

★ Roll Call Number  
06-988

Agenda Item Number  
13C(2)

Date May 22, 2006

RESOLUTION ADOPTING AND LEVYING FINAL SCHEDULE OF ASSESSMENTS, AND PROVIDING FOR THE PAYMENT THEREOF E. 28TH STREET PAVING FROM SOUTH OF DEAN AVENUE TO THE PAVEMENT IN PLACE AT E. GRAND AVENUE EXCEPT THE PAVEMENT IN PLACE AT DEAN AVENUE, LOGAN AVENUE, E. WALNUT STREET AND AT CAPITOL AVENUE, ACTIVITY ID 06-2004-024, SCHEDULE NO. 2004-04

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DES MOINES, IOWA: That after full consideration of the final schedule of assessments and accompanying plat showing the final assessments proposed to be made for the construction of the E. 28th Street paving from south of Dean Avenue to the pavement in place at E. Grand Avenue except the pavement in place at Dean Avenue, Logan Avenue, E. Walnut Street and at Capitol Avenue, Activity ID 06-2004-024, Schedule No. 2004-04, within the City, which was constructed as part of the 2004-05 Paving Program, Activity ID 06-2004-020, under contract with Grimes Asphalt & Paving Corp., J. M. Yonker, President, 12021 NW 54<sup>th</sup> Avenue, Grimes, Iowa, 50111, which attached final plat and schedule was filed in the office of the Clerk on May 22, 2006. Said final assessments have been reduced from the preliminary assessment previously approved by the City Council. The preliminary and final point rates are tabulated below:

<u>STREET DESCRIPTION</u>	<u>PRELIMINARY POINT RATE</u>	<u>FINAL POINT RATE</u>
E. 28th Street paving from south of Dean Avenue to the pavement in place at E. Grand Avenue except the pavement in place at Dean Avenue, Logan Avenue, E. Walnut Street and at Capitol Avenue, Activity ID 06-2004-024, Schedule No. 2004-04	0.3826702020	0.3752778677

BE IT FURTHER RESOLVED: That the said schedule of assessments and accompanying plat, be and the same are hereby approved and adopted; and that there be, and is hereby assessed and levied, as a special tax against and upon each of the lots, parts of lots and parcels of land, and the owner or owners thereof liable to assessment for the cost of said improvements, the respective sums expressed in figures set opposite to each of the same on account of the cost of the construction of the said improvements. Provided, further, that the amounts shown in said final schedule of assessments as deficiencies are found to be proper and are levied conditionally against the respective properties benefited by the improvements as shown in the schedule, subject to the provisions of Section 384.63, Code of Iowa. Said assessments against said lots and parcels of land are hereby declared to be in proportion to the special benefits conferred upon said property by said improvements, and not in excess thereof, and not in excess of 25% of the value of the same.

BE IT FURTHER RESOLVED: That said assessments of \$100.00 or more shall be payable in ten (10) equal annual installments and shall bear interest at the rate of 7.2% per annum, from the date of the acceptance of the improvements; the first installment of each assessment, or total amount thereof, if it be less than \$100.00, with interest on the whole assessment from date of acceptance of the work by the Council, shall become due and payable on July 1, 2006, succeeding annual installments, with interest on the whole unpaid amount, shall respectively become due on July 1st annually thereafter, and shall be paid at the same time and in the same manner as the

★ Roll Call Number  
06-988

Agenda Item Number  
13 C (2)

Date May 22, 2006

September semiannual payment of ordinary taxes. Said assessments shall be payable at the office of the County Treasurer of Polk County, Iowa, in full or in part and without interest within thirty days after first date of publication of the filing and final plat and schedule of assessments.

BE IT FURTHER RESOLVED: That the Clerk be and is hereby directed to certify said final plat and schedule to the County Treasurer of Polk County, Iowa, and to publish notice of said certification once each week for two consecutive weeks in the Des Moines Register, a newspaper printed wholly in the English language, published in Des Moines, Iowa, with a general circulation in Des Moines, Iowa, the first publication of said notice to be made within fifteen days from the date of the filing of said schedule with the County Treasurer, the Clerk shall also send by certified mail to all property owners whose property is subject to assessment, a copy of said notice, said mailing to be on or before the date of the second publication of the notice, all as provided and directed by Code Section 384.60, Code of Iowa.

BE IT FURTHER RESOLVED: That the Clerk is directed to certify the deficiencies for lots specially benefited by the improvements, as shown in the final schedule of assessments, to the County Treasurer for recording in the Special Assessment Deficiencies Book and to the City Official charged with responsibility for the issuance of building permits. Said deficiencies are conditionally assessed to the respective properties under Code Section 384.63 for the amortization period specified by law.

Moved by Vlassis to adopt.

FORM APPROVED: Kathleen Vanderpool  
 Kathleen Vanderpool  
 Deputy City Attorney

Funds Available: \$85,241.14 Special Assessments with the remainder in G.O. Bonds, 2006-2007 CIP, Page Street-8, City-Wide Paving Program - City-Wide, STR013.

*JB*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BROOKS	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
VLASSIS	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<u>[Signature]</u> 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.

[Signature] City Clerk