

FINAL ASSESSMENT RESOLUTION

Mallard Crossing Subdivision Road Improvements

WHEREAS, North Carolina General Statute 153A-205 allows Wake County to finance the cost of improvements to subdivision roads located in the county and outside of a municipality in order to bring those roads up to the standards required for acceptance into the NC Department of Transportation maintained highway system; and

WHEREAS, Wake County shall levy and collect that portion of the costs of improvements to subdivision roads financed by the County by making a special assessment against benefitted property, pursuant to Article 9 of Chapter 153A of the North Carolina General Statutes; and

WHEREAS, on the 22nd day of January 2019, the Wake County Board of Commissioners adopted an amended policy to evaluate and consider making special assessments against benefitted property for all or part of the costs of certain community infrastructure projects, including subdivision roads, for which the County has the authority to make special assessments pursuant to North Carolina General Statute 153A-185; and

WHEREAS, in January 2018, property owners within the Mallard Crossing Subdivision petitioned the Wake County Board of Commissioners to make a special assessment against benefitted property for the costs of improvements to certain roads, and portions thereof, within the subdivision in order to bring those roads up to the standards required for acceptance into the NC Department of Transportation maintained highway system, and to assess 100% of the cost thereof to the owners of benefitted property by making a special assessment; and

WHEREAS, the petition requesting the improvements received from the owners of benefitted property in Mallard Crossing Subdivision meets the minimum requirement, per North Carolina General Statute Section 153A-205, of being signed by at least seventy-five percent (75%) of the owners of the properties to be assessed that represent at least seventy-five percent (75%) of all the lineal feet of frontage of the lands abutting on the street or portion thereof to be improved; and

WHEREAS, the County finds that the project to improve the subdivision roads for acceptance into the NC Department of Transportation maintained highway system is in the public interest in regards to establishing safe public and emergency access within the subdivision as originally intended when the subdivision roads were platted and recorded as public; and

WHEREAS, on 15th day of April, 2019, the Wake County Board of Commissioners adopted a Preliminary Assessment Resolution that describes the nature and location of the project, basis for making the assessment, and the terms and conditions for financing the project.

NOW, THEREFORE, BE IT RESOLVED by the Wake County Board of Commissioners

1. Wake County hereby intends to undertake the project to be known as the repairing and improvement of certain roads, or portions thereof, within the Mallard Crossing Subdivision to the standards required for acceptance into the NC Department of Transportation maintained highway system through the special assessment process set forth in Article 9 of Chapter 153A of the North Carolina General Statutes.

2. The specific roads within Mallard Crossing Subdivision that are included in the repair and improvement project include Snow Goose Court, Canadian Court, Baldpate Court, and portions of Ruddy Road and Whistling Way. The project shall include all work required to improve and repair the roadways to the standards required by the NC Department of Transportation for acceptance into their maintained highway system.

3. Mallard Crossing Subdivision, built in five phases between 1984 and 1997, consists of 280 lots. A total of 58 of the lots fronting the aforementioned roadways comprise the "benefited property" of the repair and improvement project pursuant to Article 9 of Chapter 153A of the North Carolina General Statutes. The subdivision roads were designed, platted and recorded by the developer as public roads but the developer failed to turn portions of the roads over to the NC Department of Transportation for maintenance.

4. 78% of the owners of the benefited property to be assessed within the Mallard Crossing Subdivision have signed and submitted a petition requesting the improvements, representing 78% of the lineal frontage of the lands abutting on the streets or portions thereof to be improved. This exceeds the minimum requirement of 75% as required by NC General Statute 153A-205.

5. The special assessment would be based on the number of lots served at an equal rate per lot as provided for in Article 9 of Chapter 153A of the North Carolina General Statutes.

6. That 100% of the project cost shall be assessed equally to each lot.

7. No special assessments shall be held in abeyance.

8. Special assessments shall be paid within 30 days of public notice of the assessment roll to avoid interest charges. Otherwise the special assessment may be paid in annual installments for a period up to 7 years at a monthly interest rate of 3.5% based on the principal balance.

THEREFORE, IT IS HEREBY ORDERED that this project be undertaken in accordance with the Wake County Water, Sewer and Road Financial Policy as amended on January 22, 2019 and North Carolina General Statutes Article 9 of Chapter 153A *Special Assessments*.

Adopted this 6th day of May, 2019.

ATTEST:

BOARD OF COMMISSIONERS FOR
THE COUNTY OF WAKE

Denise Hogan, Clerk to the Board

By _____
Jessica N. Holmes, Chair

APPROVED AS TO FORM:

Scott Warren, County Attorney