

★ Roll Call Number

15-1681

Agenda Item Number

15 E

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 sanitary sewer 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 paving improvements 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 paving 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 paving improvements described as:

- E. 32nd Street paving from Kinsey Avenue to E. Washington Avenue, Activity ID 06-2015-010, Schedule No. 2015-01, described as:

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 seven and one-quarter (7-1/4) inches thick with Portland Cement Concrete curb and gutter, driveway approaches, surface restoration and other incidental items, together with the necessary drainage facilities.

- Shawnee Avenue from 15th Street to 14th Street, Activity ID 06-2016-010, Schedule No. 2015-02, described as:

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 seven and one-quarter (7-1/4) inches thick with Portland Cement Concrete curb and gutter, driveway approaches, surface restoration and other incidental items, together with the necessary drainage facilities.

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.

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%

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of its value on the date of its assessment. Said assessments do include one deficit, 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 sanitary sewer 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 meets 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 sanitary sewer improvements described as:

- E. 32nd Street paving from Kinsey Avenue to E. Washington Avenue, Activity ID 06-2015-010, Schedule No. 2015-01, described as:

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 seven and one-quarter (7-1/4) inches thick with Portland Cement Concrete curb and gutter, driveway approaches, surface restoration and other incidental items, together with the necessary drainage facilities.

- Shawnee Avenue from 15th Street to 14th Street, Activity ID 06-2016-010, Schedule No. 2015-02, described as:

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 seven and one-quarter (7-1/4) inches thick with Portland Cement Concrete curb and gutter, driveway approaches, surface restoration and other incidental items, together with the necessary drainage facilities.

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

- E. 32nd Street paving from Kinsey Avenue to E. Washington Avenue, Activity ID 06-2015-010, Schedule No. 2015-01

3225 E WASHINGTON AVE BEING LOTS 13 & 14 BLK 1 OUT-LOOK PARK
3217 E WASHINGTON AVE BEING LOTS 15, 16 & 17 BLK 1 OUT-LOOK PARK
1551 E 32ND ST BEING LOT 18 & N 10 FT LOT 19 BLK 1 OUT-LOOK PARK
1539 E 32ND ST BEING S 37 FT LOT 19 & ALL LOT 20 BLK 1 OUT-LOOK PARK
3200 KINSEY AVE BEING W 49.16F LTS 21, 22 & 23 BLK 1 OUT-LOOK PARK
3204 KINSEY AVE BEING W 48F E 96F LTS 21, 22 & 23 BLK 1 OUT-LOOK PARK
3208 KINSEY AVE BEING E 48F LTS 21, 22, & 23 BLK 1 OUT-LOOK PARK
3210 KINSEY AVE BEING LOT 24 BLK 1 OUT-LOOK PARK
3214 KINSEY AVE BEING LOT 25 BLK 1 OUT-LOOK PARK
3218 KINSEY AVE BEING LOT 26 BLK 1 OUT-LOOK PARK
3222 KINSEY AVE BEING LOT 27 BLK 1 OUT-LOOK PARK
1544 E 32ND ST BEING -EX W 8F- LTS 1 & 2 BLK 2 OUT LOOK PARK
3126 KINSEY AVE BEING W 50 F E 100 F LT 3 BLK 2 OUT-LOOK PARK

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3130 KINSEY AVE BEING E 50F LTS 3, 30, 31, & 32 BLK 2 OUT-LOOK PARK
3117 E WASHINGTON AVE BEING W 8F LTS 1 & 2 & ALL LT 4 BLK 2 OUT
LOOK PARK
3113 E WASHINGTON AVE BEING LOT 5 BLK 2 OUT-LOOK PARK
3109 E WASHINGTON AVE BEING LOT 6 BLK 2 OUT-LOOK PARK
3108 KINSEY AVE BEING LOT 27 BLK 2 OUT-LOOK PARK
3112 KINSEY AVE BEING LOT 28 BLK 2 OUT-LOOK PARK
3116 KINSEY AVE BEING LOT 29 BLK 2 OUT-LOOK PARK
3120 KINSEY AVE BEING W 50F LOT 3 & W 50F LOTS 30, 31 & 32 BLK 2 OUT-
LOOK PARK
3126 KINSEY AVE BEING E 50F W 100F LTS 30, 31 & 32 BLK 2 OUTLOOK PARK

- Shawnee Avenue from 15th Street to 14th Street, Activity ID 06-2016-010, Schedule No. 2015-02

4120 14TH ST BEING LOT 6 FLINT HILLS
4116 14TH ST BEING LOT 7 FLINT HILLS
4112 14TH ST BEING LOT 8 FLINT HILLS
4108 14TH ST BEING LOT 9 FLINT HILLS
4104 14TH ST BEING LOT 10 FLINT HILLS
4100 14 TH ST BEING LOT 11 FLINT HILLS
4101 15TH ST BEING LOT 12 FLINT HILLS
4105 15TH ST BEING LOT 13 FLINT HILLS
4109 15TH ST BEING LOT 14 FLINT HILLS
4113 15TH ST BEING LOT 15 FLINT HILLS
4117 15TH ST BEING LOT 16 FLINT HILLS
4121 15TH ST BEING LOT 17 FLINT HILLS
4040 14TH ST BEING LOT 12 NORTH MADISON PARK
4036 14TH ST BEING LOT 13 NORTH MADISON PARK
4032 14TH ST BEING LOT 14 NORTH MADISON PARK
4028 14TH ST BEING LOT 15 NORTH MADISON PARK
4024 14TH ST BEING LOT 16 NORTH MADISON PARK
4020 14TH ST BEING LOT 17 NORTH MADISON PARK
4019 15TH ST BEING LOT 27 NORTH MADISON PARK
4023 15TH ST BEING LOT 28 NORTH MADISON PARK
4027 15TH ST BEING LOT 29 NORTH MADISON PARK
4031 15TH ST BEING LOT 30 NORTH MADISON PARK
4035 15 TH ST BEING LOT 31 NORTH MADISON PARK

The Council will meet at 5:00 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

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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)

Moved by Hensley to adopt.

FORM APPROVED: Kathleen Vanderpool by AD
Kathleen Vanderpool
Deputy City Attorney

AK Funding:

- 2015-2016 CIP, Page Street-29, Residential Paving Program, ST013, being \$25,293.78 from Special Assessments against benefited property owners and \$86,206.22 in G.O. Bonds
- 2015-2016 CIP, Page Street-29, Residential Paving Program, ST013, being \$19,393.76 from Special Assessment against benefited property owners and \$75,106.24 in G.O. Bonds

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

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.

MOTION CARRIED APPROVED
T. M. Franklin Cowrie
 Mayor

Diane Rauh
 City Clerk