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

RESOLUTION CONFIRMING ASSESSMENT ROLL FOR IMPROVEMENTS TO BRECKNOCK STREET - FROM PICKETT ROAD TO DONNIGALE AVENUE; DONNIGALE AVENUE - FROM BRECKNOCK STREET WEST TO THE WEST P/L TAX MAP 459-9-9 AND DONNIGALE AVENUE - FROM BRECKNOCK STREET EAST TO THE EAST P/L TAX MAP 459-9-2 AS DESCRIBED HEREIN: ALL UNDER AND IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER VI, ARTICLE 7, SECTION 77 OF THE CHARTER OF THE CITY OF DURHAM.

WHEREAS, on the **20th** of **February, 2012**, the City Council by resolution duly adopted a preliminary assessment roll to the extent and in the amounts as set out therein for the improvements more particularly described in said resolution which are made on the street or streets named in the caption hereof; and,

WHEREAS, said resolution fixed **March 5, 2012** at 7:00 o'clock P.M., in the Council Chamber at the City Hall as the time and place for a hearing on any objections to the assessments included in said assessment roll, and to the confirmation of said assessment roll, and said resolution directed that notice thereof be published in the newspaper named therein one time at least ten days prior to the date fixed for the public hearing; and,

WHEREAS, said notice was duly published in said newspaper one time at least ten days prior to the date fixed for the public hearing, in compliance with the directions contained in said resolution; and,

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) has been mailed by first-class mail to each of the persons, firms and corporations whose names are listed on the preliminary assessment roll; and,

WHEREAS, said public hearing has now been held at the time and place fixed by said resolution and notice above referred to, or a time to which such hearing was upon notice adjourned, and no objections have been made to the confirmation of said assessment roll/objections have been made to the confirmation of said assessment roll, 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:

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 the City Council finds as a fact that each lot or parcel of land abutting on said improvements has been specially benefited by said improvements in an amount at least equal to the amount assessed against such lot or parcel as shown by said preliminary assessment roll, and the said assessments as shown on said preliminary assessment roll are in proportion to the special benefits.

Section 2. That said preliminary assessment roll (subject to any corrections or changes as shown on the roll) be, and the same is hereby confirmed at _____ o'clock P.M. this the **5th** day of **March 2012**, and is hereby made the final assessment roll for said improvements.

Section 3. That the City Clerk be, and she is hereby directed to enter on the minutes of this Council and on said assessment roll, the date, hour and minute of said confirmation hereof and to deliver a copy of said assessment roll to the Collector of Revenue of the City of Durham for collection as provided by law.

Section 4. That 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 said assessment roll may be paid in full to the Collector of Revenue of the City of Durham without interest thereon at any time before the expiration of thirty days from the publication of said notice, but that if said assessments are not paid in full within said thirty day period, the same, and all installments thereof, shall bear interest at the rate of seven and one half percent (7.5%) per annum from the date of confirmation of said assessment roll to date of payment.

Section 5. In the event said assessments for the improvements herein described are not paid in full within the period set forth in Section 4, hereof, then the same may be paid in eight (8) equal annual installments the first of which shall be due and payable sixty (60) days after the date on which the assessment roll is 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 at the rate of seven and one half percent (7.5%) per annum on the unpaid balance from the date of confirmation of said assessment roll has been paid in full.

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

This the **5th** day of **March, 2012.**

Edward R. Venable
Manager of Engineering and Stormwater