

RESOLUTION NO. 2010-5

A RESOLUTION DIRECTING CITY CLERK TO CERTIFY UNPAID SNOW REMOVAL COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON THE WEST 75' OF LOT 3, EXCEPT THE NORTH 10', BLOCK 7, BRITTON & BRESSLER'S ADDITION TO WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 120 WEST 8TH STREET, WAYNE, NEBRASKA.

WHEREAS, the City of Wayne has incurred costs associated with snow removal on the property located at 120 West 8th Street, Wayne, Nebraska, and legally described as the West 75' of Lot 3, except the North 10', Block 7, Britton & Bressler's Addition to Wayne, Wayne County, Nebraska; and

WHEREAS, Section 70-44 of the Wayne Municipal Code states that it shall be unlawful for any person, business, association, corporation, or organization of any kind, who owns, occupies, leases, or controls any property within the corporate city limits upon which a sidewalk has been constructed to allow an accumulation of snow or ice on said sidewalk at any time; and

WHEREAS, the City Clerk or her designee notified in writing the owner of the premises of the said charges; and

WHEREAS, Section 70-44 of the Wayne Municipal Code states that in addition to all other remedies, if a tenant or property owner who is billed for the costs incurred to remove said snow and ice and if said costs are not paid within two months, the City Clerk shall cause a lien to be placed upon the property in the form of a special assessment; and

WHEREAS, Section 18-241 of the Wayne Municipal Code further states that the Council may levy the cost as a special assessment against the lot or real estate upon which the building or structure is located; which special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments; or collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and the Council of the City of Wayne, Nebraska, that the Wayne City Clerk shall certify to the Wayne County Clerk and the Wayne County Treasurer the total amount of \$75.00 in expenses incurred by the City of Wayne in the snow removal on the property referenced herein, and upon certification to the Wayne County Clerk and the Wayne County Treasurer, such expense shall become a lien on the West 75' of Lot 3, except the North 10', Block 7, Britton & Bressler's Addition to Wayne, Wayne County, Nebraska, as a special assessment tax levied on the date of such certification.

BE IT FURTHER RESOLVED that the Wayne County Treasurer shall add such expense to and it shall become and form a part of the taxes on such property described herein and shall bear interest at the same rate as taxes and to be collected as a special tax in the manner provided by law.

PASSED AND APPROVED this 19th day of January, 2010.

THE CITY OF WAYNE, NEBRASKA

BY _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

**CERTIFICATE OF UNPAID COSTS TO BE LEVIED
ON 120 WEST 8TH STREET, LEGALLY DESCRIBED AS
THE WEST 75' OF LOT 3, EXCEPT THE NORTH 10',
BLOCK 7, BRITTON & BRESSLER'S ADDITION TO WAYNE,
WAYNE COUNTY, NEBRASKA**

STATE OF NEBRASKA)
)
COUNTY OF WAYNE) ss.
)
CITY OF WAYNE)

I, Betty A. McGuire, the undersigned duly qualified and acting City Clerk of the City of Wayne, Wayne County, Nebraska, by direction of the Mayor and Council of the City of Wayne, Nebraska, do hereby certify to the County Clerk/Register of Deeds and the Wayne County Treasurer for entry upon the real estate records the attached Resolution 2010-5, which was adopted on the 19th day of January, 2010.

WITNESS my hand and seal of office this 20th day of January, 2010.

City Clerk of the City of Wayne
Wayne County, Nebraska

(SEAL)