

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

**RIBBON PAVING
WATER MAIN
WATER AND SEWER LATERALS**

**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 15th day of **November, 2021** at 7:00 P.M., was fixed as the time when a virtual 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 4th day of **November, 2021**, said date of publication being not less than ten days prior to the date that the public hearing was set; the notice stated that all objections 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 virtual public hearing will be held on and at this specified time, generally describing the nature and location of the improvements, has been mailed to the owners of all property subject to assessment if the project herein described should be undertaken, and that said notices were mailed by first-class mail to said owners on the 3rd day of **November, 2021**; 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.~~ (S)

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:

ARDMORE DRIVE - FROM THE EAST PROPERTY LINE OF 917 ARDMORE DR (PARCEL ID 146356) WEST TO THE WEST PROPERTY LINE OF 725 ARDMORE DR (PARCEL ID 146341)

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

IMPROVEMENTS ORDERED

Ribbon Paving Improvement. That the street(s) named in Paragraph B within the limits therein defined be paved with some permanent type of paving as may be determined by the City Council, said paving to include grading, and the construction of drains, and all other work incidental to said 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 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

Ribbon Paving and Drains. That the total cost of said street paving improvement, including the construction of 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 the street section upon which such improvement is made at an equal rate per lot or parcel of land.

Water Main. That the total cost of said water main improvement be assessed against the lots and parcels of land abutting the street section upon which such improvement is made at an equal rate per lot or parcel of land; provided further, that if said water main is in excess of 8 inches in diameter, then the cost of the water main in excess of the cost of an 8-inch diameter water main shall be borne by the city.

Water and Sewer Laterals. That the entire cost of each water and sewer lateral laid may be specially charged and assessed against the particular lot or parcel of land that benefits from the lateral.

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. The amounts to be assessed against the lots and parcels of land

abutting the improvements shall be based on the assessment rates established by the City Council in Ordinance 15815 and in effect on the date the petition was returned 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 Director of Public Works 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 15th day of **November, 2021**.

APPROVED BY CITY COUNCIL

NOVEMBER 15, 2021

CITY CLERK

