RESOLUTION NO. 2013 – 812

A PRELIMINARY RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO MAKE STREET AND SIDEWALK IMPROVEMENTS AS DESCRIBED HEREIN AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council under the provisions of Section 6.44 of the Charter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, is authorized to require street improvements without petition under the conditions therein set out; and

WHEREAS, the City Council finds that improvements as described herein are necessary in the public interest; that the owners of property abutting the improvements are unwilling or have failed to sign a petition for such improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Section 6.44 of the Charter of the City of Raleigh; Chapter 1184, Session Laws of North Carolina, 1949, as amended:

> **Buck Jones Road Widening Project** – improvements to Buck Jones Road from the bridge over I-40 to Xebec Way, including widening the existing two-lane roadway to three lanes (two lanes with a center left turn lane) and bike lanes on both sides (46-foot back-to-back) for an approximate distance of 1.06 miles. Will include some improvements to the intersecting streets along the corridor as they are tied in. Improvements to include construction of a 27-foot back-to-back street section including curbs, gutters, drains and paving with sidewalks and bike lanes on both sides. **Assessments to apply as follows: street improvements at the current rate of $64.00 per linear foot (non-residential zoning) and $32.00 per linear foot (residential zoning).**

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (*i.e.*, the cost of one-half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh).

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains, and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 4. That the terms and manner of payment of street improvement assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment. Assessments to properties outside the City limits will be due upon annexation and/or subdivision review and shall bear interest at the rate of 6% per annum from the date of annexation.

Section 5. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 6. That a **public hearing** on all matters covered by this resolution shall be held on the **1st** day of **October 2013**, at **7:00 p.m.**, in Room 201, City Council Chamber, Raleigh Municipal Building, 222 West Hargett Street, Avery C. Upchurch Government Complex, in the City of Raleigh, North Carolina, or as soon thereafter as the matter can be reached on the agenda.

Adopted: September 3, 2013

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