

★ Roll Call Number  
09-532

Agenda Item Number  
16

Date April 6, 2009

RESOLUTION LEVYING ASSESSMENTS FOR COSTS OF  
NUISANCE ABATEMENT-NAC EMERGENCY ORDERS  
(PUBLIC WORKS)  
SCHEDULE NO. 2009-08, ACTIVITY ID 20-2009-001,  
AND PROVIDING FOR THE PAYMENT THEREOF

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, has performed the required action to abate the public nuisance and now seeks, as provided in 364.12, Code of Iowa, to assess the costs of such action against each of the properties set out on the attached NAC Emergency Orders (Public Works) Schedule No. 2009-08, Activity ID 20-2009-001, for collection in the same manner as a property tax.

NOW, THEREFORE BE IT RESOLVED BY THIS CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached NAC Emergency Orders (Public Works) Schedule No. 2009-08, Activity ID 20-2009-001, is hereby approved and adopted with the amounts shown thereon assessed and levied against each property for collection in the same manner as a property tax.

BE IT FURTHER RESOLVED: That said assessments exceeding \$100.00 shall be payable in five equal annual installments and shall bear interest at the rate of 4.89% percent per annum, from the date of the acceptance of the improvements; the first installment of each assessment, or total amount thereof, if it be \$100.00 or less with interest on the whole assessment from date of acceptance of the work by the Council, shall become due and payable on July 1, 2009, succeeding annual installments, with interest on the whole unpaid amount, shall respectively become due on July 1<sup>st</sup> annually thereafter, and shall be paid at the same time and in the same manner as the September semiannual payment of ordinary taxes. 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 first date of publication of the Notice to Property Owners of filing of the schedule of assessments.

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BE IT FURTHER RESOLVED, that the Clerk be and is hereby directed to certify said 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, and of 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 City Engineer shall send by regular 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.

Moved by Hensley to adopt.

FORM APPROVED: Kathleen Vanderpool  
 Kathleen Vanderpool  
 Deputy City Attorney

*[Handwritten initials]*

| COUNCIL ACTION | YEAS     | NAYS | PASS | ABSENT |
|----------------|----------|------|------|--------|
| COWNIE         | ✓        |      |      |        |
| COLEMAN        | ✓        |      |      |        |
| HENSLEY        | ✓        |      |      |        |
| KIERNAN        | ✓        |      |      |        |
| MAHAFFEY       | ✓        |      |      |        |
| MEYER          | ✓        |      |      |        |
| VLASSIS        | ✓        |      |      |        |
| TOTAL          | 7        |      |      |        |
| MOTION CARRIED | APPROVED |      |      |        |

T. M. Franklin 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.

Diane Rauh City Clerk