RESOLUTION NO. 2026-12

A RESOLUTION ELECTING TO ABATE CONCURRENT PUBLIC NUISANCES BY DEMOLISHING AN UNSAFE BUILDING AND CLEARING OVERGROWN VEGETATION AT 205 COLORADO STREET, AUTHORIZING THE EXPENDITURE OF MUNICIPAL FUNDS FOR SAID ABATEMENTS, AND DIRECTING THE REPORTING OF ITEMIZED COSTS FOR THE IMPOSITION OF A SPECIAL ASSESSMENT.

WHEREAS, Antonia Mendez is the owner of record of real estate located at 205 Colorado Street in Clearwater, Antelope County, Nebraska, legally described as:

> Lots 3 and 4, Block 24, Village of Clearwater, Antelope County, Nebraska (hereinafter the "Real Estate");

WHEREAS, on June 8, 2026, the Board of Trustees passed Resolution No. 2026-5, which formally declared the structure on the Real Estate to be an unsafe building and a severe public nuisance due to critical biological hazards, accumulation of human waste, lack of essential sanitation infrastructure, and severe structural decay in direct violation of Sections 3-402 and 3-406 of the Clearwater Municipal Code;

WHEREAS, Resolution No. 2026-5 was duly recorded with the Antelope County Register of Deeds pursuant to Neb. Rev. Stat. § 18-1722.01;

WHEREAS, on July 13, 2026, the Board of Trustees passed Resolution No. 2026-6, a successor resolution authorizing constructive service by publication due to the factual impossibility of locating the owner after diligent search and inquiry involving federal and county law enforcement databases;

WHEREAS, a Notice of Public Nuisance and Dangerous Building was published for three consecutive weeks in the Summerland Advocate-Messenger (Antelope County) on July 22, July 29, and August 5, 2026, and in The Wakefield Republican (Dixon County) on July 23, July 30, and August 6, 2026;

WHEREAS, the published Notice strictly mandated that the property owner abate the nuisance and completely demolish the structure on or before September 7, 2026;

WHEREAS, the September 7, 2026 deadline has expired, and the property owner has failed, neglected, and refused to comply with the demolition order, nor has the owner filed a timely written appeal for a formal administrative hearing; and

WHEREAS, on July 16, 2026, the Antelope County Sheriff’s Office, acting in its official capacity as the Code Enforcement Officer for the Village of Clearwater, inspected the Real Estate and determined that weeds, grasses, and worthless vegetation were growing in excess of 12 inches, constituting a secondary and concurrent public nuisance in direct violation of Sections 3-402(M) and 3-403 of the Clearwater Municipal Code;

WHEREAS, a Notice of Nuisance Violation and Order to Abate regarding the overgrown vegetation was issued to the owner of record, Antonia Mendez, via certified mail on July 20, 2026, strictly pursuant to Section 3-403(A) of the Municipal Code and Neb. Rev. Stat. § 17-563;

WHEREAS, the July 20, 2026 certified mailing was subsequently returned to the Village by the United States Postal Service marked explicitly as "undelivered" on August 28, 2026;

WHEREAS, both the five-day statutory appeal window for the vegetation nuisance and the September 7, 2026 deadline for the structural demolition have expired, and the property owner has continuously failed, neglected, and refused to comply with the abatement orders, nor has the owner filed a timely written appeal for a formal administrative hearing, thereby legally waiving all constitutionally protected rights to an appeal; and

WHEREAS, Sections 3-403(C) and 3-411 of the Municipal Code, acting in conjunction with Neb. Rev. Stat. § 17-563 and § 18-1722, authorize the Village to proceed with the specified vegetation clearance and demolition work, and to levy the total, consolidated cost of such work as a special assessment against the Real Estate.

BE IT RESOLVED BY THE CHAIRPERSON AND THE BOARD OF TRUSTEES OF THE VILLAGE OF CLEARWATER, NEBRASKA, AS FOLLOWS:

Section 1. Due to the owner's total failure to comply with lawful abatement notices and the documented abandonment of the property, the Village of Clearwater hereby explicitly elects to proceed immediately with the abatement of the concurrent public nuisances, specifically the clearing of all overgrown vegetation and the total demolition of the unsafe building located at 205 Colorado Street.

Section 2. The Village Board hereby authorizes the expenditure of municipal funds necessary to accomplish the property mowing, structural demolition, hazardous material clean-out, and total nuisance abatement. The Chairperson and Village Clerk are explicitly authorized to retain and execute agreements with qualified landscaping and demolition contractors. The Village Board formally finds that the severe vegetation overgrowth, coupled with the presence of raw sewage and severe biological hazards, constitutes an immediate hazard to public health and safety under Section 3-414 of the Municipal Code, thereby authorizing immediate contracting for said comprehensive abatement.

Section 3. Village employees and officers are hereby directed to track, record, and itemize all costs incurred by the Village in executing this dual abatement operation, explicitly including landscaping and mowing costs, demolition contractor fees, waste disposal costs, administrative expenses, and publication fees. Upon completion of the abatement operations, a consolidated, itemized statement of the total cost shall be formally transmitted to the Village Board.

Section 4. Upon receipt of the itemized statement of costs, the Village Board intends to pass a subsequent resolution to levy the entire cost of the operation as a single, consolidated special assessment against the Real Estate (Lots 3 and 4, Block 24), pursuant to Sections 3-403(C) and 3-411 of the Municipal Code, and Neb. Rev. Stat. §§ 17-563 and 18-1722.

Section 5. This resolution shall take effect and be in full force immediately upon its passage and approval.

Section 6. That all resolutions or parts of resolutions in conflict be and are hereby repealed.

PASSED AND APPROVED this 14 day of September , 2026.

ATTEST:

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Chairperson Kelly Kerkman Village Clerk Angie Hupp