

## RESOLUTION NO. 2010-12

### DECLARING INTENT TO PLACE A DEFERRED CHARGE ON THE ASSESSMENT REPORT FOR WESTERN ROAD PROPERTIES IN THE TOWN OF CEDARBURG FOR PURPOSES OF APPORTIONING THE COSTS OF SANITARY SEWER AND WATER FACILITIES

RESOLVED, by the Council of the City of Cedarburg, Wisconsin:

WHEREAS, Town of Cedarburg properties on Western Road from Wauwatosa Road to approximately 630 feet east of Wauwatosa Road will benefit from the following public work and improvements:

#### Construction of sanitary sewer and water facilities in Western Road.

1. The costs of improvements attributable to the benefited properties will be recovered by the City by charging each benefited property a proportionate share plus applicable interest when, and only when, such property is included in an annexation ordinance adopted by the City.
2. These charges shall be due in full within 30 days after the adoption of an annexation ordinance annexing the property to the City. The charges shall bear interest at the Construction Cost Index.
3. The initial proportion of the costs to be charged shall not exceed the total cost of construction, engineering and inspection.
4. The Director of Public Works shall prepare a report, which shall consist of:
  - a. Final plans and specifications for the improvements.
  - b. An estimate of the entire cost of the improvements.
  - c. An estimate as to each parcel of property within the assessment district of:
    - 1) The assessment of benefits to be levied for the improvement.
    - 2) The damages to be awarded for any property taken or damaged by the improvement.
    - 3) The net amount of benefits over damages or of damages over benefits for the improvements.
    - 4) The total charges against each parcel
    - 5) Those parcels located in the Town of Cedarburg for which the charges shall be deferred until such time as the parcels are annexed by the city.
5. When the report is completed, the Director of Public Works shall file a copy of the report with the City Clerk for public inspection.

**Resolution No. 2010-12**

**Page 2**

6. Upon receiving the report, the Clerk shall cause notice to be given stating the nature of the proposed Assessment District, including a map thereof, the time and place at which the report may be inspected, and a time and place of the public hearing on the matters contained in the preliminary resolution and the report. This notice shall be published as a class 1 notice under ch. 985, Wis. Stats., and a copy shall be mailed, at least ten days before the hearing, to every interested party whose address is known or can be ascertained with reasonable diligence.
  
7. The hearing shall be held in the Cedarburg City Hall at the following address: W65 N645 Washington Avenue at a time set by the City Clerk.

Passed and adopted by the Common Council of the City of Cedarburg, Ozaukee County, Wisconsin this 14<sup>th</sup> day of June 2010.

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Gregory P. Myers, Mayor

Attest:

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Constance K. McHugh, City Clerk

Approved as to form:

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Kaye K. Vance, City Attorney