

RESOLUTION 2022-R-168

**TO FIX THE AMOUNT OF ASSESSMENTS FOR CERTAIN IMPROVEMENTS TO
STREETS AND PUBLIC WAYS IN OLD OVERTON TRAIL SUBDIVISION OF THE
CITY OF IRONDALE, ALABAMA**

WHEREAS, pursuant to Chapter 48 of Title 11 of the *Code of Alabama* (1975) (“Code”), the City Council of the City of Irondale adopted Ordinance Nos. 2021-03 and 2021-06 in regular meetings of the City Council finding that the streets in the Old Overton Trail subdivision be improved (including all necessary grading, drainage, and other work related thereto) to allow safe passage for City emergency vehicles responding to emergency calls within such subdivision and approving the Improvements as defined therein to the such subdivision and ordering the preparation of plans for such Improvements;

WHEREAS, the City Council of the City of Irondale adopted Ordinance No. 2021-14 in a special meeting of the City Council on June 18, 2021 confirming the adoption of Ordinance Nos. 2021-03 and 2021-6 and authorizing the City to proceed with the improvement process set forth in the Code;

WHEREAS, the Improvements as defined in Ordinance Nos. 2021-03 and 2021-06 have been completed and the cost of such Improvements shall be assessed against the property abutting such street improvements as allowed by law;

WHEREAS, the City caused to be prepared a roll or list entitled the “Assessment Book for Local Improvements” showing the names of the property owners and opposite each name a description of each lot or parcel of land proposed to be assessed for such improvement and the amount proposed to be assessed against each lot or parcel of land;

WHEREAS, a book containing this roll or list was delivered to the City Clerk, who gave notice by publication one time in The Birmingham News on August 7, 2022 that said assessment roll or list had been delivered to her and is open for inspection in the City Clerk’s Office of the City of Irondale and that the City Council would meet on Tuesday, September 6, 2022 in the City Council Meeting Room at Irondale City Hall to hear and determine any objections or defense that may be filed to such assessment or the amount thereof;

WHEREAS, the book has been available for inspection and review in the City Clerk’s Office during the City’s regular business hours since August 8, 2022; and

WHEREAS, the City Council of the City of Irondale at its regular meeting held on September 6, 2022, held a public hearing to hear and pass upon all objections to and protests against the proposed assessment set forth in the Assessment Book for Local Improvements.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Irondale, Alabama, in regular meeting duly assembled, a quorum being present, and by authority thereof as follows:

Section 1. FIXING AND FINALIZING THE TOTAL AMOUNT OF ASSESSMENT. The total costs for the Improvements made to the streets and public right of ways within the Old Overton Trail Subdivision are hereby fixed and finalized at the total amount of Three Hundred Twenty-Two

Thousand Six Hundred Nine and 35/100 Dollars (\$322,609.35). As allowed by §11-48-9 and due to the public benefit derived by the Improvements, the City Council of City of Irondale hereby allocates a sum equal to fifty percent (50%) of such total Improvement costs out of the City's General Fund (or any special fund that may be provided for the purpose) to pay a portion of the total Improvement costs. Thereafter, the total Improvement costs owed by the property owners shall be One Hundred Sixty-One Thousand Three Hundred Four and 68/100 Dollars (\$161,304.68).

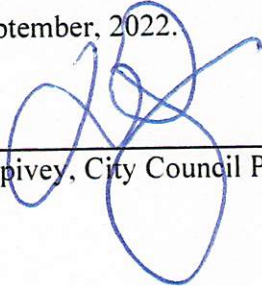
Section 2. FIXING OF AMOUNT OF ASSESSMENT AGAINST EACH LOT SO IMPROVED. Each lot described in the Assessment Book for Local Improvements shall be assessed the sum of Four Thousand Four Hundred Eighty and 69/100 Dollars (\$4,480.69). All such assessments from the date of this resolution shall be and constitute a lien on the respective lots or parcels of land upon which they are levied superior to all other liens, except those of the state and county for taxes.

Section 3. INTEREST RATE. The interest rate of the Assessment shall be set by the City Council of the City of Irondale at the rate of four percent (4%) per annum.

Section 4. TIME FOR PAYMENT OF ASSESSMENT. The property owner may elect to either (1) pay the entire cost of the assessment within thirty (30) days after the date of the final assessment or (2) pay the assessment in ten (10) equal annual installments which shall bear interest at the above-described rate. Any person may pay the whole assessment against any parcel of land within thirty (30) days from the date that the assessment is made and may at any installment period pay the assessment in fully by paying the amount of the remaining installments, together with all accrued interest thereon. Should the property owner desire to pay off the deferred installments between the dates on which they are due, he/she shall pay interest on the same until the succeeding installment period. The first installment shall be payable within 30 days after the date that the assessment is made final. All assessments or installments thereof shall bear interest at the above-described rate after the expiration of 30 days from the date on which the assessment is made final, which interest shall be due and payable at the time and place the assessment or installment is due and payable. In all cases where the property owner does not elect to pay installments or, having elected to pay in installments, fails to pay the first installment within 30 days from the date of assessment, he/she shall be held to have waived the right to pay in installments, and the entire assessment shall at the expiration of said 30 days become due and payable.

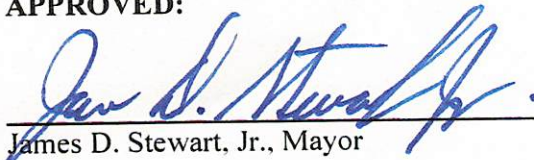
Section 5. LOCATION OF PAYMENT. Payments of the Assessment or any installments related thereto shall be payable at the office of the City Clerk located at Irondale City Hall, 101 20th Street S, Irondale, Alabama 35210 during regular business hours.

ADOPTED & APPROVED: This the 6th day of September, 2022.



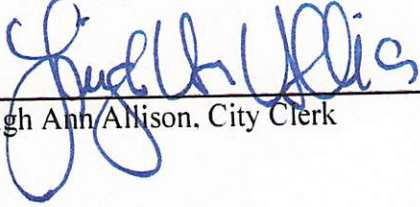
David Spivey, City Council President

APPROVED:



James D. Stewart, Jr., Mayor

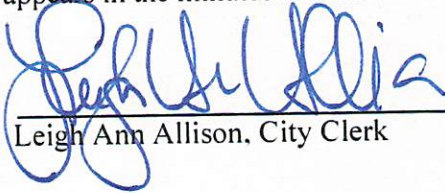
ATTESTED:



Leigh Ann Allison, City Clerk

CERTIFICATION

I, Leigh Ann Allison, City Clerk of the City of Irondale, Alabama, hereby certify the above to be a true and correct copy of a resolution adopted by the City Council of the City of Irondale at its regular meeting held on September 6, 2022, as same appears in the minutes of record of said meeting.



Leigh Ann Allison, City Clerk