

## RESOLUTION NO. 06-04

A RESOLUTION TO PROVIDE FOR THE SALE OF THE FOLLOWING DESCRIBED REAL ESTATE, TO-WIT:

-Lot 3, B.G. Page's First Addition, Friend, Saline County, Nebraska.

-Lots 38 and 39, R.S. Bentley's Addition, Friend, Saline County, Nebraska.

SUBJECT TO THE PROVISIONS AND CONDITIONS HEREINAFTER SET FORTH;  
AND TO PROVIDE FOR THE TERMS OF SUCH SALE;

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

Section 1. **DESCRIPTION; CONSIDERATION FOR SALE; TO WHOM SOLD; CONDITIONS:** The following described real estate owned by the City of Friend, Saline County, Nebraska, to-wit:

-Lot 3, B.G. Page's First Addition, Friend, Saline County, Nebraska.

-Lots 38 and 39, R.S. Bentley's Addition, Friend, Saline County, Nebraska.

shall be sold to the highest bidder for cash by sealed bids submitted by May 19, 2006 at the Friend City Hall, Friend, Nebraska.

Section 2. **MANNER OF CONVEYANCE; TITLE CONVEYED; NO WARRANTIES:** Conveyance of said real estate to the Purchaser thereof shall be by Quitclaim Deed executed on behalf of the City of Friend, Nebraska, a municipal corporation, by the Mayor of the City of Friend and attested to by the City Clerk-Treasurer of the City of Friend, Nebraska. This real estate is sold as-is, where-is. No representations or warranties as to the sufficiency of title, or of the potential uses or restrictions of use of this real estate, are made by the City of Friend. Cost of examination of title shall be at the sole expense of the prospective buyer of this real estate.

Section 3. **NOTICE OF SALE AND PUBLICATION:** Notice of sale of said real estate and the terms thereof as provided in this Resolution shall be published three (3) consecutive weeks in the Friend Sentinel, a legal newspaper published in and of general circulation in said City immediately after the passage and publication of this Resolution.

Section 4. **REMONSTRANCE AGAINST SUCH SALE:** If remonstrance against such sale as herein provided signed by the legal electors of the City of Friend, Nebraska, equal in number to 30% of the electors of the City of Friend, Nebraska, voting at the last regular municipal election held in said City be filed within the publication of this Resolution, said property shall not then nor within one year thereafter be sold.

Section 5. **SALE SUBJECT TO COUNCIL APPROVAL:** The sale of this real estate is subject to confirmation by the passage of an ordinance by the City Council of the City of Friend. The City of Friend reserves the right to reject any and all bids received for this real estate.

Passed and approved this 25th day of April, 2006.

**THE CITY OF FRIEND, NEBRASKA**



By: *Roger C. Horne*  
Mayor

*Debbi Gilmer*  
City Clerk-Treasurer

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**THE CITY OF FRIEND, NEBRASKA**



By: Roger C. Horne  
Mayor

Debbi Gilmer  
City Clerk-Treasurer

Saline County Assessors Office  
PO BOX 865  
Wilber, NE 68465-0865  
Phone 402-821-2588 Fax 402-821-3319

**FACSIMILE COVER LETTER**

DATE: April 24, 2006 # of Pages: 1  
ATTN: FAX: 947-9041  
COMPANY: City of Friend  
REGARDING: Lots in Friend  
COMMENTS:

1<sup>st</sup> Parcel that Deb called about is:

B.G. Page's First Addition Block 3  
150' x 150'  
Value for lot would be \$12,850.

2<sup>nd</sup> Parcel that Deb called about is:

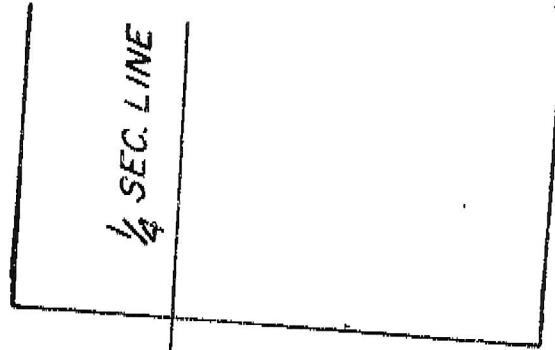
R. S. Bentley's Addition Lots 38-39  
150' x 100'  
Value for lot would be \$ 9,850

Right now both of these properties are exempt since they are owned by the City of Friend.

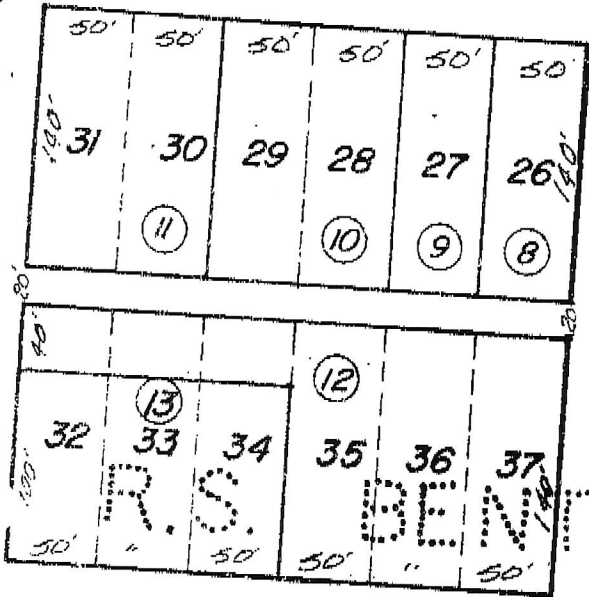
I have copied this map for you. Hopefully you are able to read it. If you have anymore questions, let us know.

Thanks.

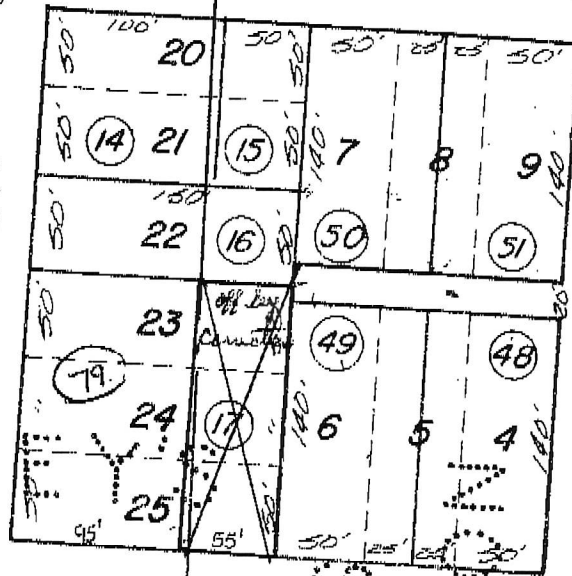
Brandi  
Office Clerk



STREET

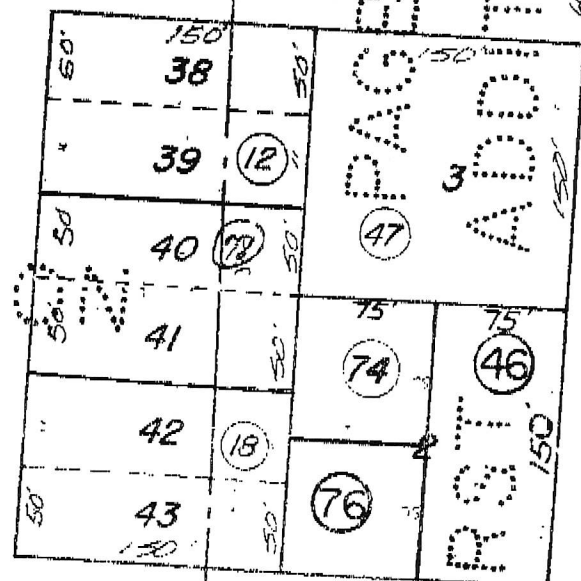
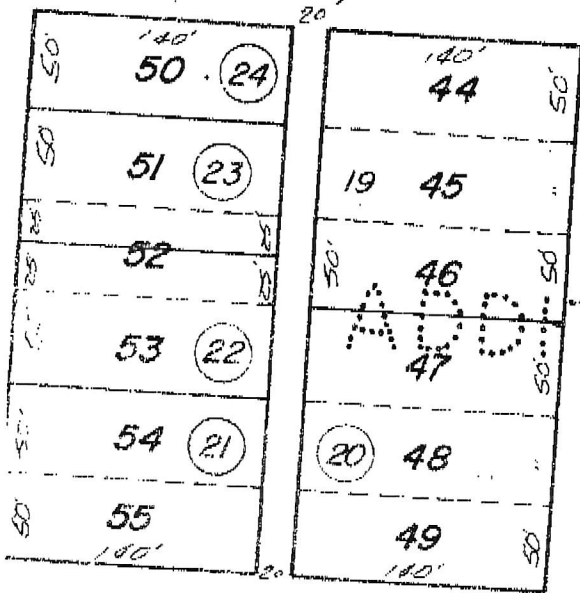


STREET



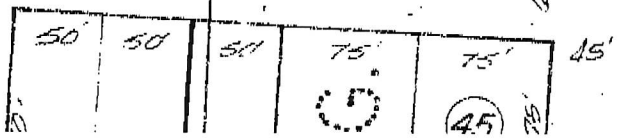
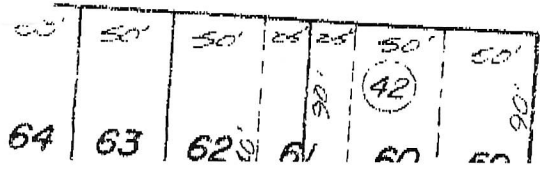
STREET

STREET



SPRING

STREET



**City of Friend**

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**From:** "Mike Mullally" <mullallylaw@alltel.net>  
**To:** "City of Friend" <cityoffriend@alltel.net>  
**Sent:** Friday, April 21, 2006 9:49 AM  
**Subject:** Stan Houlden

Debbie- Visited with Roger last night. As I understand it Stan is interested in buying a city owned lot. I told Roger that we need to pay attention to the state law and city ordinance (8-107) relating to the sale of municipal real estate. If we are going to sell it, and we believe that the property is valued at less than \$5000, we can pass a resolution indicating that we would sell the real estate, and post a notice in at least 3 places indicating the property for sale, and indicating the terms and conditions of the sale (these would have to be determined by the council). The notices have to be posted at least 7 days before the sale takes place. We would pass an ordinance after the sale is completed approving the sale.

If we think that the property is worth over \$5000, we would have to pass a resolution directing the sale at public auction or by sealed bids. We then have to publish a notice of sale in the paper for 3 consecutive weeks before we can hold the sale. The public can exercise a right of remonstrance protesting the sale within 30 days after the 3rd publication and if they get enough signatures of registered voters on a petition, the sale is off. I think they need at least 30%. After the 30 day period has passed, and assuming we don't have a protest, we can sell the real estate. If we receive an agreeable bid, we then have to pass an ordinance approving the sale.

As you can see it gets much messier if we are dealing with more valuable property, and more time consuming. We can put this on the agenda for discussion on May 2, unless Roger puts it on for the earlier meeting.

Michael G. Mullally  
Attorney at Law  
510 Seward St.  
Seward, NE 68434  
643-4581  
[mullallylaw@alltel.net](mailto:mullallylaw@alltel.net)

## City of Friend

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**From:** "Mike Mullally" <mullallylaw@alltel.net>  
**To:** "City of Friend" <cityoffriend@alltel.net>  
**Sent:** Monday, April 24, 2006 3:44 PM  
**Attach:** REsale.resolutionover5K.wpd  
**Subject:** real estate sale resolution

Debbie- Attached is the resolution with regard to the two properties and their sale. I corrected the legal of the Page Addition property to Lot 3 from Block 3. In most parts of Friend, the blocks are not numbered, only the lots, as is the case in this addition.

The council would need to decide which of the two sale methods they want to follow. They also need to decide if they want to sell both properties, or just one of them. they can package them together, or take bids seperately, whatever they want to do. The resolution can be amended accordingly depending on what they decide. Let me know if there are any other questions after you've reviewed this. Thanks.

Michael G. Mullally  
Attorney at Law  
510 Seward St.  
Seward, NE 68434  
(402) 643-4581  
[mullallylaw@alltel.net](mailto:mullallylaw@alltel.net)



# FAX COVER SHEET

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

<b>Send to: Mike Mullally</b>	<b>From: Debbie Gilmer</b>
	<b>Date: April 24, 2006</b>
<b>Office Location:</b>	<b>Office Location:</b>
<b>Fax Number: 643-4142</b>	<b>Phone Number: 947-2711</b>

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

Total pages, including cover: 3

**Comments:**

Hi Mike,

Here is the information you requested. Call me with questions.

Thanks!

Debbie

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

<b>Send to: Mike Mullally</b>	<b>From: Debbie Gilmer</b>
	<b>Date: May 3, 2006</b>
<b>Office Location:</b>	<b>Office Location:</b>
<b>Fax Number: 643-4142</b>	<b>Phone Number: 947-2711</b>

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

Total pages, including cover: 4

**Comments:**

Hi Mike,

Here are the resolutions you requested. At the special meeting on the 25<sup>th</sup>, there were two liquor license applications approved and a claim for the interest and delinquent taxes for the Horn property in the amount of \$2,799.22 that was approved. (Thought you'd appreciate this "brief" summary, rather than the complete minutes.) Call me with questions.

Thanks!

Debbie