

RESOLUTION 20241015C

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARTINGTON, NEBRASKA, AUTHORIZING THE REMOVAL OF OVERHANGING TREE BRANCHES OF THE CITY AT VARIOUS ADDRESSES SPECIFICALLY IDENTIFIED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE , IN HARTINGTON, NEBRASKA, PURSUANT TO THE ORDINANCES OF THE CITY OF HARTINGTON, AND LEVYING AND ASSESSING THE COSTS AND EXPENSES OF SUCH REMOVAL ON THE REAL ESTATE.

WHEREAS, City of Hartington Ordinance No. §8-106 specifically states that the owner or occupant of any lot, piece, or parcel of ground abutting or adjacent to any street or sidewalk over which there extend the branches of trees shall at all times keep the branches or limbs thereof trimmed to the height of at least eight feet (8') above the surface of the walk and at least fourteen feet (14') above the surface of the street.; and

WHEREAS, the City is authorized to remove the tree branches overhanging the streets after following the procedures outlined in City Ordinance No. §8-106 and assess the costs and expenses of such removal to the owner or occupant as a special assessment to the property for improvements; and

WHEREAS, the City of Hartington mailed letters on two separate dates to the owners and/or occupants of such identified properties and the owners and/or occupants have failed to comply with the City's requests to remove the overhanging tree branches; and

WHEREAS, the overhanging tree branches at various addresses, specifically identified in Exhibit "A", in Hartington, Nebraska interfere with the lighting of the street or with the convenience of the public using the street or sidewalk.

IT IS HEREBY RESOLVED by the City Council of the City of Hartington, Nebraska, that the owners/occupants of the properties identified in Exhibit "A" are ORDERED to cut or remove the overhanging tree branches within five (5) days of receiving a copy of this resolution from the Utilities Superintendent and any failure to comply with this order will result in the City removing the overhanging tree branches and charge the costs thereof to the owner or occupant as a special assessment for improvements as herein provided;

IT IS HEREBY FURTHER RESOLVED by the City Council of the City of Hartington, Nebraska that if the owners and/or occupants of the properties identified in Exhibit "A" do not comply with the City Council's Order to cut or remove the

overhanging tree branches within five (5) days of receiving a copy of this resolution from the Utilities Superintendent, the Utilities Superintendent is directed to enforce the above ordinance and cut and remove the overhanging tree branches in violation of city ordinance on the properties identified in Exhibit "A";

IT IS HEREBY FURTHER RESOLVED, by the City Council of the City of Hartington, Nebraska, that the costs of any removal of the overhanging tree branches by the City shall be charged to the owner and/or occupant of each identified property to which the expense was incurred as a special assessment for improvements as outlined in the City of Hartington Ordinances and the City Clerk is hereby directed to mail notice of any special assessments due to each of the identified properties and the last known address of the person whom the special assessments are assessed or the lending institution or other party responsible for paying those special assessments and the City Clerk shall file notice of the assessments and the amount of the assessment being levied for each lot or tract of land to the Register of Deeds.

PASSED AND APPROVED this 15th day of October, 2024.



CITY OF HARTINGTON, NEBRASKA

BY: Mark Becker
Mark Becker, Mayor

ATTEST:

Brittni Benscoter
Brittni Benscoter
City Clerk

TREE TRIMMING ASSESSMENTS

302 S Cornel – Gerri Feilmeier
101 N Greenlee – Jean Lammers
204 E Elm – Sofia Reyes
502 N Broadway – Derek Klug
401 N Summit – Tim Burbach
204 S Summit – Austin Arens
301 S Cedar – Austin Snedeker
301 S Summit – Jason Kruse
408 S Madison – Steve Lucht
502 E Court – Leander Lammers
206 S Portland – Chris Miller
401 E Court – Clinton Becker
205 N Portland – Tracy Smith

EXHIBIT "A"