

**CITY COUNCIL  
COMMUNICATION:**

**03-537**

**AGENDA:**

NOVEMBER 17, 2003

**SUBJECT:**

REFUND OF UNUSED  
SPECIAL  
ASSESSMENT  
DEFAULT FUND

**TYPE:**

RESOLUTION  
ORDINANCE  
RECEIVE/FILE

**SUBMITTED BY:**

JEB E. BREWER, P.E.  
CITY ENGINEER

**ITEM** \_\_\_\_\_

**OFFICE OF THE CITY MANAGER  
CITY OF DES MOINES, IOWA**

**SYNOPSIS —**

Section 94 of the Municipal Code provides for a refund of the unused portion of the default fund under certain conditions on assessment schedules that are beyond ten years and seven months from the City Council date of levy of the final assessment. Staff has prepared Refund Schedule No. 2003-01 in accordance with said Section 94 guidelines. This is the first default refund schedule prepared under said Section 94.

**FISCAL IMPACT —**

Council approval will authorize refund of \$32,081.49 in unused default funds from the special assessment fund; of which \$24,590.31 is refundable to property owners who fully paid their special assessments, and \$7,491.18 shall be retained by the City of Des Moines as this portion was paid by the City special assessment subsidy program on behalf of qualifying applicants.

**RECOMMENDATION —**

**Approval.**

**BACKGROUND —**

On October 17, 1988, by Roll Call No. 88-4663, the City Council approved Ordinance No. 11,230 that added revised Section 94, Articles IV, V, and VI to the Municipal Code relating to the default fund. 10 percent is added to the assessable costs for each special assessment associated with a public improvement to create the default fund, which is used to pay unpaid assessments. Said Ordinance No. 11,230 authorized refund of the unused portion of the default funds on assessment schedules that are beyond ten years and seven months from the City Council date of levy of the final assessment; and created administrative rules for the default fund including rules to determine which property owners are due a refund, and how the refund is to be calculated based upon collections, unpaid installments, and administrative costs. These rules are listed in detail in the roll call.

Refund Schedule No 2003-01 is the first refund schedule to be presented to the City Council for consideration under said Section 94. Refunds shall be payable only to the property owner who was originally assessed; and then only upon an affidavit being filed by each property owner within 180 calendar days including a sworn statement that the property owner has paid the entire special assessment upon which a refund from the default fund is demanded. Implementation of this policy to refund the unused default fund

	has been delayed because of staff changes and reductions; however, over the next four months all refunds should become current.
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