



City of Grand Island

Tuesday, April 25, 2017

Council Session

Item G-15

#2017-130 - Approving Collection of Various Assessment Liens

Staff Contact: Jerry Janulewicz

Council Agenda Memo

From: Jerry Janulewicz, City Attorney

Meeting: April 25, 2017

Subject: Resolutions Pertaining to Special Assessments

Presenter(s): Jerry Janulewicz, City Attorney

Background

Various special assessment districts were created by the City for water, sidewalk, sewer, and street paving projects, not including connection districts. Creation of the districts resulted in assessments of \$6,672,917.43 levied upon 923 parcels included within the districts. Within certain districts are two parcels each with three or more unpaid delinquent special assessment installments and installments that are not yet due. When there exists three or more unpaid and delinquent special assessment installments upon a property, Nebraska Statutes permit the due date on all future unpaid installments to be accelerated and become due. If the accelerated installments remain unpaid after the date fixed by council, the city may proceed to collect all delinquent special assessments. Resolution #2017—(Item G-14) provides for fixing a date on which the future installments are accelerated and become due and delinquent if unpaid. Thereafter, the City's legal and finance departments are authorized to proceed with collection of all delinquent special assessments levied upon the parcels, including by foreclosure of the liens.

Resolution #2017—(Item G-13) authorizes the City's legal and finance departments to proceed with collection of special assessments levied upon the 51 parcels identified in the resolution. There are no special assessment installments to accelerate with respect to these parcels because the final installments are past due. If adopted, the city's legal department will proceed with efforts to collect the delinquent special assessments.

Discussion.

Special assessments are a lien upon the property upon which they are levied. If not paid by those having legal or beneficial interests in the properties, the City's only recourse is to collect the assessments through foreclosure of its liens.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Adopt the Resolutions.
2. Refer the issues to a Committee.
3. Postpone the issues to future date.
4. Take no action on the issues.

Recommendation

City Administration recommends that Council adopt the Resolutions.

Sample Motion

Move to approve the resolution concerning collection of the various special assessments.

Move to approve the resolution setting a date upon which future special assessments installments become due and authorizing collection of delinquent special assessments.

RESOLUTION 2017-130

WHEREAS, by ordinance passed and adopted by the City of Grand Island, paving, sanitary sewer, water and/or sidewalk special assessments were duly and regularly levied upon the properties described below; and

WHEREAS, the aforesaid special assessments were payable in installments; and

WHEREAS, Neb.Rev.Stat. § 18-1216 provides authority for a city of the first class to collect the special assessments which it levies and to perform all other necessary functions related thereto including foreclosure; and

WHEREAS, there exists delinquent and unpaid special assessments levied upon each respective parcel set forth below and located within the municipal boundaries of the City of Grand Island, Hall County, Nebraska:

<i>Owner of Record</i>	<i>Property Address</i>	<i>Legal Description</i>
Richard P and Phyllis O Newhouse	2305 S August Street	Country Club Subdivision, Lot 4 Block 4
Darrell E and Kelly S Johnson	2219 Riverview Drive	Country Club Subdivision, Lot 9 Block 6
Deborah A Butler	667 E Bischeld Street	Meves 1st Addition, Lot 1 Block 9
Jeffrey H Spease	2115 Pioneer Boulevard	Parkview Subdivision, Lot 7 Block A
Earl K and Lazetta J Barnes	2423 Park Drive	Parkview Subdivision, Lot 3 Block C
Greg S and Angela M Lehechka	2429 Park Drive	Parkview Subdivision, Lot 9 Block C
Robert L and Roxanne L Lathen	2521 Park Drive	Parkview Subdivision, Lot 29 Block C
Abigail Martin	234 S Shady Bend Road	Sass' 2nd Subdivision, E 5.6' of Lot 24
Abigail Martin	234 S Shady Bend Road	Sass' Subdivision, S 1/4 of Lot 1
Abigail Martin	234 S Shady Bend Road	Sass' Subdivision, S 1/4 of Lot 2
Abigail Martin	234 S Shady Bend Road	Sass' Subdivision, S 1/4 of Lot 3
Abigail Martin	234 S Shady Bend Road	Sass' Subdivision, S 1/4 of Lot 4
Ami L Weller	130 S Main Street	Sass' Subdivision, S 102.5' of N 412.5' of Lot 18

Approved as to Form April 21, 2017	by _____ City Attorney
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Thomas N and Margo L Galles	306 S Shady Bend Road	Sass' 2nd Subdivision, Lot 25
Thomas N and Margo L Galles	306 S Shady Bend Road	Sass' 2nd Subdivision, Lot 26
Noe Octavio Ayala and Ofelia Leticia Ayala	511 E 13th Street	Wheeler and Bennett's 2nd Addition, Lot 3 Block 65
Marvin D and Judith M Lambertus	2409 Pioneer Boulevard	Part of the SW 1/4, NW 1/4, Section 28, T11N, R9W of the 6th PM commencing at the SE corner of Lot 17, Block A, Park-View Subdivision; thence running southerly on said east line of said W 1/2, NW 1/4, said Section 28, a distance of 1,457 feet, thence westerly and parallel to the south line of said Lot 17, a distance of 377 feet to the east right-of-way line of Pioneer Boulevard.; thence northerly on the east right-of-way of Pioneer Boulevard., a distance of 1,457 feet; thence easterly and parallel to the south line of said Lot 17, a distance of 377 feet to the point of beginning. (Part of the SW 1/4, NW 1/4 of Section 28-11-9)
Ryan G and Whitney C Witt	3937 Dover Ct	Kentish Hills Subdivision, Lot 3
Thomas M Whelan	3015 Gladstone Cir	Kentish Hills Subdivision, Lot 15
Stephen D and Rona Rae Kucera	115 Beachwood Drive	Potash Subdivision, Lot 4
Verlon H and Melinda A Shears	4010 Roth Road	Potash Subdivision, Lot 14
Lori Fye, LM and NJ Bixenmann	134 Arapahoe Avenue	Dale Roush Subdivision, Lot 8 Block 1
William W and Sharee L Stahn	115 N Cherokee Avenue	Dale Roush 2nd Subdivision, Lot 3 Block 1
Dustin and Deeann Weekley	125 N Cherokee Avenue	Dale Roush 2nd Subdivision, Lot 5 Block 1
Deborah Sue Tjaden	129 N Cherokee Avenue	Dale Roush 2nd Subdivision, Lot 6 Block 1
Francisco Miguel and Angelina Domingo De Miguel	211 N Cherokee Avenue	Dale Roush 2nd Subdivision, Lot 8 Block 1
Francisco Miguel and Angelina Domingo De Miguel	215 N Cherokee Avenue	Dale Roush 2nd Subdivision, Lot 9 Block 1
Lou Eva Brandt	311 N Cherokee Avenue	Dale Roush 2nd Subdivision, Lot 14 Block 1

Larry J and Laurie A VanMark	423 N Cherokee Avenue	Dale Roush 2nd Subdivision, Lot 21 Block 1
John H Wenzel	5 Navajo Drive	Dale Roush 2nd Subdivision, Lot 28 Block 1
Jerry L Draves	6 Navajo Drive	Dale Roush 2nd Subdivision, Lot 29 Block 1
Michael F and Roswitha Wieck	230 Commanche Avenue	Dale Roush 2nd Subdivision, Lot 43 Block 1
Brian L and Raejean L Wieck	224 Commanche Avenue	Dale Roush 2nd Subdivision, Lot 44 Block 1
Paul Robert and Kristina Lynn Reimers	408 Dakota Drive	Dale Roush 2nd Subdivision, Lot 47 Block 1
James R and Laura G Smith	412 N Cherokee Avenue	Dale Roush 2nd Subdivision, Lot 3 Block 2
Terry L and Mary Ann Westwood	419 Arapahoe Avenue	Dale Roush 2nd Subdivision, Lot 9 Block 2
Terry L and Melissa R Stamm	318 N Cherokee Avenue	Dale Roush 2nd Subdivision, Lot 5 Block 3
Cindy A Schaffer	319 Arapahoe Avenue	Dale Roush 2nd Subdivision, Lot 8 Block 3
Monte R and Jodi A Knapp	311 Arapahoe Avenue	Dale Roush 2nd Subdivision, Lot 10 Block 3
Allen D and Nancy L Petzoldt	228 N Cherokee Avenue	Dale Roush 2nd Subdivision, Lot 7 Block 4
Larry D and Cindy L Addison	221 Arapahoe Avenue	Dale Roush 2nd Subdivision, Lot 10 Block 4
Danny R and Pamela S Miller	226 Arapahoe Avenue	Dale Roush 2nd Subdivision, Lot 2 Block 5
Jeanette and Terry Wampole	427 Commanche Avenue	Dale Roush 2nd Subdivision, Lot 7 Block 6
Jorge R and Mayra Q Romo	421 Commanche Avenue	Dale Roush 2nd Subdivision, Lot 8 Block 6
Marshall Tice and Lori L Forgy	4245 Shanna Street	Western Heights 4th Subdivision, Lot 16
Jason C and Gayle D Bonnes	812 Redwood Road	Westwood Park 2nd Subdivision, Lot 13
David S and Julie L Sackschewsky	4160 Maywood Drive	Westwood Park 2nd Subdivision, Lot 14
Bryan R and Karen A Phelps	1110 S Pleasant View Drive	Pleasantview 10th Subdivision, Lot 5
Timothy R and Dolores A Bremer	1124 S Pleasant View Drive	Pleasantview 10th Subdivision, Lot 12
Theodore J Robb	2813 S Locust Street	Knox 3rd Subdivision, Lot 3

James H and Julie Pedersen	4069 Cannon Road	Adams Way Subdivision, Lot 1
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NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, City's finance and legal departments are hereby authorized and directed to collect the delinquent special assessments levied upon the above-described property, together with interest accrued thereon, and to enforce the special assessment liens thereon by foreclosure as authorized by law.

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Adopted by the City Council of the City of Grand Island, Nebraska, April 25, 2017.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk

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