

January 17, 2024

**Via Email**

Susi Lampe  
City Clerk/City Hall  
Independence, Iowa

Re: 2024 Street Rehabilitation Project  
Our File No. 419440-107

Dear Susi:

We have prepared and attach the necessary proceedings to be used at the January 22, 2024 City Council meeting at which the hearing on the Resolution of Necessity for the 2024 Street Rehabilitation Project is to be held.

On or before the day of the hearing on the Resolution of Necessity, please check your records to be sure that the Notice of Property Owners was published once each week for two consecutive weeks (the first of which must have been not less than ten days before the date of the hearing) and that copies of the notice were sent, not less than fifteen days before the hearing, by regular mail to each property owner. If you find these requirements have not been met, please call me immediately.

The proceedings attached include the following items:

1. Minutes of the January 22, 2024 meeting at which the hearing will be held on the proposed Resolution of Necessity. Copies of the written objections and a list of the oral objections should be attached to the transcript and made a part of your records.
2. Minutes closing the hearing. Language deferring immediate action and providing for an adjournment is included at this point, in case the City Council is not ready to proceed to a final vote on the Resolution of Necessity. **If the City Council is prepared to take that action immediately, however, this adjournment may be stricken by merely drawing a line through it and the minutes convening the meeting on the following page.**
3. Minutes of the same meeting or of the adjourned meeting at which a resolution is adopted amending the Resolution of Necessity. **If no amendments are necessary, you may proceed directly to the final adoption of the Resolution of Necessity.** This is the place to reflect the City Council's decisions concerning any changes in the Project, such as deleting some of the work or reducing some or all of the assessments. If there are any amendments to the Resolution of Necessity which result in a change in the description of the area to be assessed or in the schedule of assessments, please have the Project Engineers provide us a copy of the revised description of the area to be assessed or of the revised schedule of assessments. In addition, before taking final action to approve the Resolution of Necessity, please make the appropriate adjustments to the

language of the Resolution of Necessity to show any amendments which have been approved. If you prefer, call us after the meeting and we will prepare the revised form of Resolution of Necessity for your records and for filing with the County Treasurer.

4. Minutes providing for the adoption of the Resolution of Necessity followed by the Resolution of Necessity.

The law requires that the Resolution of Necessity be passed in final form by a vote of three-fourths of all the members of the City Council. This must be three-fourths of the entire City Council, and not just three-fourths of those present (on a City Council with five members, final passage requires approval from four members). **(Independence has 7 members, final passages needs to be from six members.)** In the event that written objections are filed with you signed by owners subject to at least seventy-five per cent (75%) of the amount of the proposed assessments, the Resolution of Necessity must be passed in final form by a unanimous vote of the entire City Council.

5. Motion that the City Clerk file certified copies of the Resolution of Necessity and Preliminary Plat and Schedule with the County Treasurer of Buchanan County, followed by a resolution ratifying the preparation of the detailed plans and specifications, notice of hearing, notice to bidders and form of contract.

6. Attestation Certificate with respect to the validity of the transcript.

7. Certificate of the County Treasurer of Buchanan County attesting to the filing of certified copies of the final Resolution of Necessity, preliminary plat and schedule of assessments, as required by Section 384.51 of the Code of Iowa.

8. Agricultural Property Deferment Certificate attesting to the filing of requests for deferment of special assessment payments with respect to agricultural property.

As these proceedings are completed, please return one fully executed copy to our office.

If you have any questions, please contact Emily Hammond or me.

Best regards,

John P. Danos

#### Attachments

cc: Matt Schmitz  
Michelle Nejd  
Debbie Weis  
Daniel Crawford  
Brian Crawford

MINUTES OF MEETING FOR HEARING  
ON RESOLUTION OF NECESSITY

419440-107 (HRN)

Independence, Iowa

January 22, 2024

A meeting of the City Council of the City of Independence, Iowa, was held at 5:00 p.m., on January 22, 2024, at the City Hall Council Chambers, Independence, Iowa.

The Mayor presided and the roll was called, showing Council Members present and absent as follows:

Present: \_\_\_\_\_

Absent: \_\_\_\_\_.

The Mayor announced that this was the time and place set for hearing upon the proposed Resolution of Necessity covering the 2024 Street Rehabilitation Project. All written objections heretofore filed and all written or oral objections filed or made during the hearing were considered by the City Council.

Written objections were filed by the following:

**(Insert the word “none” or list names of objectors and attach copies of their objections, if any are filed.)**

Oral objections were made by the following:

**(Insert the word “none” or list names of objectors and type of objections, if any are made.)**

There being no further objections or remonstrances, the Mayor announced the hearing closed, and it was moved by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_ that further action with respect to said improvement be deferred until the \_\_\_\_ day of \_\_\_\_\_, 2024, at \_\_\_\_\_ o'clock \_\_.m., at the City Hall Council Chambers, Independence, Iowa. The Mayor put the question on the motion and the roll being called, the following named Council Members voted:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_.

Whereupon, the Mayor declared the motion adopted.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

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There being no further business to come before the meeting, it was upon motion adjourned.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

MINUTES FOR MEETING TO ADOPT OR  
AMEND PROPOSED RESOLUTION OF  
NECESSITY AND RATIFY  
PREPARATION OF PLANS AND  
SPECIFICATIONS

419440-107 (HRN)

Independence, Iowa

\_\_\_\_\_, 2024

The City Council of the City of Independence, Iowa, met on \_\_\_\_\_,  
2024, at the City Hall Council Chambers, Independence, Iowa, at \_\_\_\_\_ o'clock \_\_\_\_ .m., pursuant  
to law, to adjournment and to the rules of the Council.

The Mayor presided and the roll was called, showing members present and absent as  
follows:

Present: \_\_\_\_\_

Absent: \_\_\_\_\_.

After further considering all comments and objections to the proposed 2024 Street  
Rehabilitation Project, it was moved by Council Member \_\_\_\_\_ and seconded  
by Council Member \_\_\_\_\_ that the resolution amending the proposed  
Resolution of Necessity, be adopted.

Whereupon, the Mayor put the question upon the motion and the roll being called, the  
following named Council Members voted:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_.

Whereupon, the Mayor declared the said amending resolution adopted, as follows:

RESOLUTION NO. 2024-\_\_\_\_\_

Resolution Amending Proposed Resolution of Necessity for the 2024 Street Rehabilitation Project

WHEREAS, the City Council of the City of Independence, Iowa, after full investigation deems it advisable to amend the proposed Resolution of Necessity for the 2024 Street Rehabilitation Project (the “Project”);

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

Section 1. The proposed Resolution of Necessity introduced on December 11, 2023, for the Project is amended as follows:

**(Insert or attach hereto any changes made to the proposed Resolution of Necessity.)**

Section 2. The plat and schedule of assessments are hereby amended to conform to Section 1 hereof, and Crawford Engineering & Surveying, Inc. (the “Project Engineers”) are instructed to make the proposed changes therein.

Section 3. Except as herein above determined, all objections are found to be without merit and denied.

Passed and approved on \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

The Mayor then declared that a motion would be in order for adoption of the Resolution of Necessity.

It was moved by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_ that the Resolution of Necessity for the 2024 Street Rehabilitation Project be adopted in the form hereinafter set out.

After due consideration thereof by the City Council, the Mayor put the question upon the motion and the roll being called, the following named Council Members voted:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_.

Whereupon, the Mayor declared the said motion duly carried and the Resolution of Necessity was finally adopted.

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.

Passed and approved on \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

It was moved by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_ that the City Clerk be directed to file certified copies of the Resolution of Necessity and Preliminary Plat and Schedule of Assessments with the County Treasurer of Buchanan County, and that the resolution hereinafter set out ratifying the preparation of the detailed plans and specifications and the preparation of the notice of hearing and notice to bidders and form of contract covering the 2024 Street Rehabilitation Project be adopted.

Whereupon, the Mayor put the question upon the motion, and the roll being called, the following named Council Members voted:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_.

Whereupon, the Mayor declared the said motion duly carried and the said resolution adopted, as follows:

RESOLUTION NO. 2024-\_\_\_\_\_

Resolution Ratifying the Preparation of Detailed Plans, Specifications, Notice of Hearing, Notice to Bidders and Form of Contract

WHEREAS, the City Council of the City of Independence, Iowa, has adopted a final Resolution of Necessity in connection with the 2024 Street Rehabilitation Project (the “Project”); and

WHEREAS, detailed plans and specifications, notice of hearing and notice to bidders and form of contract should now be prepared and filed with the City Clerk;

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

Section 1. All action heretofore taken by the Project Engineers with respect to the preparation and filing with the City Clerk of detailed plans and specifications covering the Project, including a notice of hearing and notice to bidders and form of contract, is hereby ratified and affirmed.

Section 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Passed and approved on \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

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There being no further business to come before the meeting, it was upon motion adjourned.

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Mayor

Attest:

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City Clerk

**ATTESTATION CERTIFICATE:**

STATE OF IOWA  
BUCHANAN COUNTY  
CITY OF INDEPENDENCE

SS:

I, the undersigned City Clerk of the City of Independence, do hereby certify that the above and foregoing is a true and correct copy of the minutes of a meeting of the City Council of the City, held as therein shown, insofar as such minutes pertain to the 2024 Street Rehabilitation Project, including a true and correct copy of each of the resolutions referred to in such minutes.

WITNESS MY HAND this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
City Clerk

**COUNTY TREASURER'S CERTIFICATE:**

STATE OF IOWA

SS:

BUCHANAN COUNTY

I, the undersigned, County Treasurer of Buchanan County, Iowa, do hereby certify that the City Clerk of Independence, Iowa, did file on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, in my office, copies of the final Resolution of Necessity, Preliminary Plat and Schedule of Assessments in connection with the 2024 Street Rehabilitation Project.

WITNESS MY HAND this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
County Treasurer

**AGRICULTURAL PROPERTY DEFERMENT CERTIFICATE:**

STATE OF IOWA  
BUCHANAN COUNTY  
CITY OF INDEPENDENCE

SS:

I, the undersigned City Clerk of the City of Independence, do hereby certify that, pursuant to Section 384.62 of the Code of Iowa, no requests for deferment of agricultural property special assessment payments with respect to the 2024 Street Rehabilitation Project were filed at the hearing on the Resolution of Necessity or within 10 days thereafter, except as follows:

<u>Name</u>	<u>Assessment Number</u>	<u>Amount of Assessment</u>
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WITNESS MY HAND this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
City Clerk

**(Please attach hereto copies of written requests for deferment.)**

**(NOT TO BE EXECUTED UNTIL 10 DAYS AFTER THE DATE OF HEARING ON  
RESOLUTION OF NECESSITY.)**