

**RESOLUTION NO. 2010-6**

**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 E 72 1/2' OF LOT 1 AND THE E 72 1/2' OF THE N1/2 OF LOT 2, BLOCK 11, ORIGINAL TOWN OF WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 215 W. 3<sup>RD</sup> STREET, WAYNE, NEBRASKA.**

**WHEREAS**, the City of Wayne has incurred costs associated with snow removal on the property located at 215 W. 3<sup>rd</sup> Street, Wayne, Nebraska, and legally described as the E 72 1/2' of lot 1 and the E 72 1/2' of N 1/2 of lot 2, Block 11, Original Town of 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 E 72 1/2' of lot 1 and the E 72 1/2' of N 1/2 of lot 2, Block 11, Original Town of 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 19<sup>th</sup> 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  
215 W. 3<sup>RD</sup> STREET, LEGALLY DESCRIBED AS THE  
E 72 1/2' OF LOT 1 AND THE E 72 1/2' OF THE N1/2 OF LOT 2,  
BLOCK 11, ORIGINAL TOWN OF 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 2010-6, which was adopted on the 19<sup>th</sup> day of January, 2010.

WITNESS my hand and seal of office this 20<sup>th</sup> day of January, 2010.

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City Clerk of the City of Wayne  
Wayne County, Nebraska

(SEAL)