

★ Roll Call Number
68-910

Agenda Item Number
53

Date May 19, 2008

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

WHEREAS, on April 21, 2008, under Roll Call No. 08-654, 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 sidewalk improvements:

- Construction of Class "B" Portland cement concrete sidewalks, four (4) inches thick, [six (6) inches thick at driveways], together with all necessary appurtenances on:
 - SE 14th Street Sidewalk (west side except where sidewalk exists) from McKinley Avenue to Cummins Road, Activity ID 09-2006-004, Schedule No. 2007-02;
 - State Avenue Sidewalk (except where sidewalk exists) from E 32nd Street to E 33rd Street, Activity ID 09-2007-003, Schedule No. 2007-01.

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.

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 sidewalk 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 sidewalk improvement:

- Construction of Class "B" Portland cement concrete sidewalks, four (4) inches thick, [six (6) inches thick at driveways], together with all necessary appurtenances on:
 - SE 14th Street Sidewalk (west side except where sidewalk exists) from McKinley Avenue to Cummins Road, Activity ID 09-2006-004, Schedule No. 2007-02;

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- State Avenue Sidewalk (except where sidewalk exists) from E 32nd Street to E 33rd Street, Activity ID 09-2007-003, Schedule No. 2007-01.

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 _____, 2008, 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.

Moved by *Meyer* to adopt.

(Council Communication Number 08-294 attached)

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

M Funding: 2008-2009 CIP, Page Sidewalk-7, School Routes and Priority Sidewalks, STR081, being \$35,536.55 from Special Assessments against benefited property owners and \$115,934.86 in G. O. Bonds

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED 7 APPROVED
T. M. Franklin 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