

RESOLUTION NO. 2019-67

**RESOLUTION ADOPTING FINAL ASSESSMENT SCHEDULE FOR THE
2018 SECOND STREET NE PCC PAVING PROJECT AND AMENDING,
CONFIRMING AND LEVYING THE ASSESSMENTS**

WHEREAS, heretofore and in strict compliance with Chapter 384 of the Code of Iowa, the City Council of the City of Independence, Iowa, did, pursuant to a Resolution of Necessity duly adopted on June 25, 2018, order the construction of the City's 2018 Second Street NE PCC Paving Project (the "Project"), such improvement having been duly completed, the work accepted and the Project Engineers having filed the final assessment schedule, which has been fully considered by this Council;

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

Section 1. The final assessment schedule filed by the Project Engineers covering the Project is hereby amended as follows:

(Insert the word "none" or list amendments to plat and schedule of assessments).

Section 2. The aforementioned final assessment schedule, as amended, is hereby approved and adopted.

Section 3. Each and all of the assessments upon the benefited property in the amounts and upon the various lots and tracts described in such final assessment schedule are hereby confirmed and levied.

Section 4. Each of such assessments in the amount of more than Five Hundred Dollars (\$500.00) is hereby divided into ten (10) equal installments, as near as may be.

Section 5. All unpaid installments shall bear interest at the rate of 4% per annum from September 9, 2019 (that being the date of acceptance of the work); provided, however, that any such assessments may be paid in full or in part without interest within 30 days after the date of the first publication of the Notice of Filing of the Final Assessment Schedule with the County Treasurer, such payments to be made at the office of the City Clerk.

Section 6. The first installment of the unpaid assessments shall be due and payable at the office of the County Treasurer of Buchanan County on the first day of July, 2020, and shall become delinquent from October 1, 2020, and then bear the same interest with the same penalties as ordinary taxes.

Section 7. Succeeding installments shall become due and payable in like manner on the first day of July in each of the years 2021 to 2029, inclusive.

Section 8. All assessments in the amount of Five Hundred Dollars (\$500.00) or less shall become due and payable in full on July 1, 2020.

Section 9. All unpaid installments of any assessment may be paid in full on any date, in which case interest shall be computed on the outstanding balance to the first day of December following the date of such payment; and additional annual installments may be paid after the current installment has been paid before December 1 without interest.

Any property owner may elect to pay one half or all of the next annual installment of principal of and interest on the special assessment prior to the delinquency date of the installment.

Section 10. The City Clerk is hereby authorized and directed to certify and file the final assessment schedule, herein referred to, with the County Treasurer of Buchanan County.

The City Clerk shall thereupon give notice of such certification and filing by publication once each week for two successive weeks in a legal newspaper printed wholly in the English language, published at

least once weekly and of general circulation in Independence, Iowa, the first publication to be not more than fifteen (15) days after the date of filing of the said schedule with said County Treasurer.

The City Clerk shall also mail said notice, by ordinary mail, to each property owner whose property is subject to assessment for said improvement, such notice to be mailed on or before the second publication of the notice.

Section 11. Such notice shall be in form substantially as follows:

NOTICE OF FILING OF FINAL ASSESSMENT SCHEDULE FOR THE
CITY'S 2018 SECOND STREET NE PCC PAVING PROJECT

INDEPENDENCE, IOWA

TO WHOM IT MAY CONCERN: Take notice that the City Council of the City of Independence, Iowa, has adopted the final assessment schedule covering the City's 2018 Second Street NE PCC Paving Project (the "Project"), which was duly certified to the County Treasurer of Buchanan County, Iowa, on the ___ day of _____, 2019, all in accordance with Section 384.60 of the Code of Iowa.

The Project consisted of 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.

The portion of the Project to be assessed to private property owners includes 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 will be specially benefitted by this improvement and should be specially assessed.

Any assessment may be paid in full or in part without interest within 30 days after the date of the first publication of this notice, such payments to be made at the office of the City Clerk. Assessments in the amount of Five Hundred Dollars (\$500.00) or less which are not paid in full within that time period shall be due on July 1, 2020. Assessments in the amount of more than Five Hundred Dollars (\$500.00) which are not paid in full within that time period will be divided into ten (10) equal annual installments due on the first day of July, commencing July 1, 2020. All unpaid special assessments will draw annual interest at 4 % computed initially from the date of acceptance of the work on the City's 2018 Second Street NE PCC Paving Project to December 1, 2020, and thereafter computed from the December 1 immediately preceding the due dates of the respective installments to the December 1 next following the due dates of the respective installments. Each installment will be delinquent from the October 1 following its due date and will draw additionally the same delinquent interest and the same penalties as ordinary taxes.

Any property owner may elect to pay one half or all of the next annual installment of principal and interest of the special assessment prior to the delinquency date of the installment.

All unpaid installments of any assessment may be paid in full on any date, in which case interest shall be computed on the outstanding balance to the first day of December following the date of such payment; and additional annual installments may be paid after the current installment has been paid before December 1 without interest.

Reference is hereby made to said final assessment schedule for a description of the particular lots or tracts and the amounts of the final assessments thereon, as determined and fixed by the Council.

By order of the City Council of the City of Independence, Iowa.

Jeena Lynch
City Clerk

(The mailed copies of the notice may have added thereto the following:

According to the records of the County Auditor, you are the owner of:

(Insert Property Description)

and the final assessment against the same is \$ _____. Furthermore, conditional deficiencies in the amount of \$ _____ have been filed against the property which may be assessed in the future should the valuation of the property increase.)

Section 12. Each and all of the deficiencies which appear on the final assessment schedule with respect to the benefited property are hereby confirmed and conditionally levied to the extent that such deficiencies may be subsequently assessed against each lot under Section 384.63 of the Code of Iowa.

Section 13. The City Clerk is hereby authorized and directed to certify and file a listing of said deficiencies with the County Treasurer of Buchanan County, Iowa, who shall record them in a separate book entitled "Special Assessment Deficiencies," and to the City Building Inspector, being the City official charged with the responsibility of issuing building permits in the City, who shall notify the Council when a private improvement is subsequently constructed on any lot subject to a deficiency. The certificate to the aforementioned County Treasurer shall include a legal description of each lot.

Section 14. The amortization period for each and all of the deficiencies shall commence on June 25, 2018, the date this Council adopted the Resolution of Necessity for the Project, and shall extend until July 1, 2029.

Section 15. All resolutions or parts of resolutions in conflict herewith are hereby repealed, to the extent of such conflict.

Section 16. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Resolution No. 2019-67 was passed and approved by a majority vote of the City Council of Independence, Iowa, on the 16th day of December, 2019.

Record of Voting:

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

Nays:

Absent:

RESOLUTION NO. 2019-67 declared passed and adopted by the Mayor on this 16th day of December, 2019.

Bonita Davis Mayor
Bonita Davis, Mayor of the City of Independence, Iowa

ATTEST:

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