

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: September 26, 2011
	Agenda Item No. 16 Roll Call No. <u>11-1624</u> Communication No. <u>11-599</u> Submitted by: Phillip Delafield, Community Development Director

AGENDA HEADING:

Pre-approval of tax abatement for one single-family dwelling that is not connected to the public sanitary sewer system for property located at 4790 E. Spring Street.

SYNOPSIS:

Recommend pre-approval of tax abatement for one single-family dwelling on 3.5 acres of property located at 4790 E. Spring Street (formerly 4790 S.E. 52nd Avenue). The construction of a new dwelling not served by the public sanitary sewer system is allowed to receive tax abatement only if it satisfies certain conditions outlined in the City-Wide Urban Revitalization Plan (these conditions are outlined in the Additional Information section). Staff has reviewed the application and finds that subject to compliance with the conditions identified below, the application meets all criteria to receive residential tax abatement.

FISCAL IMPACT: NONE

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

The City-Wide Urban Revitalization Plan states that the construction of new dwellings will not qualify for tax abatement unless served by the public sanitary sewer system. The intent of this provision is to avoid using public funds to encourage rural fringe development at less than urban densities, and to reduce the installation of private waste disposal systems (septic tanks) that may obstruct the future extension of a logical street network, the public sanitary sewer system and other applicable utilities.

The subject property is not connected to public sewer and will not be in the near future. The property will need to be served by a private waste disposal system approved by the City of Des Moines Engineering Department. The construction of a new dwelling not served by the public sanitary sewer system is allowed to receive tax abatement only if it satisfies the conditions identified below:

1. Public sewer is not available within 100 feet of the boundaries of the parcel of land upon which the improvements are to be made.
2. The improvements will be assessed as residential property.
3. The parcel of land upon which the improvement will be made was created prior to July 1, 1999,

- and not thereafter voluntarily reduced in size.
4. The owners will enter into an agreement in a recordable form acceptable to the City Legal Department agreeing to connect to the public sanitary sewer when it becomes available, and waiving the right to protest the assessment for such sewer.
 5. The construction of the improvements will not jeopardize future development and public infrastructure projects in the vicinity, considering the following factors:
 - a. The location of the improvements allow for future development to urban densities.
 - b. The location of the improvements do not interfere with the logical extension of streets, water, sewer and other public infrastructure to serve future development in the vicinity.
 - c. The improvements are reasonably accessible by emergency vehicles.

The application demonstrates that the proposed dwelling can be constructed in a manner that satisfies the conditions listed above. The nearest sanitary sewer main is over 3,400 lineal feet from the subject property; the improvements will be assessed as residential property, the parcel of land was created prior to July 1999, and has not been voluntarily reduced in size; the owner can sign an agreement with the City in a form approved by the City Legal Department agreeing to connect to public sanitary sewer and waiving the right to protest the assessment for such sewer; the location of the improvements will allow for future development to urban densities; the location of the improvements will not interfere with future street improvements in the area; the improvements will not conflict with the future provision of sewer and water to the area; and the improvements can be constructed in a manner that will be reasonably accessible by emergency vehicles.

The proposed resolution grants prior approval to tax abatement for the construction of a single family dwelling on the property, subject to the proposed dwelling being constructed in compliance with the following conditions:

- 1) Construction of the proposed new single family dwelling must be commenced under authority of a City building permit by December 31, 2011, and completed by December 31, 2012. However, in the event the City-Wide Urban Revitalization Plan is hereafter extended by at least one year, then construction of the proposed new single family dwelling must be commenced under authority of a building permit by December 31, 2012, and completed by December 31, 2013.
- 2) The owners of the parcel must enter into an agreement in a recordable form acceptable to the Legal Department agreeing to connect to the public sewer system when it becomes available and waiving the right to protest the assessment for such sewer.
- 3) The new single family dwelling must be constructed in conformance with the applicable provisions of the City building codes and Zoning Ordinance.
- 4) The dwelling will be reasonably accessible by emergency vehicles.
- 5) As provided by Iowa Code 404.4, such prior approval shall not entitle the owners to exemption from taxation until the improvements have been completed and found to be qualified real estate.

PREVIOUS COUNCIL ACTION(S):

Date: September 24, 2007

Roll Call Number: 07-1833

Action: [Conditionally](#) granting prior approval of tax abatement for a new residence at 5884 McKinley Avenue. ([Council Communication No. 07-586](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

The tax abatement program for newly constructed residential units is scheduled to end on December 31, 2011, unless the City Council extends the program beyond that date. Any tax abatement application received by February 1, 2012, and approved by City Council, will receive tax abatement for the number of years eligible.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.