

Mitchell County Drainage District No. 13

RESOLUTION NO. 132

WHEREAS, certain property owners and operators owning and operating land within the boundaries of Drainage District No. 13 have requested that the Board of Supervisors of Mitchell County, Iowa, grant to them the privilege of making installment payments under the provisions of Section 455.64 of the 1983 Code of Iowa, as amended, and

WHEREAS, it is the decision of the Board of Supervisors of Mitchell County, Iowa, that it is in the best interests of the property owners and operators that such installment payments be made available and will insure a more convenient method of payment for the parties involved.

IT IS, THEREFORE, RESOLVED BY THE BOARD OF SUPERVISORS OF MITCHELL COUNTY, IOWA, AS FOLLOWS:

1. The attorney for Mitchell County Drainage District No. 13 shall prepare Special Payment Agreements in accordance with the provisions of Section 455.64 of the 1983 Code of Iowa, as amended, providing for payments to be made; one-third ($1/3$) at the time such an agreement is filed; one-third ($1/3$) within twenty (20) days after the engineer in charge shall certify to the Auditor the improvement is one-half ($1/2$) completed; and the remaining one-third ($1/3$) within twenty (20) days after the improvement has been completed and accepted by the Board of Supervisors. In the event any property owner or operator wishes to pay in advance any sums so provided by this section of the code under subparagraph no. 1 thereof, which provides for payment in one-thirds, said Special Payment Agreement must provide that any increased cost will be added to the assessment and will be paid by the property owner and operator executing the agreement without objection. The Special Payment Agreements shall further provide that the signing property owners and operators will waive all objections to the assessment and to the legality of the same or the levy of any taxes against his property.

2. In the event the property owners and operators elect to pay the assessments under option no. 2 granted by said Section 455.64, then such assessments shall be paid in not more than ten (10) years period in twenty (20) equal installments; that is, one (1) paid in September at the semi-annual tax paying date and one (1) on or before the 1st day of April of each year. Each property owner and operator electing to pay over the twenty (20) installment plan must agree that any overage or additional cost will be paid by him without objection and said property owner and operator will waive all objections to the legality of the assessment for his benefit or the levy of taxes against his property resulting from the installation of the drainage system. The foregoing agreements shall apply to all repairs and improvements as well as construction of the main project.

Supervisor Mayne made the foregoing motion; seconded and carried, this 5th day of November, 1984.

Mitchell County Board of Supervisors

By

Betty McCarthy
Chairman of the Board

ATTESTED:

Dorothy K. Kender
Mitchell County Auditor