

ORDINANCE NO. 15,618

AN ORDINANCE establishing the Sherman Hill 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 Sherman Hill 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 within the Proposed District for "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 May 8, 2017, by Roll Call No. 17-0784, the City Council received the petition to establish the Sherman Hill 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 Sherman Hill Self-Supported Municipal Improvement District, and,

WHEREAS, on August 14, 2017, by Roll Call No. 17-1426, it was duly resolved by the City Council that the Petition to Establish the Sherman Hill Self-Supported Municipal Improvement District be set down for public hearing on August 28, 2017, at 5:00 p.m., in the Council Chambers; and,

WHEREAS, on August 28, 2017, by Roll Call No. 17-1513, 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 "Sherman Hill Self-Supported Municipal Improvement District" (herein the "District"):

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

Beginning at the Northwest corner of Parcel "D" as recorded on Plat of Survey in Book 14528 Page 338 in the Recorder's office of Polk County, Iowa, located on the East Right of Way line of Martin Luther King Jr Parkway as presently established; Thence North along Said East Right of Way line of Martin Luther King Jr Parkway to a point on the north line of Lot 26, Butler's Addition, an Official Plat; Thence East along the Said North Line of Said Lot 26 to the West Line of the Vacated North/South Alley in Said Butler's Addition; Thence North along Said West Line to a point on the Westerly Extension of the North Line of the South 3.5 Feet of Lot 16 in Said Butler's Addition; Thence East along Said Westerly Extension and continuing along Said North Line of the South 3.5 Feet of Lot 16 to the West Right of Way Line of Vacated 18th Street; Thence South along Said West Right of Way Line to the South Right of Way Line of School Street; Thence East along Said South Right-of-Way Line to the East Right-of-Way Line of 17th Street; Thence South along Said East Right-of-Way Line to the North Right-of-Way Line of Crocker Street; Thence East along Said North Right-of-Way Line and Continuing Southeasterly along the Northeasterly Right-of-Way Line of Crocker Street to the East Right-of-Way Line of 15th Street; Thence South along Said East Right-of-Way Line to the Right-of-Way Centerline of Woodland Avenue; Thence West along Said Right-of-Way Centerline of Woodland Avenue to the Right-of-Way Centerline of 15th Street; Thence South along Said Right-of-Way Centerline of 15th Street to the Easterly Extension of the South Line of Lot 2, Block 3, Griffith's Subdivision, an Official Plat; Thence West along said Easterly extension and Continuing along the South Line of Said Lot 2 and South Line of Lots 1, 2, 3, 4 and 5, Block C, Subdivision of Lot 6 of Pursley Estate, an Official Plat, and Continuing West along the Westerly extension of Said South Line of Said Lots 1, 2, 3, 4 and 5 to the Right-of-Way Centerline of 16th Street; Thence North along Said Right-of-Way Centerline to the Right-of-Way Centerline of High Street; Thence West along Said Right-of-Way Centerline of High Street to the Northerly Extension of the West Line of the East Half (1/2) of Lot 2, Block B, Said Subdivision of Lot 6 of Pursley Estate; Thence South along Said Northerly Extension and continuing

along the West Line of the East Half (1/2) of Said Lot 2 to the South Line of Said Lot 2; Thence West along Said South Line and Continuing along the South Line of Lot 1 and the Westerly Extension of Lot 1 in Said Block B to the Right-of-Way Centerline of 17th Street; Thence North along Said Right-of-Way Centerline to the Easterly Extension of a line that is 95 feet South of and Parallel to the North Line of Lots 1, 2, 3, 4 and 5, Block B, J.C. Savery's Addition, an Official Plat; Thence West along Said Easterly Extension and Continuing along a line that is 95 feet South of and Parallel to the North Line of Said Lots 1, 2, 3, 4 and 5, Said Block B, to a point that is 13 feet East of the West Line of Said Lot 5; Thence South along a line that is 13 feet East of and Parallel to the West Line of Said Lot 5 to the North Line of Block C of Said J.C. Savery's Addition; Thence West along Said North Line and Continuing along the Westerly Extension of Said North Line to Right-of-Way Centerline of 19th Street; Thence South along Said Right-of-Way Centerline to the Easterly Extension of the North Line of Parcel "B" as recorded on Plat of Survey in Book 12613 Page 296 in the Recorder's office of Polk County, Iowa; Thence West along Said Easterly Extension and Continuing along the North Line of Said Parcel "B" to the East Line of Said Parcel "D"; Thence North along Said East Line to the North Line of Said Parcel "D"; Thence Northwesterly and West along said North Line to the Point of Beginning.

Sec. 3. It is hereby found and determined 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 "Sherman Hill 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 the following amounts of taxable value of the property within the District in any one year, in addition to all other taxes:

| <u>Fiscal Years of Levy</u> | <u>Levy per thousand dollars taxable value</u> |
|-----------------------------|--|
| 2018/19 to 2020/21 | \$1.50 |
| 2021/22 to 2023/24 | \$2.00 |
| 2024/25 to 2026/27 | \$2.50 |
| 2027/28 to 2029/30 | \$3.00 |
| 2030/31 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. 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, Laura Baumgartner, Chief Deputy 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. 17-1769), passed by the City Council of said City at a meeting held October 9, 2017 signed by the Mayor on October 9, 2017 and published and provided by law in the Business Record on October 27, 2017. Authorized by Publication Order No. 10185.

Laura Baumgartner, Chief Deputy City Clerk