

RESOLUTION NO. 50

FINAL RESOLUTION

WHEREAS, the Town Board of the Town of Delavan, Walworth County, Wisconsin, having held a public hearing at the Town Hall in the Town of Delavan on August 12, 1989, for the purpose of hearing all interested persons concerning the preliminary resolution and report of the engineer on the Delavan Lake Highlands Association Channel Stabilization Project in the Town of Delavan after notice thereof having been given pursuant to Sec. 66.60, Wis. Stats., and all parties desiring to be heard having been heard, and the report of the engineer having been considered, and the public hearing having been concluded; and

WHEREAS, it having been found that only the Delavan Lake Highlands Association will benefit from the Delavan Lake Highlands Association Channel Stabilization Project; and

WHEREAS, it having been found that all of the owners of the Delavan Lake Highlands Association will benefit from the Delavan Lake Highlands Association Channel Stabilization Project; and

WHEREAS, bids for construction having been duly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Delavan as follows:

1. The report of the engineer pertaining to the construction of the above described public improvements, including plans and specifications therefor is adopted and approved.

2. It is directed that these improvements be constructed in accordance with the report as finally approved.

3. Payment for the aforesaid project shall be made by assessing the costs of said improvements to the lot owners in the Delavan Lake Highlands Association, on an equal per lot basis.

4. The costs of said improvements to the property owners need not be immediately paid in cash, but at the option of the property owners may be paid in cash or in five equal annual installments.

5. The benefits shown on the engineer's report are true and correct and there are no damages to be awarded by virtue of said improvements and the benefits shown by the engineer's report are hereby confirmed.

6. If any of said assessments are paid on an installment basis, said assessments shall bear interest at the rate of one (1%) percent above the interest rate charged the Town in connection with its borrowing to pay the contract costs of this project. Any assessments may be paid in full at any time with interest to date of payments. The property owner may pay the amount of the assessment in full on or before October 1, 1989, without interest, but on failure to pay said assessment on or before said date in full, interest shall commence thereon as of the date of assessment, being the date hereof.

7. The Clerk shall publish this Final Resolution in The Delavan Enterprise and shall mail a copy of this resolution and a statement of the final assessment against the benefited property to every property owner whose name appears on the assessment role whose post office address is known or can be determined with reasonable diligence.

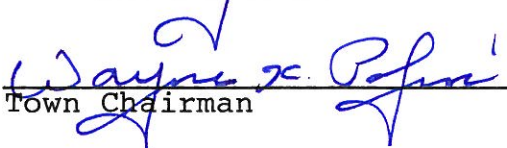
8. The amount of the assessments as now determined are subject to:

A. The right of appeal to the Circuit Court, as specified in Sec. 66.60(12), Wis. Stats. This appeal must be taken within ninety days from the publication of this Final Resolution. An appeal bond must be filed. The outstanding contracts herein shall not be affected by any appeal. The Circuit Court may affirm the assessments, may modify these assessments, or award damages and then affirm the same as so modified. This form of appeal is the sole remedy. An appeal may not be taken unless the assessment is first paid.


B. A possible refund as provided in Sec. 66.60(11), Wis. Stats.

C. A possible redetermination as provided in Sec. 66.60(11), Wis. Stats.

Dated this 15 day of Aug, 1989.

  
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Town Chairman

Attest:

  
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Town Clerk