

April 12, 2010

Date

RESOLUTION ADOPTING & LEVYING
DEFICIENCY ASSESSMENTS
SCHEDULE NO. 2010-36

WHEREAS, the properties listed on the deficiency assessment Schedule No. 2010-36, Activity No. 20-2010-003, were specially assessed pursuant to this Council's acceptance of the improvement project on the dates and in connection with the public improvement as shown on said Deficit Assessment Schedule No. 2010-36, and

WHEREAS, because said properties were insufficient in value to pay all of their proportion of the cost of the public improvements, the amount of the special assessment for which the said properties could not pay, namely, the deficiencies, were paid from the City fund or funds designated by this Council, and

WHEREAS, pursuant to Section 384.63 of the Code of Iowa, said deficiencies were certified to the County Treasurer and the City Building Department, which department is charged with the responsibility of issuing building permits and notifying this Council when private improvements are constructed on said properties; in addition, this Council, as required by Section 384.63, has established a ten-year amortization period (which was certified to the County Treasurer and Building Department) for public improvements for which there are deficiencies, and

WHEREAS, City staff have determined that improvements have been made to the properties listed on said deficiency assessment schedule, and this Council in accordance with Section 384.63 now required to levy a deficiency assessment against said properties that, when combined with the special assessments first levied against said properties does not exceed twenty-five percent of the value of the properties with the added private improvements.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That after receiving notification from the City Building Department that private improvements have been constructed on the properties listed on said deficiency assessment Schedule No. 2010-36, and that the period of amortization for said public improvements has not expired, and after full consideration of the deficiency assessment schedule against which the deficiency assessments will be levied, and after full consideration of the special benefit conferred upon the properties shown on said schedule as said properties have now been privately improved, this Council finds that said privately improved properties are specially benefited by the public improvement for which the original special assessment was levied, in the amounts shown on the deficiency assessment schedule, and that said amounts when combined with the amounts first levied against said properties for the special assessments, do not exceed twenty-five percent of the value of the said properties with the added private improvements.

BE IT FURTHER RESOLVED: That said schedule of deficiency assessments Schedule No. 2010-36, 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, or parts thereof, and the owner or owners thereof liable to assessments for private improvements to lots upon which special assessments were originally levied and for which the period of amortization has not expired, the respective sums expressed in figures set opposite to each of the said lots. Said assessments are hereby declared to be a pro rata portion of the deficiencies on the lots, in the same proportion to the total deficiency on the lots as the number of full calendar years remaining in the period of amortization is to the total number of years in the period of amortization, subject to the twenty-five percent limitation referred to hereinabove.

★ **Roll Call Number**


Agenda Item Number
17B

Date April 12, 2010

BE IT FURTHER RESOLVED: That said deficiency assessment shall be payable in equal annual installments and shall bear interest at the rate as the original special assessments currently bear computed from the date of the City Council's approval of the deficiency assessment schedule; the first installment of each assessment, with interest on the whole of the deficiency assessment from date of City Council's approval of the deficiency assessment, shall become due and payable on July 1, 2010, 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 September semiannual payment of ordinary taxes. Said deficiency assessments shall be payable at the office of the County Treasurer of Polk County, Iowa, in full or in part and without interest by February 26, 2010.

BE IT FURTHER RESOLVED: That the City Clerk be and is hereby directed to certify said deficiency assessment Schedule No. 2010-36, to the County Treasurer of Polk County, Iowa, and to send by regular mail to all property owners whose property is subject to deficiency assessments a notice of deficiency assessment as provided in Section 384.60, subsection 5, which notifies the owner that he or she may appeal from the amount of the assessment within thirty days of the date notice is mailed.

Moved by _____ to adopt.

FROM APPROVED: 
 Kathleen Vanderpool
 Deputy City Attorney

JEB

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

MOTION CARRIED APPROVED

 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.

 City Clerk

NOTICE OF DEFICIENCY ASSESSMENT
SCHEDULE NO. 2010-36
Activity I.D. No. 20-2010-003

17B

The following persons owning land situated as follows:

<u>ADDRESS</u>	<u>DISTRICT/PARCEL</u>	<u>LEGAL DESCRIPTION</u>
4445 S.E. 17th St.	120/01826-534-000	LOT 34 GRANDSHIRE
4280 S.E. 17th St.	120/01826-525-001	S 50F N 100F LOT 25 GRANDSHIRE
4410 S.E. 16th St.	120/01826-511-001	N 90F LOT 11 GRANDSHIRE
4445 S.E. 16th St.	120/01826-516-001	N 1/2 LOT 16 GRANDSHIRE

You are hereby notified that a schedule of deficiency assessment Schedule No. 2010-36, related to public improvements for which the deficiency assessments have been levied against the benefited properties set out hereinabove, and that said schedule of deficiency assessments have been certified to the County Treasurer of Polk County, Iowa. The properties identified hereinabove were specially assessed for public improvements. At the time the special assessment was levied, your property was of insufficient value to pay its proportion of the cost of the improvement, thus resulting in a deficiency. Because of the recent completion of an improvement to your property, Section 384.63 of the Code of Iowa, requires that the City now levy a deficiency assessment against your property. You may appeal the amount of the deficiency assessment within thirty days after the date notice is mailed. Deficiency assessments are payable in equal annual installments, with interest on the unpaid balance, all as provided in Section 384.65 of the Code of Iowa.

You are further notified that deficiency assessments may be paid in full or in part without interest at the office of the County Treasurer of Polk County, Iowa, in Des Moines, Iowa, at any time within thirty days after the date notice is mailed. Unless said deficiency assessments are paid in full within said 30 day period, all unpaid deficiency assessments will draw annual interest computed at the same rate as the original special assessments currently bear (commencing on the date of the City Council's approval of the schedule of deficiency assessments) computed to the December 1st next following the due dates of the respective installments. Each installment will be delinquent on September 30th, following its due date on July 1st in each year. Property owners may elect to pay any annual installment semiannually in advance.

The amount of each deficiency assessment levied against the properties referred to above and the rate of interest all unpaid deficiency assessments will bear, have been set out in the schedule of deficiency assessment Schedule No. 2010-36, which is now on file in the office of the County Treasurer of Polk County, Iowa. For further information you are referred to said schedule of deficiency assessments. This notice is given by direction of the City Council of the City of Des Moines, Iowa.

LAST DAY TO PAY ASSESSMENT IN FULL OR IN PART AT THE POLK COUNTY
TREASURER'S OFFICE WITHOUT INTEREST IS May 14, 2010.

If any questions on this assessment, please call 283-4748.

Mailed April 15, 2010

NOTE: PLEASE MAIL THE ENCLOSED INSERT ALONG WITH YOUR PAYMENT TO:
POLK COUNTY TREASURER
POLK COUNTY ADMINISTRATIVE OFFICE BUILDING
111 COURT AVENUE
DES MOINES, IOWA 50309-2298

MAKE CHECK PAYABLE TO THE POLK COUNTY TREASURER.

City Clerk

PLEASE DO NOT SEND PAYMENT TO CITY OF DES MOINES.
