

(Rev 8/10)
(With Petition)
(Under the Provisions of Chapter VI, Article 7,
Section 77 of the Charter of the City of Durham)

SIDEWALK

**FINAL RESOLUTION ORDERING THE MAKING
OF LOCAL IMPROVEMENTS**

WHEREAS, the City Manager set a public hearing pursuant to the Resolution Authorizing the City Manager or Designee to Set Public Hearings and to Declare the Adoption of Resolutions of Intent (Resolution 9709), relative to the local improvements hereinafter described, and in doing so the **21st** day of **November, 2011** at 7:00 P.M., was fixed as the time and the Council Chamber of City Hall as the place when and where a public hearing would be held on the improvements proposed to be made; and

WHEREAS, a notice of the public hearing was published in the Durham Herald Sun on the **9th** day of **November, 2011**, said date of publication being not less than ten days prior to the date set for the public hearing; the notice stated that all objection 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 that any such objections not so made will be waived; and

WHEREAS, a notice 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 and Stormwater, 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 **9th** day of **November, 2011**; 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(s) proposed to be improved is or are as follows:

**YORKTOWN AVENUE (WEST SIDE) FROM MARTIN LUTHER KING, JR. PKWY
NORTHEAST TO NORTHEAST PROPERTY LINE OF PIN 0739-01-05-9585**

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

IMPROVEMENTS ORDERED

Sidewalk Improvement. That sidewalks of such width as may be determined by the City Council be laid on both sides of the street(s) named in Paragraph B within the limits therein defined, unless only one side of the street is hereinafter designated in this section, and sidewalk(s) be of concrete construction.

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

SPECIAL ASSESSMENTS

Sidewalks. That the total cost of said sidewalk improvement be assessed against the lots and parcels of land abutting on that side of the street upon which such improvement is made, according to their respective frontages thereon, by an equal rate per foot of such frontage.

TERMS OF PAYMENT

The owners of the assessed property shall have the option, before the expiration of 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 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 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 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 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 shall be the proportion of the total cost which is established by the City Council and in effect on the date on which the petition 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 and Stormwater 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 **21st** day of **November, 2011**.

Edward R. Venable
Manager of Engineering and Stormwater