

RESOLUTION NO. 2013-40

WHEREAS, Statute 39-1811 of the Nebraska Highway and Bridge law manual states:

(1) It shall be the duty of the landowners in this state to mow all weeds that can be mowed with the ordinary farm mower to the middle of all public roads and drainage ditches running along their lands at least twice each year, namely, before July 15, for the first time and sometime in August for the second time.

(2) Whenever a landowner, referred to in subsections (1) and (3) of this section, neglects to mow the weeds as provided in this section, it shall be the duty of the county board on complaint of any resident of the county to cause the weeds to be mowed or otherwise destroyed on neglected portions of roads or ditches complained of.

(3) The county board shall cause to be ascertained and recorded an accurate account of the cost of mowing or destroying such weeds, as referred to in subsections (1) and (2) of this section, in such places, specifying, in such statement or account of costs, the description of the land abutting upon each side of the highway where such weeds were mowed or destroyed, and if known, the name of the owner of such abutting land. The board shall file such statement with the county clerk, together with a description of the lands abutting on each side of the road where such expenses were incurred, and the county board, at the time of the annual tax levy made upon lands and property of the county, may, if it desires, assess such cost upon such abutting land, giving such landowner due notice of such proposed assessment and reasonable opportunity to be heard concerning the proposed assessment before the same is finally made; and

WHEREAS, the Boone County Board of Commissioners has caused to be published in the local county newspapers, every spring, a notice to all landowners to mow all weeds as referred to in Statue 39-1811; and

WHEREAS, it has been observed that some landowners have failed to mow all weeds on roads abutting their land; and

WHEREAS, the Boone County Board of Commissioners feels it is in the best interest of the county, for the safety of the traveling public, for the maintenance of county roads and for snow removal in the winter that said public roads and ditches be mowed twice yearly as referred to in Statue 39-1811.

NOW, THEREFORE, BE IT RESOLVED, by the Boone County Board of Commissioners, that effective July 1, 2013, upon failure of a landowner to mow all roads and ditches abutting lands, and after receiving notice to mow said roads and ditches, if the landowner fails to mow said road and ditches within ten days (10) of receiving said notice, the Boone County Board of Commissioners shall cause said roads to be mowed at a cost of Four hundred and fifty dollars (\$450.00) per mile.

Motion made by Ken Luettel, second by Tom Schuele.

Roll call Vote: Yeas: Luettel, Schuele and Tisthammer. Nays: None.

PASSED AND APPROVED this 24<sup>th</sup> day of June, 2013

ATTEST:



Kathy Thorberg  
Kathy Thorberg, Boone County Clerk

Tom Schuele  
Tom Schuele, Chairman

Jerry Lynn Tisthammer  
Jerry Lynn Tisthammer, Vice-Chairman

Ken Luettel  
Ken Luettel Member