

★ Roll Call Number

Agenda Item Number

7 B

.....  
Date ..... February 25, 2008 .....

RESOLUTION OF NECESSITY FOR  
CARPENTER AVENUE RECONSTRUCTION FROM 30TH STREET TO 31ST STREET, ACTIVITY ID 06-2008-014, SCHEDULE NO. 2008-04, ORDERING CONSTRUCTION OF SAID PROJECT, APPROVING PRELIMINARY PLAT AND SCHEDULE OF ASSESSMENTS AND ESTIMATE OF COST

WHEREAS, this Council deems it advisable and necessary that street paving improvements, generally described as the Carpenter Avenue Reconstruction from 30th Street to 31st Street, Activity ID 06-2008-014, Schedule No. 2008-04, described as street reconstruction twenty-six (26) feet wide B/B with Portland Cement Concrete six (6) inches thick with integral curb, or with Hot Mix Asphalt eight (8) inches thick with Portland Cement Concrete curb and gutter, pavement removal, 6' sidewalk, traffic signals, surface restoration and other incidental items, together with the necessary drainage facilities on Carpenter Avenue from 30th Street to 31st Street, be constructed within the City of Des Moines, Iowa which improvements are more particularly described in detail hereafter; and

WHEREAS, it is proposed that said improvements be constructed under the authority granted in Division IV of Chapter 384 of the City Code of Iowa; and

WHEREAS, a petition and waiver agreement relating to said proposed improvements has been signed by all of the property owners to be benefited by the construction of said work and said petition and waiver agreement has been officially filed in the office of the City Clerk and by resolution adopted by the Council, approved and accepted for and on behalf of said City; and

WHEREAS, pursuant to the terms of the petition and waiver agreement, the benefited property owner has waived any and all legal requirements covering the construction of said improvements and the normal special assessment procedure to be followed for a project of this type, and has requested therein that the City proceed with the letting of the construction contract and the construction of the work at the earliest possible date; and

WHEREAS, the City Engineer has caused to be prepared a preliminary plat and schedule of assessments and estimate of cost which items have been examined by this Council and are deemed suitable for the purpose intended and are now officially on file in the Office of the City Clerk for public inspection; and

WHEREAS, before said work, covered by the petition and waiver agreement, may be contracted for, the City Engineer must prepare plans, specifications, form of contract documents and estimate of construction costs to be presented for Council adoption at a later date; it is also necessary to hold a public hearing thereon and a public letting for the taking of construction bids at a later date.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

Section 1. That the petition and waiver agreement, hereinabove referred to, was approved and accepted for and on behalf of the City by resolution of the City Council adopted on February 25, 2008.

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Section 2. That this Council hereby determines that it is necessary and advisable to construct street paving improvements, generally described as the Carpenter Avenue Reconstruction from 30th Street to 31st Street, Activity ID 06-2008-014, Schedule No. 2008-04, and as described in further detail hereinafter in Section 3 of this resolution.

Section 3. That said proposed improvements to be constructed are described as follows:

Carpenter Avenue Reconstruction from 30th Street to 31st Street, Activity ID 06-2008-014, Schedule No. 2008-04, described as street reconstruction twenty-six (26) feet wide B/B with Portland Cement Concrete six (6) inches thick with integral curb, or with Hot Mix Asphalt eight (8) inches thick with Portland Cement Concrete curb and gutter, pavement removal, 6' sidewalk, traffic signals, surface restoration and other incidental items, together with the necessary drainage facilities on Carpenter Avenue from 30th Street to 31st Street.

Section 4. That the proposed assessment district to be benefited and subject to assessment is set out in the preliminary plat and schedule of assessments hereinabove referred to.

Section 5. That said preliminary plat and schedule of assessments and estimate of costs, hereinabove mentioned, are hereby adopted and approved as the proposed plat and schedule and estimate of cost for this project.

Section 6. That the cost of said improvements will be assessed to the properties within the boundaries of the assessment district, pursuant to the proposed plat and schedule for the project.

Section 7. That, if any difference remains between the amount which is derived from cash payments made by property owners after the assessments are levied and the proceeds to be received from the sale of special assessment bonds issued against any unpaid assessments and the total cost of said improvement project, such difference shall be paid for from the proceeds to be derived from the issuance and sale of general obligation bonds of said City and/or from such other funds of said City as may be legally used for such purposes.

Section 8. That the action of this Council in this resolution shall constitute the action the Council would normally take in adopting a preliminary resolution ordering construction of said project, approving the preliminary plat and schedule of assessments and estimate of costs, introducing and adopting a resolution of necessity, ordering preparation of detailed plans, specifications, contract documents, and estimate of cost, and any and all other preliminary Council action on a special assessment project.

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Section 9. That the City Engineer is hereby directed to prepare detailed plans, specifications, contract documents, and estimate of cost for presentation to this Council for adoption at a later date.

(Council Communication No. 08-089 )

Moved by \_\_\_\_\_ to adopt.

FORM APPROVED: *Kathleen Vanderpool*  
 Kathleen Vanderpool  
 Deputy City Attorney

*JEB*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED

\_\_\_\_\_  
 Mayor

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
 City Clerk

CERTIFICATE OF THE CLERK OF THE CITY OF DES MOINES, IOWA  
TO BE FILED, INCLUDING EXHIBITS ATTACHED, WITH THE COUNTY  
TREASURER OF POLK COUNTY, IOWA, AFTER ADOPTION OF THE  
RESOLUTION OF NECESSITY

STATE OF IOWA            )  
COUNTY OF POLK        )  SS  
CITY OF DES MOINES    )

NOTICE OF PENDING ASSESSMENT PROCEEDINGS

I, Diane Rauh, Clerk of the City of Des Moines, Iowa, do hereby certify that the Council of Des Moines, Iowa, has adopted a Resolution of Necessity for certain street paving improvements, said improvements being generally designated in said resolution and in prior proceedings of the Council as the Carpenter Avenue Reconstruction from 30<sup>th</sup> Street to 31<sup>st</sup> Street, Activity ID 06-2008-014, Schedule No. 2008-04. A true copy of said Resolution of Necessity as originally proposed and Resolution with respect to the adoption of the Resolution of Necessity proposed for the Carpenter Avenue Reconstruction from 30<sup>th</sup> Street to 31<sup>st</sup> Street, Activity ID 06-2008-014, Schedule No. 2008-04, are hereby attached, marked Exhibits "1" and "2".

I further certify that attached hereto, marked Exhibit "3" and "4" are true and correct copies of the preliminary plat and schedule of assessments, said schedule setting out the estimated assessments proposed to be against benefited properties for the purpose of paying a portion of the total overall cost of said improvements. Said assessments are a lien upon the benefited properties from the date of filing a certified copy of the Resolution of Necessity, the plat and the schedule of assessments, as provided in 384.65 (5) of the Code of Iowa.

\_\_\_\_\_  
City Clerk of Des Moines, Iowa

(SEAL)

I, hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, there was filed with me as County Treasurer of Polk County, State of Iowa, pursuant to 384.51 and 384.65(5) of the Code of Iowa, an executed copy of the certificate of the Clerk of Des Moines, Iowa, as hereinabove set out, and a copy of the items therein referred to as Exhibits "1", "2", "3" and "4".

Witness my hand and the County Seal at Des Moines, Iowa, this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
County Treasurer

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, there was filed with me as Building Permit Official of the City of Des Moines, Iowa, an executed copy of the certificate of the City of Des Moines, Iowa, hereinabove set out, and a copy of the items therein referred to as Exhibits "1" and "2".

\_\_\_\_\_  
Building Permit Official of the  
City of Des Moines, Iowa