

★ Roll Call Number  
08-778

Agenda Item Number  
10 E

Date May 5, 2008

PROPOSED RESOLUTION OF NECESSITY, NOTICE TO PROPERTY OWNERS  
OF HEARING, AND SETTING DATE OF HEARING AS JUNE 9, 2008

WHEREAS, preliminary plans and specifications, plat and schedule, and estimate of cost are now on file in the office of the City Clerk showing the boundaries of each individual sanitary sewer improvement district, containing the properties and lots to be assessed, locations of each individual improvement, each lot proposed to be assessed together with a valuation of each lot as fixed by this Council, an estimate of the cost of each proposed sanitary sewer improvement stating the cost of each type of construction and kind of materials to be used, and an estimate of the amount proposed to be assessed against each lot, for the construction of sanitary sewer improvements, as hereinafter described, in Des Moines, Iowa.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DES MOINES, IOWA: That it is deemed desirable, advisable and necessary to construct as a single improvement sanitary sewer improvements described as:

Lincoln Avenue Sanitary Sewer - Victoria Dr. to 33<sup>rd</sup> St., Activity ID 07-2008-005, Schedule Number 2008-05, described as:

Construction of a new sanitary sewer to service four properties in the 3200 and 3300 block of Lincoln Avenue 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.

Each district containing the properties to be assessed set out and described in the following "Notice to Property Owners", set out in this Resolution.

Said improvements within each said district are located and described in the following "Notice to Property Owners", set out in this Resolution.

The method of construction shall be by contract and multiple contracts may be awarded in the discretion of the Council.

Costs of said improvements will be assessed to the properties within the boundaries of each individual district. No property shall be assessed more than it is benefited by the improvements nor more than 25% of its value on the date of its assessment. Said assessments do not include any Default Fund, as authorized by Section 384.44, Code of Iowa.

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A plat and schedule and estimate of costs are now on file in the office of the City Clerk as required by law for each individual sanitary sewer improvement.

Any difference between the amount which is derived from cash payments made by property owners during the thirty day collection period and the sale of Improvement Bonds issued against assessments on benefited properties and the total cost of the improvements, shall be paid for from the proceeds derived from the issuance and sale of bonds as authorized by Section 384, Code of Iowa, and/or from such other funds of said Municipality as may be legally used for such purpose.

BE IT FURTHER RESOLVED, that this Council meets at 5:00 P.M. on June 9, 2008, in the Council Chambers in the City Hall, for the purpose of hearing property owners subject to assessment and interested parties for or against the improvement, its cost, the assessment, or the boundaries of each said district. Unless a property owner files objections with the City Clerk at the time of the hearing on this Resolution, the property owner shall be deemed to have waived all objections pertaining to the regularity of the proceedings and the legality of using special assessment procedure.

BE IT FURTHER RESOLVED, that the City Clerk is hereby instructed to cause notice to be published and mailed as required by law of the pendency of this resolution and of the time and place of hearing objections thereto, and to the said preliminary plans and specifications, estimate of costs, and to the making of said improvements; said Notice to be in substantially the following form:

#### NOTICE TO PROPERTY OWNERS

Notice is hereby given that there is now on file for public inspection in the office of the Clerk of the City of Des Moines, Iowa, a proposed Resolution of Necessity, an estimate of costs, and plat and schedule showing the amounts proposed to be assessed against each lot and the valuation thereof within each individual district as approved by the City Council of Des Moines, Iowa, for sanitary sewer improvements described as:

Lincoln Avenue Sanitary Sewer - Victoria Dr. to 33<sup>rd</sup> St., Activity ID 07-2008-005, Schedule Number 2008-05, described as:

Construction of a new sanitary sewer to service four properties in the 3200 and 3300 block of Lincoln Avenue 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.

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That each district to be benefited and subject to assessment for the cost of improvement is described as follows:


- VACANT LOT being E 50 F W 230 F LOT A & W 50 F N 88.51 F LOT 1 OAK-WOOD
- 3300 LINCOLN AVE being W 101.13 F E 238.25 F LT A & -EX W 50 F N 88.51 F- & -EX W 80 F S 110 F- W 151.13 F N 369.25 F LT 1 OAK-WOOD
- 3222 LINCOLN AVE being W 65.06F E 137.12F LOT A & W 65.06F E 137.12F N 370.41F LOT 1 OAK-WOOD
- 3210 LINCOLN AVE being E 72.06 F N 395.41 F LOTS A & 1 OAK-WOOD

The Council will meet at 5:00 o'clock P.M. on June 9, 2008, at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at which time the owners of property subject to assessment for each proposed improvement, or any other person having an interest in the matter, may appear and be heard for or against the making of each improvement, the boundaries of each district, the cost, the assessment against any lot, tract or parcel of land, or the final adoption of a Resolution of Necessity. A property owner will be deemed to have waived all objections unless at the time of Hearing the property owner has filed objections with the City Clerk.

(END OF NOTICE)

Moved by Vlassis to adopt.

FORM APPROVED: Kathleen Vanderpool  
 Kathleen Vanderpool  
 Deputy City Attorney

 Funding: 2008-2009 CIP, Page Sanitary-5, City-wide Sanitary Sewers, SAE054 being \$33,169.37 from Special Assessments against benefited property owners and \$134,330.63 in Sanitary Sewer Funds

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY				✓
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	6			1
MOTION CARRIED				APPROVED

T. M. Franklin Cownie 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.

Diane Rauh City Clerk