

ORDINANCE NO. 15,496

AN ORDINANCE establishing the SW 9<sup>th</sup> Corridor Self-Supported Municipal Improvement District pursuant to the provisions of Chapter 386, Code of Iowa, and providing for the establishment of a capital improvement and 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 SW 9<sup>th</sup> Corridor Self-Supported Municipal Improvement District (the "Proposed District"), to establish a combined capital improvement and operation fund with respect to the Proposed District, and to levy an annual tax for such fund, all for the purpose of causing the acquisition, construction, installation, operation and maintenance within the public rights-of-way of Ingersoll Avenue within the Proposed District of "improvements", as defined in the Act, consisting of improved sidewalks, curbs and cross-walks, landscaping, planters, decorative lighting, utility relocation, traffic signals, and related pedestrian improvements (which improvements are herein referred to as the "Improvements"); and,

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

WHEREAS, on February 22, 2016, by Roll Call No. 16-0303, the City Council received the petition to establish the SW 9<sup>th</sup> Corridor Self-Supported Municipal Improvement District, and referred the Petition to the City Plan and Zoning Commission for preparation of an evaluative report for the Council on the merit and feasibility of the proposed project and improvements as required by Iowa Code Chapter 386; and,

WHEREAS, the City Plan and Zoning Commission submitted its report and recommendation on the merit and feasibility of the proposed SW 9<sup>th</sup> Corridor Self-Supported Municipal Improvement District, and,

WHEREAS, on May 23, 2016, by Roll Call No. 16-0902, it was duly resolved by the City Council that the Petition to Establish the SW 9<sup>th</sup> Corridor Self-Supported Municipal Improvement District be set down for public hearing on June 23, 2016, at 5:00 p.m., in the Council Chambers; and,

WHEREAS, on June 23, 2016, by Roll Call No. 16-0998, the City Council closed the public hearing on the creation of the District and the acquisition, construction, installation, operation and maintenance of the Improvements and the provision of the Services and found that the Petition, the District and the Improvements and Services 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 "SW 9<sup>th</sup> Corridor Self-Supported Municipal Improvement District" (herein the "District"):

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

The boundary of the proposed Ingersoll Grand SSMID is described as follows: Beginning at a point on the West lot line of Lot 14, Greenwood Park, said point being 182.5 feet North of the North Right-of-Way line of Ingersoll Avenue; thence East along a line 182.5 feet North of and parallel with the North Right-of-Way line of Ingersoll Avenue to its intersection with the West Right-of-Way line of 39th Street; thence South along said West Right-of-Way line of 39th Street to a point said point being 150 feet North of the North Right-of-Way line of Ingersoll Avenue; thence East along a line 150 feet North of and parallel to the North Right-of-Way line of Ingersoll Avenue to the Southwest Corner of Lot 9, Rhoads Heights, an Official Plat; thence North along the West lot line of said Lot 9, Rhoads Heights to the Northwest Corner of said Lot 9, Rhoads Heights; thence East along the North lot line of Lot 9, Rhoads Heights and continuing East along the Easterly projection of the North lot line of Lot 9, Rhoads Heights to its intersection with the East Right-of-Way line of 38th Street; thence North along said East Right-of-Way line of 38th Street to a point said point being 20 feet North of the South lot line of Lot 20, Rhoads Heights; thence East along a line 20 feet North of and parallel with the South lot line of said Lot 20, Rhoads Heights to the East lot line of said Lot 20, Rhoads Heights; thence South along the East lot lines of Lots 20, 21, Rhoads Heights to its intersection with the Westerly projection of the North lot line of Lot 33, Rhoads Heights; thence East along the said Westerly projection of the North lot line of Lot 33, Rhoads Heights and continuing East along the North lot line of Lot 33, Rhoads Heights and also continuing East along the Easterly projection of the North lot line of Lot 33, Rhoads Heights to its intersection with the East Right-of-Way line of 37th Street; thence North along said East Right-of-Way line of 37th Street to the Northwest Corner of Lot 43, Rhoads Heights; thence East along the North lot line of said Lot 43, Rhoads Heights to its intersection with the West lot line of Lot 16, Official Plat Lot 1, Official Plat Southeast  $\frac{1}{4}$ , Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M.; thence North along said West lot line of Lot 16, Official Plat Lot 1, Official Plat Southeast  $\frac{1}{4}$ , Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M. to the Northwest Corner of said Lot 16, Official Plat Lot 1, Official Plat Southeast  $\frac{1}{4}$ , Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M.; thence East along the North lot line of Lot

16, Official Plat Lot 1, Official Plat Southeast  $\frac{1}{4}$ , Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M. and continuing East along the Easterly projection of the North lot line of Lot 16, Official Plat Lot 1, Official Plat Southeast  $\frac{1}{4}$ , Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M. to the Northwest Corner of Lot 6, Official Plat Lot 1, Official Plat Southeast  $\frac{1}{4}$ , Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M.; thence east along the North lot line of Lot 6, Official Plat Lot 1, Official Plat Southeast  $\frac{1}{4}$ , Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M. to its intersection with the West lot line of Lot 28, Official Plat Lot 1, Official Plat Southeast  $\frac{1}{4}$ , Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M.; thence North along said West lot line of Lot 28, Official Plat Lot 1, Official Plat Southeast  $\frac{1}{4}$ , Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M. to a point said point being 125 feet North of the South lot line of said Lot 28, Official Plat Lot 1, Official Plat Southeast  $\frac{1}{4}$ , Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M.; thence east along a line 125 feet North of and parallel to the South lot line of said Lot 28, Official Plat Lot 1, Official Plat Southeast  $\frac{1}{4}$ , Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M. and continuing East along the Easterly projection of said line 125 feet North of the South lot line of said Lot 28, Official Plat Lot 1, Official Plat Southeast  $\frac{1}{4}$ , Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M. to its intersection with the East Right-of-Way line of 35th Street; thence North along said East Right-of-Way line of 35th Street to a point said point being 20 feet South of the Northwest Corner of Lot 19, Stratford, an Official Plat; thence Northeasterly along a line to a point said point being 10 feet South of and 10 feet East of the Northwest Corner of Lot 19, Stratford; thence East along a line 10 feet South of and parallel to the North lot line of Lot 19, Stratford to a point said point being 80 feet East of the West lot line of Lot 19, Stratford; thence North along a line 80 feet East of and parallel to the West lot line of Lot 19, Stratford to its intersection with the South Right-of-Way line of Woodland Avenue; thence East along said South Right-of-Way line of Woodland Avenue to its intersection with the West Right-of-Way line of 34th Street; thence South along said West Right-of-Way line of 34th Street to its intersection with the Westerly projection of the North lot line of Lot 1, Crescent Place, an Official Plat; thence East along said Westerly projection of the North lot line of Lot 1, Crescent Place and continuing East along the North lot line of Lot 1, Crescent Place to its intersection with the West lot line of Lot 3, Crescent Place; thence South along said West lot line of Lot 3, Crescent Place to a point said point being 60 feet South of the North lot line of said Lot 3, Crescent Place; thence East along a line 60 feet South of and parallel with the North line of said Lot 3, Crescent Place to its intersection with the West Lot line of Lot 12, Block 1, Garver Place, an Official Plat; thence North along said West Lot line of Lot 12, Block 1, Garver Place to a point said point being 60 feet South of the North lot line of said Lot 12, Block 1, Garver Place; thence East along a line 60 feet South and parallel with the North lot line of said Lot 12, Block 1, Garver Place to its intersection with the West lot line of Lot 11, Block 1, Garver Place; thence North along said West lot line of Lot 11, Block 1, Garver Place to a point said point being 56 feet South of the North lot line of said Lot 11, Block 1, Garver Place; thence East along a line 56 feet South of and parallel with the North lot line of said Lot 11, Block 1, Garver Place to its intersection with the East lot line of said Lot 11, Block 1, Garver Place; thence South along said East lot line of Lot 11, Block 1, Garver Place to the Northwest Corner of Lot 10, Block 1, Garver

Place; thence East along the North lot line of Lot 10, Block 1, Garver Place and continuing East along the North lot line of Lot 9, Block 1, Garver Place to its intersection with the West Right-of-Way line of 31st Street; thence South along said West Right-of-Way line of 31st Street to its intersection with the Westerly projection of the centerline of the Vacated East/West Alley Right-of-Way located in Block 3, McCain Place, an Official Plat; thence East along said Westerly projection of the centerline of the Vacated East/West Alley Right-of-Way located in Block 3, McCain Place and continuing along the centerline of the Vacated East/West Alley Right-of-Way located in Block 3, McCain Place to its intersection with the West Right-of-Way line of 29th Street; thence East along the Westerly projection of the centerline of the Vacated East/West Alley Right-of-Way located in Block 4, McCain Place and continuing along the centerline of the Vacated East/West Alley Right-of-Way located in Block 4, McCain Place to its intersection with the West Right-of-Way line of 28th Street; thence South along said West Right-of-Way line of 28th Street to its intersection with the Westerly projection of the South Right-of-Way line of Linden Street; thence East along said Westerly projection of the South Right-of-Way line of Linden Street and continuing East along the South Right-of-Way line of Linden Street to the Southwest Corner of Lot 57, Ingersoll Place, an Official Plat; thence East along the South lot lines of Lots 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, and 70, Ingersoll Place, and continuing East along the Easterly projection of the South lot lines of said Lots 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, and 70, Ingersoll Place to the East Right-of-Way line of 24th Street; thence North along said east Right-of-way line of 24th Street to its intersection with the South Right-of-Way Line of High Street; thence East along said South Right-of-Way line of High Street to its intersection with the Southerly projection of the West lot line of Lot 5, Park Place, an Official Plat; thence North along said Southerly projection of the West lot line of Lot 5, Park Place and continuing North along the West lot line of Lot 5, Park Place and also continuing North along the Northerly projection of the West lot line of Lot 5, Park Place to its intersection with the South line of the North 132 feet of Lot 8, Official Plat, Southwest  $\frac{1}{4}$ , Section 5, Township 78 North, Range 24 West of the 5th P.M.; thence continuing North along a line 250 feet West of and parallel to the East lot line of Lot 8, Official Plat, Southwest  $\frac{1}{4}$ , Section 5, Township 78 North, Range 24 West of the 5th P.M. to its intersection with the North lot line of Lot 8, Official Plat, Southwest  $\frac{1}{4}$ , Section 5, Township 78 North, Range 24 West of the 5th P.M.; thence East along said North lot line Lot 8, Official Plat, Southwest  $\frac{1}{4}$ , Section 5, Township 78 North, Range 24 West of the 5th P.M. and continuing East along the Easterly projection of the North lot line Lot 8, Official Plat, Southwest  $\frac{1}{4}$ , Section 5, Township 78 North, Range 24 West of the 5th P.M. to its intersection with the North/South Centerline of Section 5, Township 78 North, Range 24 West of the 5th P.M. (also the Centerline of Right-of-Way known as former Harding Road); thence South along said North/South Centerline of Section 5, Township 78 North, Range 24 West of the 5th P.M. (also the Centerline of Right-of-Way known as former Harding Road) to its intersection with the Easterly projection of the North Right-of-Way line of Ingersoll Avenue; thence West along said Easterly projection of the North Right-of-Way line of Ingersoll Avenue and continuing West along the North Right-of-Way line of Ingersoll Avenue to its intersection with the Northerly projection of a line 100 feet West of and parallel to the East lot line of Lot 9, Official Plat, Southwest  $\frac{1}{4}$ , Section 5, Township 78 North, Range 24 West of the 5th P.M.; thence South along said Northerly projection of a line 100 feet West of and parallel to

the East lot line of Lot 9, Official Plat, Southwest  $\frac{1}{4}$ , Section 5, Township 78 North, Range 24 West of the 5th P.M. and continuing South along a line 100 feet West of and parallel to the East lot line of Lot 9, Official Plat, Southwest  $\frac{1}{4}$ , Section 5, Township 78 North, Range 24 West of the 5th P.M. to the North Right-of-Way line of Grand Avenue; thence Southeasterly to a point on the South Right-of-Way line of Grand Avenue said point being 93 feet West of the East line of Lot 1, Official Plat, Northwest  $\frac{1}{4}$ , Section 8, Township 78 North, Range 24 West of the 5th P.M.; thence South 225 feet along a line 93 feet West of and parallel to the East line of Lot 1, Official Plat, Northwest  $\frac{1}{4}$ , Section 8, Township 78 North, Range 24 West of the 5th P.M.; thence East 18 feet along a line 225 feet South of and parallel to the South Right-of-Way line of Grand Avenue; thence South along a line 75 feet West of the East line of Lot 1, Official Plat, Northwest  $\frac{1}{4}$ , Section 8, Township 78 North, Range 24 West of the 5th P.M. to the North Right-of-Way line of the Norfolk and Southern Railroad lying within Lot 1, Official Plat Northwest  $\frac{1}{4}$ , Section 8, Township 78 North, Range 24 West of the 5th P.M.; thence Southwesterly along said North Right-of-Way line of the Norfolk and Southern Railroad lying within Lot 1, Official Plat Northwest  $\frac{1}{4}$ , Section 8, Township 78 North, Range 24 West of the 5th P.M. to the East lot line Lot 2, Official Plat Northwest  $\frac{1}{4}$ , Section 8, Township 78 North, Range 24 West of the 5th P.M.; thence Northwesterly along said East lot line Lot 2, Official Plat Northwest  $\frac{1}{4}$ , Section 8, Township 78 North, Range 24 West of the 5th P.M. to a point said point being 345 feet Southeasterly along said East lot line Lot 2, Official Plat Northwest  $\frac{1}{4}$ , Section 8, Township 78 North, Range 24 West of the 5th P.M. from the North lot line of said Lot 2, Official Plat Northwest  $\frac{1}{4}$ , Section 8, Township 78 North, Range 24 West of the 5th P.M.; thence Southwesterly along a line from said point 345 feet Southeasterly along said East lot line Lot 2, Official Plat Northwest  $\frac{1}{4}$ , Section 8, Township 78 North, Range 24 West of the 5th P.M. from the North lot line of said Lot 2, Official Plat Northwest  $\frac{1}{4}$ , Section 8, Township 78 North, Range 24 West of the 5th P.M. and its intersection with a point on the Northerly extension of the East lot line of Lot 6, The Polk and Hubbell Park, an Official Plat said point being 65.73 feet North of the North lot line of said Lot 6, The Polk and Hubbell Park to a point on said line Southwesterly from point 345 feet Southeasterly along said East lot line Lot 2, Official Plat Northwest  $\frac{1}{4}$ , Section 8, Township 78 North, Range 24 West of the 5th P.M. from the North lot line of said Lot 2, Official Plat Northwest  $\frac{1}{4}$ , Section 8, Township 78 North, Range 24 West of the 5th P.M. and its intersection with a point on the Northerly extension of the East lot line of Lot 6, The Polk and Hubbell Park, an Official Plat point being 65.73 feet North of the North lot line of said Lot 6, The Polk and Hubbell Park said point being 40 feet East of and parallel with the East lot line of Lot 2, August Home Plat 1, an Official Plat; thence South along a line 40 feet East of and parallel with the East lot line of Lot 2, August Home Plat 1 and continuing South along the Southerly extension of said line 40 feet East of and parallel with the East lot line of Lot 2, August Home Plat 1 to its intersection with a point 66.75 feet East of the East lot line of Lot 6, the Polk and Hubbell Park along a line extending Easterly from a point on the East lot line of Lot 6, The Polk and Hubbell Park 25.50 feet South of the North lot line of Lot 6, The Polk and Hubbell Park to a point on the East lot line of Lot 3, August Home Plat 1 154.14 feet North of the Southeast corner of Lot 3, August Home Plat 1; thence West along a line 476.25 feet South of and parallel with the North lot line of Lot 3, August Home Plat 1 to its intersection with the West lot line of Lot 3, August Home Plat 1; thence North along said West lot line of Lot 3,

August Home Plat 1 to its intersection with the South lot line of Lot 2, August Home Plat 1; thence Northwesterly along said South line of Lot 2, August Home Plat 1 to the Southeasterly most Corner of Lot 1, August Home Plat 1; thence North/West/North along the East Lot line of Lot 1, August Home Plat 1 to North lot line of Lot 1, August Home Plat 1; thence West along said North lot line of Lot 1, August Home Plat 1 to the East Right-of-Way line of Terrace Road; thence North along said East Right-of-Way of Terrace Road to the South Right-of-Way line of Grand Avenue; thence West along said South Right-of-Way line of Grand Avenue to the West Right-of-Way line of Forest Drive; thence South along the West Right-of-Way line of Forest Drive to the Southeast Corner of Lot 2 Cummins Replat, an Official Plat; thence West along the South lot line of said Lot 2, Cummins Replat to the Southwest corner of said Lot 2, Cummins Replat; thence continuing Westerly along the South lot line of Lot 7, Cummins Replat to its intersection with the East lot line of Lot 71, The Polk & Hubbell Park, an Official Plat; thence South along said East lot line of Lot 71, The Polk & Hubbell Park to the Southeast corner of said Lot 71, The Polk & Hubbell Park; thence West along the South lot lines of Lots 71,70,69 and 68, The Polk & Hubbell Park to the East Right-of-Way line of 27th Street; thence North along said East Right-of-Way line of 27th Street to its intersection with the Easterly projection of the South lot line of Lot 6, J.S. Polk's Subdivision, an Official Plat; thence West along said Easterly projection of the South lot line of Lot 6, J.S. Polk's Subdivision and continuing West along said South lot lines of Lot 6, 5, and 4, J.S. Polk's Subdivision to its intersection with the East lot line of Lot 3, J.S. Polk's Subdivision; thence South along said East lot line of Lot 3, J.S. Polk's Subdivision to the Southeast corner of said Lot 3, J.S. Polk's Subdivision; thence West along the South lot lines of said Lots 3, 2 and 1, J.S. Polk's Subdivision and continuing West along the Westerly extension of said South lot lines of said Lots 3, 2 and 1, J.S. Polk's Subdivision to its intersection with the West Right-of-Way line of 28th Street; thence North along said West Right-of-Way line of 28th Street to a point said point being 160 feet South of the North lot line of Lot 1, Owls Head, an Official Plat; thence West along a line 160 feet South of and parallel with the North lot line of Lot 1, Owls Head to its intersection with the West lot line of Lot 1, Owls Head; thence North along said West lot line of Lot 1, Owls Head to a point said point being 85 feet South of the North lot line of Lot 1, Owls Head; thence East along a line 85 feet South of and parallel with the North lot line of Lot 1, Owls Head and the Easterly extension of said line to its intersection with the East Right-of-Way line of 28th Street; thence North along the East Right-of-Way line of 28th Street to the Northwest corner of Lot 1, J.S. Polk's Subdivision; thence Northeasterly along a line from said Northwest corner of Lot 1, J.S. Polk's Subdivision to the Southwest corner of Lot 19, Official Plat of the Southwest  $\frac{1}{4}$  of Section 5, Township 78 North, Range 24 West of the 5th P.M.; thence North along the East Right-of-Way line of 28th Street to its intersection with the Easterly extension of the South lot line of Lot 19, Sears Place, an Official Plat; thence West along said Easterly extension of the South lot line of Lot 19, Sears Place and continuing West along the South lot line of said Lot 19, Sears Place and continuing West along the South lot lines of Lots 3, 4, 5, and 6, Sears Place to the Southwest corner of said Lot 6, Sears Place; thence North along the West lot line of said Lot 6, Sears Place to the Southeast corner of Lot 9, Sears Place; thence West along the South line of said Lot 9, Sears Place to its intersection with the East Right-of-Way line of 29th Street; thence North along said East Right-of-Way line of 29th Street to its intersection with the Easterly extension of the South

lot line of Lot 9, Parriott Place, an Official Plat; thence West along said Easterly extension of the South lot line of Lot 9, Parriott Place, and continuing West along said South lot line of said Lot 9, Parriott Place and the South lot line of Lot 8, Parriott Place to the Southwest corner of said Lot 8, Parriott Place; thence North along the West lot line of said Lot 8, Parriott Place to the Southeast corner of Lot 7, Parriott Place; thence West along the South lot line of said Lot 7, Parriott Place and continuing West along the the South lot lines of Lots 6, 5, 4, and 3 to the Southwest corner of said Lot 3, Parriott Place; thence North along the West lot line of said Lot 3, Parriott Place to a point, said point being 3 foot North of the Southwest corner of said Lot 3, Parriott Place; thence West along a line 303 feet North of and parallel with the South lot line of Lot 2, Parriott Place to its intersection with the West lot line of said Lot 2, Parriott Place; thence North along said West lot line of Lot 2, Parriott Place to a point, said point being 323 feet North of said South lot line of Lot 2, Parriott Place; thence West along a line North of and parallel with the South lot line of Lot 1, Parriott Place to the West lot line of said Lot 1, Parriott Place and continuing West along the Westerly extension of said line being 323 feet North of and parallel with the South lot line of said Lot 1, Parriott Place to its intersection with the West Right-of-Way line of 31st Street; thence North along said West Right-of-Way line of 31st Street to the Southeast corner of Lot 6, Block 2, Garver Place; thence West along the South lot line of said Lot 6, Block 2, Garver Place to its intersection with the East lot line of Lot 4, Block 2, Garver Place; thence South along the East lot line of said Lot 4, Block 2, Garver Place to its intersection with the South lot line of said Lot 4, Block 2, Garver Place; thence West along said South lot line of Lot 4, Block 2, Garver Place and continuing West along the South lot line of Lot 5, Block 2, Garver Place to its intersection with the East lot line of Lot 1, Stratford, an Official Plat; thence North along said East lot line of Lot 1, Stratford to a point said point being 175 feet South of the North lot line of Lot 1, Stratford; thence West along a line 175 feet South of and parallel with the North lot line of Lot 1, Stratford to its intersection with the East lot line of Lot 2, Stratford; thence South along said East lot line of Lot 2, Stratford to a point said point being 184 feet South of the North lot line of said Lot 2, Stratford; thence West along a line 184 feet South of and parallel with the North lot line of said Lot 2, Stratford and continuing West along a line 184 feet South of and parallel with the North lot lines of Lots 3, and 6, Stratford to its intersection with the East lot line of Lot 7, Stratford; thence North along said East lot line of Lot 7, Stratford to the Southeast corner of Lot 15, Stratford; thence West along the South lot line of said Lot 15, Stratford and continuing West along the South lot line of Lot 13, Stratford and the Westerly extension of said South lot line of Lot 13, Stratford to its intersection with the West Right-of-Way line of 35th Street; thence South along said West Right-of-Way line of 35th Street to the Southeast corner of Lot 32, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M., an Official Plat; thence West along the South lot line of said Lot 32, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M. to its intersection with the West lot line of Lot 32, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M.; thence North along said West lot line of Lot 32, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M. to a point said point being 15 feet North of the Southwest corner of said Lot 32, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M.; thence West along a line 294 feet South of

and parallel with the North lot line of Lot 29, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M. and continuing West along the Westerly extension of said line 294 feet South of and parallel to the North lot line of Lot 29, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M. to its intersection with the West Right-of-Way line of 36th Street; thence North along said West Right-of-Way line of 36th Street to a point said point being 292 feet South of the North lot line of Lot 28, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M.; thence West along a line 292 feet South of and parallel with said North lot line of Lot 28, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M. and continuing West along a line 292 feet South of and parallel with the North lot lines of Lots 27, 26, and 25, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M. to its intersection with the Southeast corner of Lot 24, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M.; thence West along the South lot line of said Lot 24, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M. and continuing West along a line 292 feet South of and parallel with the North lot line of Lot 22, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M. to its intersection with the Southeast corner of Lot 21, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M.; thence West along the South lot line of said Lot 21, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M. to its intersection with the West lot line of said Lot 21, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M.; thence North along said West lot line of Lot 21, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M. to a point said point being 282 feet South of the North lot line of said Lot 21, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M.; thence West along a line 282 feet South of and parallel with the North lot line of Lot 19, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M. to its intersection with the West lot line of said Lot 19, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M.; thence North along said West lot line of Lot 19, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M. to a point said point being 150 feet South of the North lot line of said Lot 19, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M.; thence West along a line 150 feet South of and parallel with the North lot line of Lot 18, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M. to the East lot line of Lot 17, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M.; thence South along said East lot line of Lot 17, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M. to a point said point being 215.25 feet South of the North lot line of said Lot 17, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M.; thence West along a line 215.25 feet South of and parallel with said North lot line of Lot 17, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M. to the East lot line of Lot 13, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6,



Township 78 North, Range 24 West of the 5th P.M.; thence South along said East lot line of Lot 13, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M. to the Northeast corner of Lot 14, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M.; thence West along the North lot line of said Lot 14, OP of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 6, Township 78 North, Range 24 West of the 5th P.M. to its intersection with the East lot line of Lot 16, Greenwood Park, thence South along said East lot line of Lot 16, Greenwood Park to a point said point being 300 feet North of the South lot line of said Lot 16, Greenwood Park; thence West along a line 300 feet North of and parallel with the South lot line of Lot 16, Greenwood Park and continuing West along the Westerly extension of a line 300 feet North of and parallel with the South lot line of Lot 16, Greenwood Park to its intersection with the West Right-of-Way line of 39th Street; thence South along said West Right-of-Way line of 39th Street to a point said point being 171 feet North of the South lot line of Lot 13, Greenwood Park; thence West along a line 171 North of and parallel with the South lot line of Lot 13, Greenwood Park to its intersection with the East lot line of Lot 12, Greenwood Park; thence North along said East lot line of Lot 12, Greenwood Park to a point said point being 350 North of the South lot line of Lot 12, Greenwood Park; thence West along a line 350 North of and parallel with the South lot line of Lot 12, Greenwood Park to its intersection with the East Right-of-Way line of 40th Street; thence North along said East Right-of-Way line of 40th Street to its intersection with the South Right-of-Way line of Ingersoll Avenue; thence East along said South Right-of-Way line of Ingersoll Avenue to its intersection with the Southerly extension of the West lot line of Lot 14, Greenwood Park; thence North along said Southerly extension of the West lot line of Lot 14, Greenwood Park and continuing North along the West lot line of Lot 14, Greenwood Park 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 each property within the District is zoned for commercial use and that the owners of each property within the District will directly benefit from the acquisition, construction, installation, operation 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 capital improvement and operation fund with respect to the District to be known as the "SW 9<sup>th</sup> Self-Supported Municipal Improvement District Capital Improvement and Operation Fund" (herein the "Capital Improvement and Operation Fund"), for which the City may certify taxes (the "Capital Improvement and Operation Tax") against the property as defined in the Act 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, 2017, and continuing for ten (10) years thereafter. The City may renew the levy of the Capital Improvement and 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 Capital Improvement and Operation Tax if such a petition is timely received.

Sec. 5. The City may use the proceeds of the Capital Improvement and 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 acquisition, construction, installation, operation and maintenance and repair 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 aggregate rate of the Combined Capital Improvement and Operation Tax to be levied annually as aforesaid shall not exceed \$2.25 per thousand dollars (\$1,000) of taxable value of the property within the District in any one year, in addition to all other taxes.

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:

Thomas G. Fisher Jr., Assistant 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. 16-1335), passed by the City Council of said City at a meeting held August 8, 2016 signed by the Mayor on August 8, 2016 and published and provided

by law in the Business Record on August 26, 2016. Authorized by  
Publication Order No. 9712.

Diane Rauh, City Clerk