

Date..... April 24, 2006

RESOLUTION CLOSING HEARING ON THE SEVENTEENTH AMENDMENT  
TO THE RESTATED URBAN REVITALIZATION PLAN FOR THE  
CITY-WIDE URBAN REVITALIZATION AREA AND APPROVING SAME

WHEREAS, on June 15, 1987, by Roll Call No. 87-2630, the Des Moines City Council adopted a resolution, in accordance with the provisions of Section 404.2(1) of the Urban Revitalization Act, finding that the rehabilitation, conservation, redevelopment, or a combination thereof of the entire area then within the corporation boundaries of the City of Des Moines is necessary in the interest of the public health, safety, or welfare of the residents of the City and the area meets the criteria of Section 404.1 of the Code of Iowa; and,

WHEREAS, by Ordinance No. 11,026 passed July 6, 1987, as amended by Ordinance No. 11,065 passed September 21, 1987, the City Council designated the entire area within the corporate boundaries of the City of Des Moines as established on July 7, 1987, as the City-wide Urban Revitalization Area; and,

WHEREAS, on September 28, 1987, by Roll Call No. 87-4009, the Des Moines City Council adopted a resolution, in accordance with the provisions of Section 404.2(6) of the Act, approving the Urban Revitalization Plan for the City-wide Urban Revitalization Area, which plan (the "original City-wide Plan") has been repeatedly amended; and,

WHEREAS, on June 16, 1997, by Roll Call No. 97-2126, the City Council approved and adopted the Twenty-first Amendment to the original City-wide Plan, which adopted a restated plan (the "Restated City-wide Plan") which incorporated all prior amendments to the original City-wide Plan; and,

WHEREAS, the Restated City-wide Plan has been amended sixteen times; and,

WHEREAS, Section 404.2(6) of the Act authorizes a city to make amendments to urban revitalization plans after a public hearing; and,

WHEREAS, the purpose of the Seventeenth Amendment to the Restated Urban Revitalization Plan for the City-wide Urban Revitalization area is to encourage the redevelopment and revitalization of the Eastgate commercial center located at the northeast corner of East 14th Street and E. Euclid Avenue, and similarly situated community shopping centers in the Downtown and Neighborhood Retail Districts by providing tax abatement for improvements to commercial property used for a broader scope of commercial uses within such centers; and,

( continued )

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Date..... April 24, 2006

WHEREAS, on March 20, 2006, by Roll Call No. 06-532, the City Council scheduled a public hearing on the proposed Seventeenth Amendment to be held on April 10, 2006, at 5:00 p.m., in the City Council Chambers; and,

WHEREAS, public notice of the hearing in the form attached as Exhibit "B" was published in the Des Moines Register on March 30, 2006; and,

WHEREAS, on April 10, 2006, by Roll Call No. 06-685, the City Council continued the public hearing on the proposed Seventeenth Amendment until April 24, 2006, at 5:00 p.m.; and,

WHEREAS, all persons appearing at the hearing and desiring to be heard regarding the said Seventeenth Amendment have been given the opportunity to be heard; NOW, THEREFORE,

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

1. The public hearing on the proposed Seventeenth Amendment to the Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area is hereby closed.
2. After due consideration, all objections to the proposed Seventeenth Amendment are hereby overruled.
3. The Seventeenth Amendment to the Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area, attached hereto as Exhibit A, is hereby approved and adopted.

( Council Communication No. 06- 213 )

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

*Roger K. Brown*  
 Roger K. Brown  
 Assistant City Attorney  
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Exhibits:  
 "A" - Seventeenth Amendment  
 "B" - Notice of Public Hearing

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
TOTAL				

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

.....Mayor

\_\_\_\_\_  
 City Clerk

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Exhibit "B"

**SEVENTEENTH AMENDMENT TO THE  
RESTATED URBAN REVITALIZATION PLAN  
FOR THE  
CITY-WIDE URBAN REVITALIZATION AREA  
CITY OF DES MOINES, IOWA**

The purpose of the Seventeenth Amendment to the Restated Urban Revitalization Plan for the City-wide Urban Revitalization area is to encourage the redevelopment and revitalization of the Eastgate commercial center located at the northeast corner of East 14th Street and E. Euclid Avenue, and similarly situated community shopping centers in the Downtown and Neighborhood Retail Districts

Approved by City Council:  
Date: \_\_\_\_\_, 2006  
Roll Call No. 06-\_\_\_\_\_

## HISTORY

The City Council approved the original Urban Revitalization Plan for the City-wide Urban Revitalization Area (the "original Plan") by Roll Call No. 87-4009 on September 28, 1987. The original Citywide Urban Revitalization Area was comprised of the entire area within the boundaries of the City of Des Moines on July 7, 1987. The original Plan was amended twenty-one times as identified below. The Twenty First Amendment to the original Plan adopted a Restated Urban Revitalization Plan (the "Restated Plan"). This is the Seventeenth Amendment to the Restated Plan.

### Adoption and amendment of the original Citywide Urban Revitalization Plan

<u>Action</u>	<u>Date</u>	<u>Roll Call/Ordinance No.</u>
Designation of Area	07/06/87	Ordinance No. 11,026
Amendment of Area	09/21/87	Ordinance No. 11,065
"Original" Plan Adopted	09/28/87	87-4009
First Amendment	06/05/89	89-2438
Second Amendment	07/24/89	89-3209 (expanded area)
Third Amendment	01/15/90	90-191
Fourth Amendment	06/25/90	90-2793
Fifth Amendment	08/26/91	91-3664
Sixth Amendment	09/08/92	92-3497
Seventh Amendment	03/15/93	93-973
Eighth Amendment	03/15/93	93-971
Ninth Amendment	05/17/93	93-1868
Tenth Amendment	01/03/94	94-114
Eleventh Amendment	08/01/94	94-3024
Twelfth Amendment	11/07/94	94-4273
Thirteenth Amendment	12/19/94	94-4781
Fourteenth Amendment	02/20/95	95-644 / Ord. No. 13,149
Fifteenth Amendment	03/06/95	95-869
Sixteenth Amendment	05/22/95	95-2087
Seventeenth Amendment	07/10/95	95-2659
Eighteenth Amendment	10/16/95	95-3949
Nineteenth Amendment	12-02-96	96-4031
Twentieth Amendment	06/02/97	97-1975 (expanded area)
Twenty-First Amendment	06-16-97	97-2126 (expanded area & adopted Restated Plan)

### Amendments to the Restated Urban Revitalization Plan

First Amendment	02-23-98	98-549 (expanded area)
Second Amendment	05-18-98	98-1628
Third Amendment	10-19-98	98-3272
Fourth Amendment	03-15-99	99-747
Fifth Amendment	07-12-99	99-2221
Sixth Amendment	10-18-99	99-3258
Seventh Amendment	02-07-00	00-361
Eighth Amendment	02-07-00	00-364
Ninth Amendment	12-18-00	00-4680
Tenth Amendment	07-23-01	01-2329
Eleventh Amendment	09-24-01	01-2932

Amendments to the Restated Urban Revitalization Plan (continued)

<u>Action</u>	<u>Date</u>	<u>Roll Call/Ordinance No.</u>
Twelfth Amendment	06-03-02	02-1447
Thirteenth Amendment	10-21-02	02-2546
Fourteenth Amendment	02-09-04	04-315
Fifteenth Amendment	02-28-05	05-476
Sixteenth Amendment	02-28-05	05-478

**PURPOSE OF THE SEVENTEENTH AMENDMENT**

The purpose of the Seventeenth Amendment to the Restated Urban Revitalization Plan for the City-wide Urban Revitalization area is to encourage the redevelopment and revitalization of the Eastgate commercial center located at the northeast corner of East 14th Street and E. Euclid Avenue, and similarly situated community shopping centers in the Downtown and Neighborhood Retail Districts within the City-wide Urban Revitalization Area, by providing tax abatement for improvements to commercial property used for a broader scope of commercial uses. Except for improvements to a building predominantly used for the display of merchandise for retail sale, improvements to commercial buildings in the Eastgate commercial center would not qualify for tax abatement until the Eastgate commercial center contains at least 250,000 square feet of finished interior space, with at least 150,000 square feet of that space devoted to the display of merchandise for retail sales. This amendment will allow the initial phases in the development of the Eastgate commercial center and similarly situated community shopping centers to receive tax abatement if the approved "PUD" conceptual plan for the center provides for the future construction of improvements which satisfy that threshold.

**SEVENTEENTH AMENDMENT**

Amend the Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area as follows:

- 1. Amend subsection H.1.c.vii of the Restated Plan to read as follows:

**H. APPLICABILITY OF PLAN**

- 1. **ELIGIBLE IMPROVEMENTS.** The following improvements are eligible for tax abatement, provided they satisfy the qualification requirements of Section I of the Plan:

.....

- viii. Downtown and Neighborhood Retail Districts - New construction of buildings and rehabilitation and additions to existing buildings which meets the following criteria:
  - a. Is located within the boundaries of the Downtown Retail District or the Neighborhood Retail District. The boundaries of the Downtown Retail District and the Neighborhood Retail District are shown on Map 8 and

described in Appendix G.

- b. The improvements are by their design and manner of construction intended either: i) for use for the display of merchandise for retail sale; ii) for accessory storage and office facilities to serve the retail use of the premises; iii) to serve as a new car sales facility as defined below; or, iv) is part of a community shopping center as defined below.
- c. If the improvements include the construction of a new building not part of a new car sales facility or community shopping center, at least 70% of the total floorspace of the new building must be devoted to the display of merchandise for retail sales.
- d. The improvements must be in active use for the display of merchandise for retail sales or as a new car sales facility or community shopping center at the time the City Council reviews the application for exemption from taxation.

The term "new car sales facility" means the improvements on one or more tracts of land all within the Downtown Retail District, or all within the Neighborhood Retail District used in common under common ownership principally for the display and sale of new cars and for uses accessory thereto, including office space, storage space, automotive service or repair facilities, or for the sale of used cars. However, the total amount of interior and exterior space devoted to the display or storage of used cars may not exceed the total amount of interior and exterior space devoted to the display or storage of new cars.

~~The term "community shopping center" means one or more contiguous parcels which are: 1) developed under a uniform Development Plan in accordance with the "PUD" Planned Unit Development District regulations in the Zoning Ordinance; 2) is at least twenty-five (25) acres in size, excluding public rights-of-way; 3) contains at least 250,000 square feet of finished interior space; and, 4) contains at least 150,000 square feet of interior space devoted to the display of merchandise for retail sales.~~

The term "community shopping center" means one or more contiguous parcels which is: 1) subject to the "PUD" Planned Unit Development District regulations in the Zoning Ordinance; 2) is at least twenty-five (25) acres in size, excluding public rights-of-way; and, 3) has an approved "PUD" conceptual plan which provides for the construction of at least 250,000 square feet of finished interior space, including at least 150,000 square feet of interior space to be devoted to the display of merchandise for retail sales.

Roll Call Number

06-685

Agenda Item Number

5756

Date April 10, 2006

WHEREAS, on March 20, 2006, by Roll Call No. 06-532, the City Council scheduled a public hearing on the proposed Seventeenth Amendment to be held on April 10, 2006, at 5:00 p.m., in the City Council Chambers; and,

WHEREAS, public notice of the hearing in the form attached as Exhibit "B" was published in the Des Moines Register on March 30, 2006; and,

WHEREAS, all persons appearing at the hearing and desiring to be heard regarding the said Seventeenth Amendment have been given the opportunity to be heard; NOW, THEREFORE,

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

1. The public hearing on the proposed Seventeenth Amendment to the Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area is hereby closed.
2. After due consideration, all objections to the proposed Seventeenth Amendment are hereby overruled.
3. The Seventeenth Amendment to the Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area, attached hereto as Exhibit A, is hereby approved and adopted.

( Council Communication No. 06- 197 )

MOVED BY Hensley to continue to April 24, 2006 at 5:00PM. City Manager will forward comments to the Developer regarding: 1) Securing the buildings. 2) Orange fencing. 3) Dumping on the property. City Manager will keep area

FORM APPROVED: Neighborhood Associations informed about the project.

Roger K. Brown  
Roger K. Brown  
Assistant City Attorney  
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Exhibits:  
"A" - Seventeenth Amendment  
"B" - Notice of Public Hearing

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BROOKS	✓			
COLEMAN	✓			
HENSLEY	✓			
MAHAFFEY				✓
KIERNAN	✓			
VLASSIS	✓			
TOTAL	6			1

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

T. M. Franklin Curre  
Mayor

Diane Rauh City Clerk