

**RESOLUTION NO. 2024-71**

**A RESOLUTION DIRECTING THE CITY CLERK TO CERTIFY MOWING COSTS TO THE WAYNE COUNTY CLERK AND THE WAYNE COUNTY TREASURER TO BECOME A LIEN ON THE WEST 50' OF LOTS 1, 2, 3, AND 4, BLOCK 23, COLLEGE HILL FIRST ADDITION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 121 W. 11<sup>TH</sup> STREET, WAYNE, NEBRASKA.**

**WHEREAS**, the City of Wayne has incurred costs associated with the mowing of the property located at 121 W. 11<sup>th</sup> Street, Wayne, Nebraska, and legally described as the West 50' of Lots 1, 2, 3, and 4, Block 23, College Hill First Addition to the City of Wayne, Wayne County, Nebraska; and

**WHEREAS**, Section 95.40 of the Wayne Municipal Code requires each owner of any lot or parcel of land in the City of Wayne to cut and remove all weeds and other rank growth of vegetation on such property as close to the ground level as possible throughout the period of May 1<sup>st</sup> to October 15<sup>th</sup> of each year; and

**WHEREAS**, the City Administrator or his designee has caused to be published in the Wayne Herald the notice required under Section 95.40 specifying that said weeds and other rank growth vegetation shall be cut during the above-referenced period; and

**WHEREAS**, the City Administrator or his designee is authorized under said Section to notify in writing the owner of any property within the City to cut any such weeds found growing on such property by United States mail, postage prepaid, addressed to such owner at his or her last known address or served personally; and

**WHEREAS**, on the failure, neglect or refusal of any such owner to cut or destroy such weeds located upon such property within seven days after the mailing or personal service date of such notice, the City Administrator or his designee is authorized to pay for the cutting of such weeds or to order the removal by the City; and

**WHEREAS**, the cost of any such cutting, destroying, or removing such weeds shall be at the expense of the owner of such property; and

**WHEREAS**, if the costs of cutting, destroying or removing weeds and other rank growth of vegetation and costs of removing any refuse, debris, or other obstructions, to permit such cutting are unpaid for two months, pursuant to said Section 95.40, the City Clerk shall certify to the Wayne County Clerk and the Wayne County Treasurer the amount of such expense, and such expense shall become a lien on the property upon which the removal measures were taken as a special assessment levied on the date of such measures; and

**WHEREAS**, the City Administrator or his designate has notified Zachary Allen Mildenstein, the owner of 121 W. 11<sup>th</sup> Street, Wayne, Nebraska, and legally described as the West 50' of Lots 1, 2, 3, and 4, Block 23, College Hill First Addition to the City of Wayne, Wayne County, Nebraska, to cut, destroy, and remove any such weeds, grass or unhealthful growth located on such property by United States mail, postage prepaid, at the last known address of Zachary Allen Mildenstein or served personally; and

**WHEREAS**, upon the failure, neglect or refusal of Zachary Allen Mildenstein to cut, destroy, and remove such weeds from said property within seven days after the mailing or personal service date of such notice, the City Administrator or his designee did then undertake the removal of such weeds from said property, pursuant to Section 95.40 during the time period of May, 2024, through and including October, 2024; and

**WHEREAS**, the cost of such cutting, destroying or removal of such weeds in the total amount of \$1,575.00 has been sent to Zachary Allen Mildenstein for payment.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and 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 \$1,575.00 in expenses incurred by the City of Wayne in removing weeds and other rank growth of vegetation from the property owned by Zachary Allen Mildenstein and upon certification to the Wayne County Treasurer, such expense shall become a lien on the property described herein below, said property owned by Zachary Allen Mildenstein on which the removal measures were taken, as a special assessment levied on the date of such measures. The property is described to wit:

The West 50' of Lots 1, 2, 3, and 4, Block 23, College Hill First Addition to the City of Wayne, Wayne County, Nebraska.

BE IT FURTHER RESOLVED that pursuant to Section 95.40 of the Wayne Municipal Code, 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.

PASSED AND APPROVED this 3<sup>rd</sup> day of December, 2024.

THE CITY OF WAYNE, NEBRASKA

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**CERTIFICATE OF UNPAID COSTS TO BE LEVIED  
ON THE WEST 50' OF LOTS 1, 2, 3, AND 4, BLOCK 23, COLLEGE HILL FIRST ADDITION  
TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY  
DESCRIBED AS 121 W. 11<sup>TH</sup> STREET, WAYNE, 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 2024-71, which was approved on the 3<sup>rd</sup> day of December, 2024.

WITNESS my hand and seal of office this 5<sup>th</sup> day of December, 2024.

\_\_\_\_\_  
City Clerk of the City of Wayne  
Wayne County, Nebraska

(SEAL)