

(Rev. 7/92)
(With Petition)
(Under the Provisions of Chapter VI, Article 7,
Section 77 of the Charter of the City of Durham)

WATER MAIN

FINAL RESOLUTION ORDERING THE MAKING
OF CERTAIN LOCAL IMPROVEMENTS

WHEREAS, the City Council on the 20th day of October, 2008 adopted a preliminary resolution relative to the local improvements hereinafter described, in which resolution the 3rd day of November, 2008 at 7:00 P.M., was fixed as the time and the Council Chamber of the City Hall as the place when and where a public hearing would be held on the improvements proposed to be made by said resolution and notifying all persons interested that all objections to the legality of the making of said improvements are required by law to be made in writing, signed in person or by attorney and filed with the City Clerk at or before the time of said public hearing; and

WHEREAS, a notice of the public hearing was published in the Durham Herald Sun on the 22nd day of October, 2008, said date of publication being not less than ten days prior hereto; and

WHEREAS, a notice that such preliminary assessment resolution has been adopted and that a public hearing will be held on and at this specified time and place, generally describing the nature and location of the improvement has been mailed to the owners of all property subject to assessment if the project herein described should be undertaken, and the Manager Of Engineering, being the person designated to mail these notices, has filed with the Council a certificate showing that said notices were mailed by first-class mail to said owners on the 22nd day of October, 2008; and

WHEREAS, said public hearing has now been held and no objections have been made to the making of said improvements /objections have been made to the making of said improvements, which objections appear in the minutes of the City Council meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF DURHAM:

A. That the petition for the local improvements hereinafter described is hereby found to be sufficient in all respects, and to comply with all the requirements of the provisions of Chapter VI, Article 7, Section 77 of the Charter of the City of Durham.

B. That the street or streets to be improved is or are as follows:

VALLEY SPRINGS ROAD - FROM RIVERMONT ROAD NORTH, THEN WEST TO INCLUDE PIN 0814-03-10-7214; ROSE ROAD - FROM VALLEY SPRINGS ROAD TO THE NORTH P/L OF PIN 0813-01-19-9957 AND FORESTDALE ROAD - FROM VALLEY SPRINGS ROAD TO THE END OF THE CUL-DE-SAC

and that the local improvements proposed to be made therein or thereon are as follows:

IMPROVEMENTS ORDERED

Water Main Improvement. That a water main of adequate size be laid on the street or streets named in Paragraph B within the limits therein defined.

C. That the proportion of the cost of said improvement or improvements to be assessed against abutting property and the number of equal annual installments in which assessments may be paid are as follows:

SPECIAL ASSESSMENTS

Water Mains. That in the case of water mains, the cost of not exceeding an eight-inch water main and of such portions of said mains as lie within the limits of the street or streets hereinbefore proposed to be improved, be assessed against the property abutting on said street or streets; such cost to be assessed against the lots and parcels of land abutting on said street or streets according to their respective frontages thereon by an equal rate per foot of such frontage; provided, that in case of a corner lot, used as a single lot, no assessments shall be made against such lot for the long side of said lot except that portion in excess of 200 feet if said lot is in a single family residential section of the City, or in excess of 100 feet if said lot is in any section of the City other than a single family residential section.

TERMS OF PAYMENT

The owners of the assessed property shall have the option, before the expiration of thirty (30) days from the date of publication of the notice that the assessment roll has been confirmed, of paying the assessment either in cash in full or in a fixed number of annual installments, as established by the City Council and in effect on the date which the petition in this matter was submitted to the City with sufficient signatures; and if the option to pay in cash in full within said period of thirty (30) days is not exercised, then the amount of such assessment shall be arranged into the established number of annual installments, the first of which shall become due and payable thirty (30) days after the publication of the notice that the assessment roll has been confirmed, and one installment and interest shall be due and payable on the same day of the same month in each successive year thereafter until the assessment and interest thereon is paid in full. Any assessment that is not paid in full within thirty (30) days after publication of the notice that the assessment roll has been confirmed shall bear interest from the date of confirmation of the assessment roll until paid at a rate established by the City Council and in effect on the date on which the petition in this matter was submitted to the City with sufficient signatures. The rate per foot to be assessed against the lots abutting the improvement is the proportion of the total cost established by the City Council and in effect on the date on which the petition in this matter was submitted to the City with sufficient signatures.

D. That the authority by which this resolution is adopted, being provisions of Chapter VI, Article 7, Section 77 of the Charter of the City of Durham, provides that all objections to the legality of the

making of said improvements shall be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing heretofore provided for, and that any such objections not so made will be waived.

E. That all public service corporations, including any telephone company, gas company, telegraph company, power company, are hereby notified to immediately make such changes/removals of their poles and other equipment as may be necessary and required, so as not to hinder, retard or delay the City of Durham in the performance of the work herein contemplated.

F. That the work on said improvements as hereinbefore set forth, ordered and provided for, shall be commenced at once, or as soon as practicable, after funds are available therefore.

G. That the Manager of Engineering is hereby directed to cause a notice of the ordering of the making of said improvement to be published (in the manner prescribed by Section 77(11)(g) of the Durham City Charter) one time in the Durham Herald Sun, a newspaper published in the City of Durham.

This 3rd day of **November**, 2008.

Edward R. Venable
Manager of Engineering and Stormwater