

City of Grand Island

Tuesday, July 8, 2014 Council Session

Item I-2

#2014-191 - Consideration of Forgiving Liens on Real Property Located at 808 West 5th Street

Staff Contact: Robert J. Sivick, City Attorney

Council Agenda Memo

From:	Robert J. Sivick, City Attorney
Meeting:	July 8, 2014
Subject:	Consideration of Forgiving Liens on Real Property Located at 808 West Fifth Street
Item #'s:	I-2
Presenter(s):	Robert J. Sivick, City Attorney

Background

On June 20, 1990 the late Juanita Roman entered an agreement with the City of Grand Island (City) to receive a fifteen thousand dollar rehabilitation loan to improve her house located at 808 West Fifth Street in Grand Island (Property). The terms of that agreement were the loan would have to be repaid once ownership of the Property transferred from anyone but Ms. Roman or her sons, Robert and Francisco. A lien was placed on the Property memorializing the City's interest which serves to insure the lien is repaid before anyone other than the persons stated above may acquire clear title to the Property.

Ms. Roman passed away on December 30, 2001. Pursuant to the terms of the Joint Tenancy Warranty deed executed on March 20, 1997, Ms. Roman's sons, Robert and Francisco Roman became owners of the Property.

Since Ms. Roman's death the Property has been largely vacant and its physical state has deteriorated considerably. In March, 2014 William Ziller approached City staff to inquire about acquiring the Property for rehabilitation.

Discussion

The main barrier to Mr. Ziller's acquisition of the Property is the five liens totaling \$15,595.00. Before he can acquire clear title to the Property those liens must be paid to the City. In that case it would no longer be economically feasible for Mr. Ziller to acquire and rehabilitate the Property due to the large initial expense for clearing title.

City Legal and Finance staff reviewed the problem and the proposed solution before you for consideration is Resolution 2014-191. Approving the Resolution will forgive the liens against the Property. In conjunction with Resolution 2014-191 but not before the Council

for consideration, is a Memorandum of Understanding (MOU) between William and Julie Ziller (Prospective Buyers) and Robert and Francisco Roman (Prospective Sellers). The MOU essentially sets forth that the Roman brothers will convey the Property to the Zillers for One Dollar contingent upon the Grand Island City Council (Council) forgiving the liens on the Property.

There is an element of risk in this matter as the City is not a party to the MOU and if either party violates the terms of that document, any remedy would have to be undertaken by the Zillers or Romans as a private civil matter. However, the City Legal and Finance Departments and the Administration consider the risk to be acceptable. If the Council approves Resolution 2014-191 the process of the Zillers acquiring the property may commence and hopefully culminate in the rehabilitation of the Property which will enhance the livability and real estate values in the neighborhood and the City as a whole. If either party violates the terms of the MOU the Property will not be rehabilitated and inevitably will be condemned and leveled at taxpayer expense. In either scenario the City will not receive the monies due it pursuant to the liens. Taking the risk of forgiving the liens makes rehabilitation possible even probable which makes such a risk acceptable since the benefits of rehabilitation are so great.

Alternatives

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

- 1. Move to approve.
- 2. Move to deny.
- 3. Take no action.

Recommendation

The City Administration recommends the Council approve Resolution 2014-191 forgiving the liens attached to the real property commonly known as 808 West Fifth Street, Grand Island, Hall County, Nebraska.

Sample Motion

Move to approve Resolution 2014-191 forgiving the liens attached to the real property commonly known as 808 West Fifth Street, Grand Island, Hall County, Nebraska.

AGREEMENT TO REHABILITATE REAL PROPERTY

HOMEOWNER SELF-HELP/OWNER-CONTRACTOR

Community Development Agency Grand Island, NE 68802

This AGREEMENT made this 20th day of June, 1990, by and between the Grand Island Community Development Agency, hereinafter called "CDA" and <u>Juanita Roman</u> hereinafter called "Homeowner".

In consideration of the home rehabilitation loan from the CDA and of promises hereinafter contained, the Homeowner and CDA agree as follows:

ARTICLE 1 - THE CONTRACT AMOUNT

The total amount to be paid to the Homeowner by CDA from the rehabilitation loan for all work performed and materials supplied according to the terms of this original contract shall be <u>Fifteen Thousand and no/100-----Dollars</u>.

Tony Remain ARTICLE 2 - USE OF PROCEEDS

The funds loaned shall be used by Borrower solely for the purpose of rehabilitation of a dwelling located at <u>808 East Sth Street</u> legally described as <u>Lot 7, Block 4,</u> <u>Evan's Addition</u>. The rehabilitation is to be in accordance with specifications approved by the City, or for such other purposes as the City and Borrower may from time to time agree in writing.

ARTICLE 3 - SCOPE OF WORK

Homeowner has executed an Agreement with the following contractors:

<u>Mike Galvan Construction</u><u>Northside Sheetmetal</u>

Ensley Electric

Sanitary Plumbing

to perform certain rehabilitation work on Homeowner's residence as specified on attached contractor proposal.

Certain rehabilitation work shall be performed by the Homeowner in accordance with the following terms and as noted on Attachment #1.

1. The homeowner shall be responsible for all bids and to coordinate all materials, suppliers, and

contractors necessary to complete all the rehabilitation work required by the CDA.

- The homeowner must submit copies of all materials and contractors proposals before any work is started.
- 3. Rehabilitation loan proceeds will not be used to pay for labor performed solely by the homeowner or his/her immediate family.

ARTICLE 4 - TIME OF COMPLETION

The work to be performed under this contract shall be commenced within <u>thirty (30)</u> days and shall be completed not later than <u>September 1, 1990.</u> It is the sole responsibility of the Homeowner to coordinate and schedule the work for commencement and completion within the above stated dates. Extension of time may, or may not, be authorized in writing by CDA at their discretion. CDA may, at its discretion and upon thirty (30) days notice to the Homeowner, complete the work as outlined in attached specifications and bill the owner for labor and materials.

ARTICLE 5 - CITY CODE REQUIREMENTS

The Homeowner understands and agrees that the work must comply with applicable requirements of the Grand Island City Code regarding building permits and inspections; and that once the work is completed, the Homeowner must obtain all necessary certificates of completion from the City. All the work must be further inspected and approved by CDA prior to payment.

ARTICLE 6 - CDA DISCLAIMER OF LIABILITY

The Homeowner understands and agrees that CDA neither has nor will have any obligation, legal or otherwise, in connection with the work performed, or materials or equipment furnished under this contract.

The Homeowner further understands and agrees that any warranties or guarantees of the work and materials must be obtained by the Homeowner and that CDA is not responsible in any way for the quality of such work and materials. The inspections conducted by CDA are solely for the benefit of CDA. Homeowner must completely and thoroughly conduct his/her own inspection of all work performed and materials installed, and cannot reply in any manner on inspections conducted by CDA.

ARTICLE 7 - LEAD BASED PAINT

The Homeowner shall remove or cause to be removed any

and all cracking, scaling, peeling, chipping, or loose paint and repaint all surfaces using two coats of a non-lead based paint. Where the paint film integrity of the applicable surface cannot be maintained, the paint shall be completely removed or the surface covered with a suitable material such as gypsum, wallboard, plywood, or plaster before any repainting is undertaken.

ARTICLE 8 - PROGRESS PAYMENTS

As determined by CDA, one or more progress payments may be permitted to avoid hardship to the Homeowner in regard to contracting for services and/or buying materials. CDA will retain at all times a sufficient amount of the loan funds to complete the work as set forth in this contract. No monies will be paid for labor, except as authorized for subcontractors. Payments will only be made when materials have been installed in an acceptable manner. In order to avoid hardship to the Homeowner, CDA may, at the discretion of the Program Director, advance funds for materials. CDA may, at the discretion of the Program Director, require joint checks to be issued to the Homeowner and his/her suppliers.

ARTICLE 9 - ACCEPTANCE AND FINAL PAYMENT

Upon receipt of written notice from the Homeowner that the work is completed and ready for final inspection and acceptance, CDA shall promptly make such inspection and, of it finds the contract sum will become due and payable within fifteen (15) days of issuance. Lien waivers shall be secured from subcontractors and suppliers by Homeowner.

SELF-HELP CONTRACTOR

Homeowner

Homeowner

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COMMUNITY DEVELOPMENT AGENCY

renne Garrautto Director

June 30, 1990

Daté

Owner/General Contractor:

Juanita Roman 808 East 5th Street Grand Island, NE CD89-3

ATTACHMENT #1

Mike Galvan Construction\$10,150.00
Ensley Electric\$ 543.00
Sanitary Plumbing\$ 2,050.00
Northside Sheetmetal\$ 1,253.00

Subtotal.....\$13,996.00

Owner's materials:

Johnson-Cashway estimates 1,004.00 Surewall Vanity & sink, faucets 2 Steel doors 2 Storm doors Building Permit

TOTAL.....\$15,000.00

NOTICE OF RIGHT TO CANCEL

YOUR RIGHT TO CANCEL

You are entering into a transaction that will result in a mortgage, deed of trust, lien or other security interest on your home. You have a legal right under federal law to cancel this transaction, without cost, within three business days from whichever of the following events occurs last:

- 1. the date of your transaction, which is <u>June 20,1990</u>, or
- 2. the date you received your Truth in Lending disclosure; or
- 3. the date you received this notice of your right to cancel.

If you cancel the transaction, the mortgage, deed of trust, lien or other security interest is also cancelled. Within 20 calendar days after we received your notice, we must take the steps necessary to reflect the fact that the mortgage, deed of trust, lien or other security interest on your home has been cancelled, and we must return to you any money or property you have given to us or to anyone else in this transaction.

You may keep any money or property we have given you until we have done the things mentioned above, but you must then offer to return the money or property. If it is impractical or unfair for you to return the property, you must offer its reasonable value. You may offer to return the property at your home or at the location of the property. Money must be returned to the address below. If we do not take possession of the money or property within 20 calendar days of your offer, you may keep it without further obligation.

HOW TO CANCEL If you decide to cancel this transaction, you may do so by notifying us in writing, at

CITY OF GRAND ISLAND, COMMUNITY DEVELOPMENT AGENCY, 2ND & PINE, GRAND ISLAND, NEBRASKA

You may use any written statement that is signed and dated by you and states your intention to cancel, or you may use this notice by dating and signing below. Keep one copy of this notice because it contains important information about your rights.

If you cancel by mail or telegram, you must send the notice no later than midnight of <u>June 23, 1990</u> (or midnight of the third business day following the latest of the three events listed above). If you send or deliver your written notice to cancel some other way, it must be delivered to the above address no later than that time.

I WISH TO CANCEL

Customer's Signature

Date

I acknowledge receipt of two copies of this Notice of Right to Cancel.

Customer's Signature	Date
teny Koman	6/20/90
WILDES /	Date
	· ·

NOTICE TO PROCEED

To:	Juanita Roman
	808 East 5th Street
	Grand Island, NE 68801

From: Community Development Agency City Hall - 2nd & Pine Grand Island, NE 68801

RE: Property located at 808 East 5th Street

You are hereby notified to proceed with the rehabilitation work on your property as agreed to and set out in the Contract executed on June 20, 1990.

Work is to begin within 30 days of the below listed date.

June 23, 1990 Date ______CDA Representative

REQUEST FOR CONSTRUCTION CHANGE

OWNER	<u> Juanita Ro</u>	nan	<u>#</u>	1	
ADDRES	SS <u>808 East</u>	5th_Street	Proj	ect # <u>_CD89-3_</u>	
CONTRA	ACTOR Self	-Help; Sub-cor	<u> htractor: Mik</u>	e Galvan Const	ruction
DATE O	F CONTRACT	6/19/90	CHANGE DATE_	7/9/90	
The fo	llowing changes	are authoriz	ed in the abo	ove identified	contract
m	hange size of f ethod of constr ill be construc	uction to be	the same exce	to 8' x 6', ∋pt new roof	(\$1,000)
C b	onstruct roof a ost of construc e \$1,000. Owne roject.	tion to be pa	id by owner a	and will	
S	rame in doorway tairporch, shin n for ceiling.				\$1,000
	self-help contr ted as follows:	Mike Galvar Ensley Ele Sanitary Pi	n Constructio ctric	\$ 543 \$ 2,050	
Owners Constru	cost as of thi uction)	s change orde:	r: \$1,000 (Payable to Mik	e Galvan
		Signed:	Popert S	S Roman	

(property owner) for Juanita Roman

(sub-contractor)

(Community Development Representative)

7-9-90

Date

REHABILITATION

CERTIFICATION OF COMPLETED AGREEMENT

Juanita Roman RE CD89-3 NAME

808 East 5th Street

ADDRESS

Source of Funds: Def. payment \$ 15,000 Personal \$ 2,228 Grant \$ -0-

This is to certify that the agreement on the above loan/grant has been satisfactorily completed.

Robert S Roman

Juanita Roman

Community Development Agency

September 28, 1990

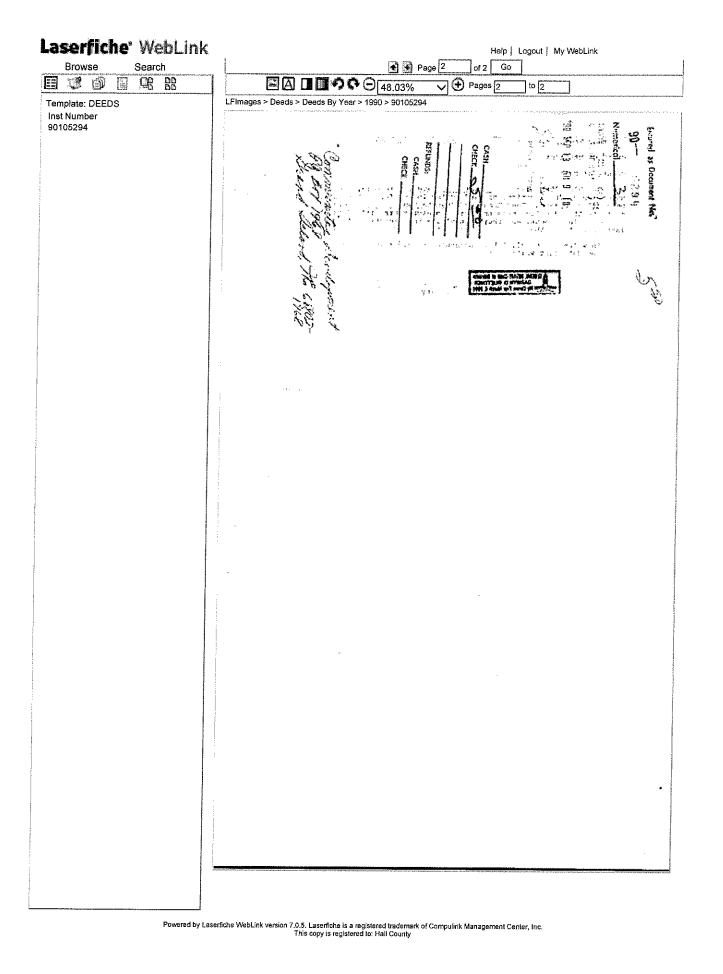
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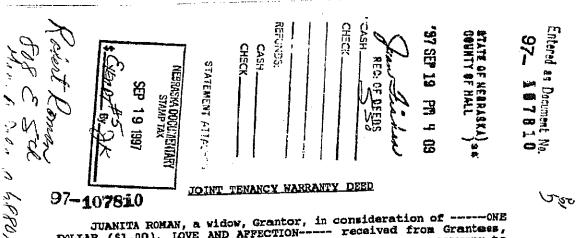
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	unually referred to as "Reserver") whether our of and receaser into a certain written AGREMENT TO REHABILITATE REAL PROPERTY into a certain written and with the City of Grand Island,
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	b) to execute and deliver to city a, and the president of secure such form stanting to City a lien on the president to secure such
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	Juantia Roman dues nerroy grant to the offer and instigut, 3
	WEERASKA a Municipal Corporation, its successful the distribution with the full of the following described real estate situated in Wall
	County, Hebraska:
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*****	an addition to the City of Grand Island, Mebrauka, according to the
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	to secure repayment to the City of Grand Island, Nebrasha, its successors and assigns, of the amount of the grant hereinabove
	referred to or, as the case and were the the superverse to
	referred to or, as the date may be, o part the AGREEMENT TO with the terms and conditions set forth in the AGREEMENT TO REMARKARY REAL PROPERTY to which reference is made hereinaboye.
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	Dated this 22th day of June_, 19_90
	bater this state buy to state
	Teny Roman, Witness Juanita Roman, Owner
	STATE OF MEDRASKA
	-) sa County of Hall)
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	undersigned, duly commissioned and acting in and for such county,
	personally appeared intra persons but statute that the destination of the destination of the foregoing instrument, and they acknowledge the execution of such foregoing instrument, and they acknowledge the execution of such
	foregoing instrument, and they destroying the contraction instrument to be their own voluntary act and deed.
	to witness whereof, I have bereasts bet by official hand and
	seal the date last written above.
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JUANITA ROMAN, a widow, Grantor, in consideration of -----ONE DOLLAR (\$1.00), LOVE AND AFFECTION----- received from Grantees, ROBERT S. ROMAN and FRANK S. ROMAN, conveys to Grantees, as joint tenants and not as tenants in common, the following described real estate (as defined in Neb. Rev. Stat. 75-201):

Lot Seven (7), Block Four (4), in Evans Addition to the City of Grand Island, Hall County, Nebraska,

SUBJECT TO THE LIFE USE, INCOME AND PROFITS THEREFROM DEVISED OF THE GRANTOR, JUANITA ROMAN, A WIDOW, FOR AND DURING THE TERM OF HER NATURAL LIFETIME.

Grantor covenants with the Grantees that Grantor:

(1) is lawfully seized of such real estate and that it is free from encumbrances subject to easements, reservations, covenants and restrictions of record;

(2) has legal power and lawful authority to convey the same;

(3) warrants and will defend the title to the real estate against the lawful claims of all persons.

EXECUTED March _20, 1997.

JUANITA ROMAN (Her Mark)

This Joint Tenancy Warranty Dead is signed by JUANITA ROMAN by making her makr, she being unable to write her name, and scaled and delivered to her after the nature of the above written instrument had first been read over to her, in the presence of JOHN M. CUNNINGHAM and REGINA R. OLSEN.

linn CUNNINGHAM. Witness JOHN

IK REGINA R. OLSEN,

STATE OF NEBRASKA

SUBSCRIBED AND SWORN to before as this _20 day of March, 1997, by JUANITA ROMAN, a widow, Grantor.

<u>as</u>.

b z S WORLYN S

Victo Sure Mentecke

1050



Entered as Decument No. 97-107809 STATE OF NEBRASKA) SS COUNTY OF HALL SS COUNTY OF

STATE OF NEBRASKA

Affiant, JUANITA ROMAN, after being first duly sworn on oath, deposes and states as follows:

86.

1. That Affiant is the surviving spouse of RUFINO ROMAN, who died February 28, 1982, as shown by the certified copy of the Decedent's death certificate attached hereto as Exhibit "A" and by this reference incorporated herein.

2. That Affiant and the said RUFINO ROMAN were husband and wife on the date of the Decedent's death on February 28, 1982, and were on said date the sole owners as joint tenants with right of survivorship, not tenants in common, of the real estate located at 808 East 5th Street, Grand Island, Nebraska, and legally described as follows:

Lot Seven (7), Block Four (4), in Evans Addition to the City of Grand Island, Hall County, Nebraska.

3. That by virtue of the survivorship of Affiant, Affiant became the sole owner of the above described property on Decedent's death.

4. That this Affidavit is given as evidence that pursuant to Neb.Rav.Stat. section 77-2003 (1983 Supp.), no inheritance tax lien arising due to the death of the Decedent can attach to the above described real estate and that pursuant to Neb.Rev.Stat. section 77-2012 (1983 Supp.), no Nebraska estate tax lien arising due to the death of the Decedent can attach to the above described property.

FURTHER AFFLANT SAYETH NOT.

Dated March 20, 1997.

		ጙ		
JUANITA	ROHAN	(Her	Mark)	

This Affidavit is signed by JUANITA ROMAN, by making her mark, she being unable to write her name, and sealed and delivered by her after the nature of the above written instrument had first been read over to her, in the presence of JOHN M. CUNNINGHAM and REGINA R. OLSEN.

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CUNNINGHAM, Withess JOHN N Olsen JUL. Kenna REGINA R. OLSEN, Witness

SUBSCRIBED AND SWORN to before me this $\frac{\partial O^{U}}{\partial t}$ day of March, 1997.

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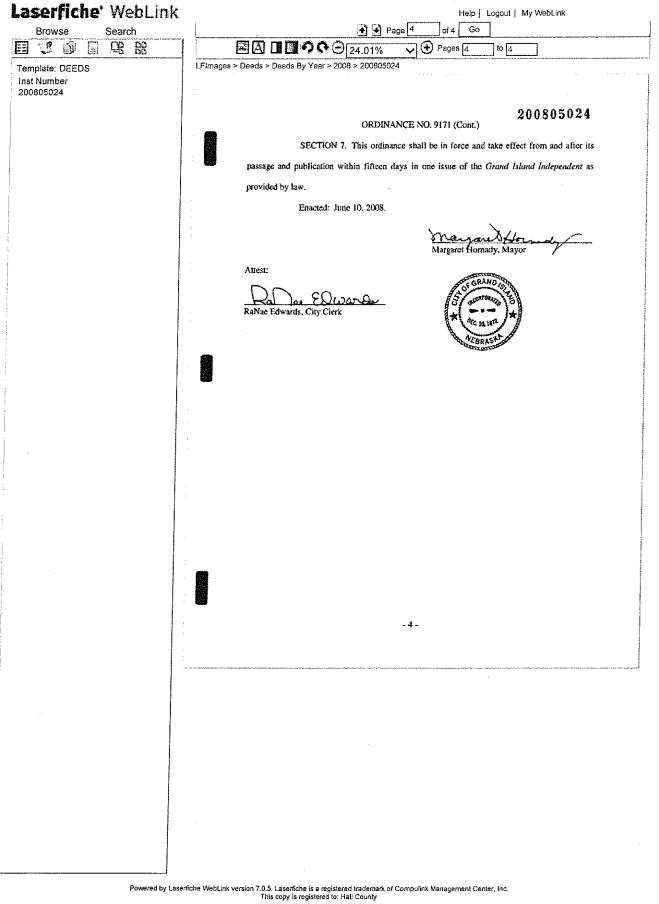
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	SECTION 4. Such special taxes, if not previously paid, shall be certified to the County Clerk at the same time as the next certification for general revenue purposes. SECTION 5. Such special taxes, when received, shall be applied to reimburse the general fund. SECTION 6. All ordinances or parts of ordinances or provisions in the Grand Island City Code in conflict berewith be, and the same hereby are, repealed.				
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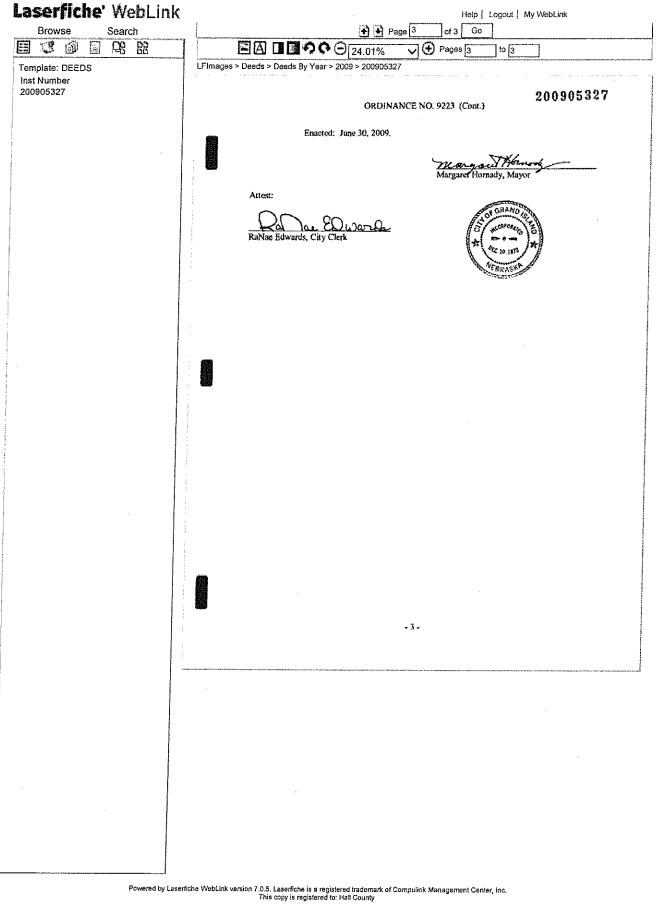


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		ORDINANCE	NO. 9223	2
	An ordinance	levying a special ta	x to pay the cost to the City of	removing
	nuisances, cutting, destroying	, and removing weeds	, grasses, or wonthless vegetation, j	oursuant to
	the Grand Island City Code	upon certain lots and p	sieces of ground; providing for the	collection
	thereof; and providing for the	publication and effect	ive date of this ordinance.	
	BE IT ORDA	INED BY THE MA	YOR AND COUNCIL OF THE	CITY OF
	GRAND ISLAND, NEBRAS	KA:		
			y levied for the cost of removing	nuisances,
	cutting, destroying, and remo	ving weeds, grasses,	or worthless vegetation upon the l	ereinafter
	Equalization after due notice t			
	Name/Address	Location	Description	Assessment
	Juanita Roman Life Estate Robert S. and Frank S. Roman 808 E. 5 th Street Grand Island, NE 68801	808 E. 5 th Street	Lot 7, Block 4, Evans Addition, City of Grand Island, Hall	
			Approved iss to Form " June 29, 2019 B	×S.
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nst Number	1993 - 19			
200905327		ORDINANCE NO.	9223 (Cont.) 20090	5327
	Ronald L. Hulme	616 E. Yund	Lot 7, Block 145, Union Pacific	\$240.00
	PO Box 33 Miller, NE 68858	010 5- 1400	Railway 2 ⁸⁴ Addition, City of Grand Island, Hall County, Nebraska	3273.03
	Líobardo Rivera & Efrain Laza do MGC Mortgage Inc. 7195 Dallas Parkway Plano, TX 75024	rin 1213 N. Cherry	Lot 4, Block 2, George's Loan Subdivision, City of Grand Island, Hall County, Nebraska	\$125.00
	Warren G & Ruth Alleen Bosle c'o Matthew M. Bosley Cons 1212 15 th Street Lincoln, NE 68502	y 1515 W. 1* Street	Lot 3, Block 20, Kernohan & Decker's Addition, City of Grand Island, Hall County, Nebraska	\$100.00
	Franklin Credit Management 101 Hudson St., FI 6 Jersey City, NY 073021	331 E. Hall Street	Lot 126, Buena Vista Subdivision, City of Grand Island, Hall County, Nebraska	\$115.00
	M & L lavestments LLC 1819 N. Custer Avenue Grand Island, NE 68803	917% W. 12 ¹⁶ Street	S52° of Lot 4, Block 49, Russell Wheeler's Addition, City of Grand Island, Hall County, Nebraska	\$105.60
	SECTION 2.	Such special tax shalf I	e due and payable to the City thi	rty (30)
	days after such levy and shall	become delinquent fifty	7 (50) days after such levy. After t	he same
	shall become delinquent, inter	est at the rate of 14 perc	ent (14%) per annum shall be paid	thereon.
	The same shall be collected in	the same manner as oth	er city taxes.	
	SECTION 3. S	such special taxes shall i	be collected by the Finance Directo	r of the
	City of Grand Island, Nebrask	a, as provided by law.		
	SECTION 4. S	luch special taxes, if no	t previously paid, shall be certified	i to the
	County Clerk at the same time	as the next certification	for general revenue purposes.	
			received, shall be applied to reimbu	urse the
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		-	ORDINANCE NO. 9260		•	
	M	1819 N. Custer Avenue	URINANCE NO. 220	S 52' of Lot 4 Block 49	[
		Grand Island, NE 68803 William E. McIntosh	1823 N. Lafayette	Scarff's Addition to West Lawn Lot 8 Block 15	115.00	
		Thomas Wrobleski 610 N. Darr Avenue #109 Grand Island, NE 68803			75.00	
		Jose Moran PO Box 1442 Grand Island, NE 68802	409 E. 13 th Street	Wheeler & Bennett's 2 ¹⁶ Addition Lot 4 Block 64		
		Nelsen Enterprises Ine/AC C Clifton Nelsen Etal Trustees 11818 L Street	400 Industrial Lane	Commercial Industrial Park Sub. Lot 6	175.00	
		Omaha, NE 68100 Jason D. Parmenter 2720 N. Webb Road Grand Island, NE 68803	712 W. 15* Street	Schimmer's Addition Lot 9 Block 14	110.00	
		Delao L. Pedersen, Deceased Michael S. Pedersen, Heir 2325 N. Lafayette Avenue	618 S. Elm Street	Wiebe's Addition S½ of N½ Lot § Block 9	185.00	
		Grand Island, NE 68903 Juanita Roman Life Estate	808 E. 5 th Street	Evans Addition	115.00	
	655	Robert S. & Frank S. Roman 808 E. 5 th Street	808 E. 5 ¹⁸ Street	Lot 7 Block 4 Evans Addition	115.00	
		Grand Island, NE 68801 Gonzalo Soto 224 E. 4 th Street	503 E. S [®] Street	Lot 7 Block 4 Nagy's Addition Lot 4 Block 25	151.25	
		Grand Island, NE 68801 Gary E. & Mary G. Valasek 4321 Michigan Avenue	4223 Shanna Street	Western Heights 6 ⁵⁵ Sub. Lot 1	75.00	
		Grand Island, NE 68803	1508 Independence Avenue	American Independence Sub. Lot 8	85.00	
			1604 Lariat Lane	American Independence Sub. Lot 2	85.00	
		Vanguard Properties LLC 3811 29 th Avenue, Str. 5 Kearney, NE 68845	4016 Northview Drive	Northview 3 rd Sub. Lot 3	115.00	
		James J. Wiltgen PO Box 1835 Kearney, NE 68838	2210 N. Webb Rd.	Grand Island Mall 15th Sub. Lax 1	750.00	
				e and payable to the City thirty (days after such levy. After the sa		
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	Island City Code in conflict berewith be, and the same hereby are, repealed. SECTION 7. This ordinance shall be in force and take effect from and after its
	Enacted: April 27, 2010.
	Margaret Hornady, Mayor
	Attest: RaNae Edwards, City Clerk
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MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) by and between William Ziller and Julie Ziller (Prospective Buyers) and Robert Roman and Francisco Roman (Prospective Sellers) memorializes the understanding of the parties as follows:

Ι.

This MOU addresses the terms regarding the potential purchase of real estate by the Prospective Buyers from the Prospective Sellers commonly known as 808 West Fifth Street, Grand Island, Hall County, Nebraska and more particularly known as:

Lot Seven (7), Block Four (4) of the Evans Addition to the City of Grand Island, Hall County, Nebraska. (Real Estate)

II.

The Prospective Sellers are the owners in joint tenancy of the Real Estate.

II.

The Prospective Sellers will convey title to the Real Estate to the Prospective Buyers in exchange for consideration in the amount of One Dollar (\$1.00) contingent upon the Grand Island City Council (Council) as the governing body of the City of Grand Island forgiving the following liens against the Real Estate:

- A. A lien in the amount of Fifteen Thousand Dollars (\$15,000.00) along with any accrued interest for a property rehabilitation loan as evidenced by Hall County Register of Deeds instrument number 90-105294;
- B. A lien in the amount of Two Hundred and Fifty Dollars (\$250.00) along with any accrued interest for the removal of weeds, grasses, or worthless vegetation as evidenced by City of Grand Island Ordinance 9171 and Hall County Register of Deeds instrument number 0200805024;
- C. A lien in the amount of One Hundred and Fifteen Dollars (\$115.00) along with any accrued interest for the removal of weeds, grasses, or worthless vegetation as evidenced by City of Grand Island Ordinance 9223 and Hall County Register of Deeds instrument number 0200905327; and
- D. Two (2) separate liens each in the amount of One Hundred and

Fifteen Dollars (\$115.00) for a combined amount of Two Hundred and Thirty Dollars (\$230.00) for the removal of weeds, grasses, or worthless vegetation as evidenced by City of Grand Island Ordinance 9260 and Hall County Register of Deeds instrument number 0201002830.

III.

The Prospective Sellers will convey title to the Real Estate to the Prospective Buyers within thirty (30) days of the Council forgiving the liens listed in the second paragraph of this MOU.

IV.

This document constitutes the entirety of the terms and conditions of this MOU. This MOU shall not be altered or modified in any way unless agreed to by all parties thereto, memorialized in writing, and executed by the parties.

WITNESS our hands this 23.24 of June, 2014.

PROSPECTIVE BUYERS:

lan

PROSPECTIVE SELLERS:

Robert Roman

Francisco Roman

RESOLUTION 2014-191

WHEREAS, on June 20, 1990 the City of Grand Island entered an Agreement with the late Juanita Roman to provide her a Fifteen Thousand Dollar (\$15,000.00) rehabilitation loan to improve the real property commonly known as 808 West Fifth Street, Grand Island, Hall County, Nebraska; and

WHEREAS, the City placed a lien on the aforementioned real property conditioning repayment of the rehabilitation loan upon the real property being conveyed to anyone other than Juanita Roman or her sons Robert Roman and Francisco Roman; and

WHEREAS, the City placed four additional liens on the aforementioned real property for mowing high grass totaling Five Hundred and Ninety-Five Dollars (\$595.00) as evidenced by Ordinances 9171, 9223, and 9260; and

WHEREAS, since Juanita Roman's death in 2001, the aforementioned real property has deteriorated to where condemnation and leveling the structure is likely to occur without rehabilitation; and

WHEREAS, the City has been approached by William Ziller who is interested in acquiring and rehabilitating the aforementioned real property but is economically unable to do so as long as the aforementioned liens are in effect; and

WHEREAS, it is in the best interests of the City to forgive the aforementioned liens along with any accrued interest so the aforementioned real property can be acquired and rehabilitated by William Ziller.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City forgives the aforementioned liens along with any accrued interest on the real property commonly known as 808 West Fifth Street, Grand Island, Hall County, Nebraska.

Adopted by the City Council of the City of Grand Island, Nebraska, July 8, 2014.

Jay Vavricek, Mayor

ATTEST:

RaNae Edwards, City Clerk

Approved as to Form¤July 3, 2014¤ City Attorney