

Date December 8, 2008

**RESOLUTION ALLOWING TAX ABATEMENT FOR MEDICAL OFFICE BUILDINGS  
IN AIRPORT COMMERCE PARK SOUTH AND AIRPORT BUSINESS PARK**

WHEREAS, the City-wide Urban Revitalization Plan provides that qualifying improvements to commercial and industrial property located within the Airport Commercial Park sub-area (commonly known as Airport Commerce Park South and Airport Crossroads) and within the Airport Business Park sub-area may qualify for tax abatement under the 3-year 100% and the 10-year declining abatement schedules; and,

WHEREAS, the Airport Commercial Park and Airport Business Park sub-areas are subject to Declarations of Covenants recorded in the Office of the Recorder of Polk County, Iowa, as identified below, which operate to contractually restrict the uses eligible for tax abatement, and limit tax abatement to the 3-year 100% abatement schedule:

**Within the Airport Commercial Park sub-area**

<u>Document</u>	<u>Date Recorded</u>	<u>Book – Page</u>
Declaration of Covenants	01-27-1997	7564-257
Supplemental Declaration of Covenants	12-29-1998 8102-048	
2nd Supplemental Declaration of Covenants	07-30-2001	8923-128
Declaration of Covenants	03-07-2005	10963-518

**Within the Airport Business Park sub-area**

<u>Document</u>	<u>Date Recorded</u>	<u>Book – Page</u>
Declaration of Covenants	05-15-1997	7634-107
Supplemental Declaration of Covenants	11-01-2002	9422-546
Supplemental Declaration of Covenants	11-06-2002	9434-688

WHEREAS, the contractual restrictions on the uses eligible for tax abatement imposed by the Declarations of Covenants identified above, are more restrictive than what may be imposed unilaterally by the City under the City-wide Urban Revitalization Plan; and,

WHEREAS, the owners of some of the lots within the Airport Commerce Park and Airport Business Park subareas have requested that the City Council waive the City's right under the foregoing Declarations of Covenants to deny tax abatement to buildings intended for use as a medical/dental office building, and instead allow any building designed and devoted to use as a medical/dental office building to apply for tax abatement, subject to compliance with the standard requirements under the City-wide Urban Revitalization Plan; NOW THEREFORE,

Date..... December 8, 2008

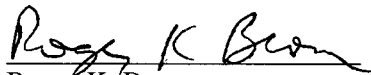
BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The City Council hereby finds that the construction of medical/dental office buildings containing at least 5,000 square feet of finished floor area, such as the medical/dental office building recently constructed by Willham Properties, L.L.C., at 7400 Fleur Drive, are consistent with the scale and taxable value of buildings sought to be encouraged by the allowance of tax abatement under the City-wide Urban Revitalization Plan for improvements to commercial and industrial property within the Airport Commerce Park and Airport Business Park sub-areas.
  
2. The City Council hereby waives its right under the several Declarations of Covenants identified above to summarily reject any application for tax abatement for the construction of, or improvements to, a building designed and devoted to use as a medical/dental office building and containing at least 5,000 square feet of finished floor area. The City Council hereby declares and directs that any such application for tax abatement shall be received and considered for approval by the City under the standard requirements applicable to any similar development under the City-wide Urban Revitalization Plan.

( Council Communication No. 08- 715 )

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

FORM APPROVED:



Roger K. Brown

Assistant City Attorney

C:\Rog\Revit\15th Amendment\Amend Cov\RC 08-12-08 Exception.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

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# CONNOLLY O'MALLEY LILLIS HANSEN OLSON LLP

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ESTABLISHED IN 1917

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December 1, 2008

Mayor Frank Cownie and  
Members of the City Council for the  
City of Des Moines  
City Hall  
400 Robert D. Ray Drive  
Des Moines, IA 50309-1891

Subject: Request for tax abatement for buildings intended to be used for a  
medical office building within Airport Commercial Park and  
Airport Business Park

Dear Mayor and Members of the Des Moines City Council:

Please be advised that the law firm of Connolly O'Malley Lillis Hansen Olson represents the  
following individuals and/or entities:

The Airport Group II, L.L.C.  
West Lakes Properties, L.C.  
Fleur Properties, L.C.  
Fleur Properties Condominium

The above named entities request that the City Council for the City of Des Moines waive the  
City's right to deny tax abatement to buildings intended for use as a medical/dental office building  
within these specific areas (Airport Commercial Park), (Airport Business Park), (Airport  
Crossroads).

**CONNOLLY O'MALLEY LILLIS HANSEN OLSON LLP**

Mayor Cownie and Members of the Des Moines City Council

December 1, 2008

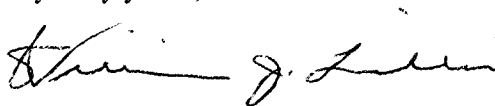
Page 2

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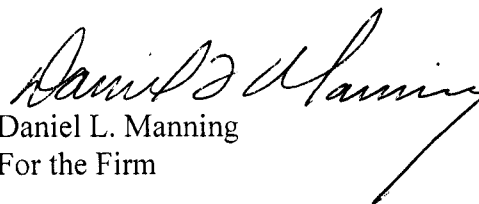
ABC Partners, L.P. is not an applicant and is not represented by the Connolly Law Firm. However, ABC Partners has been consulted and advises it has no objection to this request.

This request would authorize tax abatement exclusively under the three-year 100% abatement schedule and would apply to lots within the areas described above.

Very truly yours,



William J. Lillis



Daniel L. Manning  
For the Firm

DLM/krp  
cc  
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(ABC Partners, L.P).

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(West Lakes Properties, L.C)

Michael Barnes  
(Fleur Properties, L.C.)

Todd Struther  
Attorney  
(Fleur Properties Condominium)