

RESOLUTION DECLARING COSTS AND PRELIMINARY ASSESSMENT ROLL AND CONFIRMATION OF ASSESSMENTS FOR CROOKED CREEK SUBDIVISION

WHEREAS, by Resolution adopted by the Wake County Board of Commissioners on May 6, 2019, the improvements hereinafter referred to were authorized and directed pursuant to Article 9 of Chapter 153A, Section 205, of the North Carolina General Statutes; and

WHEREAS, the Crooked Creek subdivision roads, as more particularly described below, have been repaired and improved in accordance with the standards of the North Carolina Department of Transportation; and

WHEREAS, on April 8, 2021, the North Carolina Board of Transportation accepted the Crooked Creek subdivision roads into the state-maintained highway system; and

WHEREAS, it is the duty of the Wake County Board of Commissioners to adopt and publish the preliminary assessment roll and following confirmation of the same, to make an assessment of the total costs thereof against all lots, parcels, or tracts of land abutting the improvements.

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

1. That the Crooked Creek subdivision roads, (Brushy Meadows Drive, Creekfall Lane, Dembrook Court), have been repaired and improved in accordance with the standards of the North Carolina Department of Transportation and have been accepted into the state maintained highway system.
2. That the Wake County Board of Commissioners ("Board") makes assessment of 100% of the total cost of the improvements described herein against the lots and parcels abutting the improvements at an equal rate per lot. A table and map depicting all lots and parcels abutting the improvements subject to said assessment is attached hereto as *Exhibit A*.
3. The total assessable cost of the improvements described herein has been computed pursuant to N.C.G.S. 153A-193 and is hereby declared to be \$178,966 ("Total Project Cost") inclusive of consulting fees, and construction costs. A table depicting the Total Project Cost is attached hereto as *Exhibit B*.
4. The Total Project Cost equates to a preliminary assessment of \$4,471.16 per lot identified in *Exhibit A*.
5. Upon confirmation of the assessment by the Board, the terms and manner of payment of assessments to the Wake County Department of Tax Administration shall be in accordance

with one of the two payment options set forth in N.C.G.S. §153A-199, more particularly detailed as follows:

- a. *Payment in Full*: Payment of the assessment may be made in full in the amount of \$4,474.16 per lot without finance charge or interest, so long as it is made within thirty (30) days of June 28, 2021, the date for which the notice of confirmation of the assessment roll is scheduled to be published. Interest shall accrue on any unpaid portion of the assessment beginning August 1, 2021 at a rate of 3.5% per annum; OR
 - b. *Installment Payments*: Payment may be made by installment payments, which shall not exceed three (3) annual installments and shall bear interest at the rate of 3.5% per annum on the unpaid balance. All installment payments shall be paid in accordance with the following terms:
 - i. The minimum annual installment payment shall be \$1,491 together with accrued interest.
 - ii. The first installment payment of \$1,491 together with 1/12th of the 3.5% per annum interest rate shall be paid on August 1, 2021 with interest accruing thereafter at a rate of 3.5% per annum on any unpaid balance of the assessment.
 - iii. Each consecutive installment shall be paid on August 1st of each successive year until the assessment is paid in full.
 - iv. If the minimum annual installment amount of \$1,491 plus accrued interest due is not paid in full each year on or before the due date set forth herein, the assessment may be declared in default and all of the remaining unpaid installments may be accelerated and become immediately due, with interest.
 - v. Installment payments shall first be applied to accrued interest on the unpaid balance of the assessment.
 - vi. Assessments paid by installments may be paid in full, inclusive of interest, any time before the expiration of the three (3) year term.
 - vii. Interest and all costs borne by the County associated with collection of annual installments shall accrue on all arrearages which shall constitute a lien on the lot or parcel in accordance with law.
6. If a property owner has a financial hardship, they may request a modified payment arrangement in accordance with Wake County Water, Sewer, and Road Financial Policy.
 7. That the preliminary assessment roll attached hereto as *Exhibit A* was filed in the Wake County Clerk's Office for public inspection and notice was duly mailed to each property owner listed on the roll at least 10 days before the public hearing set in this matter in accordance with N.C.G.S. § 153A-194.

8. That a public hearing was held virtually on the 17th day of May 2021, at 2:00 PM for the purpose of hearing all interested persons in respect to the special assessments made by this Resolution.
9. That the assessments made by this Resolution are hereby confirmed by the Wake County Board of Commissioners pursuant to Article 9, Chapter 153A, Section 195 of the North Carolina General Statutes and the Wake County Clerk is directed to record said confirmation in the minutes of the Board and deliver a copy of the same to the Wake County Tax Administrator for collection in accordance with this Resolution.
10. That no earlier than twenty (20) days from the date this assessment roll is confirmed, the Wake County Tax Administrator shall publish notice that the assessment roll has been confirmed and that assessments are to be paid in accordance with Paragraph 5 of this Resolution.
11. From the time of confirmation, each assessment is a lien on the lot assessed to the same extent as a lien for county or city property taxes, under the priorities set out in N.C.G.S. § 153A-200 and the County shall have the authority to foreclosure on any unpaid or delinquent assessments in accordance therewith.

NOW, THEREFORE, BE IT RESOLVED that the Wake County Board of Commissioners confirms this assessment roll in accordance with North Carolina General Statutes Article 9 of Chapter 153A *Special Assessments*.

Adopted this 17th day of May, 2021.

ATTEST:

BOARD OF COMMISSIONERS FOR
THE COUNTY OF WAKE

Clerk to the Board

By _____
Matthew M. Calabria, Chair

APPROVED AS TO FORM:

Scott Warren, County Attorney