is hereby and henceforth adopted.

SECTION 3: That a detailed plan and applicable regulations for land use planning, consistent with said Comprehensive Plan, including but not limited to zoning regulations, as set forth in the above referenced comprehensive plan is hereby and henceforth adopted.

SECTION 4: That all other ordinances or parts of ordinances insofar as they conflict herewith are hereby repealed.

SECTION 5: That this Ordinance shall become effective and be in full force and effect from and after its passage, approval and publication as required by law.

Voting Aye: JJ Long, Jay Lee, Tim Moore  
3-0

Voting Nay: NONE

Abstentions: NONE

PASSED AND APPROVED this 14<sup>th</sup> day of Feb. 2005.

Timothy E. Moore  
CHAIRMAN

(seal)

ATTEST:

Marilyn Mohr 2-14-05  
VILLAGE CLERK

ORDINANCE NO 2004-05-1  
of the  
VILLAGE OF MADRID, NEBRASKA

AN ORDINANCE <sup>BY</sup> ~~OF~~ THE VILLAGE OF MADRID, NEBRASKA, VACATING A  
PLATTED STREET.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE VILLAGE OF  
MADRID, NEBRASKA

WHEREAS, a certain portion of land in the Village of Madrid, Perkins County, Nebraska, contains a platted but never opened street, which street abuts railroad property and is a desirable location for industrial development; and

WHEREAS, pursuant to Sec.17-558 and 17-559 RRS Neb ((2002) a Village Board has the power to vacate streets; and,

WHEREAS, pursuant to said statutes, ownership of said vacated street reverts to the abutting property owner(s) on either side of said street: and,

WHEREAS, the Village Board of Madrid does desire to vacate the following platted street in the Village of Madrid, described as follows:

*A tract of land in part of Section Nine (9), Township Ten (10) North, Range Thirty-Seven (37) West of the 6<sup>th</sup> P.M., Village of Madrid, Perkins County, Nebraska, more particularly described as follows:*

*Referring to the E<sup>1</sup>/<sub>4</sub> corner of said Section 9 thence bearing N01 °15'14" W (assumed) along the section line a distance of 408.88 feet to a point;*

*Thence bearing N89 °20'11"W a distance of 35.57 feet to the SE corner of North Railway street which is the Point of beginning;*

*Thence continuing on bearing N89 °20'11"W along said south right-of-way line a distance of 1970.84 feet to a point;*

*Thence continuing along said south right-of-way line bearing N64 °55'52"W a distance of 242.01 feet to a point on the south right-of-way line of North Railway Street;*

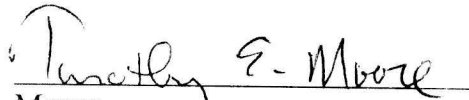
*Thence bearing S89 °20'02"W a distance of 80.00 feet to a point which is the intersection of and extension of the east right-of-way line of Ames Avenue and the south right-of-way line of North Railway Street;*

*Thence bearing N00 °46'28"E along said extension of the east right-of-way line of Ames Avenue a distance of 29.56 feet to a point which is the intersection of the east right-of-way line of Ames Avenue and the north right-of-way line of North Railway Street;*

*Thence bearing S65 °01'32"E along the north right-of-way line of North Railway Street a distance of 164.45 feet to a point;*  
*Thence bearing S60 °22'56"E along said north right-of-way line a distance of 3.63 feet to a point;*  
*Thence bearing S89 °20'00"E along said north right-of-way a distance of 1955.17 feet to the NE corner of North Railway Street;*  
*Thence bearing S02 °20'05"E a distance of 60.19 feet to the Point of Beginning.*  
*Said tract containing 2.97 acres more or less subject to all easements, right of ways and reservations of record.*

NOW, THEREFORE, the Madrid Village Board herewith determines that the above-described street is and should be vacated and notifies the public that a hearing on said vacation will be held the Village Office at a scheduled meeting, notice of which shall be made in the usual manner by the Village Board.

FURTHERMORE, within thirty (30) days of the effective date of vacating said street, the village shall file a certified copy of this ordinance with the register of deeds for Perkins county to be indexed against all affected lots.

  
\_\_\_\_\_  
Mayor  
11-8-04

**AFFIDAVIT OF PUBLICATION**

County of Perkins, )

: SS.

State of Nebraska, )

I, Janice Goff, Editor of the Grant Tribune-Sentinel, a legal paper published weekly at Grant, Perkins County, Nebraska, do solemnly swear that a copy of the notice as per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for 1 week, commencing with the issue dated Nov. 4, 2004 and ending with the issue dated Nov. 4, 2004.

*Janice Goff*

Subscribed and sworn to before me this 4th day of Nov., 2004.



*Donna Mayer*  
Notary Public

(My commission expires January 31, 2007)

Printer's Fees, \$ \_\_\_\_\_

Public Notices

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**NOTICE**

During the regular November 8, 2004, board meeting, the Village of Madrid will allow for public comment on their plans to abandon a spur of North Railway Street. The portion of the street that is to be abandoned, is presently platted between the main rail line and property belonging to Wheatland L.L.C.

The portion of North Railway in question has never been opened by the Village. The purpose of this abandonment is to facilitate needed expansion on the ethanol plant project. The meeting will be held at 7:00 p.m. Mountain Standard Time at the Madrid Community Hall.

**PUBLISH:** Nov. 4, 2004

October 22, 2004  
McCook, Nebraska



109 East 2nd McCook, NE 69001-3719

Tel: 308-345-3710

Fax: 308-345-7370

[www.miller-engineers.com](http://www.miller-engineers.com)

Mr. Tim Moore  
Village of Madrid  
PO Box 171  
Madrid, NE 69150

Re: North Railway Street  
Madrid, Nebraska  
M&A Project No. 156-G1-002

Dear Tim,

Enclosed please find the plat of survey for the vacation of North Railway Street.

If you have any questions or need additional information, please do not hesitate to contact our office.

Sincerely Yours,  
MILLER & ASSOCIATES  
CONSULTING ENGINEERS, P.C.

Gary H. Dicenta

GHD/llh

Enclosure

**ORDINANCE 2003-2004 - 2**  
**ESTABLISHMENT OF NUISANCE PROPERTY**

**An Ordinance of the Village of Madrid, Perkins County, Nebraska, to declare property owned by Galen Reed and defined as Lots 1 and 2, Block 10, First Addition to Madrid, a Nuisance Property.**

**Section 1: Violations include, but are not limited to:**

1. Ordinance 3-105 water installation
2. Ordinance 3-115 mandatory water hook up
3. Ordinance 3-205 mandatory sewer hook up
4. Ordinance 4-302 (section 8) state of house
5. Ordinance 6-323 weeds
6. Ordinance 9-301 Housing Codes
7. Ordinance 9-302 Housing Codes
8. Ordinance 9-304 Housing Codes
9. Ordinance 9-305 Housing Codes

**Section 2:** As said owner (Galen Reed) has failed to comply with repeated requests to address our concerns, the Village of Madrid by the power vested in it, does hereby declare the property designated as Lots 1-2, Block 10, First Addition to be a Nuisance Property.

**Correspondence:**

- |                             |  |
|-----------------------------|--|
| <b>1. September 8, 2003</b> | <b>Certified Letter (failure to pick up)</b>         |
| <b>2. April 12, 2004</b>    | <b>Generic Nuisance Procedural Letter</b>            |
| <b>3. May 10, 2004</b>      | <b>Certified Show Cause Letter (received May 12)</b> |
| <b>4. June 14, 2004</b>     | <b>Show Cause Hearing (failed to attend)</b>         |
| <b>5. June 15, 2004</b>     | <b>Certified Letter of Intent (received June 17)</b> |
| <b>6. July 12, 2004</b>     | <b>Copy of Ordinance 2003-2004 - 2</b>               |

**Section 3:** All costs associated with subsequent clean up work will be assessed against the property, designated as Lots 1-2, Block 10, First Addition.

**Section 4:** This Ordinance shall be in full force and effect from and after passage, approval and publication according to law. Passed, approved and adopted on this the 12th day of July, 2004.

**Section 5:** The Village of Madrid, hereby directs the Village Attorney, to serve and enforce in District Court, all Village Ordinances and State Statutes governing the abatement of said Nuisance.

*Timothy E. Moore* attest:  
Chairman

*Marlene Mohr* 7/12/04  
Village Clerk

7-12-2004

ORDINANCE 2002-2003- 1

**AN ORDINANCE TO RESTRICT LOADED TRUCK TRAFFIC FROM TRAVELING ON THE NEW ASPHALT ROUTE, DESIGNATED BY ERRECTED SIGNS. THE AUTHORITY GRANTED BY THE STATE OF NEBRASKA.**

BE IT ORDAINED BY THE CHAIRMAN OF THE VILLAGE BOARD OF TRUSTEES OF MADRID, PERKINS COUNTY, NEBRASKA.

A. **Purpose:** The purpose of this ordinance:

1. To protect the structural integrity of the newly installed asphalt from excessive wear created by overweight vehicles.
2. To protect the monetary investment of the Village, by limiting potential for damage to the structural integrity of the new asphalt by overweight vehicles.

B. **APPLICATION:** This Ordinance shall apply to all Roads, designated by signs:

1. Initial Route shall includes surface beginning at ~~Whittier~~ (Hw ~~30~~) and proceeding south down **Stevens Avenue**, to **Howell Street**.
2. Secondary Route to include all of **Howell Street**, beginning on **Stevens Ave.** proceeding west on **Howell Street** to ~~Forbes Street~~ <sup>Avenue</sup>.
3. Final part of Route to include all of **Perkins Avenue**, from **Howell Street** to **Longfellow Street**.

C. **POLICY:** Will be reasonably interpreted and will exclude **Perkins Avenue from Longfellow Street proceeding North across Whittier (HW ~~30~~) and extending to the North end of Perkins Avenue.** This route has been given special consideration for traffic and delivery.

D. **ENFORCEMENT:**

Enforcement of said Ordinance will be a partnership between the Village of Madrid and its designated Law Enforcement Officials, defined as the Perkins County Sheriff's Department.

PASSED AND APPROVED THIS 9<sup>th</sup> day of June, 2003.

  
Chairman Board of Trustees

ATTEST:   
Village Clerk



**ORDINANCE FOR THE ANNEXATION OF REAL PROPERTY**

SEAL

**ORDINANCE NO. 2001-2002-1**

AN ORDINANCE OF THE VILLAGE OF MADRID, PERKINS COUNTY, NEBRASKA, FOR THE ANNEXATION OF REAL PROPERTY INTO THE CORPORATE LIMITS OF THE VILLAGE.

BE IT ORDAINED by the Chairman and Board of Trustees of the Village of Madrid, Perkins County, Nebraska:

SECTION 1: That a plat and request for annexation have been filed with the Village Clerk pursuant to NEB. REV. STAT. §17-405, et. al.

SECTION 2: That the request is made by the sole owner and resident of the property and therefore represents the will of the majority of the landowners and residents.

SECTION 3: That the Village Board of Trustees believes that request is properly before the Board and that annexation of said property is in the best interests of the Village.

SECTION 4: That the Village Clerk is directed to recorded the plat in the office of the county clerk of Perkins County, together with a certified copy of the ordinance declaring such annexation, under the seal of the Village of Madrid, Perkins County, Nebraska and upon such time the annexation of such adjacent territory shall be deemed complete, and the territory included and described in the plat on file in the office of the clerk or register of deeds shall be deemed and held to be a part of said original corporate village, and the inhabitants thereof shall thereafter enjoy the privileges and benefits of such annexation, and be subject to the ordinances and regulations of said village.

SECTION 5: That all other ordinances or parts of ordinances insofar as they conflict herewith are hereby repealed.

SECTION 6: That this Ordinance shall become effective and be in full force and effect from and after its passage, approval and publication as required by law.

motion Jay 2nd NICK

Voting Aye: NICK Ross, Jay Lee, Don Lee, Tim Moore

Voting Nay: \_\_\_\_\_

Abstentions: \_\_\_\_\_

PASSED AND APPROVED this 8<sup>th</sup> day of October 2001

Timothy E. Moore  
CHAIRMAN

(seal)

ATTEST:

Mardene Mohr  
VILLAGE CLERK