

RESOLUTION NO. 13-38

A RESOLUTION OF THE CITY OF FRIEND, NEBRASKA EQUALIZING, LEVYING AND ASSESSING THE COSTS OF THE IMPROVEMENTS IN AND TO STREET IMPROVEMENT PROJECT NO. 2012-1 OF THE CITY; AND RELATED MATTERS.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF FRIEND, NEBRASKA:

Section 1. The Mayor and Council have heretofore designated the time and place for considering and levying assessments upon the property specially benefitted by the improvements in Street Improvement Project No. 2012-1 (the "Project") to pay the cost of constructing the same; notice of the time and place of holding the meeting for said purpose was duly given to all affected property owners or occupants thereof as provided by law; the Mayor and Members of the Council have each personally inspected said street improvements and the real estate abutting on and adjacent thereto; the Mayor and Council have at this session heard all persons who desire to be heard in reference to the valuation of each lot to be assessed and the special benefits or damages thereto and have considered the advice of the engineers in charge of the construction and improvements.

Section 2. The Mayor and City Council further find and determine that the costs of the improvements constructed in each of the Projects are as follows:

STREET IMPROVEMENT PROJECT NO.	GENERAL INTERSECTION/BENEFIT	SPECIAL BENEFIT	TOTAL
2012-1	\$25,053.00	\$81,743.73	\$106,796.73

The Mayor and Council further find and determine that no lot or parcel of land in any Project has been damaged by the construction of such improvements, and that the amount of benefits specially accruing to each lot and parcel of land in the Project by reason of the construction of said improvement exceeds the amount assessed against each lot or parcel of land to pay the cost of said improvements.

Section 3. There is hereby levied and assessed upon the several lots and parcels of land in each Project special assessments to pay the cost of constructing such improvements in the amount in dollars and cents set out in **Schedule 1** hereto attached, and which is made a part hereof by reference. The assessment upon the lot and parcel of land is not in excess of benefits thereto special accruing from the construction of such improvements, and the special assessments have been apportioned among the several lots and parcels of land subject to assessments in proportion to the special benefits accruing to the lot and parcel of land respectively from such improvements.

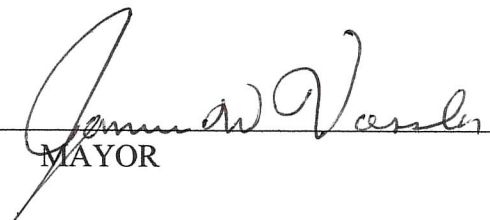
Section 4. Such special assessments shall be a lien on the property on which they are levied from the date of passage of this Resolution and shall be certified by the Clerk to the City Treasurer for collection. The Clerk shall also at the time provided by law cause such assessments or the portion thereof then remaining unpaid to be certified to the County Clerk of Saline County for entry upon the proper tax list. Such assessments shall be payable to the City Treasurer.

Section 5. Such special assessments above provided for shall become due in sixty (60) days after the date of the passage of this Resolution and may be paid within that time without interest, but if not paid, to bear interest thereafter at the rate of five percent (5%) per annum until delinquent; such assessments shall become delinquent in equal annual installments over a fifteen (15) year period. Delinquent installments shall bear interest at the rate provided by law until paid and shall be collected in the usual manner for the collection of taxes. A certified copy of said assessment schedule shall be filed by the Clerk with the City Treasurer and with the County Clerk of Saline County, Nebraska, as provided by law.

CITY OF FRIEND, NEBRASKA

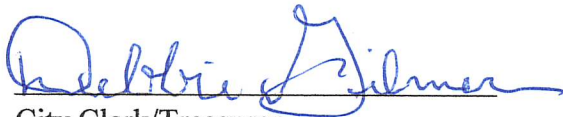
PASSED AND APPROVED this 26th day of November, 2013.

THE CITY OF FRIEND, NEBRASKA

BY: 
MAYOR



ATTEST:


City Clerk/Treasurer

SCHEDULE 1

Lots 1-14, Block 1, JJ Ainsworth Addition, City of Friend, Saline County, Nebraska (Owner-Farmers Union Coop Company, Inc.)

TOTAL ASSESSMENT: \$11,452.17

Lots 1-5 and Lots 10-14, Block 8, JJ Ainsworth Addition, City of Friend, Saline County, Nebraska (Owner-Scott V. Hulse and Judith L. Hulse)

TOTAL ASSESSMENT: \$10,164.36

Lots 1-4, Block 9, the East 40 Feet of Lot 11, and all of Lots 12-14, Block 9, JJ Ainsworth Addition, City of Friend, Saline County, Nebraska (Owners-Shane Stutzman and Jennifer L. Stutzman/Jennifer Stroh)

TOTAL ASSESSMENT: \$10,164.36

Lots 1-4, Lots 8-14 and the East Half of vacated Floyd's Street, Block 16, JJ Ainsworth Addition, City of Friend, Saline County, Nebraska (Owner-Gerald McCullough)

TOTAL ASSESSMENT: \$12,490.71 *pd \$ 200.00*

Lots 6-10 and the West Half of vacated Floyd's Street, Block 15, JJ Ainsworth Addition, City of Friend, Saline County, Nebraska (Owner-Gregory S. Ricenbaw)

TOTAL ASSESSMENT: \$6,084.30

Lots 1, 24, 25 and 26, Palky's Subdivision, City of Friend, Saline County, Nebraska (Owner-Palky Farms Limited Partnership)

TOTAL ASSESSMENT: \$11,631.75 *pd in full*

A)A tract of land located in the Northwest Quarter of Section 24, Township 8 North, Range 1, East of the 6th P.M., Saline County, Nebraska, more particularly described as: Commencing at the Northwest corner of said Northwest Quarter; thence S 01°01'54" E (Assumed bearing) on the West line of said Northwest Quarter 60.00 feet to the point of beginning, said point being on the Southerly Right of Way Line of Hwy #6; S 87° 31'02" E on said Southerly Right of Way Line, 692.39 feet; thence S 90°00'00" E on said Southerly Right of Way line, 17.0 feet; thence S 34°00'38" E, 626 feet; thence N 90°00'00" W on a line 609.0 feet South of and parallel to the North Line of said Northwest Quarter, 1049.00 feet to the West Line of said Northwest Quarter; thence N 01°01'54" W on the West Line of said Northwest Quarter, 549.00 feet to the Point of Beginning. (Owner-Light Jet Properties, LLC); and,

B)A tract of land located in the Northwest Quarter of Section 24, Township 8 North, Range 1, East of the 6th P.M. Saline County, Nebraska, more particularly described as: Commencing at the Northwest corner of said Northwest Quarter; thence S 01°01'54" E (Assumed Bearing) on the west line of said Northwest Quarter 373.00 feet; thence S 90°00'00" E parallel with the North line of said Northwest Quarter, 33.00 feet to the point of beginning, said point of beginning being on the easterly R.O.W. line of Page Street; thence continuing S 90°00'00" E, 160.00 feet; thence S 01°01'54" E parallel with the west line of said Northwest Quarter, 236.00 feet to an existing boundary line; thence N 90°00'00" W on said existing boundary line, 160.00 feet to the easterly R.O.W. line of Page Street; thence N 01°01'54" W on said easterly R.O.W. line, 236.00 feet to the point of beginning. (Owner-Light Jet Properties, LLC)

TOTAL ASSESSMENT TO YTRACTS A & B: \$19,756.08

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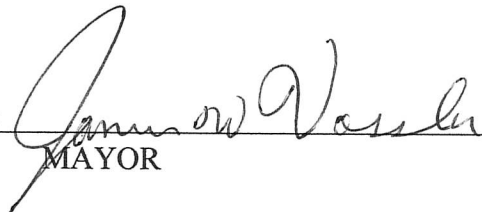
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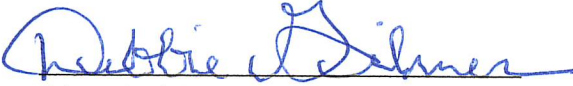
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BY: 
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ATTEST:


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Fax Cover Sheet

City of Friend
235 Maple Street
Friend, NE 68359
402-947-2711
402-947-9041

Send to: Saline County Clerk <i>Treasurer</i>	From: Debbie Gilmer
Attention: Linda Kastanek	Date: 04/23/2014
Office Location:	Office Location:
Fax Number: 402-821-3381	Phone Number: 402-947-2711

- Urgent
- Reply ASAP
- Please comment
- Please Review
- For your Information

Total pages, including cover: 4

Comments:

Good Afternoon, Linda

Following is a resolution that the Friend City Council adopted November 26th, 2013. I should've gotten this to you sooner.....but for some reason I had it in my mind that our City attorney had handled this.

Let me know if you need to have the original document in your office.

Thank you and please don't hesitate to call with any questions.

Debbie

HP Officejet Pro 8600 N911n Series

Fax Log for
Friend City Hall
4029479041
Apr 23 2014 2:39PM

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
				Digital Fax		
Apr 23	2:34PM	Fax Sent	14028213381	1:55 N/A	4	OK

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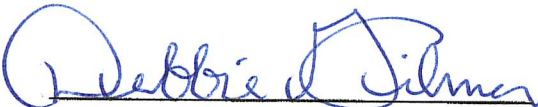
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TOTAL ASSESSMENT: \$6,096.20

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TOTAL ASSESSMENT TO TRACTS A & B: \$19,794.72

City of Friend

From: Michael G. Mullally <mike@mullallylaw.com>
Sent: Tuesday, June 05, 2012 11:34 AM
To: City of Friend
Subject: Mike Paulsen & street improvements

Debbie- As mentioned in my phone call this morning I've had several conversations with Mike's bank. I was told to contact his loan officer directly, which I did yesterday and left a voice mail with him. He hasn't returned my call.

I think what is happening is that the city has a first lien on some real estate by virtue of a loan from the revolving fund. Mike's bank is doing a financing package for him and probably wants us to either, a) subordinate our lien to the one from the bank, or, b) pay us off.

The decision on what to do is up to the council. I wouldn't advise the council to subordinate the lien unless we have a good history of repayment with Mike, AND there is plenty of equity in the property to cover our outstanding loan amount. Unless these factors are clearly met to the council's satisfaction, (particularly the second) I'd suggest to the council that they not agree to subordinate our lien, and just seek a payoff.

For some reason I was listed as the trustee of the deed of trust, so if we release our lien upon getting a full payoff, I would have to sign the release document. I won't be able to do so until I return from vacation on June 18.

Also, in reviewing the agenda describing the ordinance regarding the various street improvement districts, you'll recall that the district that was formed for the Page and 5th st. project was already titled as #2012-1, so we should change the numbers of the districts in this new ordinance and in the corresponding resolution to begin with #2012-2 and so on.

Please pass this along to the council in the event I'm not at tonights meeting. Thanks.

Mike

Michael G. Mullally P.C., L.L.O.
Attorney at Law
510 Seward St.
Seward, NE 68434
mike@mullallylaw.com
(402) 643-4581
(402) 643-4142 fax