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October 12, 2009
Date.....

RESOLUTION APPROVING DOWNTOWN DES MOINES SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT OPERATING AGREEMENT BETWEEN CITY AND DOWNTOWN DES MOINES SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT

WHEREAS, the Downtown Des Moines Self-Supported Municipal Improvement District ("SSMID District") was originally created by the City by Ordinance No. 13,579, passed February 23, 1998 pursuant to the provisions of Chapter 386, Code of Iowa (the "Act") for the purposes of undertaking of actions and the design and construction of any and all improvements authorized by the Act and the performance of administration, redevelopment and revitalization of the SSMID District as authorized by the Act for the benefit of property within the SSMID District; and

WHEREAS, on September 14, 1998, by Roll Call No. 98-2913, the City Council approved a Downtown SSMID operating agreement with Downtown Partnership, Inc.; and

WHEREAS, the SSMID District was continued by the City by Ordinance No. 13,913 passed January 22, 2001 and the SSMID District was further continued and expanded by Ordinance No. 14,311 passed January 26, 2004 pursuant to the provisions of the Act; and

WHEREAS, on March 7, 2005, by Roll Call No. 05-562, the City Council approved another Downtown SSMID operating agreement with the Downtown Des Moines Self-Supported Municipal Improvement District a/k/a Operation Downtown; and

WHEREAS, following the receipt of the Petition to Continue the Downtown SSMID District ("Petition"), the SSMID District was further continued until June 30, 2014 by Ordinance No. 14,834 passed February 23, 2009 pursuant to the provisions of the Act; and

WHEREAS, the services, improvements and activities to be undertaken within the SSMID District as described in the Petition and in the annual budget of Downtown Des Moines Self-Supported Municipal Improvement District further the general and economic development objectives of the Metro Center Urban Renewal Project and further the Iowa Code Chapter 15A economic development public purposes by assisting in the creation of new jobs and income in the City and the retention of existing jobs and income in the City that would otherwise be lost; and

WHEREAS, the Petition expresses an intent that the City enter into a new operating agreement with Downtown Des Moines Self-Supported Municipal Improvement District to manage and undertake services, improvements and activities described in the Petition and in the annual budget of Downtown Des Moines Self-Supported Municipal Improvement

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District and to appropriate funds from the Operation Fund and certain funds from the applicable tax increment financing funds to Downtown Des Moines Self-Supported Municipal Improvement District for those purposes; and


WHEREAS, in accordance with the intent of the Petition, a Downtown SSMID Operating Agreement between the City and Downtown Des Moines Self-Supported Municipal Improvement District has been prepared which Agreement provides for a five year term extending to June 30, 2014 and is on file in the Office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the City hereby engages Downtown Des Moines Self-Supported Municipal Improvement District to operate, manage and undertake the SSMID services, improvements and activities including implementation of the Operation Downtown project in accordance with the terms of the Petition.

BE IT FURTHER RESOLVED that the Downtown SSMID Operating Agreement between the City and Downtown Des Moines Self-Supported Municipal Improvement District on file in the Office of the City Clerk is hereby approved and the Mayor is authorized and directed to sign the Agreement and the City Clerk is directed to attest to the Mayor's signature.

BE IT FURTHER RESOLVED that the City Manager or his designee is authorized and directed to monitor performance and to perform all City obligations under the Downtown SSMID Operating Agreement.

APPROVED AS TO FORM: Moved by _____ to adopt.


Lawrence R. McDowell
Deputy City Attorney

(Council Communication No. 09-703)

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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