

★ Roll Call Number  
15-1899

Agenda Item Number  
48A.B

Date November 9, 2015

HEARING ON ADOPTION OF THE PROPOSED RESOLUTION  
OF NECESSITY FOR STREET IMPROVEMENTS

WHEREAS, on October 12, 2015, under Roll Call No. 15-100, the City Council set this time and place for a hearing to receive and consider both written and oral objections and endorsements to the adoption of the proposed Resolution of Necessity for the construction of the following street improvements:

- 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.

and authorized notice of this hearing be duly published and mailed to property owners and other persons having an interest in the matter as required by law; and

WHEREAS, this City Council now meets as specified in the published notice to receive and consider all field, written and oral objections and endorsements to the proposed Resolution of Necessity.

WHEREAS, on January 17, 1983, under Roll Call Number 83-333, the City Council adopted a formal policy regarding adoption of the Resolution of Necessity which stated that

1. The City Council shall require 60% or more of the preliminary assessment cost of properties included in the assessment district represented by property owners being opposed to the street improvement before the street is deleted from the program.
2. Where it is determined by the City Engineering Department that a street has drainage problems that can only be corrected by street paving, the City Council shall require 65% or more of the preliminary assessment cost of properties included in the assessment district represented by property owners being opposed to the street improvement before the street is deleted from the program.

06-2015-010

06-2016-010

★ Roll Call Number  
15-1899

Agenda Item Number  
484-B

Date November 9, 2015

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That all filed, written and oral objections and endorsements having been fully reviewed and considered, the hearing on the adoption of the proposed Resolution of Necessity for the construction of said street improvements is now concluded and closed.

BE IT FURTHER RESOLVED: That the special assessments have been prepared in accordance with Council policy approved on June 26, 2000, under Roll Call No. 00-1876; therefore, Default Fund was not included in these special assessments.

BE IT FURTHER RESOLVED: That the proposed Resolution of Necessity described above for construction of the following street improvement:

- 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.

is hereby:

\_\_\_\_\_

Adopted, without further amendment, and all objections filed or made having been duly considered are overruled.

\_\_\_\_\_

Adopted, as amended. All objections filed or made having been duly considered are overruled.

\_\_\_\_\_

Closed regarding the Hearing and Action Deferred for later consideration to a Council meeting to be held on \_\_\_\_\_, 2015, next at 5:00 o'clock P.M., at this meeting place, with jurisdiction retained for further consideration and action at the adjourned meeting.

X

Abandoned.

06-2015-010

06-2016-010

★ Roll Call Number  
15-1899

Agenda Item Number  
48A-B

Date November 9, 2015

Moved by Moore to abandon the improvement projects.

FORM APPROVED: Kathleen Vanderpool  
 Kathleen Vanderpool  
 Deputy City Attorney

*See*

Funding:

- 2015-2016 CIP, Page Street-25, Residential Paving Program, ST013, being \$25,293.78 from Special Assessments against benefited property owners and \$86,206.22 in City funds
- 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 City funds

| 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 Cownie Mayor

Diane Rauh City Clerk