

★ Roll Call Number

10-499

Agenda Item Number

17 B

April 12, 2010

Date

RESOLUTION ADOPTING & LEVYING
DEFICIENCY ASSESSMENTS
SCHEDULE NO. 2010-36

WHEREAS, the properties listed on the deficiency assessment Schedule No. 2010-36, Activity No. 20-2010-003, were specially assessed pursuant to this Council's acceptance of the improvement project on the dates and in connection with the public improvement as shown on said Deficit Assessment Schedule No. 2010-36, and

WHEREAS, because said properties were insufficient in value to pay all of their proportion of the cost of the public improvements, the amount of the special assessment for which the said properties could not pay, namely, the deficiencies, were paid from the City fund or funds designated by this Council, and

WHEREAS, pursuant to Section 384.63 of the Code of Iowa, said deficiencies were certified to the County Treasurer and the City Building Department, which department is charged with the responsibility of issuing building permits and notifying this Council when private improvements are constructed on said properties; in addition, this Council, as required by Section 384.63, has established a ten-year amortization period (which was certified to the County Treasurer and Building Department) for public improvements for which there are deficiencies, and

WHEREAS, City staff have determined that improvements have been made to the properties listed on said deficiency assessment schedule, and this Council in accordance with Section 384.63 now required to levy a deficiency assessment against said properties that, when combined with the special assessments first levied against said properties does not exceed twenty-five percent of the value of the properties with the added private improvements.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That after receiving notification from the City Building Department that private improvements have been constructed on the properties listed on said deficiency assessment Schedule No. 2010-36, and that the period of amortization for said public improvements has not expired, and after full consideration of the deficiency assessment schedule against which the deficiency assessments will be levied, and after full consideration of the special benefit conferred upon the properties shown on said schedule as said properties have now been privately improved, this Council finds that said privately improved properties are specially benefited by the public improvement for which the original special assessment was levied, in the amounts shown on the deficiency assessment schedule, and that said amounts when combined with the amounts first levied against said properties for the special assessments, do not exceed twenty-five percent of the value of the said properties with the added private improvements.

BE IT FURTHER RESOLVED: That said schedule of deficiency assessments Schedule No. 2010-36, be and the same are hereby approved and adopted; and that there be and is hereby assessed and levied, as a special tax against and upon each of the lots, or parts thereof, and the owner or owners thereof liable to assessments for private improvements to lots upon which special assessments were originally levied and for which the period of amortization has not expired, the respective sums expressed in figures set opposite to each of the said lots. Said assessments are hereby declared to be a pro rata portion of the deficiencies on the lots, in the same proportion to the total deficiency on the lots as the number of full calendar years remaining in the period of amortization is to the total number of years in the period of amortization, subject to the twenty-five percent limitation referred to hereinabove.

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BE IT FURTHER RESOLVED: That said deficiency assessment shall be payable in equal annual installments and shall bear interest at the rate as the original special assessments currently bear computed from the date of the City Council's approval of the deficiency assessment schedule; the first installment of each assessment, with interest on the whole of the deficiency assessment from date of City Council's approval of the deficiency assessment, shall become due and payable on July 1, 2010, succeeding annual installments, with interest on the whole unpaid amount, shall respectively become due on July 1st annually thereafter, and shall be paid at the same time and in the same manner as the September semiannual payment of ordinary taxes. Said deficiency assessments shall be payable at the office of the County Treasurer of Polk County, Iowa, in full or in part and without interest by February 26, 2010.

BE IT FURTBER RESOLVED: That the City Clerk be and is hereby directed to certify said deficiency assessment Schedule No. 2010-36, to the County Treasurer of Polk County, Iowa, and to send by regular mail to all property owners whose property is subject to deficiency assessments a notice of deficiency assessment as provided in Section 384.60, subsection 5, which notifies the owner that he or she may appeal from the amount of the assessment within thirty days of the date notice is mailed.

Moved by Coleman to adopt.

FROM APPROVED: Kathleen Vanderpohl
Deputy City Attorney

JB

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, TOTAL (7), MOTION CARRIED, APPROVED. Signature: T.M. Franklin Council 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.
Signature: Diane Rauh City Clerk