



Date February 28, 2011

**RESOLUTION OF NO SUPPORT FOR AN APPLICATION TO THE IOWA HOUSING FINANCE AUTHORITY SUBMITTED BY BJ BAKER ON BEHALF OF BAKER CREEK SENIOR LIVING LLLP REQUESTING LOW INCOME HOUSING TAX CREDITS FOR CONSTRUCTION OF 60 UNITS OF FAMILY HOUSING LOCATED AT NE 46<sup>TH</sup> AND HUBBELL AVENUE**

WHEREAS, the City of Des Moines, Iowa, has been informed by BJ Baker and Mike Nelson of Baker Creek Senior Living, LLLP, 4200 Hubbell Avenue that a Low Income Housing Tax Credit (LIHTC) application will be filed with the Iowa Finance Authority for the construction of 60 units of housing located at NE 46<sup>th</sup> and Hubbell Avenue property more specifically described as follows:

AN IRREGULARLY SHAPED PORTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5th P.M., DES MOINES, POLK COUNTY, IOWA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE. 1/4) OF SECTION 21, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5th P.M., DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH 00°24'05" WEST (BEARING ESTABLISHED IN THE PLAT OF BROWNSTONE ESTATES) ALONG THE WEST LINE OF NE. 1/4 OF SAID SECTION 21, A DISTANCE OF 1122.82 FEET TO THE SOUTHWEST CORNER OF OUTLOT "X" IN BROWNSTONE ESTATES, AN OFFICIAL PLAT, POLK COUNTY, IOWA ; THENCE NORTH 70°57'01" EAST ALONG THE SOUTHERLY LINE OF SAID BROWNSTONE ESTATES, A DISTANCE OF 1654.32 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 70°57'01" EAST ALONG THE SOUTHERLY LINE OF SAID BROWNSTONE ESTATES AND ALONG THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID BROWNSTONE ESTATES, A DISTANCE OF 1149.95 FEET TO THE WEST RIGHT OF WAY LINE OF NE. 46th STREET, AS IT IS PRESENTLY ESTABLISHED; THENCE SOUTH 00°09'26" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID NE. 46th STREET, A DISTANCE OF 603.03 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF F.M. HUBBELL AVENUE, AS IT IS PRESENTLY ESTABLISHED; THENCE SOUTH 55°26'35" WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID F.M. HUBBELL AVENUE, A DISTANCE OF 261.74 FEET; THENCE SOUTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID F.M. HUBBELL AVENUE AND ALONG A 5765.00 FEET RADIUS CURVE CONCAVE SOUTHEASTERLY A DISTANCE OF 486.77 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH 52°44'36" WEST AND A CHORD LENGTH OF 486.62 FEET; THENCE NORTH 37°09'42" WEST A DISTANCE OF 80.38 FEET; THENCE NORTH 52°49'18" EAST A DISTANCE OF 211.76 FEET TO A POINT OF CURVATURE OF A 13.58' RADIUS CURVE TO THE LEFT; THENCE NORTHEASTERLY ALONG SAID CURVE A DISTANCE OF 21.32 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 07°50'18" EAST AND A CHORD OF 19.20 FEET; THENCE NORTH 37°08'15" WEST A DISTANCE OF 148.36 FEET TO A POINT OF CURVATURE OF A 91.17 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY ALONG SAID CURVE A DISTANCE OF 77.00 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 61°25'48" WEST AND A CHORD OF 74.74 FEET' THENCE NORTH 84°02'42" WEST A DISTANCE OF 9.30 FEET; THENCE NORTH 07°51'50" EAST A DISTANCE OF 50.97 FEET; THENCE SOUTH 81°04'20" EAST A DISTANCE OF 60.00 FEET; THENCE NORTH 24°41'12" EAST A DISTANCE OF 203.99 FEET; THENCE NORTH 82°28'36" WEST A DISTANCE OF 597.35 FEET TO THE SOUTHERLY LINE OF SAID BROWNSTONE

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ESTATES, SAID POINT BEING THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 10.54 ACRES MORE OR LESS.

WHEREAS the proposal is not in conformance with the criteria for Council review and support of LIHTC applications adopted on December 8, 2008, by Roll Call 08-2162, because the land is shown on the Des Moines 2020 Community Character Land Use Plan as General Industrial, and the land is subject to an approved PUD Conceptual Plan which provides for the use of the land for an industrial business park; and,

WHEREAS, the proposal is not in conformance City's Affordable Housing Policy for Low Income Housing Tax Credit Projects adopted by Roll Call 03-3654 in November 21, 2003 because it is not in conformance with the land use designation for the area; and,

WHEREAS, there is no recognized neighborhood association for the area; and,

WHEREAS, the developer has not requested local assistance beyond tax abatement.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the Council not support the project for the purpose of receiving Low Income Housing Tax Credits from IFA.

BE IT FURTHER RESOLVED, by the City Council of the City of Des Moines, Iowa, that the City Manager, or his designee is hereby authorized and directed to complete and sign the attached Local Contributing Effort Form that shows a five year tax abatement available if the proposal were built.

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

Form Approved:

*Roger K Brown*

Roger K. Brown, Assistant City Attorney

( Council Communication No. 11- )

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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