

RESOLUTION NO. \_\_\_\_\_

Resolution Adopting Final Assessment Schedule for the Outer Road & 6th Street NE HMA Improvements 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 Oelwein, Iowa, did, pursuant to a Resolution of Necessity duly adopted on February 10, 2020, order the construction of the Outer Road & 6th Street NE HMA Improvements 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 Oelwein, 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 five (5) equal installments, as near as may be.

Section 5. The unpaid installments shall not bear interest. Any such assessments may be paid in full or in part 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 Fayette County on the first day of July, 2021, and shall become delinquent from October 1, 2021, 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 2022 to 2025, 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, 2021.

Section 9. All unpaid installments of any assessment may be paid in full on any date. Additional annual installments may be paid after the current installment has been paid before December 1.

Any property owner may elect to pay one half or all of the next annual installment of principal of 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 Fayette 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 Oelwein, 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  
OUTER ROAD & 6TH STREET NE HMA IMPROVEMENTS PROJECT

OELWEIN, IOWA

TO WHOM IT MAY CONCERN: Take notice that the City Council of the City of Oelwein, Iowa (the "City"), has adopted the final assessment schedule covering the Outer Road & 6th Street NE HMA Improvements Project (the "Project"), which was duly certified to the County Treasurer of Fayette County, Iowa, on the \_\_\_\_ day of \_\_\_\_\_, 2021, all in accordance with Section 384.60 of the Code of Iowa.

The Project consisted of 6-inch HMA paving, traffic control, pavement markings, and associated items. The Project consisted of 0.71 miles, and was constructed on and along the following segments of street:

Outer Road, beginning at its intersection with East Charles Street on the south, and continuing 2,659 feet to the north to its intersection with 6th Street NE; and

6th Street NE, beginning at its intersection with Outer Road on the east, and continuing 1,098 feet to the west.

It is considered that certain properties will be specially benefited by the Project, such properties bearing Fayette County Property Tax Parcel Identification Numbers as follows:

1822101006	1822126002	1822126003	1822126005
1822101006	1822126030	1822126036	1822126037
1822126040	1822126041	1822176061	1822177012
1822177013	1822177026	1822126004	1822126006

Any assessment may be paid in full or in part 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, 2021. 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 five (5) equal annual installments due on the first day of July, commencing July 1, 2021. The unpaid special assessments shall not bear interest. 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; and additional annual installments may be paid after the current installment has been paid before December 1.

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 Oelwein, Iowa.

Dylan Mulfinger  
City Administrator

(The mailed copies of the notice should include the following information:

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

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(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 Fayette County, Iowa, who shall record them in a separate book entitled "Special Assessment Deficiencies," and to \_\_\_\_\_, 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 shall commence on February 10, 2020, the date this Council adopted the Resolution of Necessity for the Project, and shall extend until July 1, 2025.

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.

Passed and approved March 8, 2021.

\_\_\_\_\_  
Mayor

Attest:

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