

ORDINANCE NO. 14,834

AN ORDINANCE continuing the Downtown Des Moines Self-Supported Municipal Improvement District pursuant to the provisions of Chapter 386, Code of Iowa; and providing for the continuation 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, Ordinance No. 13,579 passed by the City Council on February 23, 1998 established the Downtown Des Moines Self-Supported Municipal Improvement District pursuant to the provisions of the Act and provided for the establishment of an operation fund and the levy of an annual tax in connection therewith; and,

WHEREAS, Ordinance No. 13,913 passed by the City Council on January 22, 2001, continued the Downtown Des Moines Self-Supported Municipal Improvement District pursuant to the provisions of the Act and provided for the continuation of an operation fund and the levy of an annual tax in connection therewith; and,

WHEREAS, Ordinance No. 14,311 passed by the City Council on January 26, 2004 continued and expanded the Downtown Des Moines Self-Supported Municipal Improvement District pursuant to the Act and provided for the continuation of the operation fund and the levy of an annual tax in connection therewith until June 30, 2009; and

WHEREAS, Ordinance No. 14,540 passed by the City Council on February 6, 2006 expanded the Downtown Des Moines Self-Supported Municipal Improvement District pursuant to the Act and provided for the continued levy of an annual operation tax on property in the expanded District; and

WHEREAS, a petition (the "Petition") has been filed with the City Clerk pursuant to the Act petitioning the City Council to continue the Downtown Des Moines Self-Supported Municipal Improvement District (the "District"), to continue an operation

fund with respect to the District, and to levy an annual tax for such fund, all for the purposes of paying the administrative expenses of the District or paying part or all of the maintenance expenses of improvements or self-liquidating improvements with respect to the District; and,

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

WHEREAS, on October 13, 2008, by Roll Call No. 08-1807, 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 November 10, 2008, by Roll Call No. 08-1964 the City Council received the report of the City Plan and Zoning Commission on the merit and feasibility of the District; and,

WHEREAS, on November 10, 2008 by Roll Call No. 08-1965, the City Council scheduled a public hearing for December 8, 2008, at 5:00 P.M., at which it proposed to take action for the continuation of the District, 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 November 26, 2008, and a copy of such notice was mailed by certified mail on November 20, 2008, to all the owners of record of real property located within the 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 District and residents of the City desiring to express their views with respect to the continuation of the District; and,

WHEREAS, by Resolution and Roll Call No. 08-2149 adopted December 8, 2008, the City Council closed the public hearing on the continuation of the District and found that the Petition and the District satisfied the applicable requirements imposed by the Act; and,

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

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

Sec. 1. That in accordance with Iowa Code Chapter 386 and the recitations set out in the Preamble hereof the self-supported municipal improvement district as defined in the Act, named the "Downtown Des Moines Self-Supported Municipal Improvement District" (the "District") established and created in the City of Des Moines pursuant to Ordinance No. 13,579, continued pursuant to Ordinance No. 13,913, continued and expanded pursuant to Ordinance No. 14,311 and further expanded pursuant to Ordinance No. 14,540 is hereby further continued in accordance with the general terms of the Petition.

Sec. 2. The District shall include all property within the following described boundaries:

Beginning at the intersection of the centerline of 7th Street and the centerline of Center Street, being 33.0 feet North and 33.0 feet West of the Northwest corner of Lot 10, Block R, Grimmel's Addition, an Official Plat; thence North along the northerly extension and the centerline of 7th Street to the intersection of the centerline of School Street said centerline being 33.0 feet North of the South right-of-way line of School Street; thence East along the centerline of School Street and its easterly extension to the West Bank of the Des Moines River; and intersecting with the South right-of-way line of I-235 and the intersection of West River Drive (Park Road) and being on the West Bank of the Des Moines River; thence East along the South right-of-way line of I-235 to the intersection of the centerline of Pennsylvania Avenue; thence South along the centerline of Pennsylvania Avenue and its southerly extension to the intersection of the centerline of East Locust Street; thence West along the centerline of East Locust Street to the intersection of the northerly extension of the centerline of East 7th Street; thence South along the northerly extension of the centerline of East 7th Street and its centerline; and the centerline of Southeast 7th Street to the intersection of the centerline of Allen Street; thence West along the centerline of Allen Street and its westerly extension to the West Bank of the Des Moines River and the North Bank of the Raccoon River; thence westerly along the North Bank of the Raccoon River to intersection of the North Bank of the Raccoon River and the centerline of Fleur Drive; thence northeasterly along the centerline of Fleur Drive to the centerline of 18th Street South of Grand Avenue; thence northerly along the centerline of 18th Street to the intersection with the centerline of 18th Street North of Grand Avenue; thence North along the centerline of 18th Street and its northerly extension to the intersection of the centerline of Ingersoll Avenue; thence East along the centerline of Ingersoll Avenue to the intersection of the southerly extension of the centerline of 15th Street; thence North along the southerly extension of the centerline of 15th Street and its centerline and its northerly extension to the intersection of the centerline of Woodland Avenue; thence East along the centerline of Woodland Avenue and its easterly extension

to the intersection of the centerline of 10th Street; thence North along the centerline of 10th Street and its centerline and the northerly extension of 10th Street to the centerline of Methodist Drive; thence northerly and westerly along the centerline of Methodist Drive to the intersection of the southerly extension of centerline of 12th Street; thence North along the southerly extension of the centerline of 12th Street and its centerline and its northerly extension to the centerline of Keosauqua Way; thence southeasterly along the centerline of Keosauqua Way to the intersection of the westerly extension of the centerline of Park Street; thence East along westerly extension of the centerline of Park Street and along the centerline of Park Street and its easterly extension to the intersection of the centerline of 7th Street; thence North along the centerline of 7th Street and its northerly extension to the point of beginning. All now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Sec. 3. It is hereby found and determined that all of the property within the District is similarly related so that the present and potential use or enjoyment of the property is benefitted by the condition, performance of administration, redevelopment, revitalization and maintenance of the District and the owners of property in the District have a present and potential benefit from the condition, performance of administration, redevelopment, revitalization and maintenance of the District.

Sec. 4. Pursuant to the provisions of the Act, the self-supported municipal improvement district operation fund with respect to the District known as the "Downtown Des Moines Self-Supported Municipal Improvement District Operation Fund" (herein the "Operation Fund") established and created pursuant to Ordinance 13,579, continued pursuant to Ordinance No. 13,913, and continued pursuant to Ordinance No. 14,311 until June 30, 2009, is hereby further continued, for which the City may certify taxes (the "Operation Tax") against the property, as defined in the Act (excluding 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, 2009 and continuing for four (4) additional years for the purposes of paying the administrative expenses of the District, as defined and authorized in the Act or paying part or all of the maintenance expenses of "improvements" or "self-liquidating improvements", as defined in the Act for a period of five (5) years.

Sec. 5. The City may continue to disburse the amounts collected in the Operation Fund, in accordance with the recommendations made to the City Council by the Downtown Des

Moines Self-Supported Municipal Improvement District, an Iowa nonprofit corporation, for one or more of the following purposes:

- a) Enhanced maintenance and cleaning of public spaces;
- b) Services to enhance the safety of persons and property, including a "Goodwill Ambassador" program;
- c) Development and management of activities for marketing, business retention and attraction;
- d) Capital or physical improvements; and
- e) Improvement of skywalk system, including maintenance, cleaning and security.

Sec. 6. The rate of the Operation Tax to be levied annually, in addition to all other taxes, as aforesaid, shall not exceed a rate of two dollars (\$2.00) per thousand dollars of taxable value of the Property.

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

Sec. 9. 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:

Lawrence R. McDowell, Deputy City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 09-316), passed by the City Council of said City at a meeting held February 23, 2009 signed by the Mayor on February

23, 2009 and published as provided by law in the Business Record on March 9, 2009.
Authorized by Publication Order No. 6392.

Diane Rauh, City Clerk