

RESOLUTION NO. _____

Resolution of Necessity

WHEREAS, the City Council of the City of Oelwein, Iowa (the “City”), has adopted a preliminary resolution in accordance with Section 384.42 of the Code of Iowa, covering the Wings East Pavement Improvements 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 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 May 11, 2020, at 6:00 o’clock p.m., electronically via GoToMeeting due to federal and state government recommendations in response to COVID-19 pandemic conditions;

NOW, THEREFORE, It Is Resolved by the City Council of the City of Oelwein, 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 to the property benefited thereby.

Section 2. The Project shall consist of a 3.5-inch Hot Mix Asphalt (HMA) overlay on portions of 12th Avenue NE, 13th Avenue NE, 2nd Street NE, and 3rd Street NE north of 1st Street NE. The Project also includes PCC curb/gutter and full depth HMA pavement replacement for portions of 3rd Street NE and 13th Avenue NE. Other work includes PCC mainline pavement removal, PCC driveway removal/replacement, PCC sidewalk/sidewalk ramp removal/replacement, excavation, topsoil borrow, traffic control, storm sewer, and seeding.

The Project shall be constructed on and along the following segments of street in the City of Oelwein, Fayette County, Iowa:

- 12th Avenue NE, from 1st Street NE to 3rd Street NE
- 13th Avenue NE, from 1st Street NE to 3rd Street NE
- 2nd Street NE, from 12th Avenue NE to 13th Ave NE
- 3rd Street NE, from a point approximately 158 feet west of 12th Avenue NE to a point approximately 115 feet east of 13th Avenue NE

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 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 May 11, 2020.

Mayor

Attest:

City Clerk