

ORDINANCE NO. 15,823

AN ORDINANCE providing that general property taxes levied and collected each year on all property located within the 38th and Grand TIF District No. 1, a subarea within the 38th and Grand Urban Renewal Area in the City of Des Moines, County of Polk, State of Iowa, by and for the benefit of the State of Iowa, City of Des Moines, County of Polk, Des Moines Independent Community School District, Des Moines Area Community College, and other taxing districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by the City of Des Moines in connection with the 38th and Grand Urban Renewal Project.

WHEREAS, the City Council of the City of Des Moines, Iowa, after public notice and hearing as prescribed by law and pursuant to Resolution passed and approved November 4, 2019, adopted an urban renewal plan titled "38th and Grand Urban Renewal Plan" for an urban renewal project (the "38th and Grand Urban Renewal Project") within the 38th and Grand Urban Renewal Area; and,

WHEREAS, expenditures and indebtedness are anticipated to be incurred by the City of Des Moines, Iowa, in the future to finance undertakings by the City of Des Moines to implement the 38th and Grand Urban Renewal Project pursuant to the 38th and Grand Urban Renewal Plan; and,

WHEREAS, the City Council of the City of Des Moines, Iowa, desires to provide for the division of revenue from taxation within a subarea of the 38th and Grand Urban Renewal Area, designated as the 38th and Grand TIF District No. 1 and more specifically described as follows, in accordance with the provisions of Section 403.19 of the 2019 Code of Iowa, as amended.

38th and Grand TIF District No. 1

Beginning at the intersection of the South Right of Way line of Grand Avenue and the East Right of Way line of 38th Place; Thence South along said East Right of Way to the South line of Lot 5, Mason Place, an Official Plat; Thence East along said South line to the East line of Lot 6 of said Mason Place; Thence South along the East line of Lots 6 through 10 in said Mason Place to North line of the South 55 Feet of Lots 11 through 14 in said Mason Place; Thence East along said North line to the East line of said Lot 14; Thence North along said East line to the North line of said Lots 14 and 13; Thence West along said North line to the East line of Lot 2 in said Mason Place; Thence North along said East line to said South Right of Way line of Grand Avenue; Thence West along said South Right of Way line to the Point of Beginning.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Des Moines, Iowa, as follows:

Section 1. That the taxes levied on the taxable property in that portion of the 38th and Grand Urban Renewal Area designated as the 38th and Grand TIF District No. 1 and legally described in the preamble hereof, by and for the benefit of the State of Iowa, City of Des Moines, County of Polk, Des Moines Independent Community School District, Des Moines Area

Community College, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

Section 2. Except as otherwise provided in Iowa Code §403.19, as amended, that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts taxing property in the 38th and Grand TIF District No. 1 upon the total sum of the assessed value of the taxable property in said TIF District as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City of Des Moines certifies to the county auditor the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue, subject to any adjustment required by Iowa Code §403.20, as amended, shall be allocated to and when collected be paid into the Fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid (the “base period taxes”)

Section 3. Except as otherwise provided in Iowa Code §403.19, as amended, that portion of the taxes each year in excess of the base period taxes determined as provided in Section 2 of this Ordinance shall be allocated to and when collected be paid into a special tax increment fund of the City of Des Moines hereby established, to pay the principal of and interest on loans, monies advanced to, indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Chapters 384 and 403 of the Code of Iowa, as amended, incurred by the City of Des Moines to finance or refinance in whole or in part the 38th and Grand Urban Renewal Project. However, except as provided in Iowa Code §403.19(2)(b), taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Iowa Code §298.2 and taxes for the instructional support program of a school district imposed pursuant to Iowa Code §257.19, taxes for the payment of bonds and interest of each taxing district, and taxes imposed under Iowa Code §346.27(22) related to joint county-city buildings shall be collected against all taxable property within the taxing district without limitation by the provisions of this section.

Section 4. Except as otherwise provided in Iowa Code §403.19, as amended, all taxes levied and collected upon the taxable property in said 38th and Grand TIF District No. 1 shall be paid into the funds of the taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes unless or until the total assessed valuation of the taxable property in said TIF District shall exceed the total assessed value of the taxable property in said TIF District as of January 1 of the calendar year preceding the first calendar year in which the City of Des Moines certifies to the county auditor the amount of loans, advances, indebtedness, or bonds payable from the division of tax revenue pursuant to this Ordinance, subject to any adjustment required by Iowa Code §403.20, as amended.

Section 5. At such time as the principal of, and interest on, all loans, advances, bonds and interest thereon and indebtedness of the City of Des Moines hereinabove in Section 3 referred to have been paid, all monies thereafter received from taxes upon the taxable property in the 38th and Grand TIF District No. 1 shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property, unless and until additional loans, advances, indebtedness or bonds, if any, are incurred and certified by the City of Des Moines.

Section 6. The provisions of this Ordinance are intended and shall be construed so as to fully implement the provisions of Iowa Code §403.19, as amended, with respect to the division of taxes from property within the 38th and Grand TIF District No. 1 as described above. In the event that any provision of this Ordinance shall be determined to be contrary to law it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to said TIF District and the territory therein.

Section 7: This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest: I, P. Kay Cmelik, 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. 19-1771), passed by the City Council of said City at a meeting held November 4, 2019 signed by the Mayor on November 4, 2019 and published and provided by law in the Business Record on November 22, 2019. Authorized by Publication Order No. 10944.

P. Kay Cmelik, City Clerk