**RESOLUTION #18-04**

**BE IT RESOLVED** by the Mayor and City Council of the City of Friend, Nebraska:

**WHEREAS,** at a regular meeting of the Mayor and City Council of the City of Friend, Nebraska, held Tuesday September 4th, 2018 at 7:00 p.m., a resolution was adopted determining that a public nuisance was being maintained on the following described real estate:

**FRIEND CITY R.S. BENTLEY’S ADDITION S 35’ OF LOT 72 & ALL OF LOT 72 FRIEND, NEBRASKA** (308 Maple Street, Friend, Nebraska)

**WHEREAS,** the owner requested a hearing on the determination of the existence of said public nuisance to provide the owner an opportunity to show cause why such conditions should not be found to be a public nuisance and remedied, all in accordance with the provisions of Section 98.01 (3) (6) and 98.02 (H) of the City of Friend Code of Ordinances; and

**WHEREAS,** a City of Friend Board of Health Hearing was held on Monday August 13th, 2018 at 12:00 p.m., with the owner present.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Friend, Nebraska;

1. Mary Jo Weber, owner of the real estate identified above has failed to show cause that the conditions maintained on the above described real estate should not be found to be a public nuisance and remedied.
2. A public nuisance is being maintained on the above described real estate by Mary Jo Weber, owner, in violation of Friend City Code of Ordinances Sections 98.01 (3) (6) and 98.02 (H), specifically:
	1. Nuisance. Consists in doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:
		* + 1. Is offensive to the senses;
3. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.
	1. Specifically Defined. The maintaining, using, placing, depositing, leaving or permitting of any of the following specific acts, omissions, places, conditions and things are hereby declared to be nuisances:
		* + 1. Any unsightly building, billboard or other structure, or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which building, billboards or other structures are either a fire hazard, a menace to the public health or safety, or are so unsightly as to depreciate the value of property in the vicinity thereof;
4. As the owner has failed to abate and remove such nuisance located upon the above described real estate, the City of Friend, Nebraska shall proceed to have such work done and may levy and assess the cost and expenses of such work upon the real estate above described in the same manner as other special taxes for the improvements are levied and assessed. Alternatively, the City of Friend, Nebraska may recover all costs and expenses of such work completed upon said real estate against the owner thereof in a civil action.

PASSED AND APPROVED this 4th day of September 2018.

CITY OF FRIEND, NEBRASKA

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James W. Vossler, Mayor

ATTEST:

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Debbie Gilmer, City Clerk