

★ **Roll Call Number**

Agenda Item Number

41

Date November 9, 2015

An Ordinance entitled, "AN ORDINANCE providing that general property taxes levied and collected each year on all property located within the Northeast Gateway Revitalization Urban Renewal Area in the City of Des Moines, County of Polk, State of Iowa, by and for the benefit of the State of Iowa, City of Des Moines, County of Polk, Des Moines Independent Community School District, Des Moines Area Community College, and other taxing districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by the City of Des Moines in connection with the Northeast Gateway Revitalization Urban Renewal Project",

which was considered and voted for the first time upon under Roll Call No. 15- 1825 of October 26, 2015, again presented.

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

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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

ORDINANCE NO. _____

AN ORDINANCE providing that general property taxes levied and collected each year on all property located within the Northeast Gateway Revitalization Urban Renewal Area in the City of Des Moines, County of Polk, State of Iowa, by and for the benefit of the State of Iowa, City of Des Moines, County of Polk, Des Moines Independent Community School District, Des Moines Area Community College, and other taxing districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by the City of Des Moines in connection with the Northeast Gateway Revitalization Urban Renewal Project.

WHEREAS, the City Council of the City of Des Moines, Iowa, after public notice and hearing as prescribed by law and pursuant to Resolution passed and approved October 26, 2015, adopted an urban renewal plan titled "Northeast Gateway Revitalization Urban Renewal Plan" for an urban renewal project (the "Northeast Gateway Revitalization Urban Renewal Project") within the Northeast Gateway Revitalization Urban Renewal Area described as follows:

Beginning at the intersection of the centerline of Hull Avenue and the centerline of Dixon Street; Thence West along the centerline of Hull Avenue to the centerline of York Street; Thence North along the centerline of York Street to the Easterly extension of the South line of Lot 59, Mann's 2nd Addition to Highland Park, an Official Plat; Thence West along said Easterly Extension and the South line of said Lot 59 to the Southwest corner of said Lot 59; Thence continuing West along the South line of Lots 52 through 58 of said Mann's 2nd Addition to Highland Park to the Southwest corner of said Lot 52; Thence South along the Southerly extension of West line of said Lot 52 to the centerline of Oak Park Avenue; Thence West along the centerline of Oak Park Avenue to the centerline of East 12th Street; Thence North along the centerline of East 12th Street to the Easterly Extension of the South line of Lot 7, Timmins Subdivision, an Official Plat; Thence West along said Easterly Extension and the South line of said Lot 7 to the Southeast corner of Lot 9, Rocky Place, an Official Plat; Thence continuing West along the South line of said Lot 9 to the Southwest corner of said Lot 9; Thence North along the West line of said Lot 9 to the Easterly Extension of the South line of Lot 140, Campus Park, an Official Plat; Thence West along said Easterly Extension and South line of said Lot 140 to the Southwest corner of said Lot 140; Thence continuing West along a straight line to the Southeast corner of Lot 111 of said Campus Park; Thence West along the South line of said Lot 111 to the Southwest corner of said Lot 111; Thence North along the West line of Lots 111, 112, 113 of said Campus Park, and the Northerly extension of the West line of said Lot 113 to the centerline of East Euclid Avenue; Thence West along the centerline of East Euclid Avenue to the centerline of East 8th Street; Thence North along the centerline of East 8th Street to the centerline of East Douglas Avenue; Thence East along the centerline of East Douglas Avenue to the centerline of East 9th Street; Thence North along the centerline of East 9th Street to the centerline of Hoffman Avenue; Thence West along the centerline of Hoffman Avenue to the centerline of East 8th Street; Thence North along the centerline of East 8th Street to the centerline of East Madison Avenue; Thence East along the centerline of East Madison Avenue to the Southerly Extension of

the East Line of Lot 44, Shawnee Acres, an Official Plat; Thence North along said Southerly Extension and the East line of said Lot 44 to a line that is 421.75 feet North of and parallel with the South line of said Lot 44; Thence West along said parallel line to West line of said Lot 44; Thence North along said West line and its Northerly Extension to the centerline of East Shawnee Avenue; Thence East along the centerline of East Shawnee Avenue to the Southerly Extension of the East line of the West 65 feet of Lots 32 and 33 of said Shawnee Acres; Thence North along said Southerly Extension and said East line of the West 65 feet of Lots 32 and 33 to the North line of said Lot 32; Thence West along said North line to the East line of Lot 23 of said Shawnee Acres; Thence North along said East line to a line that is 130.85 feet North of and parallel of the South line of Lots 21, 22 and 23 of said Shawnee Acres; Thence West along said parallel line to a line that is 8 feet West of and parallel to the East line of said Lot 21; Thence South along said parallel line to the South line of said Lot 21; Thence West along said South line and continuing along the South line of Lots 19 and 20 of said Shawnee Acres to a line that is 65 feet East of and parallel to the West line of said Lot 19; Thence North along said parallel line to a line that is 125.42 feet North of and parallel to the South line of said Lot 19; Thence West along said parallel line to the West line of said Lot 19; Thence North along said West line and its Northerly Extension to the centerline of East Aurora Avenue Right of Way; Thence West along said centerline to the Southerly Extension of the West line of Lot 11, Pagliai Place, an Official Plat; Thence North to the Southwest corner of said Lot 11; Thence continuing North along the West line of Lot 11 and Lot 16 of said Pagliai Place to the Northwest corner of said Lot 16; Thence East along the North line of said Lot 16 to the Southwest corner of Lot 48, Iowa Garden Acres, an Official Plat; Thence North along the West line of said Lot 48 to the Northwest corner of said Lot 48; Thence continuing North along the Northerly Extension of the West line of said Lot 48, a distance of 15.0 feet to the centerline of Northeast 43rd Avenue Right of Way; Thence West along said centerline to the Southerly Extension of the West line of Lot 1 in said Iowa Garden Acres; Thence North along said Southerly Extension and along said West line to the Northwest corner of said Lot 1; Thence West along the South line of the North half (1/2) of the Southeast Quarter (1/4) of the Northeast Quarter (1/4) of said Section 23, to the West line of the Southeast Quarter (1/4) of the Northeast Quarter (1/4) of said Section 23; Thence North along the West line of the Southeast Quarter (1/4) of the Northeast Quarter (1/4) of said Section 23, to the North right of way line of Northeast 44th Avenue (Hoffman Road); Thence East along said North right of way line to the Southerly Extension of the East line of Lot 21, Stickler Heights, an Official Plat; Thence North along the East line of said Lot 21 to the Northeast corner of said Lot 21; Thence West along the North line of said Lot 21, to a point 788.1 feet West of the East line of the Northeast Quarter (1/4) of the Northeast Quarter (1/4) of said Section 23; Thence North along a line that is 788.1 feet West of and Parallel with said East line of the Northeast Quarter (1/4) of the Northeast Quarter (1/4) of Section 23 to the South line of Vista Broadway Industrial Plat 1, an Official Plat; Thence West along said South line to the West line of said Vista Broadway Industrial Plat 1; Thence North along said West line to the South Right of Way line of Northeast 46th Avenue (East Broadway Avenue); Thence West along said South Right of Way line to a point that is 300 feet West of the East line of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of Section 14, Township 79

North, Range 24 West of the 5th P.M.; Thence North along a line that is 300 feet West of and parallel to the East line of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section 14, to the North right of way line of Northeast 46th Avenue (East Broadway Avenue); Thence North 00° 03' 45" West, 192.0 feet; Thence South 89° 55' 30" West, 348.0 feet; Thence South 00° 03' 45" East, 225.0 feet to the centerline of Northeast 46th Avenue Right of Way (East Broadway Avenue); Thence South 89° 55' 30" West along said centerline, a distance of 18.02 feet to the West line of the East ½ of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section 14; Thence North along said West line, a distance of 33 feet; Thence North 00° 01' 45" West along said West line, 1293.06 feet to the North line of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section 14; Thence South 89° 56' 30" West along said North line, 665.22 feet to the Northwest corner of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section 14; Thence North 00° 00' 00" East along the West line of the Southeast Quarter (1/4) of said Section 14, a distance of 479.65 feet to a point that is 183.0 feet South of the centerline of US Interstate 80/35 Right of Way, as it is presently established; Thence North 89° 55' 30" East, parallel with and 183.0 feet South of the South line of the North ½ of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section 14, a distance of 1329.98 feet to the East line of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section 14; Thence South 00° 03' 45" East, 68.47 feet along the East line of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section 14; Thence South 85° 15' 30" East, 503.84 feet; Thence North 0° 07' 30" West, 535.38 feet to the present North Right of Way line of US Interstate 80/35; Thence continuing North 0° 07' 30" West, 91.25 feet; Thence North 89° 58' 00" East, 97.13 feet; Thence North 0° 07' 30" West, 165.00 feet; Thence North 89° 58' 00" East, 146.17 feet; Thence North 0° 07' 30" West, 165.00 feet to the centerline of Northeast 50th Avenue Right of Way (Goode Drive); Thence East along said centerline to the Southerly Extension of the West line of Lot 19, Goode Heights Plat One, an Official Plat; Thence North along the Southerly Extension of the West line of said Lot 19 to the Southeast corner of said Lot 19; Thence North along the West line of said Lot 19 and the West line of Lot 17, of said Goode Heights Plat One, to the Northwest corner of said Lot 17, and the South Right of Way line of Lot D, Goode Heights Plat One, (also known as Wauneta Drive and Northeast 50th Place); Thence continuing North along the Northerly Extension of said Lot 17 to the North Right of Way line of said Lot D, (Wauneta Avenue and Northeast 50th Place) and the Southwest corner of Lot 2 of said Goode Heights Plat One; Thence North along the West line of said Lot 2 to the Northwest corner of said Lot 2; Thence East along the North line of said Lot 2 to the Northeast corner of said Lot 2, also being the Southwest corner of Lot 27, Goode Heights Plat No.2, an Official Plat; Thence North along the West line of said Lot 27 to the Northwest corner of said Lot 27 and the South Right of Way line of Lot A, (also known as Forrest Goode Road and Northeast 51st Avenue) of said Goode Heights Plat No.2; Thence North along the Northerly Extension of the West line of said Lot 27 to the North Right of Way line of Northeast 51st Avenue (Forrest Goode Road); Thence West along said North Right of Way line to the Southeast corner of Lot 14 of Pettit Place, an Official Plat; Thence North along the West line of said Lot 14, a distance of 350.0 feet; Thence East along a line 350.0 feet North of and parallel with the South line of said Lot 14, a distance of 255.0

feet to the East line of said Lot 14; Thence South along the East line of said Lot 14, a distance of 350.0 feet to the South line of said Lot 14 to the North Right of Way line of said Northeast 51st Avenue (Forrest Goode Road); Thence continuing South along the Southerly Extension of the East line of said Lot 14 to the centerline of said Northeast 51st Avenue Right of Way (Forrest Goode Road); Thence West along the centerline of said Northeast 51st Avenue Right of Way (Forrest Goode Road), said centerline also being the North line of Lot A of said Goode Heights Plat No.2, to a point that is 150 feet West of the East line of said Lot A; Thence South along a line that is 150 feet West of and parallel to the East line of said Lot 27, to a line that is 120 feet South of and parallel to the North line of said Lot 27; Thence East along said parallel line to the East line of said Lot 27; Thence South along said East line to the North line of Lot 1 of said Goode Heights Plat One; Thence East along the North line of said Lot 1, a distance of 10.0 feet to the Northeast corner of said Lot 1; Thence South along the East line of said Lot 1, to the Southeast corner of said Lot 1, said corner also being the Northeast corner of Lot D (Wauneta Avenue and Northeast 50th Place) in said Goode Heights Plat One; Thence West along the North line of said Lot D, (Wauneta Avenue and Northeast 50th Place), a distance of 60 feet; Thence South along a line that 60 feet West of and parallel with the East line of said Lot D, for a distance of 25 feet; Thence West along a line that is 25 feet South of and parallel with the North line of said Lot D to the Northerly Extension of Lot 17 in said Goode Heights Plat One; Thence South along said Northerly Extension of the West line of said Lot 17 and along the East line of Lots 17 and 19 of said Goode Heights Plat One, 280.0 feet, to the North line of Lot A (also known as Northeast 50th Avenue and Goode Drive) of said Goode Heights Plat 1, to a point 228.0 feet West of the East line of said Lot A; Thence East along said North line of Lot A to a point that is 117.0 feet West of the East line of said Section 14; Thence South along a line that is 117.0 feet West of and parallel with the East line of said Section 14 to the South Right of Way line of Northeast 14th Street (U.S. Highway 69); Thence South $03^{\circ} 06' 50''$ West, 149.25 feet along said Right of Way line; Thence South $89^{\circ} 58' 00''$ East along said Right of Way line, a distance of 60.0 feet; Thence South $0^{\circ} 07' 30''$ East along said Right of Way line, a distance of 90.00 feet; Thence South $48^{\circ} 31' 07''$ West, 113.27 feet to the North Right of Way line of United States Interstate 35-80; Thence South along a straight line to a point that is 116 feet West of the East line of the Southeast Quarter (1/4) of said Section 14 and 1322.77 feet North of the South line of the Southeast Quarter (1/4) of said Section 14; Thence South $00^{\circ} 07' 30''$ East, parallel with and 116.0 feet West of the East line of the Southeast Quarter (1/4) of said Section 14, a distance of 1131.04 feet; Thence South $89^{\circ} 55' 30''$ West, 125.7 feet; Thence South $00^{\circ} 07' 30''$ East, 191.7 feet to a point 50.0 feet North of the South line of the Southeast Quarter (1/4) of said Section 14; Thence East along a line that is 50.0 feet North of and parallel with the South line of said Section 14, a distance of 125.7 feet; Thence South 102.0 feet to a point 52.0 feet South of the North line of Section 23, Township 79 North, Range 24 West of the 5th P.M. and 116.0 feet West of the East line of said Section 23; Thence East along the South Right of Way line of Northeast 46th Avenue (East Broadway Avenue) to the West Right of Way line of Northeast 14th Street (U.S. Highway 69), said Right of Way line being 50.0 feet West of the East line of said Section 23; Thence South along the West Right of Way line of said

Northeast 14th Street (U.S. Highway 69), 319.51 feet; Thence West 10.0 feet to the Northeast corner of Lot 15, Stickler Heights, an official plat; Thence South along said West Right of Way line and the East line of said Lot 15, a distance of 198.0 feet; Thence East 10.0 feet to the Northeast corner of Lot 16, of said Stickler Heights; Thence South and 50.0 feet West of and parallel with the East line of said Section 23, to the North line of Lot 1, Iowa Garden Acres, an Official Plat; Thence West along said North line of said Lot 1, to a point 200.0 feet East of the Northwest corner of said Lot 1; Thence South along a line that is 200.0 feet East of and parallel with the West line of said Lot 1, to the South line of said Lot 1; Thence continuing South along the Southerly Extension of said parallel line to the centerline of Northeast 43rd Avenue, a distance of 15.0 feet; Thence West along said centerline to the Northerly Extension of the East line of Lot 49 of said Iowa Garden Acres; Thence East along a line that is 157.5 feet North of and parallel of the South line of Lots 49 and 50 of said Iowa Garden Acres to the West line of Lot 51 of said Iowa Garden Acres; Thence North along the West line of said Lot 51, to the Northwest corner of said Lot 51; Thence continuing North along the Northerly Extension of said West line to the centerline of Northeast 43rd Avenue Right of Way, a distance of 15.0 feet; Thence East along the centerline of Northeast 43rd Avenue and parallel with the North line of Lots 51 and 52 of said Iowa Garden Acres, to the West Right of Way line of Northeast 14th Street (U.S. Highway 69); said point being 50.0 feet West of the East line of said Section 23; Thence South along a line that is 50.0 West of and parallel to centerline of East Aurora Avenue Right of Way; Thence East along the centerline of East Aurora Avenue to the West Right of Way line US Interstate 235; Thence South along said West Right of Way line to the centerline of Hull Avenue; Thence West along said centerline of Hull Avenue to the Point of Beginning.

WHEREAS, expenditures and indebtedness are anticipated to be incurred by the City of Des Moines, Iowa, in the future to finance undertakings by the City of Des Moines to implement the Northeast Gateway Revitalization Urban Renewal Project pursuant to the Northeast Gateway Revitalization Urban Renewal Plan; and

WHEREAS, the City Council of the City of Des Moines, Iowa, desires to provide for the division of revenue from taxation in the Urban Renewal Area as above described, in accordance with the provisions of Section 403.19 of the 2015 Code of Iowa, as amended.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Des Moines, Iowa, as follows:

Section 1. That the taxes levied on the taxable property in the urban renewal area known as the Northeast Gateway Revitalization Urban Renewal Area, legally described in the preamble hereof, by and for the benefit of the State of Iowa, City of Des Moines, Iowa, County of Polk, Des Moines Independent Community School District, Des Moines Area Community College, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

Section 2. Except as otherwise provided in Iowa Code §403.19, as amended, that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts taxing property in said Urban Renewal Area upon the total sum of the assessed value of the taxable property in said Urban Renewal Area as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City of Des Moines certifies to the county auditor the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue, subject to any adjustment required by Iowa Code §403.20, as amended, shall be allocated to and when collected be paid into the Fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid (the "base period taxes")

Section 3. Except as otherwise provided in Iowa Code §403.19, as amended, that portion of the taxes each year in excess of the base period taxes determined as provided in Section 2 of this Ordinance shall be allocated to and when collected be paid into a special tax increment fund of the City of Des Moines hereby established, to pay the principal of and interest on loans, monies advanced to, indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Chapters 384 and 403 of the Code of Iowa, as amended, incurred by the City of Des Moines to finance or refinance in whole or in part the Northeast Gateway Revitalization Urban Renewal Project. However, except as provided in Iowa Code §403.19(2)(b), taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Iowa Code §298.2 and taxes for the instructional support program of a school district imposed pursuant to Iowa Code §257.19, taxes for the payment of bonds and interest of each taxing district, and taxes imposed under Iowa Code §346.27(22) related to joint county-city buildings shall be collected against all taxable property within the taxing district without limitation by the provisions of this section.

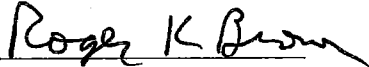
Section 4. Except as otherwise provided in Iowa Code §403.19, as amended, all taxes levied and collected upon the taxable property in said Northeast Gateway Revitalization Urban Renewal Area shall be paid into the funds of the taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes unless or until the total assessed valuation of the taxable property in said Urban Renewal Area shall exceed the total assessed value of the taxable property in said Urban Renewal Area as of January 1 of the calendar year preceding the first calendar year in which the City of Des Moines certifies to the county auditor the amount of loans, advances, indebtedness, or bonds payable from the division of tax revenue pursuant to this Ordinance, subject to any adjustment required by Iowa Code §403.20, as amended.

Section 5. At such time as the principal of, and interest on, all loans, advances, bonds and interest thereon and indebtedness of the City of Des Moines hereinabove in Section 3 referred to have been paid, all monies thereafter received from taxes upon the taxable property in said Northeast Gateway Revitalization Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property, unless and until additional loans, advances, indebtedness or bonds, if any, are incurred and certified by the City of Des Moines.

Section 6. The provisions of this Ordinance are intended and shall be construed so as to fully implement the provisions of Iowa Code §403.19, as amended, with respect to the division of taxes from property within the Urban Renewal Area as described above. In the event that any provision of this Ordinance shall be determined to be contrary to law it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to said Urban Renewal Area and the territory therein.

Section 7: This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

FORM APPROVED:



Roger K. Brown

Assistant City Attorney

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