

(Rev 8/15)
(Without Petition)
(Under the Provisions of Chapter VI, Article 7,
Section 78 of the Charter of the City of Durham)

**CURB, GUTTER AND PAVING
WATER MAIN
WATER AND SEWER LATERALS**

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:

**OMAH STREET FROM THE NORTH PROPERTY LINE OF PIN 0832-17-02-3089 NORTH TO
WEST CARVER STREET**

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

IMPROVEMENTS PROPOSED

Curb, Gutter and Paving Improvement. That curbs and gutters be constructed and installed on the street(s) named in Paragraph B within the limits therein defined and that said street(s) be paved with some permanent type of paving, as may be determined by the City Council, and such improvements to also include grading, a storm sewer of sufficient size for proper drainage purposes and all other work incidental to said curb, gutter and paving.

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

Water and Sewer Lateral Improvements. That the necessary laterals be laid for the connection of the abutting property with the proposed or existing water and sewer mains in the street(s) named in paragraph B within the limits therein defined.

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

Paving, Curbs, Gutters, Drains and Storm Sewer. That the total cost of said street paving improvement, including the construction of curbs, gutters and drains, grading and all other work incidental to said paving, exclusive of so much of said cost as is incurred at street intersections and the share of street railways or railroads, be assessed against the lots and parcels of land abutting on the street upon which such improvement is made, according to their respective frontages thereon, by an equal rate per foot of such frontage. That in the case of storm sewers, the cost of not exceeding a thirty-inch storm 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.

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(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.

Water and Sewer Laterals. That the entire cost of each water and sewer lateral which may be laid be specially charged and assessed against the particular lot or parcel of land for or in connection with which it is made.

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 rolls have been confirmed, of paying the assessments 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 at a rate fixed by the City Council of not more than 9 percent per annum from the date of confirmation of the assessment roll until paid. 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 **October 5, 2015**, 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 **September 25, 2015**, 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 5th day of **October, 2015**.