

★ Roll Call Number

15-1676

Agenda Item Number

14E

Date October 12, 2015

PROPOSED RESOLUTION OF NECESSITY, NOTICE TO PROPERTY OWNERS OF HEARING, AND SETTING DATE OF HEARING AS NOVEMBER 9, 2015

WHEREAS, preliminary plans and specifications, plat and schedule, and estimate of cost are now on file in the office of the City Clerk showing the boundaries of each individual street improvement district, containing the properties and lots to be assessed, locations of each individual improvement, each lot proposed to be assessed together with a valuation of each lot as fixed by this Council, an estimate of the cost of each proposed sidewalk improvement stating the cost of each type of construction and kind of materials to be used, and an estimate of the amount proposed to be assessed against each lot, for the construction of sidewalk improvements, as hereinafter described, in Des Moines, Iowa.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DES MOINES, IOWA: That it is deemed desirable, advisable and necessary to construct as a single improvement sidewalk improvements described as:

- S.E. 14<sup>th</sup> Street sidewalk paving from Indianola Avenue to Army Post Road, Activity ID 09-2015-002, Schedule No. 2015-01;
- Garfield Avenue sidewalk paving from E. 32nd Street to E. 33rd Street, Activity ID 09-2015-003, Schedule No. 2015-02 described as:

Sidewalk paving with Portland Cement Concrete four (4) inches thick, construction of sidewalk ramps with truncated domes, grading, seeding and other incidental items.

Each district containing the properties to be assessed set out and described in the following "Notice to Property Owners", set out in this Resolution.

Said improvements within each said district are located and described in the following "Notice to Property Owners", set out in this Resolution.

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The method of construction shall be by contract and multiple contracts may be awarded in the discretion of the Council.

Costs of said improvements will be assessed to the properties within the boundaries of each individual district. No property shall be assessed more than it is benefited by the improvements nor more than 25% of its value on the date of its assessment. Said assessments do not include any Default Fund, as authorized by Section 384.44, Code of Iowa.

A plat and schedule and estimate of costs are now on file in the office of the City Clerk as required by law for each individual sidewalk improvement.

Any difference between the amount which is derived from cash payments made by property owners during the thirty day collection period and the sale of Improvement Bonds issued against assessments on benefited properties and the total cost of the improvements, shall be paid for from the proceeds derived from the issuance and sale of bonds as authorized by Section 384, Code of Iowa, and/or from such other funds of said Municipality as may be legally used for such purpose.

BE IT FURTHER RESOLVED, that this Council meet at 5:00 P.M. on November 9, 2015 in the Council Chambers in the City Hall, for the purpose of hearing property owners subject to assessment and interested parties for or against the improvement, its cost, the assessment, or the boundaries of each said district. Unless a property owner files objections with the City Clerk at the time of the hearing on this Resolution, the property owner shall be deemed to have waived all objections pertaining to the regularity of the proceedings and the legality of using special assessment procedure.

BE IT FURTHER RESOLVED, that the City Clerk is hereby instructed to cause notice to be published and mailed as required by law of the pendency of this resolution and of the time and place of hearing objections thereto, and to the said preliminary plans and specifications, estimate of costs, and to the making of said improvements; said Notice to be in substantially the following form:

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NOTICE TO PROPERTY OWNERS

Notice is hereby given that there is now on file for public inspection in the office of the Clerk of the City of Des Moines, Iowa, a proposed Resolution of Necessity, an estimate of costs, and plat and schedule showing the amounts proposed to be assessed against each lot and the valuation thereof within each individual district as approved by the City Council of Des Moines, Iowa, for street improvements described as:

- S.E. 14<sup>th</sup> Street sidewalk paving from Indianola Avenue to Army Post Road, Activity ID 09-2015-002, Schedule No. 2015-01;
- Garfield Avenue sidewalk paving from E. 32nd Street to E. 33rd Street, Activity ID 09-2015-003, Schedule No. 2015-02 described as:

Sidewalk paving with Portland Cement Concrete four (4) inches thick, construction of sidewalk ramps with truncated domes, grading, seeding and other incidental items.

That each district to be benefited and subject to assessment for the cost of improvement is described as follows:

S.E. 14<sup>th</sup> Street sidewalk paving from Indianola Avenue to Army Post Road, Activity ID 09-2015-002, Schedule No. 2015-01;

3703 SE 14TH ST BEING -EX W 35.5F- S 22F LOT 4 & -EX W 35.5F- LOT 5 INDIANOLA ACRES

3719 SE 14TH ST BEING -EX W 35.5F- LOT 8 INDIANOLA ACRES

3727 SE 14TH ST BEING PRT PARCEL C BK 8137 PG 593 BEG SE COR LT 9 INDIANOLA ACRES THN E 121F S 70F W 210.8F S

ADDRESS UNKNOWN BEING COM W 1/4 COR THN N 549.9F E 40F TO POB THN N 50F E 150F S 50F W 150F TO POB LT 21 OP NW

4315 SE 14TH ST BEING -EX S 10F- S 195F S 1/2 SW1/4 NW1/4 SW1/4 LES RD SEC 23-78-24

4411 SE 14TH ST BEING LOT 1 FORGET PROPERTIES PLAT 1

4517 SE 14TH ST BEING -EX S 125 F- S 1/2 NW 1/4 SW 1/4 SW 1/4 & S 10 F N 1/2 NW 1/4 SW 1/4 SW 1/4 SEC 23-78-24

4521 SE 14TH ST BEING E 610F W 660F N 115F S 125F NW 1/4 SW 1/4 SW 1/4 SEC 23-78-24

4401 SE 14TH ST BEING S 10 F S 1/2 NW 1/4 SW 1/4 SW 1/4 SEC 23-78-24

4611 SE 14TH ST BEING W 335.5F N 245.6F S 660F LESS ROAD SW 1/4 SW 1/4 SEC 23-78-24

6001 SE 14TH ST BEING W 30F N 220F LT 30 & N 220F LT 31 & -EX W 40F- N 220F LT 32 CAPITOL VIEW ACRES

6017 SE 14TH ST BEING S 90F W 30F LT 30 & S 90F LT 31 & -EX W 40F- S 90F LT 32 CAPITOL VIEW ACRES

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6157 SE 14TH ST BEING BEG 661.37F N & 60F E OF SW COR THN N 661.64F  
E 1259.15F S 664.14F WLY 1261.17F TO POB SW

Garfield Avenue sidewalk paving from E. 32nd Street to E. 33rd Street, Activity ID 09-2015-003,  
Schedule No. 2015-02 described as:

3204 GARFIELD AVE BEING VAC 7F ALLEY N & ADJ & LOTS 19,20 & 21 BLK B GRAY  
HEIGHTS  
3212 GARFIELD AVE BEING LTS 22 & 23 BLK B GRAY HEIGHTS 4112 14TH ST BEING  
LOT 8 FLINT HILLS  
3220 GARFIELD AVE BEING 7 F N & ADJ & ALL LOT 24 & W 25 F LOT 25 BLK B GRAY  
HEIGHTS  
3228 GARFIELD AVE BEING E 1/2 LT 25 & ALL LT 26 BLK B GRAY HEIGHTS  
3236 GARFIELD AVE BEING 7F N & ADJ & ALL LOT 27 & 7F N & ADJ & W 25F LOT 28  
BLK B GRAY HEIGHTS  
3240 GARFIELD AVE BEING E 50F LOT 28 & 7F N & ADJ BLK B GRAY HEIGHTS  
3240 GARFIELD AVE BEING LOT 29 & 7F N & ADJ BLK B GRAY HEIGHTS  
3242 GARFIELD AVE BEING 7F N & ADJ & W 65F LT 30 BLK B GRAY HEIGHTS  
3250 GARFIELD AVE BEING 7F N & ADJ & E 10F LT 30 & 7F N & ADJ & ALL LT 31 BLK  
B GRAY HEIGHTS  
3260 GARFIELD AVE BEING 7F N & ADJ & ALL LOTS 32 & 33 & 25F VAC ROW E &  
ADJ BLK B GRAY HEIGHTS  
UNKNOWN BEING E 1/2 VAC RR ROW W & ADJ LOT 34 BLK B GRAY HEIGHTS  
3270 GARFIELD AVE BEING -EX N 53F & BEG SE COR THN W 5F NE 7.07F S 5F TO  
POB- LOT 34 BLK B GRAY HEIGHTS

The Council will meet at 5:00 o'clock P.M. on November 9, 2015, at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at which time the owners of property subject to assessment for each proposed improvement, or any other person having an interest in the matter, may appear and be heard for or against the making of each improvement, the boundaries of each district, the cost, the assessment against any lot, tract or parcel of land, or the final adoption of a Resolution of Necessity. A property owner will be deemed to have waived all objections unless at the time of Hearing the property owner has filed objections with the City Clerk.

(END OF NOTICE)

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Moved by Hensley to adopt

FORM APPROVED: Kathleen Vanderpool by A/D  
 Kathleen Vanderpool  
 Deputy City Attorney

Funding:

AE

- 2015-2016 CIP, Page Street-32, Sidewalks-School and Priority Routes, SW081, being \$37,250.00 from Special Assessments against benefitted property owners and \$87,750.00 in G.O. Bonds
- 2015-2016 CIP, Page Street-32, Sidewalks-School and Priority Routes, SW081, being \$16,007.09 from Special Assessments against benefitted property owners and \$38,992.91 in G.O. Bonds

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