

★ Roll Call Number
09-418

Agenda Item Number
43

Date March 9, 2009

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

WHEREAS, on February 9, 2009, under Roll Call No. 09-173, 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:

- 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 eight (8) inches thick with Portland Cement Concrete curb and gutter, driveway approaches, surface restoration and other incidental items, together with the necessary drainage facilities on Bell Avenue from Druid Hill Drive to the Dead End East, Activity I.D. 06-2009-010, Schedule No. 2009-01.

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.

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.

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:

★ Roll Call Number

09-418

Agenda Item Number

43

Date March 9, 2009

- 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 eight (8) inches thick with Portland Cement Concrete curb and gutter, driveway approaches, surface restoration and other incidental items, together with the necessary drainage facilities on Bell Avenue from Druid Hill Drive to the Dead End East, Activity I.D. 06-2009-010, Schedule No. 2009-01.

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 _____, 2009, 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 Hensley to adopt; use Portland Cement Concrete and be sensitive to the design to minimize removal of trees, shrubs and flowers.

(Council Communication Number 09-147 attached)

FORM APPROVED:

Kathleen Vanderpool
Kathleen Vanderpool, Deputy City Attorney

Funding: 2009-2010 CIP, Page Street-6, City-wide Paving Program, STR013, being \$52,135.01 from Special Assessments against benefited property owners and \$251,864.99 in G. O. Bonds

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

MOTION CARRIED

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