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Date April 22, 2013.....

**HEARING ON ADOPTION OF THE PROPOSED RESOLUTION
OF NECESSITY FOR SANITARY SEWER IMPROVEMENTS**

WHEREAS, on March 25, 2013, under Roll Call No. 13-0453, the City Council set this time and place for a hearing to receive and consider both written and oral objections and endorsements to the adoption of the proposed Resolution of Necessity for the construction of the following sanitary sewer improvements:

East 37th Street Sanitary Sewer – Euclid Avenue to Hubbell Avenue, Activity ID 07-2013-001, Schedule Number 2013-01, described as:

Construction of a new sanitary sewer to service three properties in the 3600 block of East 37th Street including construction of the sanitary sewer, manholes, restoration of pavement & landscaping, and other incidental items which will allow for the abandonment of deteriorated and obsolete septic systems that are located on the properties,

and authorized notice of this hearing be duly published and mailed to property owners and other persons having an interest in the matter as required by law; and

WHEREAS, this City Council now meets as specified in the published notice to receive and consider all field, written and oral objections, and endorsements to the proposed Resolution of Necessity.

WHEREAS, on March 28, 2013, property owners subject to special assessments were sent a mailing which contained general information, the Notice to Property Owners of the hearing on April 22nd, a copy of the March 25, 2013 City Council Communication Number 13-136 that explained the sanitary sewer assessment policy and provided further background information, a blank petition form that could be used to petition for or against the project, and each owner's preliminary assessment amount.

WHEREAS, The Engineering Department has verified petitions from property owners received as of January 14, 2013, concerning the proposed East 37th Street Sanitary Sewer construction with 2 of the 3 property owners having submitted petitions in favor of the proposed sanitary sewer. There have not been any petitions received against the sanitary sewer. The Engineering Department will continue to tabulate any petitions received prior to the public hearing and will report to the City Council on April 22, 2013. At this time, the staff recommends adoption of the Resolution of Necessity for the sanitary sewer construction on the above referenced portions of East 37th Street.

★ **Roll Call Number**

Agenda Item Number

38

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NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That all filed, written and oral objections and endorsements having been fully reviewed and considered, the hearing on the adoption of the proposed Resolution of Necessity for the construction of said sanitary sewer improvements is now concluded and closed.

BE IT FURTHER RESOLVED: That the special assessments have been prepared in accordance with Council policy approved on June 26, 2000, under Roll Call No. 00-1876; therefore, Default Fund was not included in these special assessments.

BE IT FURTHER RESOLVED: That the proposed Resolution of Necessity described above for construction of the following sanitary sewer improvement:

East 37th Street Sanitary Sewer – Euclid Avenue to Hubbell Avenue, Activity ID 07-2013-001, Schedule Number 2013-01, described as:

Construction of a new sanitary sewer to service three properties in the 3600 block of East 37th Street including construction of the sanitary sewer, manholes, restoration of pavement & landscaping, and other incidental items which will allow for the abandonment of deteriorated and obsolete septic systems that are located on the properties,

is hereby:

_____ Adopted, without further amendment, and all objections filed or may have been duly considered are overruled.

_____ Adopted, as amended. All objections filed or made having been duly considered are overruled.

_____ Closed regarding the Hearing and Action Deferred for later consideration to a Council meeting to be held on _____, 2013, next at 5:00 o'clock P.M., at this meeting place, with jurisdiction retained for further consideration and action at the adjourned meeting.

_____ Abandoned.

★ **Roll Call Number**

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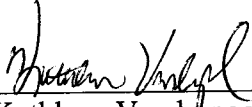
38

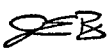
Date April 22, 2013

(Council Communication No. 13-192)

Moved by _____ to adopt.

FORM APPROVED:


 Kathleen Vanderpool
 Deputy City Attorney

 Funding: 2013-2014 CIP, Page Sanitary-6, City-wide Sanitary Sewers, SAE054, being \$30,490 from Special Assessments against benefited property owners and \$54,710 in Sanitary Sewer funds

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	

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

 Mayor