

(Rev 8/10)
(Without Petition)
(Under the Provisions of Chapter VI, Article 7,
Section 78 of the Charter of the City of Durham)

**SEWER MAIN
E.A.A.**

PRELIMINARY RESOLUTION ON PROPOSED LOCAL IMPROVEMENTS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DURHAM:

A. That this proceeding is taken under and by virtue of, and will be governed by, the provisions of Chapter VI, Article 7, Section 78 of the Charter of the City of Durham.

B. That the street(s) proposed to be improved is or are as follows:

**MIMOSA DRIVE FROM THE NORTH PROPERTY LINE OF PIN 0729-01-47-4170 SOUTH TO
THE SOUTH PROPERTY LINE OF PIN 0729-01-46-4988**

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

IMPROVEMENTS PROPOSED

Sewer Main and Outfall Improvement. That a sanitary sewer main of adequate size be laid on the street(s) named in Paragraph B within the limits therein defined and that a sanitary sewer outfall of adequate size be laid as necessary to serve the street(s) named in paragraph B with the limits therein defined with sanitary sewer.

C. That if said local improvements are ordered made, the proportion of the cost thereof to be specially assessed and the terms of payment will be as follows:

SPECIAL ASSESSMENTS

Sewer Mains. That in the case of sanitary sewer, the cost of not exceeding an eight-inch sanitary sewer main and of such portions of said mains as lie within the limits of the street(s) hereinbefore proposed to be improved, be assessed against the property abutting on said street(s); such cost to be assessed against the lots and parcels of land abutting on said street(s) according to their respective frontages thereon by an equal rate per foot of such frontage; provided, that in the 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 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 City Council adopts this preliminary resolution; 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 City Council adopts this preliminary resolution. 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 City Council adopts this preliminary resolution.

D. That, 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), the City Manager set the public hearing on the proposed improvement(s) to be held at 7:00 PM **August 15, 2011**, in the Council Chamber of City Hall.

E. That the authority by which this resolution is adopted, being provisions of Chapter VI, Article 7, Section 78 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.

F. That, pursuant to Resolution 9709 and Charter Section 78(2), the City Manager caused a notice to be published one time in the Durham Herald-Sun, a newspaper of general circulation in the City of Durham, not later than **August 5, 2011**, which is at least 10 days before the date set for the public hearing.

G. The reasons proposed for making of the above mentioned improvements are that they are necessary in promotion of the comfort, convenience, safety, health and welfare of the citizens of Durham and in the interest of the orderly growth and advancement of the City of Durham and for the special benefit of the properties abutting upon such improvements.

This the **15th** day of **August, 2011**.

Edward R. Venable
Manager of Engineering and Stormwater