

★ Roll Call Number
14-1904

Agenda Item Number
Ex.1

Date December 8, 2014

RESCISSION OF THE RESOLUTION OF NECESSITY ON
10TH STREET STREETScape FROM
WALNUT STREET TO MULBERRY STREET
ACTIVITY ID 04-2002-009, SCHEDULE NO. 01-2001-007

WHEREAS, on December 3, 2001, under Roll Call No. 01-3523, the City Council adopted the Resolution Approving Petition and Waiver for the 10th Street Streetscape from Walnut Street to Mulberry Street, Activity ID 04-2002-009, Schedule No. 01-2001-007, and a Petition and Waiver has been duly executed by the owner of property, agreeing thereby to be assessed for the full cost of 10th Street Streetscape from Walnut Street to Mulberry Street, Activity ID 04-2002-009, Schedule No. 01-2001-007, improvements, the same being attached hereto, and

WHEREAS, on December 3, 2001, under Roll Call No. 01-3524, the City Council adopted the Resolution of Necessity for the 10th Street Streetscape from Walnut Street to Mulberry Street, Activity ID 04-2002-009, Schedule No. 01-2001-007, described as:

Streetscaping improvements north and east of the Hotel Fort Des Moines: This includes additional landscaping and upgrading/replacing sidewalks, streetlights, and street paving for both sides of 10th Street, between Walnut and Mulberry Streets and the south side of Walnut from 10th Street west, approximately 170 feet, to the west boundary of the Hotel. All construction will meet or exceed the city standards for sidewalk and street improvements.

WHEREAS, on December 6, 2001, the City Clerk certified the preliminary plat and schedule of assessments for said 10th Street Streetscape from Walnut Street to Mulberry Street, Activity ID 04-2002-009, Schedule No. 01-2001-007, to the Polk County Treasurer and said preliminary assessments became a lien upon the benefited properties as provided in 384.65(5) of the Code of Iowa, and

WHEREAS, a copy of said Roll Call Nos. 01-3523, 01-3524, and the City Clerk's December 6, 2001, certificate and a copy of said preliminary plat and schedule of assessments (Schedule No. 01-2001-007) are attached to this roll call for reference, and

WHEREAS, the Interim City Engineer now recommends that the special assessments be eliminated as said project was placed on hold due to the economic downturn following the events of September 11, 2001, and has never been reinitiated by the property owner.

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NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the Resolution of Necessity for the 10th Street Streetscape from Walnut Street to Mulberry Street, Activity ID 04-2002-009, Schedule No. 01-2001-007, approved on December 3, 2001, under Roll Call No. 01-3524 be and is hereby rescinded.

BE IT FURTHER RESOLVED: That the liens placed upon benefited properties resulting from said Resolution of Necessity as certified to the Polk County Treasurer on December 6, 2001, be, and are hereby released.

BE IT FURTHER RESOLVED: That the City Clerk be and is hereby authorized and directed to send a certified copy of this resolution to the Polk County Treasurer along with a Notice of Release of Assessment Proceedings and a copy of the rescinded preliminary plat and schedule of assessments (Schedule 01-2001-007).

BE IT FURTHER REOLVED: That the City Clerk be and is hereby directed to publish notice of said rescission of the Resolution of Necessity, and release of liens against benefited property on December 10, 2014, in the Des Moines Register, the Clerk shall also send by certified mail to all property owners whose property is subject to rescission of assessment a copy of said notice, said mailing to be made on December 11, 2014.

Moved by Hensley to adopt.

Form Approved: _____
Kathleen Vanderpool
Deputy City Attorney

Sponsor: T.M. Franklin Cownie Mayor

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

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