

**RESOLUTION NO. 2009-55**

**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 EAST 48' OF THE WEST 100' OF LOTS 4, 5, AND 6, BLOCK 24, ORIGINAL TOWN TO WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY DESCRIBED AS 418 WEST FIRST STREET, WAYNE, NEBRASKA.**

**WHEREAS**, the City of Wayne has incurred costs associated with the mowing of the property located at 418 West First Street, Wayne, Nebraska, and legally described as the East 48' of the West 100' of Lots 4, 5, and 6, Block 24, Original Town to Wayne, Wayne County, Nebraska; and

**WHEREAS**, Section 34-61 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 Superintendent of Public Works & Utilities has caused to be published in the Wayne Herald the notice required under Section 34-61 specifying that said weeds and other rank growth vegetation shall be cut during the above-referenced period; and

**WHEREAS**, the City's Public Works Department 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's Public Works Department 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 34-61, 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's Public Works Department has notified Kelly Knutson, the owner of 418 West First Street, Wayne, Nebraska, and legally described as the East 48' of the West 100' of Lots 4, 5, and 6, Block 24, Original Town to 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 Kelly Knutson or served personally; and

**WHEREAS**, upon the failure, neglect or refusal of Kelly Knutson 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 Public Works Department did then undertake the removal of such weeds from said property, pursuant to Section 34-61 during the time period of May, 2009, through and including July, 2009; and

**WHEREAS**, the cost of such cutting, destroying or removal of such weeds in the total amount of \$365.00 has been sent to Kelly Knutson 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 \$365.00 in expenses incurred by the Wayne Public Works Department in removing weeds and other rank growth of vegetation from the property owned by Kelly Knutson and upon certification to the Wayne County Treasurer, such expense shall become a lien on the property described herein below, said property owned by Kelly Knutson 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 East 48' of the West 100' of Lots 4, 5, and 6, Block 24, Original Town to Wayne, Wayne County, Nebraska.

BE IT FURTHER RESOLVED that pursuant to Section 34-61 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 7<sup>th</sup> day of July, 2009.

THE CITY OF WAYNE, NEBRASKA

BY \_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_

City Clerk

APPROVED AS TO FORM AND CONTENT:

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City Attorney

**CERTIFICATE OF UNPAID COSTS TO BE LEVIED**

**ON THE EAST 48' OF THE WEST 100' OF LOTS 4, 5, AND 6, BLOCK 24, ORIGINAL  
TOWN TO WAYNE, WAYNE COUNTY, NEBRASKA, MORE COMMONLY  
DESCRIBED AS 418 WEST FIRST STREET, WAYNE, NEBRASKA.**

STATE OF NEBRASKA        )

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COUNTY OF WAYNE) ss.

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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 2009-55, which was adopted on the 7<sup>th</sup> day of July, 2009.

WITNESS my hand and seal of office this 8<sup>th</sup> day of July, 2009.

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City Clerk of the City of Wayne

Wayne County, Nebraska

(SEAL)