



City of Grand Island

Tuesday, June 23, 2009

Council Session

Item D1

**#2009-BE-2 - Consideration of Determining Benefits for 2008
Weed and Nuisance Special Assessments**

Staff Contact: Wes Nespor

Council Agenda Memo

From: Wesley D. Nespor, Attorney

Meeting: June 23, 2008

Subject: Determination of Benefits
2008 Weed Abatement Program

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

Presenter(s): Wesley D. Nespor, Attorney

Background

The Grand Island City Code contains a procedure for abating nuisances on properties such as excessive growths of weeds or litter. 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. The City also removed rotted foodstuffs from a garage pursuant to Court order and needs to recover its costs.

Discussion

The City Council, sitting as the Board of Equalization, is being asked to determine the benefits for nuisance abatement and the weed abatement program that took place during the growing season of 2008. 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 or otherwise abated the nuisance, 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 and nuisance abatement done during 2008 and levy the unpaid benefits as a lien against the properties.

Sample Motion

Move to adopt the resolution determining the special benefits of abating nuisances 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.

R E S O L U T I O N 2009-BE-2

WHEREAS, pursuant to Nebraska law the City Clerk of the City of Grand Island, Nebraska, gave notice at least ten (10) 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 nuisance abatement and 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 removing nuisances, cutting and removing weeds, grasses, or worthless vegetation to the various lots and pieces of ground during the 2008 season, that:

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

<u>Name/Address</u>	<u>Location</u>	<u>Description</u>	<u>Assessment</u>
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 County, Nebraska	\$115.00
Ronald L. Hulme PO Box 33 Miller, NE 68858	616 E. Yund	Lot 7, Block 145, Union Pacific Railway 2 nd Addition, City of Grand Island, Hall County, Nebraska	\$240.00
Liobardo Rivera & Efrain Lazarin c/o MGC Mortgage Inc. 7195 Dallas Parkway Plano, TX 75024	1213 N. Cherry	Lot 4, Block 2, George's Loan Subdivision, City of Grand Island, Hall County, Nebraska	\$125.00
Warren G & Ruth Alleen Bosley c/o Matthew M. Bosley Cons 1212 15 th Street Lincoln, NE 68502	1515 W. 1 st Street	Lot 3, Block 20, Kernohan & Decker's Addition, City of Grand Island, Hall County, Nebraska	\$100.00
Franklin Credit Management 101 Hudson St., Fl 6 Jersey City, NY 073021	331 E. Hall Street	Lot 126, Buena Vista Subdivision, City of Grand Island, Hall County, Nebraska	\$115.00
Kevin A. Long Sr.	4215 W. Capital Ave.	Lot 4, Ross 1 st Subdivision, City	\$185.00

Approved as to Form <input type="checkbox"/> _____ June 19, 2009 <input type="checkbox"/> City Attorney
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RESOLUTION 2009-BE-2 Cont.

4215 W. Capital Avenue Grand Island, NE 68803		of Grand Island, Hall County, Nebraska	
M & L Investments LLC 1819 N. Custer Avenue Grand Island, NE 68803	917½ W. 12 th Street	S52' of Lot 4, Block 49, Russell Wheeler's Addition, City of Grand Island, Hall County, Nebraska	\$105.00
Secretary of Housing and Urban Development Attn: Single Family Property Disposition Branch Denver Homeownership Center Wells Fargo Tower North 633 17 th Street Denver, CO 80202-3607	1418 N. Huston	Lot 203, Westlawn Addition, Grand Island, Hall County, Nebraska	\$231.73

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Adopted by the City Council of the City of Grand Island, Nebraska, June 23, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk