

RESOLUTION NO. 2023 -31

A RESOLUTION OF THE CITY OF CRETE, SALINE COUNTY, NEBRASKA, TO LEVY SPECIAL ASSESSMENTS AGAINST CERTAIN REAL PROPERTY DESCRIBED AS CRETE CITY LOTS 7, 8, AND 9 BLOCK 159, CITY OF CRETE, SALINE COUNTY, NEBRASKA

WHEREAS on October 13, 2021, Officer Paxton observed the property and took photos of the real property described as the Lots 7, 8, and 9, Block 150, Crete City, City of Crete, Saline County, Nebraska ; commonly known as 1017 Linden Avenue, Crete, Nebraska 68333 (the "Property");

WHEREAS at all relevant times the owner of record of the Property is and has been James and Mabel Hogeland, with mailing address P.O. Box 163, Bruning, NE 68322 ("Owner");

WHEREAS 30-day warning to abate all visible violations was issued to the occupant and property owners by certified mail to 1017 Linden Ave and to the Owner at P.O. Box 163, Bruning, Nebraska 68322 and reissued to 1017 Linden Ave; Notices were mailed on October 19, 2021 and December 23, 2021 with no response from 1017 Linden Ave; Posted notice was issued on December 27, 2021 with a 5-day follow up notice;

WHEREAS Officer Paxton completed a follow-up inspection on January 3, 2023 with little improvement made to the property;

WHEREAS on February 23, 2021, the Nuisance Board reviewed the report and issued a Declaration of Nuisance and Order to Abate ("Order"), which required the resident to clean the property and register all vehicles on the property; 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 city employees, at a cost of \$592.40;

WHEREAS on April 25, 2023, the City of Crete mailed a letter requesting payment and a copy of the invoice on the resident, with said payment to be made by May 31, 2023; and again on October 10, 2023, the City of Crete mailed a letter and a copy of the invoice to the Owner and resident, to be paid by October 30, 2023; to date, the owner has made no payment;

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 clean-up of nuisances on 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 \$592.40 against the real property described below:

Lots 7, 8, and 9, Block 150, Crete City, City of Crete, Saline County, Nebraska;
commonly known as 1017 Linden 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