



Roll Call Number

Agenda Item Number

40

Date January 28, 2013

An Ordinance entitled, "AN ORDINANCE establishing the Ingersoll Grand Self-Supported Municipal Improvement District pursuant to the provisions of Chapter 386, Code of Iowa, and providing for the establishment of a combined capital improvement and operation fund, and a debt service fund, and the levy of annual taxes in connection therewith",

presented.

MOVED by _____ that this ordinance be considered and given first vote for passage.

(Council Communication No. *13-030*)

Six affirmative votes required for passage. I.C. §386.3(7)

FORM APPROVED:

(First of three required readings)

Roger K Brown
Roger K. Brown
Assistant City Attorney

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

CERTIFICATE

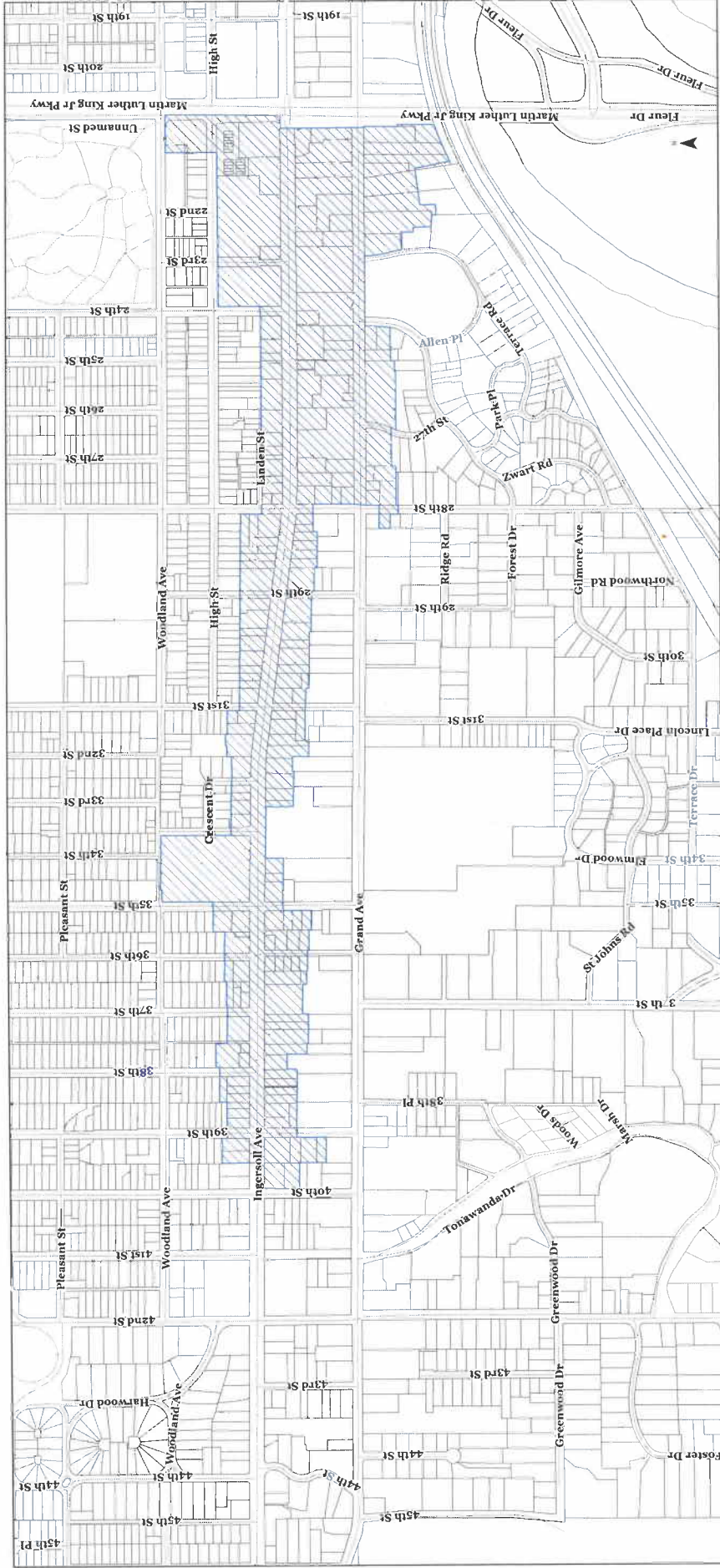
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk

Ingersoll SSMID Proposed Expansion Boundary 082012 rev.12102012



Map prepared by:
 City of Des Moines
 Community Development Department
 Planning and Urban Design Division
 Date: April 30, 2012
 Approved: Month Day, Year
 Revised:

Map - Proposed Boundary
 Proposed New SSMID Boundary revised 12102012

ORDINANCE NO. _____

AN ORDINANCE establishing the Ingersoll Grand Self-Supported Municipal Improvement District pursuant to the provisions of Chapter 386, Code of Iowa, and providing for the establishment of a combined capital improvement and operation fund, and a debt service fund, and the levy of annual taxes in connection therewith.

WHEREAS, the City of Des Moines is authorized by Chapter 386, Code of Iowa (the "Act") to create a self-supported municipal improvement district in the City, to provide for the existence and operation of such district, to provide for improvements or self-liquidating improvements for such district, and to levy taxes with respect to such district, all as more specifically defined in the Act; and,

WHEREAS, a petition (the "Petition") has been filed with the City Clerk pursuant to the Act petitioning the City Council to create the Ingersoll Grand Self-Supported Municipal Improvement District (the "District"), to establish a combined capital improvement and operation fund and a debt service fund with respect to the District, and to levy annual taxes for such funds, all for the following purposes:

- 1) To undertake the acquisition, construction, installation, operation, maintenance and repair within the public rights-of-way of Ingersoll and Grand Avenues within the 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 (hereinafter collectively referred to as the "Improvements").
- 2) To undertake the administration and provision of the following services within the District (hereinafter collectively referred to as the "Services"):
 - i) Enhanced maintenance and cleaning of public spaces, including:
 - Sidewalk sweeping and power wash cleaning;
 - Cleaning public alleys and developed public spaces;
 - Removal of illegal graffiti, signs and stickers from public spaces and improvements; and,
 - Maintenance of trees and seasonal plantings.
 - ii) Activities and programs to enhance the safety of persons and property within the District, including establishment of a "Goodwill Ambassador" program to provide uniformed and unarmed civilians on streets within the District who can provide public information, hospitality service, assistance to persons within the District and cleaning services.
 - iii) Development and management of activities in support of marketing, business retention and attraction, including:
 - Conduct market analyses, business retention surveys and image surveys;
 - Establish databases of information relevant to marketing, business retention and attraction;
 - Space referrals and assistance;

- Business-to-business communications programs;
 - Business marketing materials;
 - Miscellaneous business support services;
 - Marketing activities, including media and advertising campaigns and communication pieces (calendar of events, newsletters, shopping directories, maps, holiday brochures);
 - Establishment and promotion of special events, festivals, and holiday activities in public spaces; and,
 - Transportation programs.
- iv) Capital, physical or other improvements designed to enhance the image and appearance of the District, including:
- Seasonal and holiday decorations;
 - Signage and banners;
 - Installation of seasonal plant materials and trees; and,
 - Transportation infrastructure.
- 3) Paying the administrative expenses for the provision of the Improvements and Services identified above, including but not limited to legal and engineering fees.

WHEREAS, the Petition is in all ways in complete compliance with the provisions of the Act; and,

WHEREAS, on November 5, 2012, by Roll Call No. 12-1719, the City Council received the Petition and referred it to the City Plan and Zoning Commission for review in accordance with the Act; and,

WHEREAS, on November 19, 2012, by Roll Call No. 12-1805, the City Council received the report of the City Plan and Zoning Commission on the merits and feasibility of the District and the Improvements and Services; and,

WHEREAS, on November 19, 2012, by said Roll Call No. 12-1806, the City Council scheduled a public hearing for December 17, 2012, at 5:00 P.M., at which it proposed to take action for the establishment of the District and authorization of the Improvements and Services, and did direct that notice of such hearing be given in accordance with the Act; and,

WHEREAS, on November 29, 2012, notice of the hearing was mailed by certified mail to all the owners of record of real property located within the District as shown by the records of the Polk County Auditor, and a copy of the notice was published in the Des Moines Register in satisfaction of the notice requirements of the Act; and,

WHEREAS, at the aforementioned time and place, the City Council did meet and hear all owners of property in the Proposed District and residents of the City desiring to express their views with respect to the establishment of the District and the acquisition, construction,

installation, operation and maintenance of the Improvements and the provision of the Services; and,

WHEREAS, on December 17, 2012, by Resolution and Roll Call No. 12-1969, the City Council closed the public hearing on the creation of the District and the acquisition, construction, installation, operation and maintenance of the Improvements and the provision of the Services and found that the Petition, the District and the Improvements and Services satisfied the applicable requirements imposed by the Act, subject to the removal of six parcels because the District boundary line runs through a building or only a small portion of the parcel is commercially zoned; and,

WHEREAS, more than thirty days has now passed since the public hearing on the creation of the District was closed, and no petition has been filed with the City Clerk opposing the creation of the District; and,

WHEREAS, the six parcels referenced above have been removed from the description of the District provided below; NOW THEREFORE,

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

Section 1. That in accordance with Iowa Code Chapter 386 and the recitations set out in the Preamble hereof, there is hereby established and created in the City of Des Moines, a self-supported municipal improvement district as defined in the Act, the name of which shall be the "Ingersoll Grand Self-Supported Municipal Improvement District" (herein the "District"):

Sec. 2. The District shall consist of all the property within the following described area:

Beginning at a point on the West lot line of Lot 14, Greenwood Park, said point being 182.5 feet North of the North Right-of-Way line of Ingersoll Avenue; thence East along a line 182.5 feet North of and parallel with the North Right-of-Way line of Ingersoll Avenue to its intersection with the West Right-of-Way line of 39th Street; thence South along said West Right-of-Way line of 39th Street to a point said point being 150 feet North of the North Right-of-Way line of Ingersoll Avenue; thence East along a line 150 feet North of and parallel to the North Right-of-Way line of Ingersoll Avenue to the Southwest Corner of Lot 9, Rhoads Heights, an Official Plat; thence North along the West lot line of said Lot 9, Rhoads Heights to the Northwest Corner of said Lot 9, Rhoads Heights; thence East along the North lot line of Lot 9, Rhoads Heights and continuing East along the Easterly projection of the North lot line of Lot 9, Rhoads Heights to its intersection with the East Right-of-Way line of 38th Street; thence North along said East Right-of-Way line of 38th Street to a point said point being 20 feet North of the South lot line of Lot 20, Rhoads Heights; thence East along a line 20 feet North of and parallel with the South lot line of said Lot 20, Rhoads Heights to the East lot line of said Lot 20, Rhoads Heights; thence South along the East lot lines of Lots 20, 21, Rhoads Heights to its intersection with the Westerly projection of the North lot line of Lot 33, Rhoads Heights; thence East along the said Westerly projection of the North lot line of Lot 33, Rhoads Heights and continuing East along the North lot line of Lot 33, Rhoads Heights and also continuing East along the Easterly projection of the

North lot line of Lot 33, Rhoads Heights to its intersection with the East Right-of-Way line of 37th Street; thence North along said East Right-of-Way line of 37th Street to the Northwest Corner of Lot 43, Rhoads Heights; thence East along the North lot line of said Lot 43, Rhoads Heights to its intersection with the West lot line of Lot 16, Official Plat Lot 1, Official Plat Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$, Section 6, Township 78 North, Range 24 West of the 5th P.M.; thence North along said West lot line of Lot 16, Official Plat Lot 1, Official Plat Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$, Section 6, Township 78 North, Range 24 West of the 5th P.M. to the Northwest Corner of said Lot 16, Official Plat Lot 1, Official Plat Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$, Section 6, Township 78 North, Range 24 West of the 5th P.M.; thence East along the North lot line of Lot 16, Official Plat Lot 1, Official Plat Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$, Section 6, Township 78 North, Range 24 West of the 5th P.M. and continuing East along the Easterly projection of the North lot line of Lot 16, Official Plat Lot 1, Official Plat Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$, Section 6, Township 78 North, Range 24 West of the 5th P.M. to the Northwest Corner of Lot 6, Official Plat Lot 1, Official Plat Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$, Section 6, Township 78 North, Range 24 West of the 5th P.M.; thence east along the North lot line of Lot 6, Official Plat Lot 1, Official Plat Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$, Section 6, Township 78 North, Range 24 West of the 5th P.M. to its intersection with the West lot line of Lot 28, Official Plat Lot 1, Official Plat Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$, Section 6, Township 78 North, Range 24 West of the 5th P.M.; thence North along said West lot line of Lot 28, Official Plat Lot 1, Official Plat Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$, Section 6, Township 78 North, Range 24 West of the 5th P.M. to a point said point being 125 feet North of the South lot line of said Lot 28, Official Plat Lot 1, Official Plat Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$, Section 6, Township 78 North, Range 24 West of the 5th P.M.; thence east along a line 125 feet North of and parallel to the South lot line of said Lot 28, Official Plat Lot 1, Official Plat Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$, Section 6, Township 78 North, Range 24 West of the 5th P.M. and continuing East along the Easterly projection of said line 125 feet North of the South lot line of said Lot 28, Official Plat Lot 1, Official Plat Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$, Section 6, Township 78 North, Range 24 West of the 5th P.M. to its intersection with the East Right-of-Way line of 35th Street; thence North along said East Right-of-Way line of 35th Street to a point said point being 20 feet South of the Northwest Corner of Lot 19, Stratford, an Official Plat; thence Northeasterly along a line to a point said point being 10 feet South of and 10 feet East of the Northwest Corner of Lot 19, Stratford; thence East along a line 10 feet South of and parallel to the North lot line of Lot 19, Stratford to a point said point being 80 feet East of the West lot line of Lot 19, Stratford; thence North along a line 80 feet East of and parallel to the West lot line of Lot 19, Stratford to its intersection with the South Right-of-Way line of Woodland Avenue; thence East along said South Right-of-Way line of Woodland Avenue to its intersection with the West Right-of-Way line of 34th Street; thence South along said West Right-of-Way line of 34th Street to its intersection with the Westerly projection of the North lot line of Lot 1, Crescent Place, an Official Plat; thence East along said Westerly projection of the North lot line of Lot 1, Crescent Place and continuing East along the North lot line of Lot 1, Crescent Place to its intersection with the West lot line of Lot 3, Crescent Place; thence South along said West lot line of Lot 3, Crescent Place to a point said point being 60 feet South of the North lot line of said Lot 3, Crescent Place; thence East along a line 60 feet South of and parallel with the North line of said Lot 3, Crescent Place to its intersection with the West Lot line of Lot 12, Block 1, Garver Place, an Official Plat; thence North along said West Lot line of Lot 12, Block 1, Garver Place to a point said point being 60 feet South of the North lot line of said Lot 12, Block 1, Garver Place; thence East along a line 60 feet South and parallel with the North lot line of said Lot 12, Block 1, Garver Place to its intersection with the West lot line of Lot 11, Block 1, Garver Place; thence North along said West lot line of Lot 11, Block 1, Garver Place to a point said point

being 56 feet South of the North lot line of said Lot 11, Block 1, Garver Place; thence East along a line 56 feet South of and parallel with the North lot line of said Lot 11, Block 1, Garver Place to its intersection with the East lot line of said Lot 11, Block 1, Garver Place; thence South along said East lot line of Lot 11, Block 1, Garver Place to the Northwest Corner of Lot 10, Block 1, Garver Place; thence East along the North lot line of Lot 10, Block 1, Garver Place and continuing East along the North lot line of Lot 9, Block 1, Garver Place to its intersection with the West Right-of-Way line of 31st Street; thence South along said West Right-of-Way line of 31st Street to its intersection with the Westerly projection of the centerline of the Vacated East/West Alley Right-of-Way located in Block 3, McCain Place, an Official Plat; thence East along said Westerly projection of the centerline of the Vacated East/West Alley Right-of-Way located in Block 3, McCain Place and continuing along the centerline of the Vacated East/West Alley Right-of-Way located in Block 3, McCain Place to its intersection with the West Right-of-Way line of 29th Street; thence East along the Westerly projection of the centerline of the Vacated East/West Alley Right-of-Way located in Block 4, McCain Place and continuing along the centerline of the Vacated East/West Alley Right-of-Way located in Block 4, McCain Place to its intersection with the West Right-of-Way line of 28th Street; thence South along said West Right-of-Way line of 28th Street to its intersection with the Westerly projection of the South Right-of-Way line of Linden Street; thence East along said Westerly projection of the South Right-of-Way line of Linden Street and continuing East along the South Right-of-Way line of Linden Street to the Southwest Corner of Lot 57, Ingersoll Place, an Official Plat; thence East along the South lot lines of Lots 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, and 70, Ingersoll Place, and continuing East along the Easterly projection of the South lot lines of said Lots 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, and 70, Ingersoll Place to the East Right-of-Way line of 24th Street; thence North along said East Right-of-Way line of 24th Street to its intersection with the South Right-of-Way Line of High Street; thence East along said South Right-of-Way line of High Street to its intersection with the Southerly projection of the West lot line of Lot 5, Park Place, an Official Plat; thence North along said Southerly projection of the West lot line of Lot 5, Park Place and continuing North along the West lot line of Lot 5, Park Place and also continuing North along the Northerly projection of the West lot line of Lot 5, Park Place to its intersection with the South line of the North 132 feet of Lot 8, Official Plat, Southwest $\frac{1}{4}$, Section 5, Township 78 North, Range 24 West of the 5th P.M.; thence continuing North along a line 250 feet West of and parallel to the East lot line of Lot 8, Official Plat, Southwest $\frac{1}{4}$, Section 5, Township 78 North, Range 24 West of the 5th P.M. to its intersection with the North lot line of Lot 8, Official Plat, Southwest $\frac{1}{4}$, Section 5, Township 78 North, Range 24 West of the 5th P.M.; thence East along said North lot line Lot 8, Official Plat, Southwest $\frac{1}{4}$, Section 5, Township 78 North, Range 24 West of the 5th P.M. and continuing East along the Easterly projection of the North lot line Lot 8, Official Plat, Southwest $\frac{1}{4}$, Section 5, Township 78 North, Range 24 West of the 5th P.M. to its intersection with the North/South Centerline of Section 5, Township 78 North, Range 24 West of the 5th P.M. (also the Centerline of Right-of-Way known as former Harding Road); thence South along said North/South Centerline of Section 5, Township 78 North, Range 24 West of the 5th P.M. (also the Centerline of Right-of-Way known as former Harding Road) to its intersection with the Easterly projection of the North Right-of-Way line of Ingersoll Avenue; thence West along said Easterly projection of the North Right-of-Way line of Ingersoll Avenue and continuing West along the North Right-of-Way line of Ingersoll Avenue to its intersection with the Northerly projection of a line 100 feet West of and parallel to the East lot line of Lot 9, Official Plat, Southwest $\frac{1}{4}$, Section 5, Township 78 North, Range 24 West of the 5th P.M.; thence South along said Northerly projection of a line 100 feet West of and parallel to the East lot line of Lot 9,

