

RESOLUTION NO. 2018-52

**RESOLUTION OF NECESSITY; WITHIN THE CITY OF INDEPENDENCE,
BUCHANAN COUNTY, IOWA**

WHEREAS, the City Council of the City of Independence, Iowa (the "City"), has adopted a preliminary resolution in accordance with Section 384.42 of the Code of Iowa, covering the 2018 Second Street NE PCC Paving Project (the "Project"); and

WHEREAS, pursuant thereto, the Project Engineers have prepared preliminary plans and specifications, an estimated total cost of the work and a plat and schedule, including the valuation of each lot as determined by this City Council, and the same have been duly adopted and are now on file with the City Clerk; and

WHEREAS, a public hearing has been held on the proposed Resolution of Necessity on June 25, 2018, at 6:30 p.m., at the City Hall Council Chambers, in the City;

NOW, THEREFORE, It Is Resolved by the City Council of the City of Independence, Iowa:

Section 1. It is hereby found and determined to be necessary and for the best interest of the City and its inhabitants to proceed with the Project, and to assess a portion of the cost of the Project to the property benefited thereby.

Section 2. The Project shall include the construction of PCC pavement, PCC curb and gutter, RCP storm sewer and intakes, 4" PE subdrain, PCC driveways, PCC sidewalk, sanitary sewer replacement, excavation, placing special backfill, topsoil, seeding and associated incidental improvements on and along Second Street NE beginning at the east right-of-way line of its intersection with 8th Avenue NE and continuing east approximately 623 feet to the Second Street NE bridge over Melone Creek.

Section 3. The portion of the Project to be assessed to private property owners will include the construction of PCC curb and gutter, including RCP storm sewer and intakes.

It is considered that the property abutting the above-described segment of street to be improved will be specially benefitted by this improvement and should be specially assessed.

Section 4. It is hereby found and determined that there are now on file in the office of the City Clerk an estimated total cost of the proposed work and a preliminary plat and schedule showing the amount proposed to be assessed to each lot by reason of the Project.

Section 5. Unless a property owner files objections with the City Clerk at the time of the hearing on this resolution of necessity, the property owner shall be deemed to have waived all objections pertaining to the regularity of the proceedings and the legality of using the special assessment procedure.

Section 6. All resolutions, parts of resolutions, or actions of the City Council in conflict herewith are hereby repealed, to the extent of such conflict.

Section 7. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

RESOLUTION NO. 2018-52 was passed and approved by a majority vote of the City Council of Independence, Iowa, on the 25th day of June, 2018.

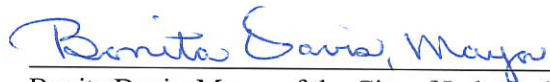
Record of Voting:

Ayes: Scharff, O'Loughlin, Hanna, Vaughn, Kurtz, Hayward, and Hill.

Nays:

Abstain:

RESOLUTION NO. 2018-52 declared passed and adopted by the Mayor on this 25th day of June, 2018.



Bonita Davis, Mayor of the City of Independence, Iowa

ATTEST:



Jeena Lynch, City Clerk/Treasurer, City of Independence, Iowa