RESOLUTION NO. 2026-6

A SUCCESSOR RESOLUTION TO AUTHORIZE CONSTRUCTIVE SERVICE BY PUBLICATION FOR THE ABATEMENT OF AN UNSAFE BUILDING AND PUBLIC NUISANCE LOCATED AT 205 COLORADO STREET IN CLEARWATER, NEBRASKA, TO ESTABLISH COMPLIANCE TIMELINES, AND TO REAFFIRM THE DETERMINATIONS OF RESOLUTION NO. 2026-5

WHEREAS, Antonia Mendez (hereinafter the "Owner") 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, on June 8, 2026, the Chairperson and Board of Trustees of the Village of Clearwater passed Resolution No. 2026-5, which formally declared the residential 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 violation of Sections 3-402 and 3-406 of the Municipal Code;

WHEREAS, Resolution No. 2026-5 directed the Village Clerk to serve notice upon the Owner via personal service or certified mail, ordering the demolition of the structure within thirty (30) days of receipt of said notice;

WHEREAS, the Village of Clearwater has made a diligent investigation and inquiry to locate the Owner to effectuate personal service. Said diligent inquiry revealed that the owner may have been deported from the United States, and searches of the federal Immigration and Customs Enforcement (ICE) locator systems yielded no information regarding her current whereabouts;

WHEREAS, the Village of Clearwater identified a last known forwarding address for the Owner in Dixon County, Nebraska, but physical attempts to make contact at said residence by the Dixon County Sheriff's Office were entirely unsuccessful; and

WHEREAS, personal service and service by certified mail are therefore impossible, necessitating constructive service by publication to notify the Owner.

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

Section 1. The Board hereby reaffirms all findings of fact and declarations contained within Resolution No. 2026-5. The structure located at 205 Colorado Street remains an unsafe building, a biological hazard, and an immediate threat to public health, safety, and general welfare. The order to vacate the premises and the authorization for the placement of a warning sign on the exterior remain in full force and effect.

Section 2. Because the Owner cannot be located after a diligent search and inquiry, the Village Clerk is hereby authorized and explicitly directed to serve the Notice of Public

Nuisance and Dangerous Building (Order to Vacate, Abate, Repair, or Demolish) attached to Resolution No. 2026-5 as Exhibit A (hereinafter the “Notice”) upon Antonia Mendez and all interested parties via publication.

Section 3. The Village Clerk shall cause the Notice to be published once a week for three (3) successive weeks in a legal newspaper of general circulation in Antelope County, Nebraska, AND once a week for three (3) successive weeks in a legal newspaper of general circulation in Dixon County, Nebraska.

Section 4. Service of the Notice shall be deemed complete upon the date of the third and final publication of the Notice. Antonia Mendez, or any party possessing a legal interest in the Real Estate, shall have exactly THIRTY (30) DAYS from the date of the last publication to complete the demolition of the structure, remove all biohazardous waste and junk, and restore the premises to a safe condition, and the Notice is hereby amended to provide the same.

Section 5. If the Owner fails, neglects, or refuses to comply with the demolition order prior to the expiration of the thirty (30) days following the last publication, and fails to file a timely written appeal with the Village Clerk, the Village of Clearwater shall proceed immediately to execute the demolition and biohazard removal. Pursuant to Neb. Rev. Stat. § 18-1722 and Section 3-411 of the Village Code, all costs incurred by the Village for said abatement shall be levied as a special assessment against the Real Estate. Such special assessment shall constitute a priority lien on the property and shall be collected in the manner provided by Nebraska statutes.

Section 6. The Village Clerk shall file a copy of this Resolution, alongside Resolution No. 2026-5, with the Antelope County Register of Deeds pursuant to Neb. Rev. Stat. § 18-1722.01.

Section 7. All resolutions or parts of resolutions in conflict herewith—specifically including the service provisions and compliance timelines set forth in Sections 3 and 5 of Resolution No. 2026-5, are hereby repealed to the extent of such conflict.

PASSED AND APPROVED this 13 day of July, 2026.

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Chairperson Kelly Kerkman

ATTEST:

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Village Clerk Angie Hupp