

Date..... September 24, 2007

RESOLUTION CONDITIONALLY GRANTING PRIOR APPROVAL OF  
TAX ABATEMENT FOR A NEW RESIDENCE AT 5884 McKINLEY AVENUE

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 may apply to the City Council for prior approval of eligibility 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 improvements are located in a designated Urban Revitalization Area; (b) the improvements are in conformance with the Urban Revitalization Plan for such area; and (c) the improvements are to be made during the time the area is so designated; and

WHEREAS, Steve Utterson proposes to build a new single-family dwelling upon a 3.1 acre lot utilizing a private septic system at 5884 McKinley Avenue (the "Improvements"); and,

WHEREAS, the Urban Revitalization Plan permits improvements utilizing a private septic system to qualify for tax abatement only under limited circumstances; and,

WHEREAS, Mr. Utterson has made application pursuant to Iowa Code §404.4 for prior approval of the eligibility of such Improvements for tax abatement pursuant to the City-wide Urban Revitalization Plan; and,

WHEREAS, the application for prior approval has been received, reviewed and recommended for conditional approval by City staff; NOW, THEREFORE,

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

1. The application of Steve Utterson for prior approval of eligibility for tax abatement for the construction of Improvements at 5884 McKinley Avenue is hereby received.
2. The City Council hereby finds that the construction of the Improvements described above will qualify for tax abatement under the City-wide Urban Revitalization Plan, notwithstanding the lack of public sanitary sewer service, because the following requirements are satisfied:
  - a) Public sewer is not available within 100 feet of the boundaries of the parcel of land upon which the Improvements are to be made;
  - b) The improvements will be assessed as residential property;

( continued )

18

Date September 24, 2007

- c) The parcel of land upon which the Improvements will be made was created prior to July 1, 1999, and not thereafter voluntarily reduced in size;
  - d) The owners will enter into an agreement in a recordable form acceptable to the Legal Department agreeing to connect to the public sewer system when it becomes available and waiving the right to protest the assessment for such sewer;
  - e) The construction of the Improvements will not jeopardize future development and improvements in the vicinity, considering the following factors:
    - i) The location of the Improvements allows for future development to urban densities.
    - ii) the location of the Improvements do not interfere with the logical extension of streets, water, sewer and other public infrastructure to serve future development in the vicinity; and,
    - iii) The Improvements are reasonably accessible by emergency vehicles.
3. The City Council hereby finds that the proposed Improvements are located in the City-wide Urban Revitalization Area and are in conformance with the Urban Revitalization Plan for the City-wide Urban Revitalization Area.
4. The application for prior approval of eligibility for tax abatement is hereby approved, subject to the Improvements being completed as represented in the application prior to December 31, 2008. As provided by Iowa Code §404.4, such prior approval shall not entitle the owners to exemption from taxation until the improvements have been completed and found to be qualified real estate.

( Council Communication No. 07- 586 )

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

FORM APPROVED:

*Roger K. Brown*  
 Roger K. Brown  
 Assistant City Attorney

C:\Rog\Revit\Admin\Pre-Approval\5884 McKinley\RC Pre-Approve.doc

| 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

Aug 29  
September \_\_\_\_, 2007

18

To: Des Moines City Council  
City Hall  
400 Robert D. Ray Drive  
Des Moines, Iowa 50309-1891

Re: Request for Pre-approval of tax abatement for a new home to be constructed at 5884 McKinley Avenue utilizing a private septic system.

Dear Mayor Cownie and Members of the Des Moines City Council:

I am requesting pre-approval of tax abatement under the City-Wide Urban Revitalization Plan for a new home to be constructed on a vacant lot I am purchasing at 5884 McKinley Avenue. Construction of the home will be commenced prior to December 31, 2008, under authority of a properly issued building permit, and will be completed prior to December 31, 2009. The home will utilize a private septic system and will not be served by the public sanitary sewer system.

I have been advised by the City Legal Department that my new home will not qualify for tax abatement under the City-wide Urban Revitalization Plan, unless the home falls within the exception to the requirement under the Plan that all new buildings shall be served by the public sewer system. The following facts demonstrate that my new home falls within the exception to that requirement.

- Public sewer is not available within 100 feet of the boundaries of our lot at 5884 McKinley Avenue;
- My new home will be assessed as residential property;
- The lot was created prior to July 1, 1999, and not thereafter voluntarily reduced in size;
- The lot is 3.10 acres in size; and,
- I agree to cause the owner(s) of the lot to properly execute and record a Declaration of Covenants in form acceptable to the City Legal Department agreeing to connect to the public sewer system when it becomes available and waiving the right to protest the assessment for such sewer;

I hereby request that the City Council grant pre-approval of tax abatement for the new home at 5884 McKinley Avenue, subject to construction and completion of the home upon the schedule identified above, and the proper execution and recording of the Declaration of Covenants.

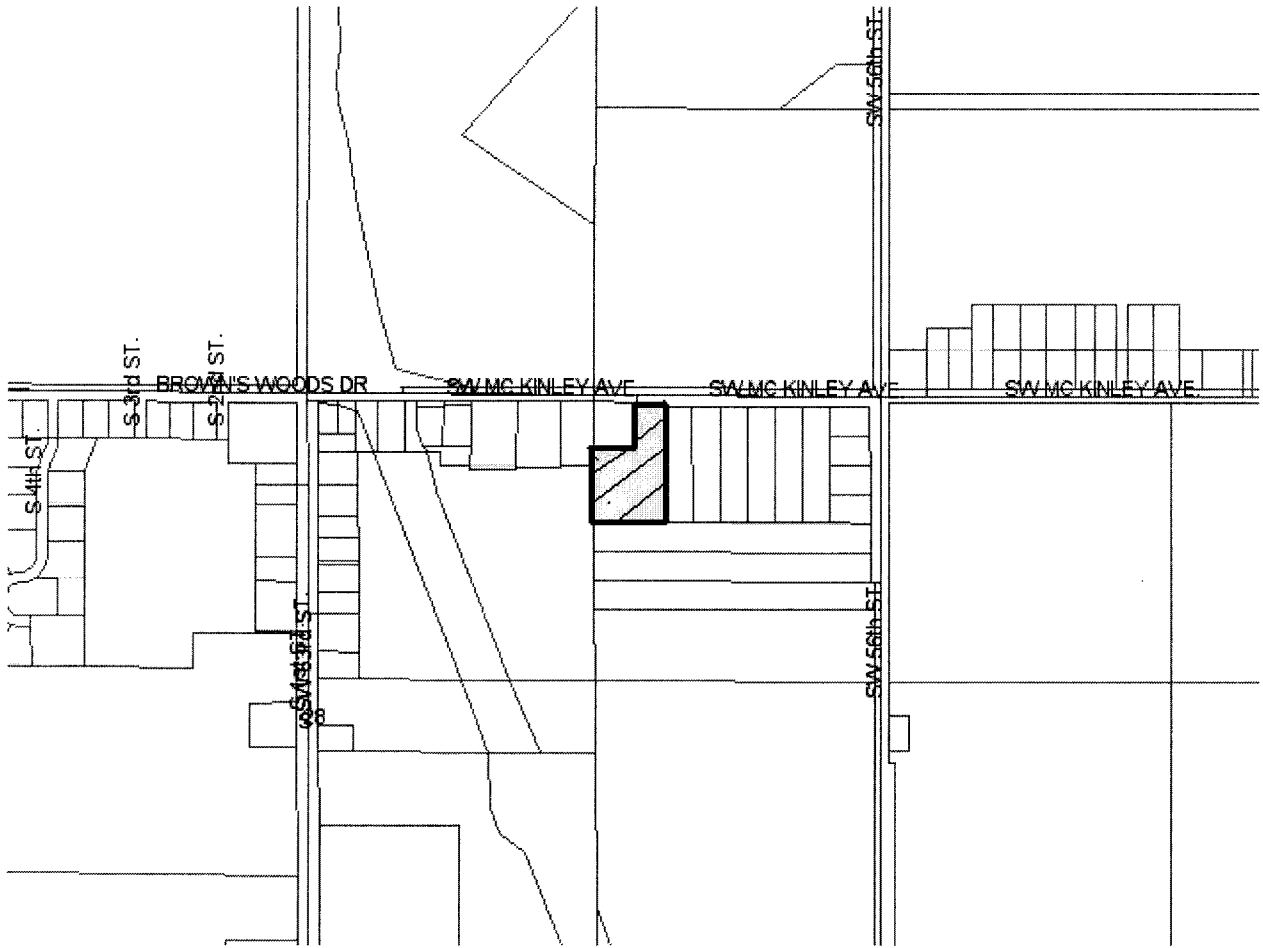
Sincerely,



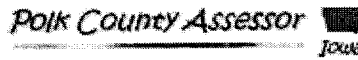
Steve Utterson  
666 Walnut Street, Suite 2000  
Des Moines, IA 50309

Copy - R. Brown  
L. Nulse

**Application of Steve Utterson  
for Prior Approval of Tax Abatement**  
Proposed residence at 5884 McKinley Avenue not on the public sewer system



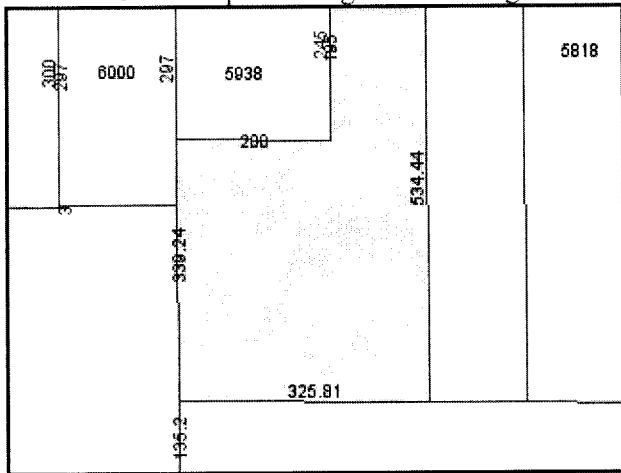
18



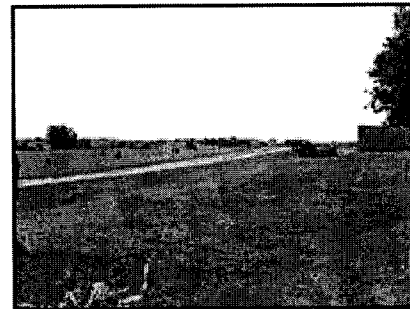
[ [Home](#) ] [ [General Query](#) ] [ [Legal Query](#) ] [ [HomeOwner Query](#) ] [ [Book/Page Query](#) ] [ [Commercial Query](#) ] [ [Res Sales Query](#) ] [ [Comm Sales Query](#) ] [ [Help](#) ]

| District/Parcel   | GeoParcel                      | Map                      | Nbhd                | Jurisdiction | Status |
|-------------------|--------------------------------|--------------------------|---------------------|--------------|--------|
| 120/04031-101-000 | 7825-26-226-002                | A191C                    | DM96/Z              | DES MOINES   | ACTIVE |
| School District   | Tax Increment Finance District | Bond/Fire/Sewer/Cemetery |                     |              |        |
| 1/Des Moines      |                                |                          |                     |              |        |
| Street Address    |                                |                          | City State Zipcode  |              |        |
| 5884 MCKINLEY AVE |                                |                          | DES MOINES IA 50321 |              |        |

Click on parcel to get new listing



[Get Bigger Map](#)



Approximate date of photo 08/08/1997

**Mailing Address**

LAWRENCE L KATZ  
 324 5TH ST UNIT 65001  
 WEST DES MOINES, IA 50265-4632

**Legal Description**

LT 1 RANCH ESTATES

| Ownership       | Name             | Transfer   | Book/Page | RevStamps |
|-----------------|------------------|------------|-----------|-----------|
| Title Holder #1 | KATZ, LAWRENCE L | 01/12/1983 | 5220/17   |           |

| Assessment | Class | Kind | Land | Bldg | AgBd | Total |
|------------|-------|------|------|------|------|-------|
|            |       |      |      |      |      |       |