

Date August 27, 2012

**RECEIPT OF PETITIONS TO ESTABLISH
BEAVERDALE SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT**


WHEREAS, pursuant to Iowa Code Chapter 386, the City of Des Moines has proposed to create a self-supported municipal improvement district comprised of contiguous commercially-zoned property in the Beaverdale area abutting Beaverdale Avenue, Urbandale Avenue, Sheridan Avenue and Beaver Crest Drive; and

WHEREAS, petitions have been filed with the clerk to establish the Beaverdale Self-Supported Municipal Improvement District which comply with the provisions of I.C. § 362.3(2), including but not limited to the signatures of at least twenty-five percent (25%) of all owners of property within the district, together representing ownership of property with an assessed value of twenty-five percent (25%) or more of the assessed value of all the property in the proposed district as well as a statement of the maximum rate of tax that may be imposed on the property within the district; and

WHEREAS, having received the required number of petitions, pursuant to I.C. § 386(3)(a), Council shall notify the Plan and Zoning Commission of the receipt of the petitions. It shall be the duty of the Plan and Zoning Commission to make recommendations and an evaluative report for the Council on the merits and feasibility of the project.

Moved by _____ to receive, file and refer to the Plan and Zoning Commission petitions to establish a Beaverdale Avenue Self-Supported Municipal Improvement District.

APPROVED AS TO FORM:


Michael F. Kelley
Assistant City Attorney

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

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.

MOTION CARRIED APPROVED

Mayor

City Clerk

RECEIVED

AUG 02 2012 MK

LEGAL DEPARTMENT

**PETITION TO ESTABLISH THE
BEVERDALE
SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT**

(James W. Wornson and Diana M. Kiel-Wornson)

TO THE MAYOR AND MEMBERS OF THE CITY COUNCIL
OF THE CITY OF DES MOINES, IOWA:

We, the undersigned, being owners of property within the Beaverdale commercial district within the City of Des Moines, Iowa, and within the self-supported municipal improvement district proposed by this petition, hereby petition the Mayor and City Council of the City of Des Moines, Iowa, pursuant to the provisions of Chapter 386 of the 2011 Code of Iowa, as amended (the "Act"), as follows:

1. To establish a self-supported municipal improvement district in accordance with the Act in the City of Des Moines, Polk County, Iowa:

- (a) The name of which shall be the "Beaverdale Self-Supported Municipal Improvement District" (hereinafter referred to as the "Proposed District").
- (b) The purpose of the Proposed District is to acquire, construct, install and maintain the Improvements described below, including the funding thereof.
- (c) The area of the Proposed District is shown on the map attached hereto as Exhibit "1" and consists of the properties described on the attached Exhibit "2", together with the intervening and adjoining public rights-of-way.

2. To undertake the acquisition, construction, installation, operation and maintenance within the public rights-of-way of Beaverdale and Urbandale within the Proposed District of "improvements", as defined in the Act, consisting of improved sidewalks, curbs and cross-walks, landscaping, planters, decorative lighting, utility relocation, traffic signals, and related pedestrian improvements (which improvements are herein referred to as the "Improvements"), utilizing proceeds of the combined capital improvement and operation fund identified below, City funds designated in the Capital Improvement Program of the City for such purposes, and any other available funds.

3. To establish an operation fund with respect to the Proposed District to be known as the "Beaverdale Combined Self-Supported Municipal Improvement District Capital Improvement and Operation Fund", and to levy the annual tax described in paragraph 4 hereof (the "Capitol Improvement and Operation Tax") upon the property as defined in the Act within the Proposed District for the purposes described in paragraph 5 hereof, for an initial period of fifteen (15) years, commencing with the levy of taxes for collection in the fiscal year beginning July 1, 2012 and continuing for fifteen (15) years thereafter. The City of Des Moines may renew the levy of the Capital Improvement and Operation Tax for subsequent five (5) year periods unless a petition containing the signatures of at least forty percent of all owners of property within the Proposed District or signatures which together represent ownership of property with an assessed value of forty percent or more of the assessed value of all property within the Proposed District, is filed with the City Clerk at least 6 months prior to the expiration of the

current period. The City of Des Moines shall not renew the levy of the Capital Improvement and Operation Tax if such a petition is timely received.

4. To provide by ordinance that the rate of the Capital Improvement and Operation Tax to be levied annually as aforesaid shall not exceed the amount per thousand dollars (\$1,000) of taxable value of the property within the Proposed District in any one year specified by the table below, in addition to all other taxes, and to include within said ordinance appropriate options consistent with such maximum levy and the time limits specified in paragraph 3, to increase, extend and renew the Capital Improvement and Operation Tax based upon the useful life of the Proposed Improvements and the costs associated with the operations of the Proposed District.

<u>Fiscal Years of Levy</u>	<u>Max. levy per thousand dollars taxable value</u>
2012/13 to 2016/17	1.75
2017/18 and later	2.00

5. To use the proceeds of the Capital Improvement and Operation Tax for the purposes of paying (or reimbursing the City with respect thereto) all or part of the costs incurred in connection with the acquisition, construction, installation, operation and maintenance of the Improvements, any administration expenses (as defined in and authorized by the Act) of the Proposed District, including legal and engineering fees, and any other expenses reasonably incurred in fulfilling the purposes of the Proposed District, all as may be determined from time to time by the City Council.

We do hereby certify that we are the owners of the properties described below and are shown as owners on the transfer books in the office of the County Auditor. Subject to any ownership limitation set forth, the undersigned have full authority to execute this petition and to commit our property to its terms. Signers on behalf of corporations certify that they hold the corporate offices set forth opposite their names and have signed this petition with authorization by the Board of Directors and have full authority to bind and commit the corporation to the terms hereto.

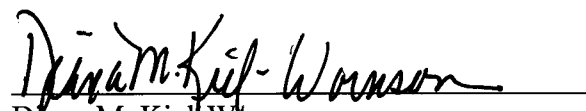
Subject properties:

2702 Beaver Ave, more specifically described as: LOT 35 GRASSMERE, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Titleholder(s): James W. Wornson and Diana M. Kiel-Wornson

Dated: June 30, 2012


James W. Wornson


Diana M. Kiel-Wornson

**PETITION TO ESTABLISH THE
BEAVERDALE
SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT**

U.S. BANK NATIONAL ASSOCIATION
(Scandia Savings & Loan Assn, d/b/a US Bank Corp. Real Estate)

TO THE MAYOR AND MEMBERS OF THE CITY COUNCIL
OF THE CITY OF DES MOINES, IOWA:

We, the undersigned, being owners of property within the Beaverdale commercial district within the City of Des Moines, Iowa, and within the self-supported municipal improvement district proposed by this petition, hereby petition the Mayor and City Council of the City of Des Moines, Iowa, pursuant to the provisions of Chapter 386 of the 2011 Code of Iowa, as amended (the "Act"), as follows:

1. To establish a self-supported municipal improvement district in accordance with the Act in the City of Des Moines, Polk County, Iowa:

- (a) The name of which shall be the "Beaverdale Self-Supported Municipal Improvement District" (hereinafter referred to as the "Proposed District").
- (b) The purpose of the Proposed District is to acquire, construct, install and maintain the Improvements described below, including the funding thereof.
- (c) The area of the Proposed District is shown on the map attached hereto as Exhibit "1" and consists of the properties described on the attached Exhibit "2", together with the intervening and adjoining public rights-of-way.

2. To undertake the acquisition, construction, installation, operation and maintenance within the public rights-of-way of Beaverdale and Urbandale within the Proposed District of "improvements", as defined in the Act, consisting of improved sidewalks, curbs and cross-walks, landscaping, planters, decorative lighting, utility relocation, traffic signals, and related pedestrian improvements (which improvements are herein referred to as the "Improvements"), utilizing proceeds of the combined capital improvement and operation fund identified below, City funds designated in the Capital Improvement Program of the City for such purposes, and any other available funds.

3. To establish an operation fund with respect to the Proposed District to be known as the "Beaverdale Combined Self-Supported Municipal Improvement District Capital Improvement and Operation Fund", and to levy the annual tax described in paragraph 4 hereof (the "Capital Improvement and Operation Tax") upon the property as defined in the Act within the Proposed District for the purposes described in paragraph 5 hereof, for an initial period of fifteen (15) years, commencing with the levy of taxes for collection in the fiscal year beginning July 1, 2012 and continuing for fifteen (15) years thereafter. The City of Des Moines may renew the levy of the Capital Improvement and Operation Tax for subsequent five (5) year periods unless a petition containing the signatures of at least forty percent of all owners of property within the Proposed District or signatures which together represent ownership of property with an assessed value of forty percent or more of the assessed value of all property within the Proposed District, is filed with the City Clerk at least 6 months prior to the expiration of the

current period. The City of Des Moines shall not renew the levy of the Capital Improvement and Operation Tax if such a petition is timely received.

4. To provide by ordinance that the rate of the Capital Improvement and Operation Tax to be levied annually as aforesaid shall not exceed the amount per thousand dollars (\$1,000) of taxable value of the property within the Proposed District in any one year specified by the table below, in addition to all other taxes, and to include within said ordinance appropriate options consistent with such maximum levy and the time limits specified in paragraph 3, to increase, extend and renew the Capital Improvement and Operation Tax based upon the useful life of the Proposed Improvements and the costs associated with the operations of the Proposed District.

<u>Fiscal Years</u> <u>of Levy</u>	<u>Max. levy per thousand dollars</u> <u>taxable value</u>
2012/13 to 2016/17	1.75
2017/18 and later	2.00

5. To use the proceeds of the Capital Improvement and Operation Tax for the purposes of paying (or reimbursing the City with respect thereto) all or part of the costs incurred in connection with the acquisition, construction, installation, operation and maintenance of the Improvements, any administration expenses (as defined in and authorized by the Act) of the Proposed District, including legal and engineering fees, and any other expenses reasonably incurred in fulfilling the purposes of the Proposed District, all as may be determined from time to time by the City Council.

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Subject properties:

2716 Beaver Ave, more specifically described as: LTS 30 & 31 & N 1/2 LT 32 GRASSMERE, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

~~U.S. BANK NATIONAL ASSOCIATION~~
Titleholder(s): ~~Scandia Savings & Loan Assn, d/b/a US Bank Corp. Real Estate~~

Mary
Dated: ~~June~~ 21, 2012

Mary E. McElroy
Authorized Signature

Sh. Property Manager
Position

**PETITION TO ESTABLISH THE
BEVERDALE
SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT**

(Wayne R. Graham Family, LLC)

TO THE MAYOR AND MEMBERS OF THE CITY COUNCIL
OF THE CITY OF DES MOINES, IOWA:

We, the undersigned, being owners of property within the Beverdale commercial district within the City of Des Moines, Iowa, and within the self-supported municipal improvement district proposed by this petition, hereby petition the Mayor and City Council of the City of Des Moines, Iowa, pursuant to the provisions of Chapter 386 of the 2011 Code of Iowa, as amended (the "Act"), as follows:

1. To establish a self-supported municipal improvement district in accordance with the Act in the City of Des Moines, Polk County, Iowa:

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2. To undertake the acquisition, construction, installation, operation and maintenance within the public rights-of-way of Beverdale and Urbandale within the Proposed District of "improvements", as defined in the Act, consisting of improved sidewalks, curbs and cross-walks, landscaping, planters, decorative lighting, utility relocation, traffic signals, and related pedestrian improvements (which improvements are herein referred to as the "Improvements"), utilizing proceeds of the combined capital improvement and operation fund identified below, City funds designated in the Capital Improvement Program of the City for such purposes, and any other available funds.

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Subject properties:


2601 Beaver Ave, more specifically described as: LOTS 2 & 3 BLOCK 16
BROADMOOR, an Official Plat, all now included in and forming a part of the
City of Des Moines, Polk County, Iowa.

Titleholder(s): Wayne R. Graham Family, LLC

Dated: ^{MAY} ~~June~~ 4, 2012



Authorized Signature



Position

**PETITION TO ESTABLISH THE
BEAVERDALE
SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT**

(Boesen Land Co, LLC)

TO THE MAYOR AND MEMBERS OF THE CITY COUNCIL
OF THE CITY OF DES MOINES, IOWA:

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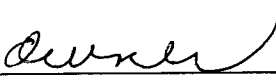
Subject properties:

2629 Beaver Ave, more specifically described as: LT 12 & E 18F LTS 10 & 11 & W 7F LOT 13 & S 168F E 65F W 72F LOT 13 BEAVER GLEN, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Titleholder(s): Boesen Land Co, LLC

Dated: 8-15-2012, 2012


Authorized Signature


Position

**PETITION TO ESTABLISH THE
BEAVERDALE
SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT**

(Christophers Inc)

TO THE MAYOR AND MEMBERS OF THE CITY COUNCIL
OF THE CITY OF DES MOINES, IOWA:

We, the undersigned, being owners of property within the Beaverdale commercial district within the City of Des Moines, Iowa, and within the self-supported municipal improvement district proposed by this petition, hereby petition the Mayor and City Council of the City of Des Moines, Iowa, pursuant to the provisions of Chapter 386 of the 2011 Code of Iowa, as amended (the "Act"), as follows:

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Subject properties:

2804 Beaver Ave, more specifically described as: LOTS 25 & 26 GRASSMERE, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Titleholder(s): Christophers Inc

Dated: 8/15/12, 2012



Authorized Signature



Position

**PETITION TO ESTABLISH THE
BEVERDALE
SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT**

(James W. Hartzell (Trustee), James W. Hartzell (Trust),
Deborah J. Hartzell (Trustee) and Deborah J. Hartzell (Trust))

TO THE MAYOR AND MEMBERS OF THE CITY COUNCIL
OF THE CITY OF DES MOINES, IOWA:

We, the undersigned, being owners of property within the Beaverdale commercial district within the City of Des Moines, Iowa, and within the self-supported municipal improvement district proposed by this petition, hereby petition the Mayor and City Council of the City of Des Moines, Iowa, pursuant to the provisions of Chapter 386 of the 2011 Code of Iowa, as amended (the "Act"), as follows:

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Subject properties:

2636 Beaver Ave, more specifically described as: E 75F LTS 1, 2, 3 & 4 P J CLANCY PLACE PLAT 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Titleholder(s): James W. Hartzell (Trustee), James W. Hartzell (Trust), Deborah J. Hartzell (Trustee) and Deborah J. Hartzell (Trust)

Dated: May 3, 2012

James W. Hartzell
James W. Hartzell (Trustee)

owner
Position

Deborah J. Hartzell
Deborah J. Hartzell (Trustee)

owner
Position

**PETITION TO ESTABLISH THE
BEVERDALE
SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT**

(James W. Hartzell (Trustee), James W. Hartzell (Trust),
Deborah J. Hartzell (Trustee) and Deborah J. Hartzell (Trust))

TO THE MAYOR AND MEMBERS OF THE CITY COUNCIL
OF THE CITY OF DES MOINES, IOWA:

We, the undersigned, being owners of property within the Beaverdale commercial district within the City of Des Moines, Iowa, and within the self-supported municipal improvement district proposed by this petition, hereby petition the Mayor and City Council of the City of Des Moines, Iowa, pursuant to the provisions of Chapter 386 of the 2011 Code of Iowa, as amended (the "Act"), as follows:

1. To establish a self-supported municipal improvement district in accordance with the Act in the City of Des Moines, Polk County, Iowa:

- (a) The name of which shall be the "Beaverdale Self-Supported Municipal Improvement District" (hereinafter referred to as the "Proposed District").
- (b) The purpose of the Proposed District is to acquire, construct, install and maintain the Improvements described below, including the funding thereof.
- (c) The area of the Proposed District is shown on the map attached hereto as Exhibit "1" and consists of the properties described on the attached Exhibit "2", together with the intervening and adjoining public rights-of-way.

2. To undertake the acquisition, construction, installation, operation and maintenance within the public rights-of-way of Beaverdale and Urbandale within the Proposed District of "improvements", as defined in the Act, consisting of improved sidewalks, curbs and cross-walks, landscaping, planters, decorative lighting, utility relocation, traffic signals, and related pedestrian improvements (which improvements are herein referred to as the "Improvements"), utilizing proceeds of the combined capital improvement and operation fund identified below, City funds designated in the Capital Improvement Program of the City for such purposes, and any other available funds.

3. To establish an operation fund with respect to the Proposed District to be known as the "Beaverdale Combined Self-Supported Municipal Improvement District Capital Improvement and Operation Fund", and to levy the annual tax described in paragraph 4 hereof (the "Capitol Improvement and Operation Tax") upon the property as defined in the Act within the Proposed District for the purposes described in paragraph 5 hereof, for an initial period of fifteen (15) years, commencing with the levy of taxes for collection in the fiscal year beginning July 1, 2012 and continuing for fifteen (15) years thereafter. The City of Des Moines may renew the levy of the Capital Improvement and Operation Tax for subsequent five (5) year periods unless a petition containing the signatures of at least forty percent of all owners of property within the Proposed District or signatures which together represent ownership of property with an assessed value of forty percent or more of the assessed value of all property within the

