

RESOLUTION NO. 2020-12

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WISNER, NEBRASKA, ORDERING THE CONSTRUCTION OF A SIDEWALK ALONG AND CONTIGUOUS TO THE FOLLOWING LOT WITHIN THE CITY; PROVIDING THE CITY ITSELF SHALL CONSTRUCT THE SIDEWALK IF THE LOT OWNER DOES NOT; AND PROVIDING NOTICE OF INTENT TO ASSESS ON SAID LOT ANY CITY EXPENSE INCURRED DUE TO SAID CONSTRUCTION, TO WIT: LOT 6, BLOCK 43, SECOND ADDITION, CITY OF WISNER, CUMING COUNTY, NEBRASKA, COMMONLY KNOWN AS 612 7TH STREET, WISNER, NE 68791; PROVIDING AN EFFECTIVE DATE.

WHEREAS section 6-302 of the Revised Municipal Code of the City of Wisner provides as follows: “Every owner of any lot or piece of land within the corporate limits shall at all times keep and maintain the sidewalk along and contiguous to said lot, lots, or pieces of land in good and proper repair and in a condition reasonably safe for travel for all travelers thereon”;

WHEREAS section 6-302 further provides: “The City council may by resolution order the construction or repair of a sidewalk on any lot or piece of ground within the city and may assess the expense thereof on the property in front of which such construction or repairs are made, after having given notice of its intention to do so: ... By publication in one issue of a legal newspaper of general circulation in the city; and ... By causing a written notice either to be served upon the occupant in possession of the property involved or to be posted upon such premises ten days prior to the commencement of such repair. Such service shall include a form of return evidencing personal service or posting as required herein”;

WHEREAS Nebraska law similarly provides a mayor and city council of a city of the second class may cause the construction and repair of sidewalks in such manner as the mayor and city council deem necessary and assess the expense thereof on the property in front of which such construction is done, and further provides if the owner of property fails to construct or repair any sidewalk in front of the owner’s property within the time and manner as directed and requested by the mayor and city council, the mayor and city council may cause the sidewalk to be constructed and may assess the cost of such construction against the property, Neb. Rev. Stat. § 17-522, as amended;

WHEREAS the following lot within the corporate limits of the City does not presently have a sidewalk along and contiguous to it, after the owner thereof removed and did not replace it, to wit: Lot 6, Block 43, Second Addition, City of Wisner, Cuming County, Nebraska, commonly known as 612 7th Street, Wisner, NE 68791; and

WHEREAS the record owners of the above-described lot are David W. Brown and Teresa Brown;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wisner, Nebraska:

Section 1. Pursuant to Code section 6-302, David W. Brown and Teresa Brown are hereby ordered to construct a sidewalk adjacent to the following real property, to wit: Lot 6, Block 43, Second Addition, City of Wisner, Cuming County, Nebraska, commonly known as 612 7th Street, Wisner, NE 68791. Such construction shall be concluded within a period of ten (10) calendar days from the date of personal service of this Resolution as provided herein. The sidewalk shall be built and constructed on the established grade or elevation and shall be in a location and of a material and thickness as determined by the utilities superintendent.

Section 2. David W. Brown, Teresa Brown, any occupant of the above-referenced property, and any other interested parties of record shall be served with written notice of the order of construction provided herein as provided by Code section 6-302. Such service shall include a form of return evidencing personal service. Service of a copy of this Resolution shall be sufficient.

Section 3. Should the above-named property owners not conclude construction as ordered herein within said 10-day period, the City itself shall thereafter proceed to do so forthwith and shall assess the expense thereof on the above-described property according to law.

Section 4. This Resolution shall become effective upon its passage and approval.

Passed and adopted this 20th day of July, 2020.

Mayor

ATTEST:

City Clerk/Treasurer