

RESOLUTION NO: 2021-3-41

CONFIRMING THE SCHEDULE OF ASSESSMENT FOR NUISANCE ABATEMENTS

WHEREAS, the conditions of certain properties in the County, identified on the attached Linn County Nuisance Abatement Assessment Schedule, have been found unsafe by the Linn County Building Official and constitute the installation of temporary safeguards to protect the public as authorized in Linn County Code of Ordinances chapter 105, article VI; and

WHEREAS, Iowa Code §331.384 authorizes the County to assess the County's costs of abatement of a nuisance against the property for collection in the same manner as a property tax; and

WHEREAS, following notice to the respective property owners and subsequent failure of the property owner to abate the nuisance as directed, the County has expended public funds to abate the nuisance condition of respective properties listed.

WHEREAS, the Planning and Development Department has filed with the Auditor the attached Nuisance Abatement Assessment Schedule showing parcels of property on which nuisances were abated at public expense, a description of each lot to be assessed for such abatement, the valuation of each lot, the amount to be assessed against each lot and, where applicable, the amount of deficiency, if any, which may be subsequently assessed against each lot under Iowa Code §384.63 as incorporated by Iowa Code §331.384; and

NOW, THEREFORE BE IT RESOLVED as follows:

1. The valuation of each lot described on the attached Nuisance Abatement Assessment Schedule (the "Schedule") is hereby fixed at the amount shown for that lot in the "Property Value" column of the Schedule.
2. The Schedule is hereby adopted by this Board and declared to be final and received and filed as such.
3. The assessment against each lot as shown in the "Assessment Amount" column of the Schedule with respect to that lot is hereby confirmed and levied. The deficiency which may be subsequently assessed against each lot under Iowa Code §384.63 is hereby conditionally levied, subject to application of and compliance with Iowa Code §384.63, in the amount, if any, shown in the "Deficiency" column of the Schedule with respect to that lot.
4. Assessments less than five hundred dollars (\$500.00) shall be paid in full.
5. Each assessment of five hundred dollars (\$500.00) or more shall be divided into and is payable in ten (10) equal annual installments payable in accordance with Iowa Code §384.65. Interest on all unpaid installments shall accrue and be payable, in accordance with §384.65, at a rate of three

and a half percent (3.5%) unless on the date of adoption of this Resolution a lower rate is in effect pursuant to Iowa Code §§78A.4 and 74A.6(2), in which event the lower rate shall apply.

6. Assessments shown on the Schedule shall be payable July 1, 2021. Installments into which an assessment is divided shall be payable July 1 of each year commencing 2021.
7. The County Auditor as Clerk to this Board shall certify the Schedule of assessments to the Linn County Treasurer. The Auditor shall further cause notice of the Schedule to be published once each week for two consecutive weeks in a newspaper having general circulation in the County, the first such publication to be within fifteen (15) days of the adoption of this Resolution. The notice shall be in substantially the form attached to this Resolution as Exhibit A. On or before the second publication of the notice, the Auditor shall send by certified mail to each property owner whose property is subject to assessment for the nuisance abatement, as shown by the records in the office of the Auditor, a copy of the notice setting forth the information required by Iowa Code §384.60(2).
8. Payments received by the Treasurer shall be credited to the County's General Basic Fund, from which abatement costs were originally appropriated.

Passed this 31st day of March, 2021.

Linn County Board of Supervisors


Chair


Vice Chair


Supervisor

Linn County Board of Supervisors
Resolution # 2021-3-41
March 31, 2021

Aye: 3

Nay: 0

Abstain: 0

Absent: 0

Attest:

Joel Miller by Rhonda Betsworth
Joel Miller, Linn County Auditor Deputy Auditor

State of Iowa)
) SS
County of Linn)

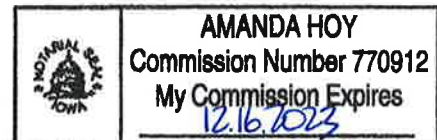
I, Joel Miller, County Auditor of Linn County, Iowa hereby certify that at a regular meeting of the said Board of Supervisors the foregoing resolution was duly adopted by a vote of:

3 Aye 0 Nay 0 Abstain 0 Absent from voting.

Joel Miller by Rhonda Betsworth
Joel Miller Deputy Auditor

Subscribed and sworn to before me by the aforesaid Joel Miller, on this 31 day of March, 2021.

Amanda Hoy
Notary Public State of Iowa



**PUBLIC NOTICE OF FILING OF LINN COUNTY NUISANCE ABATEMENT ASSESSMENT
 SCHEDULE
 EXHIBIT A**

TO: THE OWNERS AND OTHER PERSONS HAVING AN INTEREST IN THE REAL ESTATE
 SITUATED IN LINN COUNTY, IOWA, DESCRIBED ON THE SCHEDULE SET OUT
 BELOW:

Case File Number	Tax Dist./Parcel	Legal Description	Property Address	Township or City	Abatement Date	Property Value	Assessment Amount	Owner Name
ENF20-0095	08000/12-36-452-009-00000	Miller's 1 st , Lot 7	5511 Hickorywood Ct	Monroe	12/16/2021	\$265,000	\$3461.03	Terry L Randall

You are hereby notified that the schedule of assessments against said properties for Linn County nuisance abatement, the Linn County Nuisance Abatement Assessment Schedule, has been adopted and the assessments shown thereon levied by the Linn County Board of Supervisors and said Schedule has been certified to the Linn County Treasurer. The amount of each assessment is set forth opposite the property description on the Schedule.

Assessments may be paid in full or in part without interest within thirty (30) days after the date of the first publication of this notice of the final assessment schedule. Thereafter all unpaid special assessments bear interest at the rate of three and a half percent (3.5%) per annum commencing September 9, 2020 computed to December 1 next following the due date of the respective installments as provided in Iowa Code §384.65(3). Assessments of less than \$500 are payable in full in one installment. Assessments of \$500 or more are payable in up to ten annual installments. Installments are payable on July 1 of each year commencing with 2021, and each installment will be delinquent from October 1 following its due date, however when the last day of September is a Saturday or Sunday, that amount shall be delinquent from the second Linn County business day of October. Delinquent installments will draw the same delinquent interest as ordinary taxes. Property owners may elect to pay any installment semi-annually in advance. Assessments are payable at the office the Linn County Treasurer, 935 2nd Avenue SW, Cedar Rapids, Iowa, 52404. The last day to pay assessments without interest is September 9, 2020.

A person having an interest in property subject to special assessment may, within twenty days after the adoption of a resolution of necessity, test the regularity of proceedings or legality of the assessment procedure by a petition in equity filed in the district court of the county where the property is located. A person having an interest in any property specially assessed may appeal from the amount of the assessment, at any stage of the special assessment procedure up to twenty (20) days after the final publication of notice of filing of the final assessment schedule, by petition to the district court of the county where the property is located. No action shall be brought appealing the amount of any special assessment from and after twenty (20) days after said final publication. Additional information regarding appeals may be found in Iowa Code §384.66.

By the Order of the Linn County Board of Supervisors
 Joel Miller, Linn County Auditor