

## **RESOLUTION NO. 2024-**

### **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; and

**WHEREAS**, a public hearing has been held on the proposed Resolution of Necessity on January 22, 2024, at 5:00 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, 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:

- 6<sup>th</sup> Street NW, from the west right-of-way line of 8<sup>th</sup> Avenue NW on the east, to the end of the street on the west, a distance of approximately 330 feet;
- 7<sup>th</sup> Avenue NW, from the south right-of-way line of 8<sup>th</sup> Street NW on the north to the north right-of-way line of 7<sup>th</sup> Street NW; and from the south right-of-way line of 7<sup>th</sup> Street NW to the north right-of-way line of 5<sup>th</sup> Street NW on the south;
- 11<sup>th</sup> Avenue NW, from the north right-of-way line of 3<sup>rd</sup> Street NW on the south, to the end of the street on the north, a distance of approximately 627 feet;
- 3<sup>rd</sup> Street SW, from a point approximately 38 feet from the west right-of-way line of 2<sup>nd</sup> Avenue SW on the east to the east right-of-way line of 3<sup>rd</sup> Avenue SW on the west;
- 8<sup>th</sup> Street SW, from the west right-of-way line of 6<sup>th</sup> Avenue SW on the east to the east right-of-way line of 9<sup>th</sup> Avenue SW on the west;
- 2<sup>nd</sup> Street SE, from the west right-of-way line of 6<sup>th</sup> Avenue SE on the east to the east right-of-way line of 5<sup>th</sup> 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. 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. 2024-** was passed and approved by a majority vote of the City Council of Independence, Iowa, on the 22<sup>nd</sup> day of January 2024.

Record of Voting:

Ayes:

Nays:

Absent:

**RESOLUTION NO. 2024-** declared passed and adopted by the Mayor on this 22<sup>nd</sup> day of January 2024.

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Brad Bleichner, Mayor of the City of Independence, Iowa

ATTEST:

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