

ORDINANCE NO. 13488

AN ORDINANCE establishing the Sherman Hill Historic Street Lighting Self-Supported Municipal Improvement District pursuant to the provisions of Chapter 386, Code of Iowa, and providing for the establishment of an operation fund and the levy of an annual tax in connection therewith.

WHEREAS, the City of Des Moines is authorized by Chapter 386, Code of Iowa (the "Act") to create a self-supported municipal improvement district in the City, to provide for the existence and operation of such district, to provide for improvements or self-liquidating improvements for such district, and to levy taxes with respect to such district, all as more specifically defined in the Act; and,

WHEREAS, a petition (the "Petition") has been filed with the City Clerk pursuant to the Act petitioning the City Council to create the Sherman Hill Historic Street Lighting Self-Supported Municipal Improvement District (the "Proposed District"), to establish an operation fund with respect to the Proposed District, and to levy an annual tax for such fund, all for the purpose of causing the construction, acquisition, installation and maintenance of a decorative pedestrian oriented street lighting system along Woodland Avenue and 15th Street within the Proposed District (the "Improvements"); and,

WHEREAS, the Petition is in all ways in complete compliance with the provisions of the Act; and,

WHEREAS, on February 17, 1997, by Roll Call No. 97-526, the City Council received the Petition and referred it to the City Plan and Zoning Commission for review in accordance with the Act; and,

WHEREAS, on March 17, 1987, by Roll Call No. 97-822 the City Council received the report of the City Plan and Zoning Commission on the merits and feasibility of the Proposed District and Improvements; and,

WHEREAS, on March 17, 1997, by Roll Call No. 97-821, the City Council scheduled a public hearing for April 7, 1997, at 5:30 P.M., at which it proposed to take action for the establishment of the Proposed District and authorization of the Improvements, and did direct that notice of such hearing be given in accordance with the Act; and,

WHEREAS, notice of the hearing was published in the Des Moines Register on March 21, 1997, and a copy of such notice was mailed by certified mail on March 20, 1997, to all the owners of record of real property located within the Proposed District as shown by the records of the Polk County Auditor, in satisfaction of the notice requirements of the Act; and,

WHEREAS, at the aforementioned time and place, the City Council did meet and hear all owners of property in the Proposed District and residents of the City desiring to express their views with respect to the establishment of the Proposed District and construction and

maintenance of the Improvements; and,

WHEREAS, by Resolution and Roll Call No. 97-1211 adopted April 7, 1997, the City Council closed the public hearing on the creation of the Proposed District and construction of the Improvements and found that the Petition, the Proposed District and Improvements satisfied the applicable requirements imposed by the Act; and,

WHEREAS, more than thirty days has now passed since the public hearing on the creation of the Proposed District was closed, and no petition has been filed with the City Clerk opposing the creation of the Proposed District; NOW THEREFORE,

BE IT ORDAINED, by the City Council of the City of Des Moines, Iowa:

Section 1. That in accordance with Iowa Code Chapter 386 and the recitations set out in the Preamble hereof, there is hereby established and created in the City of Des Moines, a self-supported municipal improvement district as defined in the Act, the name of which shall be the "Sherman Hill Historic Street Lighting Self-Supported Municipal Improvement District" (herein the "District"):

Sec. 2. The District shall consist of the following described property:

Tax District-
Parcel No.: Description:

3-431 LT 1, T E BROWNS 2ND ADD

3-463 W 85 F LOT 1, T E BROWNS 3RD ADD

3-464 E 40F LOT 1, T E BROWNS 3RD ADD

3-504-1 LTS 39 & 40, T E BROWNS 3RD ADD

3-713 -EX E 34F S 114.05F LTS 10 & 11 & N 6.43 F E 47.74F LT 12 & ALL OF E OF A CURVE HAVING A RADIUS OF 26 OF COM 47.74F W & 6.43F S NE COR LT 12 & RUNNING SELY TO A PT 18F S & 34F W NE COR LT 11-LTS 10-11 & 12 P M CASADYS SUB-DIV

3-715-1 S 35OF OF 15TH ST LYNG N WOODLAND AVE & LYNG W OF & ADJ, P M CASADYS SUB-DIV

3-721 ALL LTS 13 & 14 & 15 LYING SWLY OF LN EXT FRM A PT 73.63F E OF SW COR LT 13 TO A PT 20F N & 25.95 F E OF SW COR LT 15, P M CASADYS SUB-DIV

3-1747-1 N 45F E 70.5 F LT 1 & E 31.5F W 66F LTS 1 & 2, BLK 2, GRIFFITHS SUB-DIV

3-1748 S 87 F E 70.5 F LOT 1 & 2, BLK 2, GRIFFITHS SUB-DIV

3-1749 W 34 1/2 F LOTS 1 & 2, BLK 2, GRIFFITHS SUB-DIV

3-3020 LOTS 1 & 2, IOWA LOAN & TRUST CO SUB DIV

3-3021 LOT 3, IOWA LOAN & TRUST CO SUB DIV

3-3022 LOT 4, IOWA LOAN & TRUST CO SUB DIV

3-3023 LOT 5, IOWA LOAN & TRUST CO SUB DIV

3-3532-1 LTS 1 THRU 4 & INTERV VAC ALLEY, MARSHES SUB DIV

3-3539 N 1/3 LTS 10, 11 & 12, MARSHES SUB DIV

3-3540-1 S 1/2 N 2/3 & S 1/3 LTS 10, 11 & 12, MARSHES SIB DIV

3-3543 E 1/2 N 2/3 LTS 13, 14, & 15, MARSHES SUB DIV

3-3544-1 VAC ALLEY S & ADJ & S 1/3 LTS 13, 14 & 15, MARSHES SUB DIV

3-3550 LOT 24 & E 1/2 LOT 23, MARSHES SUB DIV

3-4064-1 LT 1 & W 31F LT 2 BLK A SD LT 6 OF 13.06A, PURSLEYS ESTATE

3-4065 E 35 F LT 2 BLK A SD LT 6 OF 13.06 A, PURSLEYS ESTATE

3-4067 W 53 F N 66 F LT 3 BLK A SD LT 6 OF 13.06 A, PURSLEYS ESTATE

3-4069 N 66 F & 13 F LT 3 & N 66 F LT 4 BLK A SD LT 6 OF 13.06 A, PURSLEYS ESTATE

3-4117 W 1/2 LT 2 & -EX S 39F W 52F & S 24 F E6F W 58F- LT 1 BLK E SD LT 6 OF 13.06 A, PURSLEYS ESTATE

3-4119 E 1/2 LT 2 BLK E SD LT 6 OF 13.06 A, PURSLEYS ESTATE

3-4120 W 58 F LT 3 BLK E SD LT 6 OF 13.06 A, PURSLEYS ESTATE

3-4121-2 E8F LT 3 & ALL LTS 4 & 5 BLK E SD LT 6 OF 13.06A, PURSLEYS ESTATE

3-4183 LOT 1 & S 10 F LOT 2, RICKEYS ADDITION

3-4202 LOT 20 & S 10 F LOT 19, RICKEYS ADDITION

3-4203 LT 21 & S 10 F LT 22, RICKEYS ADDITION

3-4221-1 S 45F LT 38 & ALL LTS 39 & 40, RICKEYS ADDITION

3-4566 W 44F LOT 1 BLK A, SAVERYS ADDITION

3-4567-2 E 1/2 LOT 2 BLK A, SAVERYS ADDITION

3-4567-3 W 1/2 LOT 2 BLK A, SAVERYS ADDITION

3-4569 LOT 3 BLK A, SAVERYS ADDITION

3-4570 E 2/3 LOT 4 BLK A, SAVERYS ADDITION

3-4571 W 1/3 LOT 4 & E 2/3 LOT 5 BLK A, SAVERYS ADDITION

3-4572 E 22F LOT 6 & W 22F LOT 5 BLK A, SAVERYS ADDITION

3-4573 W 44 FT LOT 6 BLK A, SAVERYS ADDITION

3-4574 E 1/2 LOT 7 BLK A, SAVERYS ADDITION

3-4575 W 1/2 LOT 7 BLK A, SAVERYS ADDITION

3-4576 E 1/2 LOT 8 BLK A, SAVERYS ADDITION

3-4577-1 W 1/2 LT 8 & ALL LT 9 & -EX W 33F- LOT 10 BLK A, SAVERYS ADDITION

3-4673 INTERV VAC ALLEY & VAC LTS 1 THRU 7 & 18 THRU 25, SHERMAN PLACE

3-4674-1 7F W & ADJ & LTS 8 & 9, SHERMAN PLACE

3-4676 S 41F LOT 10, SHERMAN PLACE

3-4677 N 9F LOT 10 & S 25F LOT 11, SHERMAN PLACE

3-4678 -EX W 32 FT- N 25 FT LOT 11 & -EX W 32 FT & -EX N 33 1/3 LT- LOT 12,
SHERMAN PLACE

3-4680 -EX W 32F- N33 1/3F LOT 12, SHERMAN PLACE

3-5276 LOTS 1 & 2 BLK A, WEST & BURTONS ADDITION

3-5277-1 LTS 3, 4 & 5 BLK A, WEST & BURTONS ADDITION

Sec. 3. It is hereby found and determined that each property within the District is located within the Sherman Hill Historic District, a duly designated local historic district; that the District contains all the property that will directly benefit from the development and maintenance of the

Improvements; and, that the owners of each property within the District will benefit from the development and maintenance of the Improvements.

Sec. 4. Pursuant to the provisions of the Act, there is hereby established and created a self-supported municipal improvement district operation fund with respect to the District to be known as the "Sherman Hill Historic Street Lighting Self-Supported Municipal Improvement District Operation Fund" (herein the "Operation Fund"), for which the City may certify taxes (the "Operation Tax") against the property, as defined in the Act (including property assessed as residential property for property tax purposes), within the District (the "Property") each year, in addition to all other taxes, commencing with the levy of taxes for collection in the fiscal year beginning July 1, 1998 and continuing for twenty (20) years thereafter. The City may renew the levy of the Operation Tax for subsequent five (5) year periods unless a petition containing the signatures of at least forty percent of all owners of property within the District or signatures which together represent ownership of property with an assessed value of forty percent or more of the assessed value of all property within the District, is filed with the City Clerk at least 6 months prior to the expiration of the current period. The City shall not renew the levy of the Operation Tax if such a petition is timely received.

Sec. 5. The City may use the proceeds of the Operation Tax for the purposes of paying (or reimbursing the City with respect thereto) all or part of the costs incurred in connection with the operation and maintenance of the Improvements, any administration expenses (as defined in and authorized by the Act) of the District, including legal and engineering fees, and any other expenses reasonably incurred in fulfilling the purposes of the District, all as may be determined from time to time by the City Council.

Sec. 6. The Operation Tax to be levied annually upon the Property as aforesaid, shall not exceed the amount per thousand dollars (\$1,000) of taxable value of the Property in any one year specified by the table below, in addition to all other taxes.

Fiscal Years Levy per thousand dollars
of Levy taxable value

1998/99 to 2002/03	\$1.50
2003/04 to 2007/08	\$2.00
2008/09 to 2012/13	\$2.50
2013/14 to 2017/18	\$3.00
2018/19 and thereafter	\$3.50

Sec. 7. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance, which shall be given effect without such invalid part or parts.

Sec. 5. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 6. The City Clerk is hereby authorized and directed to cause a certified copy of this

ordinance to be recorded in the office of the Polk County Recorder, and a copy thereof to be filed with the Polk County Auditor.

FORM APPROVED:

Roger K. Brown
Assistant City Attorney

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