

RESOLUTION NO. 2023 -30

A RESOLUTION OF THE CITY OF CRETE, SALINE COUNTY, NEBRASKA, TO LEVY SPECIAL ASSESSMENTS AGAINST CERTAIN REAL PROPERTY DESCRIBED AS CRETE CITY NORTH 34 FEET OF LOT 11 AND ALL OF LOT 12 BLOCK 43, CITY OF CRETE, SALINE COUNTY, NEBRASKA

WHEREAS on March 5, 2021, Chief Hensel reviewed information and completed a cursory investigation of the real property described as the North 34 Feet of Lot 11 and all of Lot 12 Block 43, Crete City, City of Crete, Saline County, Nebraska; commonly known as 2340 Forest Avenue, Crete, Nebraska 68333 (the "Property");

WHEREAS at all relevant times the owner of record of the Property is and has been James Meyers, with mailing address P.O. Box 307, Crete, Nebraska 68333 ("Owner");

WHEREAS notice of said inspection and request for consent to enter was mailed to the Owner at P.O. Box 307, Crete, Nebraska 68333; Notices were mailed on September 17, 2019 and July 14, 2021;

WHEREAS Building Inspector, Brad Bailey, submitted an affidavit and warrant to inspect the Property on March 5, 2021;

WHEREAS on April 23, 2021, the Saline County Court signed an inspection warrant granting entry to the Property for purposes of inspection;

WHEREAS on April 27, 2021, an inspection of the Property was performed, and a report of said inspection was compiled;

WHEREAS on May 19, 2021 a sixty (60) day notice to repair, rehab, or demolish was personally served to the owner by Sgt. Koch;

WHEREAS on July 19, 2021, sixty days following the notice, Chief Hensel inspected the property from the street and determined the North garage had been dismantled, but other structures remained;

WHEREAS on August 4, 2021, the Nuisance Board reviewed the report and issued a Declaration of Nuisance and Order to Abate ("Order"), which required demolition and removal of the residential structure and backfill; said Order was sent to the Owner along with explanation of his right to request a hearing in writing;

WHEREAS the Owner did not request a hearing, the nuisance had not been abated, therefore the City of Crete hired the work to be performed by a contractor, at a cost of \$13,550.00 plus additional labor which was paid for by Matt Meyers;

WHEREAS on January 18, 2023, the City of Crete mailed a letter requesting payment and a copy of the contractor's invoice on the Owner, with said payment to be made by February 28, 2023; and again on October 10, 2023, the City of Crete mailed a letter and a copy of the invoice to the Owner, to be paid by October 30, 2023; to date, the owner has paid \$10,100.00 but still owes the city \$3,550.00;

WHEREAS notice of a special meeting of the City Council of the City of Crete, Saline County, Nebraska, for the purpose of determining the special assessment of costs associated with the demolition and removal of structures and backfill to grade for the Property was served upon the Owner by Mail on November 22, 2023 and Published via Legal Newspaper on November 29, 2023;

WHEREAS the Owner had an opportunity to attend the meeting and provide testimony and written materials in support or opposition to the proposed special assessment;

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF CRETE, SALINE COUNTY, NEBRASKA:

1. Taking into account the benefits derived and injuries sustained as a result of the nuisance abatement worked performed by the City, there is hereby levied a special assessment in the amount of \$3,550.00 against the real property described below:

North 34 Feet of Lot 11 and all of Lot 12 Block 43, Crete City, City of Crete, Saline County, Nebraska; commonly known as 2340 Forest Avenue, Crete, Nebraska 68333

2. Such special assessment shall be a lien against the real property on which it is levied and shall draw interest at the rate of fourteen percent (14%) per annum from the date of passage of this Resolution until the same is paid in full. The City Clerk shall forward a notice of special assessment to the County Treasurer for Saline County, Nebraska, with instructions to place upon the records of the office of said County Treasurer the imposition of this lien upon the real property identified above, and said County Treasurer shall be authorized to collect and remit payment of these liens, including interest and filing fees, to the City of Crete, Saline County, Nebraska.
3. If any section or part of this Resolution is held invalid for any reason, such section or part shall be deemed separable, and the invalidity itself shall not affect the validity of any other provision of this Resolution.
4. This Resolution shall take effect and be in full force from and after its passage and approval as required by law.

PASSED AND APPROVED THIS ____ DAY OF DECEMBER 2023

Dave Bauer, Mayor

ATTEST:

Nancy Tellez, Clerk