★Roll Call Number

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Agenda Item Number

Date November 6, 2017

RESOLUTION LEVYING ASSESSMENTS FOR FEES, FINES, PENALTIES, COSTS AND INTEREST IMPOSED IN THE ENFORCEMENT OF THE NEIGHBORHOOD INSPECTION RENTAL CODE AND PROVIDING FOR THE PAYMENT THEREOF
(Schedule No. 2017-08, Activity ID 20-1111-000)

WHEREAS, the fees, fines, penalties, costs and interest itemized in the accompanying schedule have been imposed by the City upon the owners of rental property in the enforcement of the Neighborhood Inspection Rental Code; and,

WHEREAS, each of the owners of the rental property listed in the accompanying schedule have been given notice of the following:

- The amount due from them for the fees, fines, penalties, costs and interest identified in such schedule;
- Their right to appeal the calculation of the amounts due, and the process to make such appeal;
- That if the total amount due from them was not paid within thirty days of when due, or in the event of a timely appeal if not paid within 10 business days of final action on that appeal by the Housing Appeals Board, then:
  - The owner will be charged a late payment penalty in the amount of $25.00;
  - Interest shall thereafter accrue on the unpaid balance at the rate of 1.5% per month; and,
  - That the City may certify the unpaid balance, accrued interest and late payment penalty to the County Treasurer for collection against the rental property in the same manner as a property tax; and,

WHEREAS, more than 30 days has expired from the date each of the fees, fines, penalties, and costs itemized in the accompanying schedule were originally due, and more than 10 business days has expired from the date of final action by the Housing Appeals Board on any appeals that were timely taken from the calculation of the amounts due; and,

WHEREAS, the fees, fines, penalties, costs and interest itemized in the accompanying schedule remain unpaid; and,

WHEREAS, the City Council of the City of Des Moines desires to exercise the authority granted to it by Iowa Code §364.17 to certify the fees, fines, penalties, costs and interest itemized in the accompanying schedule as a lien against the rental property for collection in the same manner as a property tax; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

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★Roll Call Number

Agenda Item Number

Date November 6, 2017

1. That the accompanying *Schedule of Fees, Fines, Penalties, Costs and Interest Imposed in the Enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2017-08, Activity ID 20-1111-000*, is hereby approved, confirmed and adopted with the amounts shown thereof assessed and levied against each property for collection in the same manner as a property tax.

2. That such assessments shall be payable in one installment; shall bear interest at 9.0% per annum which is the maximum rate allowed by Iowa Code Chapter §74A; the one installment of each assessment shall become due and payable on July 1, 2018, and shall be paid at the same time and in the same manner as the September semiannual payment of ordinary taxes. However, said assessment 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 the first date of publication of the Notice of Filing of Schedule.

3. The City Clerk is hereby authorized and directed to certify the accompanying schedule to the County Treasurer of Polk County, Iowa, and to publish the accompanying Notice of Filing of Schedule once each week for two consecutive weeks in the Des Moines Register. The first publication of said Notice shall be made within fifteen days after the date of such certification. On or before the second publication of the Notice the Community Development Department, under the direction of the City Clerk, shall send a copy of the Notice by mail to each property owner whose property is subject to assessment, as shown by the records in the office of the county auditor, all as provided and directed by Iowa Code Section 384.60.

Moved by _____ to adopt.

FORM APPROVED: Roger K Brown
Roger K. Brown
Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|---|---|---|---|---|
| COWNIE | | | | |
| COLEMAN | | | | |
| GATTO | | | | |
| GRAY | | | | |
| HENSLEY | | | | |
| MOORE | | | | |
| WESTERGAARD | | | | |
| 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

**ASSESSMENT SCHEDULE NO: 2017-08**


DATE 10/31/2017
TIME 12:07:43

Emergency: Rental Inspection

| DESCRIPTION OF PROPERTY | CERTIFICATE NUMBER | PROPERTY ADDRESS<br>OWNERS NAME | DATE AND TYPE | COST | INCID | TO BE ASSESSED |
|---|---|---|---|---|---|---|
| 020/00538-001-000<br>LTS 1 & 2 BLK 11 SECOND PLAT OF CLIFTON HEIGHTS | 29-02109-00 | 400 E LIVINGSTON AVE<br>T - NEWQUIST, LEON C | 07/12/2017<br>Rental Inpection | $167.50 | $35.00<br>$35.00 | $202.50 |
| 040/00614-017-000<br>UNIT 303 CAPITOL VILLAGE LOFTS | 29-02110-00 | 507 E LOCUST ST UNIT 303<br>T - NOACK, JARED | 07/12/2017<br>Rental Inpection | $112.50 | $35.00<br>$35.00 | $147.50 |
| 020/01911-042-000<br>UNIT 602 MULBERRY LOFTS | 29-02111-00 | 112 11TH ST UNIT 602<br>T - HUSSEY, DIANE L<br>T - SCHMIDT, KARL F | 07/12/2017<br>Rental Inpection | $138.50 | $35.00<br>$35.00 | $173.50 |
| 020/01911-008-000<br>UNIT 108 MULBERRY LOFTS | 29-02112-00 | 112 11TH ST UNIT 408<br>T - BURKHALTER, LAURA K | 07/12/2017<br>Rental Inpection | $138.50 | $35.00<br>$35.00 | $173.50 |
| 030/03518-000-000<br>LOT 24 L M MANNS SUB DIVISION | 29-02113-00 | 939 23RD PL<br>T - JACKSON, MANUEL E | 07/12/2017<br>Rental Inpection | $248.50 | $35.00<br>$35.00 | $283.50 |
| 120/03011-000-000<br>LOT 108 LAWN ARBOR PLACE | 29-02114-00 | 1302 LEWIS AVE<br>T - RALEIGH, JONATHAN P<br>T - CARNES, GABRIEL<br>C - CARNES, JOSHUA<br>C - CARNES, MELISSA | 07/12/2017<br>Rental Inpection | $136.00 | $35.00<br>$35.00 | $171.00 |
| 010/01278-000-000<br>E 1/2 LOT 144 CRAWFORD PLACE | 29-02115-00 | 304 E BELL AVE<br>T - MURPHY, DANIEL<br>T - MURPHY, LINDA C | 07/12/2017<br>Rental Inpection | $112.50 | $35.00<br>$35.00 | $147.50 |
| 120/03347-009-000<br>UNIT 301 BLDG 3 MEADOWRIDGE TOWNHOMES | 29-02116-00 | 2101 MEADOW CT # 301<br>T - KALDENBERG, AMY R | 07/12/2017<br>Rental Inpection | $112.50 | $35.00<br>$35.00 | $147.50 |

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**ASSESSMENT SCHEDULE NO: 2017-08**

Emergency: Rental Inspection

| DESCRIPTION OF PROPERTY | CERTIFICATE NUMBER | PROPERTY ADDRESS<br>OWNERS NAME | DATE AND TYPE | COST | INCID | TO BE ASSESSED |
|---|---|---|---|---|---|---|
| 010/01066-001-000<br>W 296.31F LOT 24 CRAIN PLACE | 29-02117-00 | 3815 SW 9TH ST<br>T - MAZZA SISTERS LLC,<br>T - MAZZA SISTERS LLC,<br>T - MAZZA (TRUSTEE), LINDA R<br>T - PETER D MAZZA FAMILY TRUST,<br>T - COLOSIMO, CAROLYN<br>T - WEIBLE, NICOLE<br>T - GRIMES, CHRISTINA<br>T - MARASCO, CASSANDRA<br>T - MAZZA, PETER D<br>T - PETER D MAZZA FAMILY TRUST, | 07/12/2017<br>Rental Inpection | $388.00 | $35.00<br>$35.00 | $423.00 |
| 120/02819-009-000<br>LOT 10 CORR JORDAN PLACE PLAT 1 | 29-02118-00 | 606 E DIEHL AVE<br>T - COLLETT, ALICIA M<br>T - ESTEP, ROBERT G | 08/09/2017<br>Rental Inpection | $203.50 | $35.00<br>$35.00 | $238.50 |
| 020/00418-000-000<br>LOT 23 BLK 4 SECOND PLAT OF CLIFTON HEIGHTS | 29-02119-00 | 212 E DUNHAM AVE<br>T - AMY LLC,<br>T - HALUPKA, JASON<br>C - AMY LLC, | 10/11/2017<br>Rental Inpection | $112.50 | $35.00<br>$35.00 | $147.50 |
| 070/03681-000-000<br>LT 3 BLK 4 ORP PRT NORTHMORELAND & MANNS 2ND ADD TO LAKE PARK | 29-02120-00 | 3107 3RD ST<br>T - CASAS DE IOWA LLC,<br>C - WOOD, GLADYS M | 07/12/2017<br>Rental Inpection | $248.50 | $35.00<br>$35.00 | $283.50 |
| 070/01574-506-000<br>LOT 6 BLK A G B HAMMERS PLAT OF THE TOWN OF ENGLEWOOD | 29-02121-00 | 2925 2ND AVE<br>T - REHAN, KIMBERLY L<br>T - REHAN FAMILY TRUST, | 07/12/2017<br>Rental Inpection | $136.00 | $35.00<br>$35.00 | $171.00 |
| 050/00331-000-000<br>LOT 12 BLK 2 CHESTERFIELD | 29-02122-00 | 2500 ONAWA ST<br>T - GRIMES, SUSAN M<br>T - GRIMES, JERRY | 10/11/2017<br>Rental Inpection | $112.50 | $35.00<br>$35.00 | $147.50 |
| 060/02115-000-000<br>LOT 13 BLK 12 EASTON PLACE | 29-02123-00 | 2112 E 23RD ST<br>T - BANNING, DAVID L<br>T - KOSOLA, DANNY<br>C - MILLER, ZACHARY T | 10/11/2017<br>Rental Inpection | $112.50 | $35.00<br>$35.00 | $147.50 |

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**ASSESSMENT SCHEDULE NO: 2017-08**



Emergency: Rental Inspection

| DESCRIPTION OF PROPERTY | CERTIFICATE NUMBER | PROPERTY ADDRESS<br>OWNERS NAME | DATE AND TYPE | COST | INCID | TO BE ASSESSED |
|---|---|---|---|---|---|---|
| 040/05189-000-000<br>LOT 18 BLK 46 STEWARTS ADDITION | 29-02124-00 | 1541 DES MOINES ST<br>T - BTS DES MOINES LLC, | 10/11/2017<br>Rental Inpection | $233.00 | $35.00<br>$35.00 | $268.00 |
| 050/00722-206-000<br>UNIT 6 DEERVIEW CROSSING | 29-02125-00 | 900 WILLIAMS ST UNIT 6<br>T - SHUBHMAN INVESTMENT PARTNERS LLC, | 10/11/2017<br>Rental Inpection | $112.50 | $35.00<br>$35.00 | $147.50 |
| | | TOTALS | | $2,825.50 | $595.00 | $3,420.50 |