



# City of Grand Island

Tuesday, June 10, 2008

Council Session

## Item D1

**#2008-BE-2 - Consideration of Determining Benefits for 2007  
Weed Abatement Program**

Staff Contact: Wes Nespor

# **Council Agenda Memo**

**From:** Wesley D. Nespor, Attorney

**Meeting:** June 10, 2008

**Subject:** Determination of Benefits  
2007 Weed Abatement Program

**Item #'s:** D-1 & F-1

**Presenter(s):** Wesley D. Nespor, Attorney

## **Background**

Article III of Chapter 17 to the Grand Island City Code contains a procedure for abating nuisances created by properties that have excessive growths of weeds, grasses and other vegetation. The City Code provides for owners to receive a notice to cut their weeds and grasses and if the owners do not comply with such notice, the City is authorized to do the work and bill the property owner. If the owner fails to pay the bill, the City is authorized by Section 17-38 of the City Code to levy an assessment on the property for the amount of the mowing expenses.

## **Discussion**

The City Council, sitting as the Board of Equalization, is being asked to determine the benefits for the weed abatement program that took place during the growing season of 2007. There were a number of properties within the City of Grand Island which were not mowed after notice was given. The property owners did not respond to the notice, the City contracted to have the properties mowed, and sent a statement to the property owners for the cost of the mowing. The determination of benefits and levying of special assessments by ordinance on the properties are the next steps in the process of collecting the mowing expense.

## **Alternatives**

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

1. Determine the benefits and approve levying the assessment against the property.
2. Continue the issue to a later date.

### **Recommendation**

City Administration recommends that the Council determine the benefits of mowing done during 2007 and levy the unpaid benefits as a lien against the properties that were mowed.

### **Sample Motion**

Move to adopt the resolution determining the special benefits of mowing and weed nuisance abatement for the properties listed and in the amounts set forth in the resolution.

After the resolution is adopted, a separate motion to adopt the assessment ordinance will be made in the manner for adopting ordinances.

## RESOLUTION 2008-BE-2

WHEREAS, pursuant to Sections 16-230 and 16-707, Neb. R.R.S. 1943, as amended, the City Clerk of the City of Grand Island, Nebraska, gave notice at least ten days prior thereto by publication in a newspaper having general circulation in the City and by mail to persons whose addresses were known to her that the City Council would meet as a Board of Equalization to equalize special weed cutting assessments.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for the purpose of assessing the costs and expenses of cutting and removing weeds, grasses, or worthless vegetation to the various lots and pieces of ground during the 2007 season, that:

1. The special benefits accruing to the real estate hereinafter described for each cutting is the actual expense thereof plus \$50.00 as costs for the City per lot or piece of ground or any combination thereof; and
2. The several lots and pieces of ground hereinafter described are respectively benefited by reason of such weed elimination as follows:

Owner	Location	Legal Description	Total
Juanita Roman Life Estate Robert S & Frank S Roman 808 E 5th St Grand Island, NE 68801	808 E 5th St	Evans Addition Lot 7, Block 4	250.00
Ronald L Hulme PO Box 33 Miller, NE 68858	616 E Yund	Union Pacific Railway 2nd Add Lot 7, Block 145	265.00
Washington Mutual Bank 2210 Enterprise Drive Florence, SC 29501	1304 W North Front St	Bonnie Brae Sub Lot 10, Block 13	100.00
The CIT Group 715 S Metropolitan Ave Oklahoma City OK 73108	2316 N Lafayette	College Add to West Lawn Lots 7 and 9, Block 10	275.00
Bank of New York, Trustee/Countrywide 7105 Corporate Drive Plano TX 75024	936 S Kimball	Hawthorne Place Lot 45	125.00
Secretary of Housing & Urban Development 501 Marquette Ave Minneapolis MI 55402	1115 S Pine	Vantine's Sub S 1/2, W 1/2 of E270' Lot 12	125.00
CITIFINANCIAL INC 1111 Northpoint Bldg 4 Ste 100 Coppell TX 75019	814 S Claussen Ave	Claussen Country View Add Lot 3, Block 3	155.00

Approved as to Form    ☒ \_\_\_\_\_  
June 5, 2008                ☒ City Attorney

## R E S O L U T I O N    2008-BE-2   - (Cont.)

Vanguard Properties LLC 3811 - 29th Ave Ste 5 Kearney, NE 68845 Pathway Bank PO Box 428 Cairo NE 68824	4016-4022 Northview Dr	Northview 1st Sub Lot 4, Block 1 Northview 3rd Sub Lot 3	125.00
Roger R & Jolene K Harrie 7538 Sky Park Rd Grand Island, NE 68801 Franklin Credit Management Six Harrison St New York NY 10013	331 Hall St	Buena Vista Sub Lot 126	90.00
Household Finance Corporation III 636 Grand Regency Blvd Brandon FL 33510	304 E 11th St	Russell Wheeler's Addition Lot 6, Block 38	140.00
Secretary of Housing & Urban Development 10909 Mill Valley Rd Omaha NE 68154	504 E 10th St	Russell Wheeler's Addition Lot 6, Block 32	205.00
Deutsche Bank National Trust 7255 Bay Meadows Way Jacksonville FL 32256	112 W Oklahoma	South Grand Island Sub W 1/2 Lot 4, Block 5	110.00
Andy Nelsen/Nelsen Enterprises Inc/AC 11818 L Street Omaha, NE 68100	400 Industrial Lane	Commercial Industrial Park Sub Lot 6	100.00
Secretary of Housing & Urban Development 501 Marquette Ave Minneapolis MI 55402	107 E 12th St	Russell Wheeler's Addition Lot 4, Block 40	125.00
Rodriguez International Holdings Inc Attn: Carlos Rodriguez 2635 O Street Lincoln, NE 68510 Thomas Penke, Trustee 406 N 130 <sup>th</sup> Suite 101 Omaha NE 68144	423 W 4th St	Original Town Lot 4, Block 39	115.00
Bank of New York, Trustee/Countrywide 7105 Corporate Drive Plano TX 75024	418 E 18th Street	Morris 5th Addition E 37' Lot 10 & W 43' Lot 11 Block 8	110.00

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RESOLUTION 2008-BE-2 - (Cont.)

Adopted by the City Council of the City of Grand Island, Nebraska, June 10, 2008.

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Margaret Hornady, Mayor

Attest:

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RaNae Edwards, City Clerk