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**Date** February 11, 2013

**Resolution Closing Public Hearing on the Proposed Fifth Amendment  
to the SE AgriBusiness Urban Renewal Plan and Approving Same**

WHEREAS, on January 26, 1998, by Roll Call No. 98-275, the City Council adopted the Urban Renewal Plan for the SE AgriBusiness Urban Renewal Project, and such Plan has been amended three times (the urban renewal plan as amended is hereinafter referred to as the "Plan"); and,

WHEREAS, the SE AgriBusiness Urban Renewal Project Area encompasses an irregularly shaped area generally located between S.E. 14th Street and the eastern City boundary, and between Dean Avenue and the Des Moines River; and,

WHEREAS, on January 14, 2013, by Roll Call No. 13-0033, the City Council resolved that a public hearing on the proposed Fifth Amendment be held on February 11, 2013, at 5:00 p.m., in the City Council Chambers; and,

WHEREAS, the purpose of the proposed Fifth Amendment to the Plan, attached hereto as Exhibit "A", is to: (a) approve the Kemin Industries expansion project in the vicinity of 2100 Maury Street and approve the Helena Industries expansion project in the vicinity of Vandalia Road and S.E. 36<sup>th</sup> Street for provision of financial assistance from tax increment revenues in the SE Agribusiness Urban Renewal Area and include these projects in the description of approved economic development and redevelopment activities within the Project Area; (b) supplement text relating to planning, administration and oversight; and (c) update the Financial Condition Report to reflect the approved projects and update anticipated use of tax revenues in the future; and,

WHEREAS, the Urban Design Review Board reviewed the proposed amendment at its regular meeting on February 5, 2013, and has submitted its report and recommendation to the City Council; and,

WHEREAS, notice of this public hearing in the form attached hereto as Exhibit "B" was published in the Des Moines Register on January 28, 2013, which notice sets forth the information required by Section 403.5(3) of the Iowa Code; and,

WHEREAS, a copy of the Fifth Amendment and notice was given by ordinary mail to the Des Moines Public School District, Des Moines Area Community College, and Polk County of a consultation meeting held in City Hall on January 29, 2013; and,

WHEREAS, the City has received no requests from the Des Moines Public School District, Des Moines Area Community College, or Polk County for any modification of the proposed division of revenue from the tax increment of the Urban Renewal Project Area; and,

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WHEREAS, the public hearing has now been opened and all persons and organizations desiring to be heard regarding the proposed Fifth Amendment to the Plan have been given the opportunity to be heard; NOW THEREFORE,

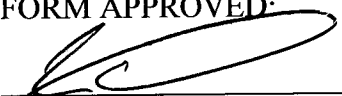
BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The public hearing on the proposed Fifth Amendment to the Urban Renewal Plan for the SE AgriBusiness Urban Renewal Project is hereby closed.
2. Upon consideration of the recommendations of the Urban Design Review Board and all other recommendations and statements from all other interested parties and organizations, the City Council finds that the Fifth Amendment conforms to the Des Moines 2020 Community Character Land Use Plan, as amended, for the development of the City as a whole.
3. The Urban Renewal Plan for the SE AgriBusiness Urban Renewal Project is hereby amended as set forth in the Fifth Amendment attached hereto as Exhibit "A". The Urban Renewal Plan for the SE AgriBusiness Urban Renewal Project, as amended by the Fifth Amendment thereto, is hereafter in full force and effect.
4. The City Clerk is directed to cause the Fifth Amendment including the attached restated Plan and a certified copy of this resolution to be recorded in the land records of the Polk County Recorder.

(Council Communication No. **13-047** )

FORM APPROVED:

Moved by \_\_\_\_\_ to adopt.

  
 \_\_\_\_\_  
 Lawrence R. McDowell  
 Deputy City Attorney

Exhibits:  
 A – Fifth Amendment  
 B - Notice

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