



**Roll Call Number**

12-1736

**Agenda Item Number**

41

**Date** November 5, 2012

**RESOLUTION CLOSING PUBLIC HEARING AND  
WITHDRAWING CONSIDERATION OF ESTABLISHING THE  
BEAVERDALE SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT**

WHEREAS, on August 27, 2012, by Roll Call No. 12-1385, the City Council received a petition to Establish the Beaverdale Self-Supported Municipal Improvement District for the purpose of funding the installation and maintenance of improved sidewalks, curbs, crosswalks, landscaping, planters, decorative lighting, utility relocation, traffic signals, and related pedestrian improvements along a portion of Beaver Avenue and Urbandale Avenue; and,

WHEREAS, the Petition was referred to the City Plan and Zoning Commission for preparation of a report for the City Council on the merit and feasibility of the proposed project and improvements as required by Iowa Code Chapter 386; and

WHEREAS, the City Plan and Zoning Commission considered the proposed project and improvements at a public hearing on September 20, 2012, and the City Council received the final report and recommendations of the Commission on October 8, 2012, by Roll Call No. 12-1563; and

WHEREAS, on October 8, 2012, by the Roll Call No. 12-1563, the City Council duly resolved that the Petition to Establish the Beaverdale Self-Supported Municipal Improvement District be set for public hearing on November 5, 2012, at 5:00 p.m., in the City Council Chambers in City Hall; and

WHEREAS, notice of said hearing was published in the Des Moines Register on October 25, 2012, as provided by law, setting forth the time and place for hearing on said Petition; and

WHEREAS, notice of the hearing was also given by certified mail on October 19, 2012, to each property owner within the proposed district at the owner's address as shown by the records of the County Auditor, all as specified in Section 386.3(4) of the Iowa Code; and

WHEREAS, Iowa Code Section 386.3(9) provides that "[a]t any time prior to adoption of an ordinance establishing a district, the entire matter of establishing such district shall be withdrawn from council consideration if a petition objecting to establishing such district is filed with its clerk containing the signatures of at least forty percent of all owners of property within the proposed district or signatures which together represent ownership of property with an assessed value of forty percent or more of the assessed value of all property within the proposed district."

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WHEREAS, a petition objecting to establishing the proposed Beaverdale Self-Supported Municipal Improvement District has been filed with the City Clerk containing the signatures of 42.85% of all owners of property within the proposed district.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of Iowa Code 386.3(9) and the petition filed with the City Clerk objecting to the Beaverdale Self-Supported Municipal Improvement District, the hearing is closed.
2. The matter of establishing the Beaverdale Self-Supported Municipal Improvement District is withdrawn from City Council consideration.
3. The City Clerk shall file the petitions in opposition to the Beaverdale Self-Supported Municipal Improvement District.

(Council Communication No. 12- 560 )

Moved by Griess to adopt.

FORM APPROVED:

[Signature of Michael F. Kelley]

Michael F. Kelley  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

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.

[Signature of T. M. Franklin] Mayor

[Signature of Diane Rauh] City Clerk