RESOLUTION NO. 2026-5

A RESOLUTION TO DECLARE A STRUCTURE LOCATED AT 205 COLORADO STREET IN CLEARWATER, NEBRASKA, AS AN UNSAFE BUILDING, TO RECORD THIS DETERMINATION, AND PROVIDE NOTICE

WHEREAS, Antonia Mendez is the owner of real estate located at 205 Colorado Street in Clearwater, Nebraska, legally described as (hereinafter the "Real Estate"):

Lots 3 and 4, Block 24, Village of Clearwater, Antelope County, Nebraska;

WHEREAS, the Real Estate contains a residential structure in a dilapidated state (hereinafter the "Building").

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

Section 1. The Building is hereby declared an unsafe building. Furthermore, nuisance conditions are hereby found on the property.

Section 2. The Chairperson of the Board is authorized to place a sign on the Building on its exterior near the main entrance that sets forth that the Building is unsafe or dangerous for occupancy and use.

Section 3. The Village Clerk shall cause the notice attached hereto as "Exhibit A" to be served via certified mail or personal service on Antonia Mendez.

Section 4. The Village Clerk shall file a copy of this Resolution, or at least Exhibit A, with the Antelope County Register of Deeds.

Section 5. That all resolutions or parts of resolutions in conflict be and are hereby repealed.

PASSED AND APPROVED this 8 day of June, 2026.

_____
Chairperson Kelly Kerkman

ATTEST:

_____
Village Clerk Angie Hupp

EXHIBIT A

RETURN TO: Village of Clearwater, PO Box 11,6 Clearwater, NE 68726

NOTICE OF PUBLIC NUISANCE AND DANGEROUS BUILDING
ORDER TO VACATE, ABATE, REPAIR, OR DEMOLISH

TO: Antonia Mendez, Owner of Record
and
All Occupants, Lessees, Mortgagees, Agents, or other persons having an interest in the property described herein.

PROPERTY SUBJECT TO THIS NOTICE:

Street Address:
205 Colorado Street, Clearwater, Nebraska 68726
Legal Description:
Lots 3 and 4, Block 24, Village of Clearwater, Antelope County, Nebraska.

I. DECLARATION OF PUBLIC NUISANCE AND DANGEROUS BUILDING

PLEASE TAKE NOTICE that the Village of Clearwater, Nebraska, through the law enforcement officers of the Antelope County Sheriff's Office, which is contracted to provide municipal law enforcement service, has inspected the above-described real property and the residential dwelling situated thereon. Based upon said inspections and factual observations, the Village Board has determined and hereby formally declares that the property and the structures thereon constitute a severe **PUBLIC NUISANCE** and a **DANGEROUS BUILDING** in direct violation of Article 4 (Nuisances) of the Municipal Code of the Village of Clearwater and the statutory laws of the State of Nebraska.

II. STATEMENT OF PARTICULARS AND CONDITIONS FOUND

The specific conditions, defects, and violations that render the building unsafe, dangerous, and a public nuisance include, but are not limited to, the following documented facts:

1. **Extreme Biological Hazard and Human Waste:** The occupants of the property have been discarding human waste on and about the exterior of the property. Furthermore, human defecation was discovered inside the interior of the dwelling on the property. The accumulation of raw sewage presents a severe biological hazard requiring specialized hazmat containment ("fire suits") for entry. This constitutes a severe nuisance under **Section 3-402(E)** of the Village Code, which strictly prohibits the accumulation of "liquid household waste, human excreta... or any waste vegetable or animal matter in any quantity."
2. **Lack of Essential Utilities and Sanitation:** The property has not had running water for a prolonged period due to the disconnection of water services caused by fundamentally faulty plumbing infrastructure. The lack of water and functional sanitary systems violates **Section 3-406(F)**, as the building possesses "sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings."
3. **Unfit for Human Habitation:** The combination of severe structural decay, utility disconnection, and profound biological contamination renders the building utterly unfit for

human habitation. The premises are likely to cause sickness or disease and work injury to the health, safety, and general welfare of the public. This condition specifically meets the definition of a Dangerous Building under **Section 3-406(E)**.

4. **Accumulation of Trash and Junk:** The exterior and interior of the property contain massive accumulations of trash, junk, abandoned material, and waste materials that create a breeding ground for biological vectors (flies, rodents) and severely depreciate surrounding property values. This is in direct violation of **Sections 3-402(F) and 3-402(G)** of the Village Code.

III. ORDER TO VACATE AND PROHIBITION OF OCCUPANCY

Due to the immediate and severe threat to human life and public health, the residential dwelling located at 205 Colorado Street is hereby **ORDERED VACATED IMMEDIATELY**. Pursuant to **Section 3-410(C)** of the Village Code, a warning sign shall be posted on the exterior near the main entrance setting forth that the building is unsafe and dangerous for occupancy and use. It is a misdemeanor violation of municipal law to occupy this building or to remove, obscure, or deface the warning notice.

IV. ORDER TO ABATE, REPAIR, OR DEMOLISH

YOU ARE HEREBY ORDERED to commence and complete the abatement of the aforementioned nuisances and the repair or demolition of the dangerous building. Given the extreme severity of the biological contamination and the structural uninhabitability caused by the plumbing failure, the building cannot reasonably or safely be repaired to eliminate the hazard. Therefore, pursuant to **Section 3-408(C)** of the Village Code, the structure **MUST BE DEMOLISHED** and all associated junk, trash, and biohazardous waste must be removed from the premises and disposed of in strict accordance with state environmental regulations.

V. DEADLINE FOR COMPLIANCE

You must put the premises in such condition as to comply with all terms of the Village Code by completing the demolition, biohazard clean-out, and junk removal within **THIRTY (30) DAYS** from the date of the receipt or formal service of this Notice.

VI. FAILURE TO COMPLY AND MUNICIPAL ACTION

If you fail, neglect, or refuse to comply with this Notice to demolish and remove the dangerous building and abate the public nuisance within the specified thirty (30) days, and if you fail to request a formal hearing as provided below, the Village of Clearwater will proceed to execute the work specified in this Notice using municipal authority and contracted personnel.

Pursuant to **Section 3-411** of the Village Code and **Neb. Rev. Stat. § 18-1722**, an itemized statement of the cost of such demolition, hazardous material clean-out, and nuisance abatement shall be transmitted to the Village Board. The Village Board is explicitly authorized to, and will, levy the entire cost of the operation as a **SPECIAL ASSESSMENT** against the real estate (Lots 3 and 4, Block 24). Such special assessment shall constitute a priority lien on the real estate and shall be collected in the manner provided for special assessments under Nebraska statutes, which may ultimately result in the foreclosure and tax sale of the property.

VII. RIGHT TO APPEAL AND REQUEST A HEARING

You have the constitutionally protected right to appeal this determination. If you wish to contest the finding that the building is dangerous and a nuisance, or if you wish to show cause why the building should not be demolished, you must file a written request for a formal administrative hearing with the office of the Village Clerk (626 Main St., PO Box 116, Clearwater, NE 68726).

1. Regarding the abatement of the general nuisances (trash, junk, weeds, exterior accumulations), a written appeal must be filed within **FIVE (5) DAYS** after receipt of this notice pursuant to Section 3-403(B) of the Village Code.
2. Regarding the Dangerous Building determination and the order for structural demolition, a written appeal must be filed with the Village Clerk prior to the expiration of the thirty (30) day compliance period.

Failure to file a timely written request for a hearing will constitute a legal waiver of your right to an administrative hearing and will result in the Village proceeding immediately with the abatement and demolition process upon the expiration of the notice period.

DATED this 8 day of June, 2026.

VILLAGE OF CLEARWATER, NEBRASKA

By: _____
Kelly Kerkman, Chairperson, Village Board of Trustees

ATTEST:

_____
Angie Hupp, Village Clerk

(Official Municipal Seal)

STATE OF NEBRASKA)
) ss.
COUNTY OF ANTELOPE)

The foregoing instrument was acknowledged before me this 9 day of June, 2026, by Kelly Kerman, chairperson of the Board of Trustees of the Village of Clearwater, Nebraska, and Angie Hupp, village clerk.

_____
Notary Public