



**BUSINESS OF THE CITY COUNCIL  
AGENDA STATEMENT**

Item No. 16  
For Meeting of 08.18.2016

**ITEM TITLE:** Resolution for Consideration Adopting Final Assessment Schedule for the 2014 NCIS Improvements Project and Amending, Confirming and Levying the Assessments

**CONTACT PERSON:** Tim Hoskins, Public Works Director

**SUMMARY EXPLANATION:** Now that the Project Engineers have provided documentation that the project has been completed, the work accepted and the Project Engineers having now filed the final assessment schedule.

The final assessment schedule is now presented to the City Council for approval and adoption. The term of the assessment shall be determined by the Council as is the rate of interest.

The first of unpaid installment will be payable on July, 2017.

<p><input checked="" type="checkbox"/> Resolution _____ Ordinance _____ Contract _____ Other (Specify) _____</p> <p>Funding Source: _____ Bonds and assessments _____</p> <p>APPROVED FOR SUBMITTAL _____ Luke Nelson, City Manager</p>
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**STAFF RECOMMENDATION:** Approval of the resolution.

RESOLUTION NO. \_\_\_\_\_

Resolution Adopting Final Assessment Schedule for the 2014 Norwalk NCIS Improvements Project and Amending, Confirming and Levying the Assessments

WHEREAS, heretofore and in strict compliance with Chapter 384 of the Code of Iowa, the City Council of the City of Norwalk, Iowa, did, pursuant to a Resolution of Necessity duly adopted, order the construction of the 2014 Norwalk NCIS Improvements Project, such improvement having been duly completed, the work accepted and the Project Engineers having filed the final assessment schedule, which has been fully considered by this Council;

NOW, THEREFORE, It Is Resolved by the City Council of the City of Norwalk, Iowa, as follows:

Section 1. The final assessment schedule filed by the Project Engineers covering the 2014 Norwalk NCIS Improvements Project is hereby amended as follows:

**(Insert the word “none” or list amendments to plat and schedule of assessments).**

Section 2. The aforementioned final assessment schedule, as amended, is hereby approved and adopted.

Section 3. Each and all of the assessments upon the benefited property in the amounts and upon the various lots and tracts described in such final assessment schedule are hereby confirmed and levied.

Section 4. Each of such assessments in the amount of more than Five Hundred Dollars (\$500.00) is hereby divided into \_\_\_\_\_ equal installments, as near as may be.

Section 5. All unpaid installments shall bear interest at the rate of \_\_\_\_% per annum from August 18, 2016 (that being the date of acceptance of the work); provided, however, that any such assessments may be paid in full or in part without interest within 30 days after the date of the first publication of the Notice of Filing of the Final Assessment Schedule with the County Treasurer, such payments to be made at the office of the City Clerk.

Section 6. The first installment of the unpaid assessments shall be due and payable at the office of the County Treasurer of Warren County on the first day of July, 2017, and shall become delinquent from October 1, 2017, and then bear the same interest with the same penalties as ordinary taxes.

Section 7. Succeeding installments shall become due and payable in like manner on the first day of July in each of the years 2018 to \_\_\_\_\_, inclusive.

Section 8. All assessments in the amount of Five Hundred Dollars (\$500.00) or less shall become due and payable in full on the first day of July, 2017.

Section 9. All unpaid installments of any assessment may be paid in full on any date, in which case interest shall be computed on the outstanding balance to the first day of December following the date of such payment; and additional annual installments may be paid after the current installment has been paid before December 1 without interest.

Any property owner may elect to pay one half or all of the next annual installment of principal and interest of the special assessment prior to the delinquency date of the installment.

Section 10. The City Clerk is hereby authorized and directed to certify and file the final assessment schedule, herein referred to, with the County Treasurer of Warren County.

The City Clerk shall thereupon give notice of such certification and filing by publication once each week for two successive weeks in a legal newspaper printed wholly in the English language, published at least once weekly and of general circulation in Norwalk, Iowa, the first publication to be not more than fifteen (15) days after the date of filing of the said schedule with said County Treasurer.

The City Clerk shall also mail said notice, by ordinary mail, to each property owner whose property is subject to assessment for said improvement, such notice to be mailed on or before the second publication of the notice.

Section 11. Such notice shall be in form substantially as follows:

NOTICE OF FILING OF FINAL ASSESSMENT SCHEDULE FOR THE  
2014 NORWALK NCIS IMPROVEMENTS PROJECT

NORWALK, IOWA

TO WHOM IT MAY CONCERN: Take notice that the City Council of the City of Norwalk, Iowa, has adopted the final assessment schedule covering the 2014 Norwalk NCIS Improvements Project (the "Project"), which was duly certified to the County Treasurer of Warren County, Iowa, on the \_\_\_ day of \_\_\_\_\_, 2016, all in accordance with Section 384.60 of the Code of Iowa.

The Project generally consisted of the replacement of existing street pavement with Portland Cement Concrete (PCC) pavement; crack and seat and Hot Mix Asphalt overlay of roadways; installation of new storm sewer; replacement and improvement of existing storm sewers, sanitary sewer and water mains and services; installation of new sidewalks; spot reconstruction of existing sidewalks and driveway approaches; installation of sump services and other work incidental to the Project.

The Project was constructed on and along the following segments of streets within the City:

- A. Holly Drive from approximately 100 feet southeast of its intersection with Knoll Drive to approximately 50 feet north of its intersection with Shady Lane Drive (hereinafter "Segment 1").
- B. Happy Hallow Drive from its intersection with Wakonda Drive and continuing approximately 600 feet south to the entrance of Lakewood Elementary School (hereinafter "Segment 2").
- C. Wakonda Drive from its intersection with Lakewood Drive on the west to its intersection with Sunset Drive on the east (hereinafter "Segment 3").

The Project shall be assessed as follows:

- A. The assessable portion of the Project for Segment 1 (the "Segment 1 Work") includes the replacement of existing street pavement with Portland Cement Concrete (PCC) pavement; installation of new storm sewer; replacement of storm sewer, sanitary sewer and water mains and services; spot reconstruction of sidewalks and driveways; installation of sump services, and other work and removals incidental thereto.

It is considered that the private properties abutting Segment 1 will be specially benefited by the Segment 1 Work and should be specially assessed for such work.

- B. The assessable portion of the Project for Segment 2 (the "Segment 2 Work") includes the installation of new sidewalk, and other work and removals incidental thereto.

It is considered that the private properties abutting Segment 2 will be specially benefited by the Segment 2 Work and should be specially assessed for such work.

- C. The assessable portion of the Project for Segment 3 (the “Segment 3 Work”) includes crack and seat and Hot Mix Asphalt overlay of existing roadways; installation of new storm sewer; replacement of storm sewer, sanitary sewer and water mains and services; installation of new sidewalks; spot reconstruction of sidewalks and driveways; installation of sump services; and other work and removals incidental thereto.

It is considered that the private properties abutting Segment 3 will be specially benefited by the Segment 3 Work and should be specially assessed for such work.

Any assessment may be paid in full or in part without interest within 30 days after the date of the first publication of this notice, such payments to be made at the office of the City Clerk. Assessments in the amount of more than Five Hundred Dollars (\$500.00) which are not paid in full within that time period will be divided into \_\_\_\_\_ equal annual installments due on the first day of July, commencing July 1, 2017. All unpaid special assessments will draw annual interest at \_\_\_\_\_% computed initially from the date of acceptance of the work on the 2014 Norwalk NCIS Improvements Project to December 1, 2017, and thereafter computed from the December 1 immediately preceding the due dates of the respective installments to the December 1 next following the due dates of the respective installments. Each installment will be delinquent from the October 1 following its due date and will draw additionally the same delinquent interest and the same penalties as ordinary taxes.

Any property owner may elect to pay one half or all of the next annual installment of principal and interest of the special assessment prior to the delinquency date of the installment.

All unpaid installments of any assessment may be paid in full on any date, in which case interest shall be computed on the outstanding balance to the first day of December following the date of such payment; and additional annual installments may be paid after the current installment has been paid before December 1 without interest.

Reference is hereby made to said final assessment schedule for a description of the particular lots or tracts and the amounts of the final assessments thereon, as determined and fixed by the Council.

By order of the City Council of the City of Norwalk, Iowa.

Jodi Eddleman  
City Clerk

(The mailed copies of the notice may have added thereto the following:

According to the records of the County Auditor, you are the owner of:

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(Insert Property Description)

and the final assessment against the same is \$\_\_\_\_\_. Furthermore, conditional deficiencies in the amount of \$\_\_\_\_\_ have been filed against the property which may be assessed in the future should the valuation of the property increase).

Section 12. Each and all of the deficiencies which appear on the final assessment schedule with respect to the benefited property are hereby confirmed and conditionally levied to the extent that such deficiencies may be subsequently assessed against each lot under Section 384.63 of the Code of Iowa.

Section 13. The City Clerk is hereby authorized and directed to certify and file a listing of said deficiencies with the County Treasurer of Warren County, Iowa, who shall record them in a separate book entitled "Special Assessment Deficiencies," and to \_\_\_\_\_, being the City official charged with the responsibility of issuing building permits in the City, who shall notify the Council when a private improvement is subsequently constructed on any lot subject to a deficiency. The certificate to the aforementioned County Treasurer shall include a legal description of each lot.

Section 14. The amortization period shall commence on March 6, 2014, the date this Council adopted the Resolution of Necessity for the Project, and shall extend until July 1, \_\_\_\_\_.

Section 15. All resolutions or parts of resolutions in conflict herewith are hereby repealed, to the extent of such conflict.

Section 16. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved this August 18, 2016.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

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There being no further business to come before the meeting, it was upon motion and vote adjourned.

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Mayor

Attest:

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City Clerk

**ATTESTATION CERTIFICATE:**

STATE OF IOWA  
COUNTY OF WARREN                      SS:  
CITY OF NORWALK

I, the undersigned, City Clerk of the City of Norwalk, do hereby certify that the above and foregoing is a true, correct and complete copy of the minutes of a meeting of the City Council of the City, held as therein shown, insofar as such minutes pertain to the 2014 Norwalk NCIS Improvements Project, including a true, correct and complete copy of the resolution accepting the work and the resolution adopting final assessment schedule and confirming and levying the assessments.

WITNESS MY HAND this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
City Clerk