

Resolution 17-067

Levying Assessment for 2017 Assessment of the 2014-02STA Main Avenue South & 26th Street South Reassessment

Whereas, the City Council has provided for the work completed under Project No. 2014-02STA Main Avenue South & 26th Street South Project.

Now Therefore, Be It Resolved by the City Council of the City of Brookings, South Dakota, as follows:

1. The City Council adopted Resolution of Necessity No. 05-14 and has made all investigation which it deemed necessary and has found and determined that the amount which each lot or tract is benefited by the construction of the street improvement heretofore designated as Street Assessment Project 2014-02STA Main Avenue South & 26th Street South Project in the amount is the amount stated in the proposed assessment roll.
2. The City Council adopted Resolution 15-096 Levying Assessment for Project No. 2014-02STA Main Avenue South & 26th Street South Street Assessment Project and the requirements have not been met for parcel number 40970-10950-022-00 located in the N1550' of the NW1/4, Exc platted areas & Exc. the S640' of the N1062' of E246' & Exc. S20' of N422' of E223' & Exc. the W40' of E223' of S165' of N402', Section 2-T109N-R50W and parcel number 40970-10950-022-15 located in the W1/2 of the NW ¼ Exc. N1550' & Exc. Platted areas, Section 2-T109N-R50W, as referenced on the 2014-02STA Assessment Roll approved by Resolution 15-096 on September 22, 2015. The assessment is therefore being amended and reassessed, and collected by the City in accordance with the procedure for Plan One in Section 9-43-102, South Dakota Compiled Laws of 1967, as amended.
3. The City Council adopted Resolution 17-034 to levy the assessment for the 2017 Assessment of the 2014-02STA Main Avenue & 26th Street South Reassessment as referenced on the 2014-02STA Assessment Roll approved by Resolution 17-034 on March 28, 2017.
4. The 2014-02STA Main Avenue South & 26th Street South Assessment and Reassessment thereof have been revised as shown on the Assessment Roll filed with the City Clerk's Office on 6/12/17 and are hereby approved and the assessments set forth in the assessment roll are hereby levied against each and every lot, piece or parcel of land as described in the proposed assessment roll. The assessment roll has been modified to reflect prior payments and the assessment of Parcel Number 120000-10950-02330. Assessments in the sum of \$245,515.76 are set forth on the assessment roll, however these assessments will be removed from the assessment roll at the time of closing of the proposed settlement with Oakwood Equity Group LLC if there is no valid objection or other action preventing the reassessment and levy of the 2017 Assessment of the 2014-02STA Main Avenue South & 26th Street South Reassessment as set forth herein.

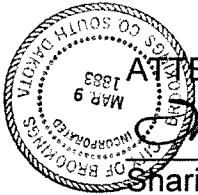
5. The assessment shall be divided into ten (10) equal annual installments.
6. Such assessments, unless paid within thirty (30) days after the date of mailing of a statement of account by the City, shall be collected by the City in accordance with the procedure for Plan One in Sections to SDCL 9-43-102, South Dakota Compiled Laws of 1967, as amended.
7. Interest of ten (10) percent per annum shall accrue on the unpaid balance of the assessment for a maximum of ten (10) years.
8. The revised assessment and collection procedures set forth herein replace the assessment payment procedures for Parcels 40970-10950-022-00 and 40970-10950-022-15 as set forth in that certain Memorandum of Understanding dated May 5, 2014, filed May 7, 2014 at 1:05 p.m. and recorded in Book 184 of Misc., at page 778 in the office of the Brookings County Register of Deeds. The Mayor and City Clerk are authorized to Release the above-described Memorandum of Understanding provided there is no valid objection or other action preventing the levy of this assessment as set forth herein.

Passed and approved this 11th day of July, 2017.

CITY OF BROOKINGS



Keith W. Corbett, Mayor



ATTEST:



Shari Thornes, City Clerk

