

Date November 9, 2015

HEARING ON ADOPTION OF THE PROPOSED RESOLUTION
OF NECESSITY FOR STREET IMPROVEMENTS

WHEREAS, on October 12, 2015, under Roll Call No. 15-100, 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 street improvements:

- E. 32nd Street paving from Kinsey Avenue to E. Washington Avenue, Activity ID 06-2015-010, Schedule No. 2015-01, described as:

Street paving twenty-six (26) feet wide B/B with Portland Cement Concrete six (6) inches thick with integral curb, or with Hot Mix Asphalt seven and one-quarter (7-1/4) inches thick with Portland Cement Concrete curb and gutter, driveway approaches, surface restoration and other incidental items, together with the necessary drainage facilities.

- Shawnee Avenue from 15th Street to 14th Street, Activity ID 06-2016-010, Schedule No. 2015-02, described as:

Street paving twenty-six (26) feet wide B/B with Portland Cement Concrete six (6) inches thick with integral curb, or with Hot Mix Asphalt seven and one-quarter (7-1/4) inches thick with Portland Cement Concrete curb and gutter, driveway approaches, surface restoration and other incidental items, together with the necessary drainage facilities.

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 January 17, 1983, under Roll Call Number 83-333, the City Council adopted a formal policy regarding adoption of the Resolution of Necessity which stated that

1. The City Council shall require 60% or more of the preliminary assessment cost of properties included in the assessment district represented by property owners being opposed to the street improvement before the street is deleted from the program.
2. Where it is determined by the City Engineering Department that a street has drainage problems that can only be corrected by street paving, the City Council shall require 65% or more of the preliminary assessment cost of properties included in the assessment district represented by property owners being opposed to the street improvement before the street is deleted from the program.

★ **Roll Call Number**

Agenda Item Number
48A-B

Date November 9, 2015

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 street 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 street improvement:

- E. 32nd Street paving from Kinsey Avenue to E. Washington Avenue, Activity ID 06-2015-010, Schedule No. 2015-01, described as:

Street paving twenty-six (26) feet wide B/B with Portland Cement Concrete six (6) inches thick with integral curb, or with Hot Mix Asphalt seven and one-quarter (7-1/4) inches thick with Portland Cement Concrete curb and gutter, driveway approaches, surface restoration and other incidental items, together with the necessary drainage facilities.

- Shawnee Avenue from 15th Street to 14th Street, Activity ID 06-2016-010, Schedule No. 2015-02, described as:

Street paving twenty-six (26) feet wide B/B with Portland Cement Concrete six (6) inches thick with integral curb, or with Hot Mix Asphalt seven and one-quarter (7-1/4) inches thick with Portland Cement Concrete curb and gutter, driveway approaches, surface restoration and other incidental items, together with the necessary drainage facilities.

is hereby:

_____ Adopted, without further amendment, and all objections filed or made having 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 _____, 2015, 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**

Agenda Item Number
48A-B

Date November 9, 2015

Moved by _____ to adopt.

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

AC

Funding:

- 2015-2016 CIP, Page Street-25, Residential Paving Program, ST013, being \$25,293.78 from Special Assessments against benefited property owners and \$86,206.22 in City funds
- 2015-2016 CIP, Page Street-29, Residential Paving Program, ST013, being \$19,393.76 from Special Assessment against benefited property owners and \$75,106.24 in City funds

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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.

_____ Mayor

_____ City Clerk

TABULATION OF PETITION for PAVING
E. 32ND STREET from KINSEY AVENUE TO WASHINGTON AVENUE

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>NUMBER OF ASSESSED OWNERS</u>	<u>NUMBER OF ASSESSED OWNERS</u>		<u>PERCENT OF PROPERTY OWNERS</u>		<u>VOTES REQUIRED</u>
				<u>FOR</u>	<u>AGAINST</u>	<u>FOR</u>	<u>AGAINST</u>	
E. 32 nd Street	Kinsey Avenue	Washington Avenue	21	1	12	5%	57%	6

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>PARCELS</u>	<u>PARCEL OWNERSHIP</u>		<u>PERCENT OF ASSESSED AMOUNT</u>		<u>VOTES REQUIRED</u>
				<u>FOR</u>	<u>AGAINST</u>	<u>FOR</u>	<u>AGAINST</u>	
E. 32 nd Street	Kinsey Avenue	Washington Avenue	22	1	13	11%	48%	6

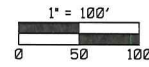
Staff recommends the City Council receive and file petitions, close the Public Hearing, and not adopt the Resolution of Necessity on this street.

48A

DISTRICT 6

PAVING PETITION RESULTS

- FOR
- AGAINST
- CHANGED VOTE



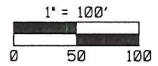
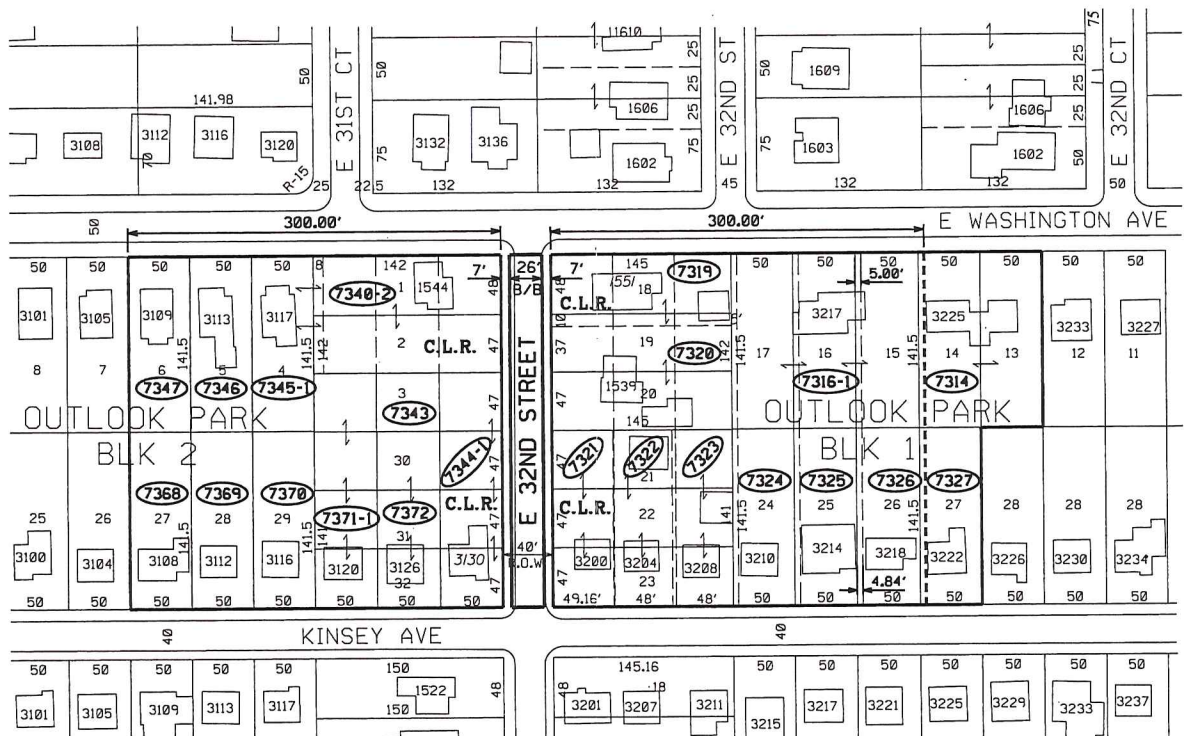
LEGEND

- ASSESSMENT BOUNDARY
- AREA CALCULATION LINE
- C.L.R.**
- LOT LINE
- OWNERSHIP LINE
- EXISTING PAVEMENT
- PROPOSED PAVEMENT
- PARCEL








E 32ND ST.
KINSEY AVE. TO WASHINGTON AVE.
ACTIVITY I.D. 06-2015-010
AS OF NOVEMBER 6, 2015

48A

DISTRICT 6



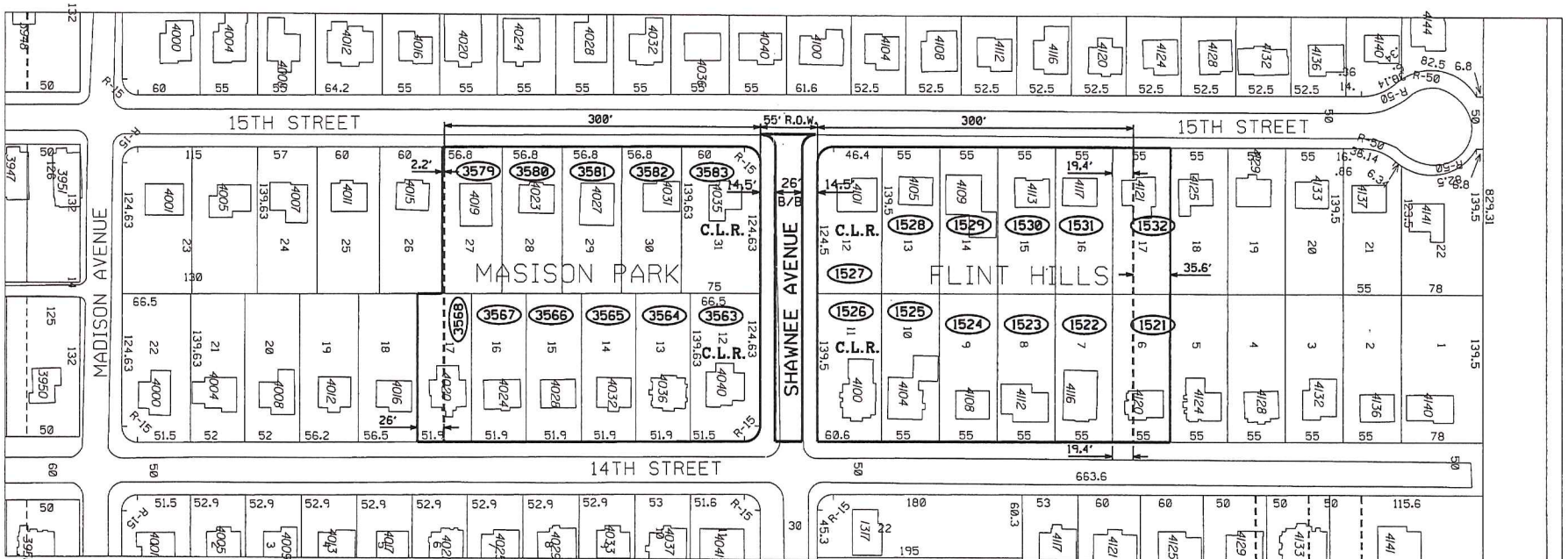
LEGEND

-  ASSESSMENT BOUNDARY
-  AREA CALCULATION LINE
- C.L.R.**
-  LOT LINE
-  OWNERSHIP LINE
-  EXISTING PAVEMENT
-  PROPOSED PAVEMENT
-  PARCEL

E 32ND ST.
 KINSEY AVE. TO WASHINGTON AVE.
 ACTIVITY I.D. 06-2015-010









484

DISTRICT 7



2015-2016 PAVING PROGRAM
 SHAWNEE AVENUE - 14th ST. to 15th ST.
 ACTIVITY I.D. 06-2016-000

LEGEND

-  ASSESSMENT BOUNDARY
-  AREA CALCULATION LINE
-  C.L.R.
-  LOT LINE
-  OWNERSHIP LINE
-  EXISTING PAVEMENT
-  PROPOSED PAVEMENT
-  PARCEL

488B

TABULATION OF PETITION for PAVING
SHAWNEE AVENUE from 14TH STREET TO 15TH STREET

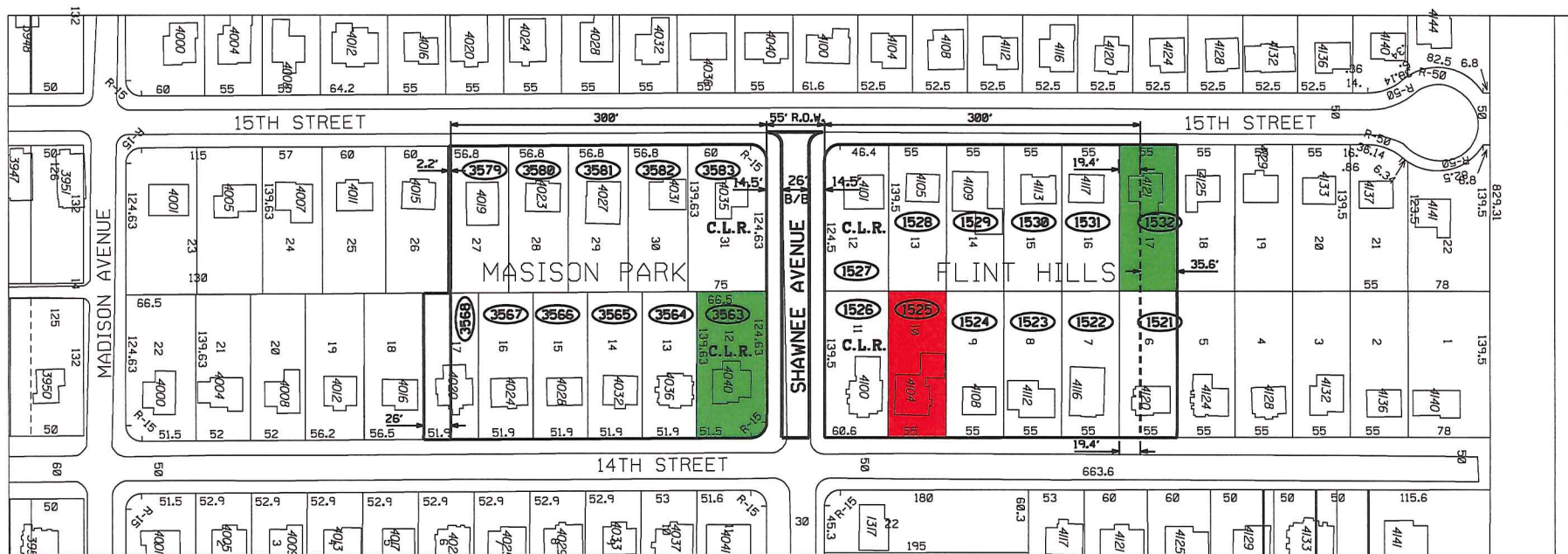
<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>NUMBER OF ASSESSED OWNERS</u>	<u>NUMBER OF ASSESSED OWNERS</u>		<u>PERCENT OF PROPERTY OWNERS</u>		<u>VOTES REQUIRED</u>
				<u>FOR</u>	<u>AGAINST</u>	<u>FOR</u>	<u>AGAINST</u>	
Shawnee Avenue	14 th Street	15 th Street	23	2	1	9%	4%	6

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>NUMBER OF ASSESSED OWNERS</u>	<u>PARCEL OWNERSHIP</u>		<u>PERCENT OF ASSESSED AMOUNT</u>		<u>VOTES REQUIRED</u>
				<u>FOR</u>	<u>AGAINST</u>	<u>FOR</u>	<u>AGAINST</u>	
Shawnee Avenue	14 th Street	15 th Street	23	2	1	13%	7%	6

Staff recommends the City Council receive and file petitions, close the Public Hearing, and adopt the Resolution of Necessity on this street.

48B

DISTRICT 7



PAVING PETITION RESULTS

- FOR
- AGAINST
- CHANGED VOTE

2015-2016 PAVING PROGRAM
 SHAWNEE AVENUE – 14th ST. to 15th ST.
 ACTIVITY I.D. 06-2016-010
 AS OF NOVEMBER 6, 2015

LEGEND

- ASSESSMENT BOUNDARY
- AREA CALCULATION LINE
- CORNER LOT REDUCTION
- LOT LINE
- OWNERSHIP LINE
- EXISTING PAVEMENT
- PROPOSED PAVEMENT
- PARCEL

48B