

MEMORANDUM
DAVID C. MORRISON, CITY ATTORNEY

TO: Randall Tweet, Public Works Director and
Interim City Manager

SUBJECT: Abandonment of Special Assessments for Street Improvements

DATE: October 17, 2016

On July 14, 2014 and May 11, 2015, five (5) separate street improvement projects were approved by council to proceed as special assessment projects, one (1) on July 14, 2014 and four (4) on May 11, 2015. The projects were specifically known as follows:

1. Job No. 2739 – Shadybrook Phase I Resurfacing: 7th Street West from 79th Avenue West to 84th Avenue West, 8th Street West from 79th Avenue West to 84th Avenue West and 82nd Avenue West from 8th Street West to 9th Street West – Case No. 14 TX 98
2. Job No. 2730 – 20th Avenue Resurfacing: 27th Street to 30th Street – Case No. 15 TX 88
3. Job. No. 2746 – Shadybrook Phase II Resurfacing:
9th Street West: 79th Avenue West to 83rd Avenue West;
10th Street West: 78th Avenue West to 8415 – 10th Street West;
79th Avenue West, 9th Street West to 10th Street West;
80th Avenue West, 9th Street West to 10th Street West
82nd Avenue West, 8th Street West to 9th Street West;
83rd Avenue West, 9th Street West to the west at 1010 – 83rd Avenue West
Case No. 15 TX 89
4. Job No. 2661 – 22-1/2 Avenue Reconstruction: East of 29th Street – Case No. 15 TX 87
5. Job No. 2360 – 26th Street Reconstruction: North of 13th Avenue – Case No. 15 TX 86

In September, 2014, regarding Case No. 14 TX 98, and in June, 2015, Case Nos. 15 TX 86, 15 TX 87, 15 TX 88 and 15 TX 89, Petitions to levy the special assessments for the said improvements upon the owners of the property assessed were filed with the court and that after the requirements of law as to postings, publishing and mailing of notices to owners, an Order of Confirmation of the assessment roll was entered in Case No. 14 TX 98 on September 26 2014, and Orders of Confirmation of assessment roll were entered in Case Nos. 15 TX 86, 15 TX 87, 15 TX 88 and 15 TX 89 on August 20, 2015 against the owners of record as shown on the attached.

That subsequent thereto, Council approached the City Attorney to inquire as to the procedures involved to vacate the special assessments against the homeowners for the above projects.

That on October 6, 2016, Motions to Vacate the Special Assessment Judgments were filed with the court and an Order issued vacating same.

Recommendation

That City Council approve a Special Ordinance attached hereto abandoning those terms and conditions contained in Ordinance Nos. 055-2014, 025-2015, 026-2015, 027-2015 and 028-2015, previously passed and approved, which specifically provide for the assessment and/or payment by the owners of record for a portion of the total improvement costs, as vacated by the Orders Vacating Special Assessment Judgments signed by the Judge on October 6, 2016.

Submitted by: David G. Morrison, City Attorney

Approved by: Randall Tweet, Interim City Manager

A SPECIAL ORDINANCE AMENDING FIVE (5) SPECIAL ORDINANCES
PROVIDING FOR SPECIAL ASSESSMENTS FOR STREET IMPROVEMENTS
IN THE CITY OF ROCK ISLAND, ILLINOIS,

WHEREAS, local improvement projects previously approved by Ordinance Nos. 055-2014, 025-2015, 026-2015, 027-2015 and 028-2015, shall be amended to specifically abandon the requirement that any part of the costs for said improvements projects shall be assessed to the homeowners. That in all other respects, the terms of the previously approved Ordinances shall be in full force and effect.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCK ISLAND, ILLINOIS:

Section One: The above local improvement projects previously approved have been completed in their entirety.

Section Two: That the contractors performing the improvements on all of the projects have been paid in full and copies of their Consents to Vacation of Special Assessment are attached hereto and made a part hereof.

Section Three: That City Council directed that the Orders of Confirmation entered by the court on September 26, 2014 and August 20, 2015, in Case Nos. 14 TX 98, 15 TX 86, 15 TX 87, 15 TX 88 and 15 TX 89, assessing a certain portion of the cost of the improvements to the owners of record, be vacated. That said Orders Vacating Special Assessment Judgments were entered on October 6, 2016, pursuant to 65 ILCS 5/9-2-65.

Section Four: That the City Clerk of The City of Rock Island, Illinois, shall provide a certified copy of this Ordinance after passage to the City Attorney for The City of Rock Island, Illinois, to be filed with the Circuit Court of Rock Island County, Illinois, and recorded in the office of the Recorder of Deeds of Rock Island County, Illinois.

Section Five: That all ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be and the same are hereby repealed.

Section Six. This ordinance shall be in full force and effect 10 days from its passage and approval, as required by law.

MAYOR OF THE CITY OF ROCK ISLAND

PASSED: _____

APPROVED: _____

ATTEST: _____

CITY CLERK