

This Resolution prepared by Susi Lampe, Deputy Clerk of the City of Independence; 331 1st Street East, Independence, IA 50644; 319-334-2780.

RESOLUTION NO. 2019-24

RESOLUTION OF NECESSITY; WITHIN THE CITY OF INDEPENDENCE, BUCHANAN COUNTY, IOWA.

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 2019 Street 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 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 April 22, 2019, at 6:30 p.m., at the City Hall, 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 shall include the construction of Portland Cement Concrete (PCC) pavement, PCC curb and gutter, storm sewer and intakes, 4" subdrain, PCC drives, PCC sidewalk, excavation, and placing special backfill, topsoil, and seeding on and along the following segments of street in the City of Independence, Buchanan County, Iowa:

- 10th Street SW beginning at its intersection with the east right-of-way line of 6th Avenue SW and continuing to a point 630 feet to the east thereof; and
- 5th Avenue SW beginning at its intersection with the south right-of-way line of 1st Street West and continuing south to its intersection with the north right-of-way line of 2nd Street SW

Section 3. The portion of the Project to be assessed to private property owners will include the construction of PCC curb and gutter, including storm sewer.

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.

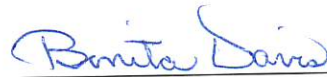
Resolution No. 2019-24 was passed and approved by a majority vote of the City Council of Independence, Iowa, on the 22nd day of April, 2019.

Record of Voting:

Ayes: Scharff, O'Loughlin, Hanna, Vaughn, Kurtz, Hayward, and Hill.

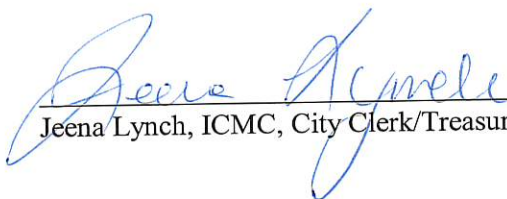
Nays:

Resolution No. 2019-24 declared passed and adopted by the Mayor on this 22nd day of April, 2019.



Bonita Davis, Mayor of the City of Independence, Iowa

ATTEST:



Jeena Lynch, ICMC, City Clerk/Treasurer of the City of Independence, Iowa