

Article 1: Public Improvement and Assessment Proceedings**Division 15: Utility Improvement Districts — Exclusion of Territory**

(“Utility Improvement Districts — Exclusion of Territory”
added 1-20-1970 by O-10214 N.S.)

§61.1501 Initiation of Proceedings

Proceedings to exclude territory from an improvement district formed pursuant to this ordinance may be initiated by the Council upon its own motion, or shall be initiated by the Council upon receipt of a petition for exclusion filed with the City Clerk and signed by not less than the holders of title to at least sixty percent (60%) of the taxable land in the portion proposed to be excluded from the improvement district, which taxable land shall have an assessed valuation of not less than fifty percent (50%) of the taxable land proposed to be excluded, which states reasons such exclusion will be beneficial to the City, the improvement district and the territory to be excluded.

(“Initiation of Proceedings” added 1-20-1970 by O-10214 N.S.)

§61.1502 Resolution of Intention

Upon adoption of said motion to initiate exclusion proceedings or upon receipt of said petition for exclusion, the Council shall adopt a resolution of intention to exclude which shall state:

- (a) The method by which said exclusion proceedings were initiated, by motion of the Council or by petition of holders of title to land.
- (b) That the taxable land within the excluded territory shall continue to be taxed for any indebtedness of or for the improvement district until such indebtedness has been satisfied to the same extent that such land would be taxable for such purposes if the exclusion had not occurred, but that taxes for any indebtedness of or for the improvement district contracted following such exclusion will not be levied upon land in the excluded territory following such exclusion.
- (c) That following such exclusion, the taxable land in the territory remaining in said improvement district shall continue to be taxed to provide funds for the purposes of said improvement district.

(“Resolution of Intention” added 1-20-1970 by O-10214 N.S.)

§61.1503 Resolution: Statement as to Map of Territory: Map to Govern Details

The resolution of intention to exclude shall also state that a map showing the exterior boundaries of the proposed territory to be excluded, with relation to the territory remaining in said improvement district, is on file with the City Clerk and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed exclusion.

(*“Resolution: Statement as to Map of Territory: Map to Govern Details” added 1–20–1970 by O–10214 N.S.*)

§61.1504 Resolution: Statement as to Hearing

The resolution of intention shall also state:

- (a) The time and place for a hearing by the Council on the questions of the proposed exclusion and the effect of such exclusion upon the City, the improvement district and the territory to be excluded.
- (b) That at such time and place any person interested will be heard.

(*“Resolution: Statement as to Hearing” added 1–20–1970 by O–10214 N.S.*)

§61.1505 Notice of Hearing

The City Clerk shall cause notice of the hearing to be given by publishing a copy of the resolution of intention to exclude once at least ten (10) days prior to the time fixed for the hearing in the City Official Newspaper. The City Clerk shall also cause a copy of the resolution of intention to exclude to be posted in three (3) public places within the area proposed to be excluded and within the affected improvement district for at least fifteen (15) days before the time fixed for the hearing. The City Clerk shall also cause the resolution to be mailed at least fifteen (15) days prior to the hearing to each holder of title to taxable land within the improvement district as such ownership is shown on the last equalized county assessment roll.

(*“Notice of Hearing” added 1–20–1970 by O–10214 N.S.*)

§61.1506 Hearing: Who May Appear: Continuance

At the time and place so fixed in the resolution of intention to exclude, the Council shall proceed with the hearing. At the hearing, any person interested may appear and present any matters material to the questions set forth in the resolution of intention to exclude. The hearing may be continued from time to time by the Council.

(*“Hearing: Who May Appear: Continuance” added 1–20–1970 by O–10214 N.S.*)

§61.1507 Resolution as to Exclusion

At the conclusion of the hearing, the Council shall by resolution determine whether it is necessary or desirable to exclude said territory. If so, the resolution shall also state:

- (a) The reasons why such exclusion is necessary or desirable.
- (b) That the exterior boundaries of the improvement district following such exclusion are set forth on a map on file with the City Clerk, which map shall govern all details as to the extent of said improvement district.
(“Resolution as to Exclusion” added 1-20-1970 by O-10214 N.S.)

§61.1508 Finality of Decision

The determinations made in the resolution of exclusion shall be final and conclusive.
(“Finality of Decision” added 1-20-1970 by O-10214 N.S.)

§61.1509 Taxation after Exclusion

After the exclusion of territory from the improvement district pursuant to this division, the taxable land within the excluded territory shall continue to be taxed for any indebtedness of or for the improvement district until such indebtedness has been satisfied, to the same extent that such land would be taxable for such purposes if the exclusion had not occurred, but all taxes for any indebtedness of or for the improvement district contracted following such exclusion shall be levied exclusively upon the taxable property remaining in the improvement district.
(“Taxation after Exclusion” added 1-20-1970 by O-10214 N.S.)

§61.1510 Effective Date of Exclusion

On and after the date the City Council adopts the resolution of exclusion, the territory named therein shall be excluded from and no longer form a part of the improvement district.

(“Effective Date of Exclusion” added 1-20-1970 by O-10214 N.S.)