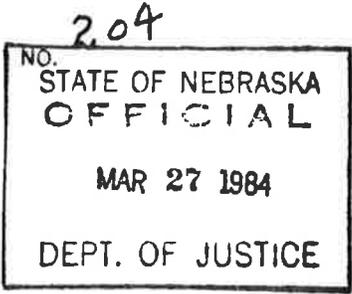


DEPARTMENT OF JUSTICE

STATE OF NEBRASKA

TELEPHONE 402/471-2682 • STATE CAPITOL • LINCOLN, NEBRASKA 68509



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March 27, 1984

Senator Ron Withem
Nebraska State Legislature
State Capitol Room 1021
Lincoln, NE 68509

Dear Senator Withem:

In your letter of March 21, 1984 you asked what happens with regard to the maintenance of improvements constructed by a sanitary and improvement district in the event the district is dissolved without being annexed by a municipality or merged with a neighboring district. You inform us that you ask because, depending upon our answer, you may propose an amendment to a pending bill, if it appears that the matter needs to be clarified.

Neb.Rev.Stat. §31-767 (Supp. 1982), deals with the dissolution of an S.I.D. It provides that if the board of trustees desires such a dissolution, it shall propose a resolution to that effect, and shall set a time and place for considering the adoption of the resolution. Notice shall be published in the county, as provided by the statute, and a copy of it is to be mailed to any municipality in which any part of the district lies. Property owners or interested municipalities may appear and object. If owners representing a majority of the area of real estate within the district fail to sign a petition opposing the dissolution, the board may adopt the dissolution resolution, except that the board may not do so unless the holders of any bonds, warrants, or other debts or obligations of the district consent.

The section contains no provision about the maintenance of the improvements of the district after its dissolution. We have looked at the other sections found in Article 7, Chapter 31 of the statutes, and have found nothing pertinent. We therefore conclude that the statutes do not answer your question, and it would be pure speculation on our part as to what the courts would

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do, if faced with that situation. We find no cases in which the Supreme Court of Nebraska has considered the matter, so we are not prepared to say what the rights of the property owners in such a dissolved district would be.

Very truly yours,

PAUL L. DOUGLAS
Attorney General



Ralph H. Gillan
Assistant Attorney General

RHG/bae

CC: Patrick O'Donnell
Clerk of the Legislature