

(Rev 11/10)  
(With Petition)  
(Under Charter Section 77)

**MINIMUM DIRT STREET OPENING**

**RESOLUTION CONFIRMING ASSESSMENT ROLL FOR  
IMPROVEMENTS TO YORKSHIRE DRIVE – FROM THE SOUTH  
PROPERTY LINE OF TAX MAP 768-2-6B TO THE NORTH PROPERTY  
LINE OF TAX MAP 768-2-7**

WHEREAS, on December 17, 2001, the City Council adopted a final resolution ordering the making on YORKSHIRE DRIVE FROM THE SOUTH PROPERTY LINE OF TAX MAP 768-2-6B TO THE NORTH PROPERTY LINE OF TAX MAP 768-2-7 of the following improvements: MINIMUM DIRT STREET OPENING

WHEREAS, the improvements have now been completed. The City Council has ascertained their total cost and the amount that should be assessed against each lot abutting on them on account of the improvements, and has caused the Public Works Department to prepare a general assessment map of the improvements, on which is shown the frontage and location of each lot on the street improved, together with a notation of the names of the lots' owners as far as the same can be ascertained. The City Council has also caused to be prepared a preliminary assessment roll, on which is entered a brief description of each lot or parcel of land assessed, the amount assessed against each such lot as determined by the provisions of Charter Section 77 , and the names of the owners of each such lot, as far as can be ascertained;

WHEREAS, the City Manager, pursuant to the Resolution Authorizing the Manager or Designee to Set Public Hearings and to Declare the Adoption of Resolutions of Intent (Resolution 9709), fixed March 7, 2011, at 7:00 o'clock P.M., in the Council Chamber at City Hall as the time and place for a hearing on any objections to the assessments;

WHEREAS, a notice was duly published in the Durham Herald-Sun one time at least ten days prior to the date fixed for the public hearing, in compliance with Charter Section 77 ;

WHEREAS, a notice (which contained the time and place of the public hearing, a notice of the availability of the preliminary assessment roll for inspection in the Public Works Department and a statement of the amount of the assessment against the property of each of the owners as shown on the preliminary assessment roll) was mailed by first-class mail to each of the persons listed on the preliminary assessment roll; and

WHEREAS, the public hearing has been held and the objections, if any, made to the assessments or to the preliminary assessment roll appear in the minutes of the City Council meeting;

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

Section 1. Except as may have otherwise been provided by action of the City Council as shown on the assessment roll as confirmed in Section 2 below, the City Council finds as a fact that each lot or parcel of land abutting directly on the improvements has been specially benefited by the improvements in an amount at least equal to the amount assessed against the lot or parcel as shown by the preliminary

assessment roll, and the assessments as shown on the preliminary assessment roll are in proportion to the special benefits.

Section 2. The preliminary assessment roll (subject to any corrections or changes as shown on the roll) is hereby confirmed at \_\_\_\_\_ o'clock P.M. on this date, and is hereby made the final assessment roll for the improvements.

Section 3. The City Clerk is directed to enter the date, hour and minute of the confirmation on the minutes and on the assessment roll, and to deliver a copy of the assessment roll to the City's Collector of Revenue.

Section 4. After the expiration of 20 days from this date the Manager of Engineering and Stormwater shall cause to be published one time in the Durham Herald-Sun a notice that any assessment contained in the assessment roll may be paid to the Collector of Revenue without interest at any time before the expiration of 30 days from the publication of the notice, but that if the assessment is not paid in full within the 30-day period, all installments thereof shall bear 7.5% interest per annum from the date of confirmation of the assessment roll to date of payment.

Section 5. In the event the assessments are not paid in full within the period set forth in Section 4 above, they may be paid in 5 equal annual installments, the first of which, with interest, is due 30 days after the date of publication of the notice described in Section 4 above, and one installment with interest is due on the same day of the month in each successive year thereafter until paid in full. Interest is 7.5% per annum.

Section 6. The Collector of Revenue is directed to enter the assessment roll upon his or her records, and to collect the assessments as provided by law.

This the 7<sup>th</sup> day of **March, 2011**.

Edward R. Venable  
Manager of Engineering and Stormwater