

RESOLUTION NO. 2023-

**Proposed
Resolution of Necessity**

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 2024 Street 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, all of which is assessable, shall consist of crack and seat and rehabilitation with hot mix asphalt (HMA) overlay and miscellaneous related work on and along the following segments of street and avenue in the City of Independence, Buchanan County, Iowa:

- 6th Street NW, from the west right-of-way line of 8th Avenue NW on the east, to the end of the street on the west, a distance of approximately 330 feet;
- 7th Avenue NW, from the south right-of-way line of 8th Street NW on the north to the north right-of-way line of 7th Street NW; and from the south right-of-way line of 7th Street NW to the north right-of-way line of 5th Street NW on the south;
- 11th Avenue NW, from the north right-of-way line of 3rd Street NW on the south, to the end of the street on the north, a distance of approximately 627 feet;
- 3rd Street SW, from a point approximately 38 feet from the west right-of-way line of 2nd Avenue SW on the east to the east right-of-way line of 3rd Avenue SW on the west;
- 8th Street SW, from the west right-of-way line of 6th Avenue SW on the east to the east right-of-way line of 9th Avenue SW on the west;
- 2nd Street SE, from the west right-of-way line of 6th Avenue SE on the east to the east right-of-way line of 5th Avenue SE on the west.

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 5:00 p.m., on January 22, 2024, at the City Hall Council Chambers, in Independence, Iowa, 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. 2023- was passed and approved by a majority vote of the City Council of Independence, Iowa, on the 11th day of December 2023.

Record of Voting:

Ayes:

Nays:

Absent:

RESOLUTION NO. 2023- declared passed and adopted by the Mayor on this 11th day of December 2023.

Brad Bleichner, Mayor of the City of Independence, Iowa

ATTEST:

Susi Lampe, IaCMC, IaCFO, City Clerk/Treasurer of the City of Independence, Iowa