



Date May 4, 2009

RESOLUTION APPROVING ONE TAX ABATEMENT  
APPLICATION FOR THE ADDITIONAL VALUE ADDED BY IMPROVEMENTS  
MADE DURING 2008  
(1001 Cherry Street)

WHEREAS, the Iowa Urban Revitalization Act, Chapter 404, Code of Iowa (the "Act"), provides for partial exemption from property tax for the actual value added by improvements to property located in a designated Urban Revitalization Area which are consistent with the Urban Revitalization Plan for such Area; and

WHEREAS, the Act provides that persons making improvements must apply to the City Council for tax abatement, and the City Council shall approve the application by resolution, subject to review by the County Assessor, if it finds: (a) the project is located in a designated Urban Revitalization Area; (b) the project is in conformance with the Urban Revitalization Plan for such area; and (c) the improvements were made during the time the area was so designated; and

WHEREAS, pursuant to the Act, the Des Moines City Council passed Ordinance No. 11,026 designating the entire area within the corporate boundaries of the City of Des Moines on July 6, 1987, as a revitalization area (the "City-wide Urban Revitalization Area"); and

WHEREAS, on September 28, 1987, by Roll Call No. 87-4009, the Des Moines City Council approved the Urban Revitalization Plan for the City-wide Urban Revitalization Area which Plan, among other things, specifies the types of improvements eligible for tax abatement; and

WHEREAS, the City has designated several additional urban revitalization areas within territory annexed into the City after July 6, 1987, and the City has adopted urban revitalization plans for such additional areas in accordance with the Act; and

WHEREAS, the urban revitalization plan for each of the designated urban revitalization areas provides that, in order to qualify for tax exemption eligibility, the improvements must be completed in accordance with all applicable zoning and other regulations of the City; and

WHEREAS, the attached application is for value added by eligible improvements made during calendar year 2008, and the application was submitted after February 1, 2008, and before February 1, 2009; and

WHEREAS, the application was inadvertently omitted from the other applications approved on February 23, 2009; and

WHEREAS, the attached application has been received, reviewed and recommended for approval by City staff.

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



**Roll Call Number**

**Agenda Item Number**

19A


**Date** May 4, 2009

- 1) The attached application for tax abatement for improvements to 1001 Cherry Street in Des Moines is hereby received.
- 2) The following findings are hereby adopted:
  - a) The attached application was filed on or before February 1st of the assessment year for which the exemption (tax abatement) is claimed.
  - b) The attached application is for a project located in a designated urban revitalization area; the project is in conformance with the urban revitalization plan for the urban revitalization area in which the project is located; and the improvements described in such application was made during the time the applicable area was so designated.
- 3) The attached application is approved subject to review by the County Assessor under Section 404.5 of the Act, for exemption according to the schedules noted on each application.
- 4) The City Clerk shall forward a certified copy of this resolution and the attached application to the County Assessor.

( Council Communication No. 09- 263 )

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

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

(List of applications attached)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**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.

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

A confirmation number will be issued by the City upon receipt of this application. This application is not effective and not be considered properly filed until the confirmation number has been issued.

Date Received: \_\_\_/\_\_\_/\_\_\_

By: \_\_\_\_\_

Retain the confirmation as your proof of filing.

Confirmation Number 09- \_\_\_\_\_

# 2009 Tax Abatement Application – Des Moines, Iowa

Address: 1001 CHERRY STREET 50309

Legal description:

Polk Co. Assessor's District & Parcel #: 020 01606002000  
 (Go to: <http://www.assess.co.polk.ia.us/>) district parcel #

Title holder or contract holder name: NATIONAL BISCUIT COMPANY FLATS, LLC

Address of owner if different than above: 6333 E. MCKENZIE BLVD LN  
SUITE 147-909  
DALLAS, TX 75214

Authorized Agent: ED MASSMAN Phone #: (214) 763-8272

**Property Use Classification**

Residential

**Owner-Occupied?**

Single Family  
 Duplex or Triplex  
 Condo or Townhouse

**Renter-Occupied?**

Single Family  
 Duplex or Triplex  
 Condo or Townhouse  
 Multi-Family

Commercial  
 Industrial

**Project Type**

New structure  Addition  Renovation

**On City Sewer**

Yes  No

**Describe Improvements**

COMPLETE REMODEL 54 UNIT EFFICIENTLY APARTMENTS

**Completion Date**

12/08  Estimated date  Actual date  
 month / year

Your improvements will be assessed for tax abatement on Jan. 1, 2009 even if they are partially completed. This assessment will be reflected in your Sept. 2010 tax payment.

**Est. Cost of Improvements**


\$ 850,000

**Abatement Schedule**

1  2  3  4A  4B See reverse side for schedule information

**Tenant Information**

If project was residential, were there tenants when project started?  Yes  No  
 If "yes", complete "Tenant Relocation" information required on other page of this form.

<b>Mail or return to</b> City of Des Moines / Permit Center 602 Robert Ray Dr. Des Moines, IA 50309	<b>Questions</b> Phil Poorman at 515-283-4751 or	<b>Submitted by</b> I certify these statements are true to the best of my knowledge.  Signature <u>4/18/09</u> Date
---	--	---

BLD2008-01257 7/3/08  
 Phil Poorman 4/24/08

NOTE: REPLACES FILING DATED ON OR ABOUT 1/5/09

Form Revised: 3/09

**Mail or return application by February 1, 2010 to**  
 City of Des Moines Permit Center  
 602 Robert Ray Dr.  
 Des Moines, IA 50309

<b>Property Tax Abatement Schedules Information</b>				
<b>Choose a Schedule</b>	<b>Use</b>	<b>Must increase building assessment by: Residential: at least 5% Commercial: at least 15%</b>  <b>Amount eligible for abatement</b>	<b>How much of improvement's value is abated?</b>	<b>Improvement must qualify with applicable zoning, building and fire codes. Commercial and industrial must be in an approved tax abatement area.</b>  <b>Where?</b>
<b>1</b> (for improvements)	Residential only	Up to \$20,000	115% for 10 years	Anywhere in city, provided zoning is appropriate
<b>2</b> (for new construction & major improvements)	Residential, Commercial and/or Industrial	No limit	1 <sup>st</sup> year - 80% 2 <sup>nd</sup> year - 70% 3 <sup>rd</sup> year - 60% 4 <sup>th</sup> year - 50% 5 <sup>th</sup> & 6 <sup>th</sup> year - 40% 7 <sup>th</sup> & 8 <sup>th</sup> year - 30% 9 <sup>th</sup> & 10 <sup>th</sup> year -20%	<u>Residential:</u> Anywhere in city with appropriate zoning.  <u>Commercial and Industrial:</u> Must be in a specified tax abatement area.
<b>3</b> ( new construction & major improvements)	Residential, Commercial Industrial	No limit	100% for 3 years	<u>Residential:</u> Anywhere in city with appropriate zoning. <u>Commercial and Industrial:</u> Must be in a specified tax abatement area.
<b>4A</b> (new construction & major improvements)	Residential & Commercial with 75% of space for residential	No limit	100% for 10 years	Must be in specified area which are generally located in the downtown and near-downtown
<b>4B</b> (new construction & major improvements)	Residential & Commercial with 75% of space for residential	No limit	100% for 5 years	Anywhere in city. <u>Not</u> permitted in area generally west of the airport where public sewer is unavailable.

2009

### Tax Abatement Application – Tenant Relocation Information

Only required if project is renovation of rental residential property

**Tenant Relocation:** If this project is rehabilitation of residential rental property, list the tenant's name, the date the tenant occupancy began and relocation benefits paid to each tenant. Attach information on additional paper.

Tenant Name	Unit #	Date Tenancy Began	Relocation Benefits	
			Amt. Paid	Date of Paid

**National Biscuit Company Flats -1001 Cherry St. Des Moines IA 50309**

Note: In connection with the rehabilitation of this facility only tenants with month-to-month leases or leases expiring during the construction period were terminated. Such tenants were given 30 days notice and received a full return of their security deposit (no questions asked) and could vacate the premises without cleaning.

No.	Current Tenant	Unit Number	Date Tenancy Began	Relocation Benefit	
				Amt. Paid	Date of Paid
1	Marcia Smith	100	5/1/2007	\$ 250.00	6/26/08
2	Lori Ivie	102	4/10/2006	Received free rent for last month	
3	Anthony Purdy	103	11/1/2004	\$ 275.00	6/26/08
4	Madeline Gloor	104	12/1/2007	\$ 300.00	6/11/08
5	Karen Miranda	105	11/9/2007	\$ 300.00	6/26/08
6	Randal Harlan	108	4/16/2004	\$ 375.00	6/26/08
7	Cindy Devick	109	11/8/2006	\$ 51.50	7/16/08
8	Susan Gavlock	201	6/1/2001	\$ 350.00	7/7/08
9	James Campbell	202	4/1/2004	\$ 375.00	6/26/08
10	Alissa Thomas	203	3/1/2005	\$ 375.00	7/8/08
11	Rick Markoviatos	204	5/13/2004	\$ 425.00	7/9/08
12	Vicki Little	205	8/3/2007	\$ 200.00	7/9/08
13	Kurt Holt	206	5/7/2004	\$ 202.00	7/9/08
14	Kevin Novack	208	2/4/2005	\$ 375.00	7/9/08
15	Isaac GitcheI	209	10/16/2006	\$ 187.50	7/9/08
16	Dawn Shetworth	210	10/10/2007	Received free rent for last month	
17	Nathan Goecke	211	4/1/2004	\$ 274.00	7/11/08
18	Jack Croft	212	2/1/2005	\$ 235.00	7/9/08
19	Phillip Fliger	213	4/1/2006	\$ 187.50	6/26/08
20	Deb Sandquist	300	5/1/2004	\$ 340.00	8/6/08
21	Maia Beaudeau	302	7/10/2007	\$ 180.00	7/1/08
22	Ashley Mikkelsen	303	6/25/2007	\$ 200.00	7/1/08
23	John Hargraves	304	12/4/2006	\$ 187.50	6/27/08
24	Robert Clark	305	10/17/1997	\$ 275.00	7/9/08
25	Steven Troster	306	9/1/2007	\$ 200.00	7/9/08
26	Michael Harrigan	307	7/1/2005	\$ 15.00	7/9/08
27	Ron Blazek	309	8/19/2004	\$ 375.00	6/23/08
28	James Bissett	311	10/1/2006	\$ 190.00	8/6/08
29	Michael May	312	1/1/2008	Transferred to our 10th Street Lofts	
30	John Sharp	313	8/1/1996	\$ 162.42	7/9/08
31	Matt Beane	402	1/1/2006	\$ 187.50	6/30/08
32	Matthew Mitchell	403	10/7/2003	\$ 425.00	6/16/08
33	John Clark	404	8/1/1996	\$ 275.00	7/28/08
34	Alan Peoples	405	12/2/1996	\$ 275.00	7/9/08
35	Eddie Scott	406	2/1/2006	\$ 187.50	6/16/08
36	Gary Milbach	407	8/7/2007	Received free rent for last month	
37	Dennis Paul	408	7/1/1998	\$ 275.00	6/24/08
38	Joseph Thompson	409	11/8/2006	\$ 187.50	7/10/08
39	David Robbins	411	12/1/2006	\$ 187.50	7/7/08
40	Dennis Ferritti	412	9/1/2007	\$ 200.00	6/24/08
41	Randal Deal	413	6/3/2004	\$ 375.00	7/9/08

All other units were not occupied at the point we acquired the property and decided to renovate.

**Ed Massman**

---

**Subject:** FW: National Biscuit Company

**From:** Conner, Rita A. [mailto:RAConner@dmgov.org]  
**Sent:** Monday, January 05, 2009 12:46 PM  
**To:** 'emassman@swbell.net'  
**Subject:** RE: National Biscuit Company

Ed

**Phil Poorman in the Permit & Development Center is the best person to respond to the question on tax abatement timing. His number and email are 515-283-4751 and [prpoorman@dmgov.org](mailto:prpoorman@dmgov.org).**

**I will be sending out the annual compliance reports this month for the EZ benefits.**

**Thanks.**

**Rita Conner  
Economic Development Coordinator  
City of Des Moines  
400 Robert D. Ray Drive  
Des Moines, Iowa 50309-1891  
515-283-4019  
FAX 515-237-1667**

09 7:59 PM

# National Biscuit Company Flats, LLC

April 18, 2009

Mr. Phil Poorman  
City of Des Moines  
Permit Center  
602 Robert Ray Drive  
Des Moines, Iowa 50309  
Phone – 515-283-4751

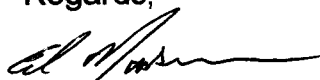
Dear Phil:

I have enclosed a replacement Tax Abatement Application for our National Biscuit Company Flats project located at 1001 Cherry Street, Des Moines, Iowa, 50309. The project involved the rehabilitation of a 54 unit apartment building which was completed in December 2008. The initial form was filed on or about January 5, 2009. My office is currently in temporary quarters (as we plan a move to Chicago) and I am unable to locate a copy of the initial filing. I am certain as to the approximate timing of the initial filing based upon an email from Rita Connor at the Des Moines Office of Economic Development – enclosed. Specifically, on January 2, 2009 I informed Rita that we had completed our renovation and questioned her on tax abatement timing. Rita responded on January 5, 2009 indicating that I should contact you regarding tax abatement timing. I immediately completed the Tax Abatement Application form and sent it in. I only became aware that the filing was missing when I received the Polk County Assessor 2009 Real Estate Assessment Roll.

Please accept this replacement filing in lieu of locating the original.

Thank you for your assistance in this matter. Please call if you have questions.

Regards,



Ed Massman  
Operating Manager

Ed Massman, Operating Manager  
National Biscuit Company Flats, LLC  
6333 E. Mockingbird Lane, Suite 147-909, Dallas, TX 75214  
214-763-8272 <> 708-570-8891 fax <> emassman@swbell.net