

**RESOLUTION NO. 2021-08**

**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 2021 Pavement Rehabilitation 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;

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 consist of milling (pavement scarification) and Asphalt Cement Concrete (ACC) surfacing of existing pavement on and along the following segments of street and avenue in the City of Independence, Buchanan County, Iowa:

- 6<sup>th</sup> Avenue SE, from the southernmost right-of-way line of 3<sup>rd</sup> Street SE on the north to a point 132 feet south of its intersection with 4<sup>th</sup> Street SE on the south.
- 8<sup>th</sup> Avenue SW, from the southernmost right-of-way line of 1<sup>st</sup> Street SW on the north to the northernmost right-of-way line of 6<sup>th</sup> Street SW on the south.
- 2<sup>nd</sup> Street NE, from the easternmost right-of-way line of 5<sup>th</sup> Avenue NE on the west to the westernmost right-of-way line of 7<sup>th</sup> Avenue NE on the east.
- 7<sup>th</sup> Street NE, from the easternmost right-of-way line of 4<sup>th</sup> Avenue NE on the west to the westernmost right-of-way line of 5<sup>th</sup> Avenue NE on the east.

Section 3. It is considered that the properties abutting the above-described segments 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. This City Council will meet at 6:30 p.m., on February 22, 2021, at the City Hall, in the City, at which time and place it will hear the property owners subject to the proposed assessment or assessments and interested parties for or against the Project, its cost, the assessment thereof or the boundaries of the properties to be assessed.

Section 6. 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 7. All resolutions, parts of resolutions, or actions of the City Council in conflict herewith are hereby repealed, to the extent of such conflict.

Section 8. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

**Resolution No. 2021-08** was passed and approved by a majority vote of the City Council of Independence, Iowa, on the 25<sup>th</sup> day of January, 2021.


Record of Voting:

Ayes: Hill, Scharff, Kurtz, O'Loughlin, Hanna, Callahan, and Rodriguez.

Nays:

Absent:

**Resolution No. 2021-08** declared passed and adopted by the Mayor on this 25<sup>th</sup> day of January, 2021.

  
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Bonita Davis, Mayor of the City of Independence, Iowa

ATTEST:

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