

**RESOLUTION NO. RE07-04**

**PRELIMINARY RESOLUTION DECLARING INTENT TO  
EXERCISE SPECIAL ASSESSMENT POLICE POWERS UNDER  
WISCONSIN STATE STATUTE SECTION 60.0703 FOR THE  
N. FRANCIS STREET AND NORTHWAY DRIVE  
STREET IMPROVEMENTS**

**WHEREAS**, the Common Council of the City of Brillion, Calumet County, Wisconsin, is pursuing the construction of curb and gutter, sidewalks and driveway entrances and related improvements of all property abutting both sides of N. Francis Street (Park Avenue to Ryan Street), and all of Northway Drive.

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council of the City of Brillion, Calumet County, Wisconsin:

1. The Common Council hereby declares its intention to exercise its police power under Sec. 66.0703 Wisconsin State Statutes, and Chapter 82, Sections 82-4 and 82-34 of the Municipal Code of Ordinances, to levy special assessment upon the properties in the assessment district described above for special benefits conferred upon properties by the construction of said curb and gutter, sidewalks and driveway entrances, and related improvements and expenses (the “improvements”).
2. The Common Council determines that the improvements constitute an exercise of the police power and the amount assessed against each parcel shall be made upon a reasonable basis, considering construction costs, and related expenses, including engineering, advertisement and attorney fees.
3. The assessments against all parcels may be paid in cash or in the number of installments to be determined at the public hearing on the proposed assessments, and according to the final resolution of the Common Council of the City of Brillion as may be hereinafter adopted.
4. The City Engineer, McMahon Associates, Inc., is directed to prepare a report consisting of:
  - (a) Final plans and specifications for said improvements.
  - (b) An estimate of the entire cost of the proposed improvements.
  - (c) Schedule of proposed assessments against property, under Sect 66.0703, Wisconsin State Statutes.
5. Upon completing such report, the City Engineer shall file a copy with the City Administrator for public inspection.

6. Unless the notice and hearing requirements which must be met prior to the imposition of special assessments have been waived in writing by all owners of all the property to be assessed as outlined in the report described in Paragraph 4, hereof, then upon receiving the report of the City Engineer, the City Clerk shall prepare and publish a Class 1 Notice of the Public Hearing on said report as specified in Sec. 66.0703 (7), Wisconsin State Statutes, which notice shall also state the place and time at which the report may be inspected and the place and time at which all persons interested, or their agents or attorneys, may appear before the Common Council and be heard concerning the matters contained in the preliminary resolution and the City Engineer's report. A copy of such notice shall be mailed at least ten (10) days before the hearing date, to all interested persons whose post office addresses are known, including all abutting property owners. The public hearing shall commence not less than 10 nor more than 40 calendar days after such publication. The hearing shall be held in the Council Chambers at the Brillion City Hall, Calumet County, Wisconsin.

Resolution No. RE07-04 introduced and its adoption moved by Alderperson Edinger; second by Alderperson Fischer.

Upon a call of votes thereon, the results were as follows:

<u>7</u>	Votes Cast
<u>7</u>	Votes Yes
<u>0</u>	Votes No

The Mayor declared Resolution No. RE07-04 adopted, approved and signed the same this 26<sup>th</sup> day of February, 2007.

\_\_\_\_\_  
Gerald Sonnabend  
Mayor

ATTESTED: \_\_\_\_\_  
Lori M. Gosz  
City Administrator/Clerk-Treasurer