



Roll Call Number

23-0283

Agenda Item Number

10A

Date March 6, 2023

**RESOLUTION RELEVYING CORRECTED ASSESSMENTS FOR COSTS
OF NUISANCE ABATEMENT ON CERTAIN PROPERTIES
IN SCHEDULE NO. 2022-10, ACTIVITY ID 20-1111-000**

WHEREAS, by Roll Call No. 22-1623, on October 24, 2022, the Des Moines City Council approved a Resolution Levying Assessments for Costs of Nuisance Abatement – NAC Emergency Orders (Neighborhood Services) Schedule No. 2022-10, Activity ID 20-1111-000 as to multiple properties, and providing for payment thereof all in accordance with the Iowa Code; and

WHEREAS, the Neighborhood Services Department has determined that some properties on Schedule No. 2022-10, Activity ID 20-1111-000 were inadvertently assessed too much; and

WHEREAS, the remainder of the properties approved, confirmed and adopted in Schedule No. 2022-10, Activity ID 20-1111-000 by the City Council on October 24, 2022 by Roll Call No. 22-1623 are correct and no corrective action is required and the assessments remain the same; and

WHEREAS, the City is acting in accordance with Iowa Code Section 384.74 to correct the assessments against those properties that were assessed too much and make a reassessment and relevy in conformity with the correction; and any tax collected in excess of the proper amount must be refunded to the person paying it; and

WHEREAS, pursuant to its powers and duties as set out in Chapter 364, Code of Iowa, the City, after the property owner's failure upon being given notice and opportunity to cure, performed the required action to abate each of the properties identified in the attached Assessment Schedule No. 2022-10, Activity ID 20-1111-000, were assessed the cost of such action against each of the properties set out on Assessment Schedule No. 2022-10 in the same manner as a property tax and the City has subsequently determined that some of the properties on that schedule were assessed too much and is hereby acting to correct the assessments as to only those properties as shown on the attached schedule with all other properties on Schedule No. 2022-10 approved by this Council on October 24, 2022 by Resolution No. 22-1623 remaining the same.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the accompanying Schedule No. 2022-10, Activity ID 20-1111-000, correcting those assessments against properties that were assessed too much, is hereby approved, confirmed and adopted with the CORRECTED assessment amounts shown thereon reassessed and relevied against each property for collection in the same manner as a property tax; and

BE IT FURTHER RESOLVED: That said CORRECTED assessments shall be payable in one installment and shall bear interest at the rate of 5.95% per annum, from the date of the acceptance of the attached assessment schedule with corrections as to the assessments as to those properties shown on the attached schedule; the one installment of each CORRECTED assessment with interest on the whole assessment from date of acceptance of these CORRECTED assessment amounts as shown on the attached

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schedule by the Council, shall be due and payable on July 1, 2023, and shall be paid at the same time and in the same manner as the September semiannual payment of ordinary taxes. Said CORRECTED 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 (30) days after the first date of publication of the Notice to Property Owners of filing of the CORRECTED schedule of assessments.

BE IT FURTHER RESOLVED, that the Clerk be and is hereby directed to certify said CORRECTED assessments as shown on the attached 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, an newspaper printed wholly in the English language, published in Des Moines, Iowa, and of general circulation in Des Moines, Iowa, the first publication of said notice to be made within fifteen (15) days from the date of the filing of said CORRECTED assessments shown on the attached schedule with the County Treasurer, the Neighborhood Services Department, under the direction of the City Clerk, shall send by regular mail to all property owners whose property is subject to reassessment 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 Section 384.60 and in accordance with 384.74 of the Code of Iowa.

BE IT FURTHER RESOLVED, That the remainder of the properties approved, confirmed and adopted in Schedule No. 2022-10, Activity ID 20-1111-000 by the City Council on October 24, 2022 by Roll Call No. 22-1623 are correct and no corrective action is required and the assessments remain the same.

Moved by Gatto to adopt. Second by Voss

SLN

Form APPROVED: sl Kathleen Vanderpool
Kathleen Vanderpool
Deputy City Attorney

(Council Communication No. 23-117)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL. Includes MOTION CARRIED and APPROVED labels.

CERTIFICATE
I, LAURA BAUMGARTNER, City Clerk of said City Council 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.

J. M. Frank Cownie Mayor

Laura Baumgartner City Clerk