



Roll Call Number

Agenda Item Number

46

Date July 25, 2016

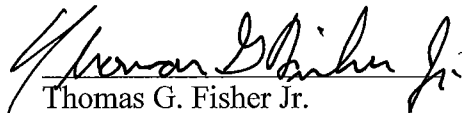
An Ordinance entitled, "AN ORDINANCE establishing the SW 9th Corridor Self-Supported Municipal Improvement District pursuant to the provisions of Chapter 386, Code of Iowa, and providing for the establishment of a capital improvement and operation fund and the levy of an annual tax in connection therewith",

presented.

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

FORM APPROVED:

(First of three required readings)


Thomas G. Fisher Jr.
Assistant City Attorney

NOTE: Six votes required to approve pursuant to Iowa Code Section 386.3(9)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
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

Prepared by: Thomas G. Fisher Jr., Assistant City Attorney, 400 Robert Ray Dr.
 Des Moines, IA 50309 (515) 283-4541
 Return Address: City Clerk - City Hall, 400 Robert Ray Dr., Des Moines, IA 50309
 Taxpayer: No change
 Grantor's Name: City of Des Moines, Iowa
 Grantee's Name: City of Des Moines, Iowa
 Legal Description: See pages 2 through 11

ORDINANCE NO. _____

AN ORDINANCE establishing the SW 9th Corridor Self-Supported Municipal Improvement District pursuant to the provisions of Chapter 386, Code of Iowa, and providing for the establishment of a capital improvement and operation fund and the levy of an annual tax 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 SW 9th Corridor Self-Supported Municipal Improvement District (the "Proposed District"), to establish a combined capital improvement and operation fund with respect to the Proposed District, and to levy an annual tax for such fund, all for the purpose of causing the acquisition, construction, installation, operation and maintenance within the public rights-of-way of SW 9th Street 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"); and,

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

WHEREAS, on February 22, 2016, by Roll Call No. 16-0303, the City Council received the petition to establish the SW 9th Corridor Self-Supported Municipal Improvement District, and referred the Petition to the City Plan and Zoning Commission for preparation of an evaluative report for the Council on the merit and feasibility of the proposed project and improvements as required by Iowa Code Chapter 386; and,

WHEREAS, the City Plan and Zoning Commission submitted its report and recommendation on the merit and feasibility of the proposed SW 9th Corridor Self-Supported Municipal Improvement District, and,

WHEREAS, on May 23, 2016, by Roll Call No. 16-0902, it was duly resolved by the City Council that the Petition to Establish the SW 9th Corridor Self-Supported Municipal Improvement District be set down for public hearing on June 23, 2016, at 5:00 p.m., in the Council Chambers; and,

WHEREAS, on June 23, 2016, by Roll Call No. 16-0998, 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; and,

WHEREAS, more than thirty days has now passed since the public hearing on the creation of the Proposed District was closed, and no petition has been filed with the City Clerk opposing the creation of the Proposed District; 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 "SW 9th Corridor 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 the Northwest corner of Lot 302, 1st Plat of Clifton Heights, an Official Plat; Thence North along the Northerly extension of the West line of said Lot 302, a distance of 11 Feet; Thence East along a parallel line with the North line of said Lot 302 to the Northerly extension of the East line of said Lot 302; Thence South along said Northerly extension and along said East line of Lots 302, 301, 300, 555, 554 and 553 in said 1st Plat of Clifton Heights to the Southeast corner of said Lot 553; Thence West along the South line of said Lot 553 to the Northeasterly extension of East line of the West 95 Feet of Lot 565 of said 1st Plat of Clifton Heights; Thence South along said Northeasterly extension and along said East Line to the North line of Lot 564 in said 1st Plat of Clifton Heights; Thence East along said North line to the East

line of said Lot 564; Thence South along said East line to the South line of said Lot 564; Thence West along said South line to East line of Lot 6 of the Official Plat of Section 16, Township 78 North, Range 24 West of the 5th P.M.; Thence South along said East line of Lot 6, a distance of 158.46 Feet; Thence West along a parallel line with the South line of said Lot 564 to the East Right of Way line of Southwest 9th Street; Thence Southwesterly along said East Right of Way line to the South line of the North 14 Feet of Lot 1, Hatton Acres, an Official Plat; Thence East along said South line to the East line of the West 200 Feet of said Lot 1; Thence South along said East line to the South line of said Lot 1; Thence West along the South line of said Lot 1 to the West line of the East 188.05 Feet of Lot 2 in said Hatton Acres; Thence South along said West line to the North line of Lot 2, Knoll Place, an Official Plat; Thence East along said North line to the East line of said Lot 2; Thence South along the East line of Lots 2 and 1 in said Knoll Place to the North line of Lot 4 in said Hatton Acres; Thence East along said North line to the East line of said Lot 4; Thence South along said East line to the North Line of Lot 5 in said Hatton Acres; Thence West along said North line to East line of Lot 1, Southwest 9th Street Place, an Official Plat; Thence South along said East line to the South line of said Lot 1; Thence West along said South line to the Northerly extension of East line of Lot E in said Southwest 9th Street Place; Thence South along said Northerly extension and continuing along the East line of said Lot E to the Northeast corner of Lot 1, Hatton Acres Plat No.2, an Official Plat; Thence South along the East line of Lots 1, 2, 3, 4, 5 and the Southerly extension of the East line of said Lot 5 in said Hatton Acres Plat No.2 to North line of Lot 15, Auditor's Plat Morris Place Replat of Lot 13 Morris Place, an Official Plat; Thence East along said North line to the East line of said Lot 15; Thence South along the East line of Lots 15, 14 and 13 in said Auditor's Plat Morris Place Replat of Lot 13 Morris Place to the North line of Lot 2 in said Auditor's Plat Morris Place Replat of Lot 13 Morris Place; Thence West along said North line to the East line of said Lot 2; Thence South along said East line and its Southerly extension to South line of the North 3.5 Feet of Lot 16, Morris Place, an Official Plat; Thence East along said South line to the East line of the West 90 Feet of said Lot 16; Thence South along said East line to South line of the North 94.18 Feet of said Lot 16; Thence East along said South line to the East line of the West 150 Feet of said Lot 16; Thence South along said East line and its Southerly extension to the North line of Lot 1, Proctor's Addition, an Official Plat; Thence East along said North line to the East line of said Lot 1; Thence South along the East line of Lots 1 and 2 in said Proctor's Addition to South line of said Lot 2; Thence West along said South line to the Northerly extension of the East line of the West 130 Feet of Lots 3 and 4 in said Proctor's Addition; Thence South along said East line to the South line of the North 25 Feet of said Lot 4; Thence East along said South line to the East line of Lot 4; Thence North along the East line of said Lot 4 and 3 to South Right of Way line of Virginia Avenue; Thence East along said South Right of Way line to the East line of the West Half of the Vacated Alley lying East of and adjoining said Lots 3 and 4; Thence South along said East line to the Easterly extension of the North line of Lot 5 in said Proctor's Addition; Thence West along said Easterly extension and along said North line to the East line of West 64 Feet of said Lot 5; Thence South along said East line and the Southerly extension of said East line to the North line of Lot 14, Bagg Place Plat 2, an Official Plat; Thence East along said North line to East line of the West 128 Feet of said Lot 14; Thence South along said East line to the South line of said Lot 14; Thence East along said South line to the East line of the

West 173 Feet of Lot 2, Bragg Place, an Official Plat; Thence South along said East line and the Southerly extension of said East line to the South line of Lot A in said Bragg Place; Thence East along said South line to the West Right of Way line of Southwest 7th Street; Thence South along said West Right of Way line to the North Right of Way line of Park Avenue; Thence West along said North Right of Way line to the Northerly extension of the West line of Lot 22, Germar Place, an Official Plat; Thence South along said Northerly extension and along said West line to the Southwest corner of said Lot 22; Thence continuing South along the West line of Lots 21, 20, 19, 18, 17 and 16 in said Germar Place to the South line of said Lot 16; Thence East along said South line to the West Right of Way line of Southwest 8th Street; Thence South along said West Right of Way line to the North Line of Lot 13 in said Germar Place; Thence West along said North line to the West line of said Lot 13; Thence South along said West line and the Southerly extension of said West line to the South Right of Way line of Caulder Avenue; Thence East along said South Right of Way line to the East line of Lot 7, Darnes Place, an Official Plat; Thence South along said East line to the North line of Lot 9 in said Darnes Place; Thence West along said North line to the East line of said Lot 9; Thence South along the East line of Lots 9 and 10 in said Darnes Place to North line of Lot 7, Bloomfield Place, an Official Plat; Thence East along said North line to the East line of the West 139 Feet of said Lot 7; Thence South along said East line to the North line of Lot 8 in said Bloomfield Place; Thence West along said North line to the East line of the West Half of said Lot 8; Thence South along said East line to the North line of the South 119.5 Feet of said Lot 8; Thence East along said North line to the East line of the West 153.95 Feet of said Lot 8; Thence South along said East line to North Right of Way line of Thornton Avenue; Thence West along said North Right of Way line to the Northerly extension of the East line of the West Half of Lot 9 in said Bloomfield Place; Thence South along said Northerly extension and along said East line to the Northeast corner of Lot 1, Burson Gardens, an Official Plat; Thence continuing South along the East line of Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 in said Burson Gardens to the South line of said Lot 9; Thence West along said South line to the Northerly extension of the East line of Lot 2, Crain Place, an Official Plat; Thence South along said Northerly extension and along said East line to the North line of Lot 24 in said Crain Place; Thence West along said North line to the East line of the West 296.31 Feet of said Lot 24; Thence South along said East line to the Northeast corner of Lot 46 in said Bloomfield Place; Thence continuing South along the East line of Lots 46 and 47 in said Bloomfield Place to the North Right of Way line of Watrous Avenue; Thence West along said North Right of Way line to the Northerly extension of the East line of Lot 1, Watrous Heights Plat No.1, an Official Plat; Thence South along said Northerly extension to the North line of said Lot 1; Thence continuing South along the East line of Lots 1, 2 and 3 in said Watrous Heights Plat No.1 to South line of said Lot 3; Thence West along said South Line to the West line of the East 21 Feet of Lot 4 in said Watrous Heights Plat No.1; Thence South along the West line of the East 21 Feet of Lots 4 and 5 in said Watrous Heights Plat No.1 to the North line of Lot 6 in said Watrous Heights Plat No.1; Thence West along said North line to the West line of the East 23.4 Feet of said Lot 6; Thence South along said West line and its Southerly extension to the South Right of Way line of Marion Street; Thence West along said South Right of Way line to the East line of Lot 59, Watrous Heights Plat No.2, an Official Plat; Thence South along said East line to the Northeast corner of Lot 66 in said Watrous Heights Plat No.2; Thence continuing South

along the East line of said Lot 66 to the North Right of Way line of Leach Avenue; Thence West along said North Right of Way line to the Northerly extension of the East line of Lot 105 in said Watrous Heights Plat No.2; Thence South along said Northerly extension to the Northeast corner of said Lot 105; Thence continuing South along the East line of Lots 105, 106, 107, 107, 109, 110, and the Southerly extension of said East line in said Watrous Heights Plat No.2 to the Northeast corner of Lot 157 in said Watrous Heights Plat No.2; Thence continuing South along the East line of Lots 157, 158, 159, 160, 161, 162 and the Southerly extension of said East line in said Watrous Heights Plat No.2 to South Right of Way line of Philip Street; Thence East along said South Right of Way line to the East line of Lot 1, B. Park's Place, an Official Plat; Thence South along said East line to the South line of said Lot 1; Thence West along said South line to the East line of the West 180.5 Feet of Lot 2 in said B. Park's Place; Thence South along said East line to North Right of Way line of Maxwelton Drive; Thence West along said North Right of Way line to the Northerly extension of the East line of the West 100 Feet of Lot 19 in said B. Park's Place; Thence South along said Northerly extension and along said East line to North line of Lot 20 in said B. Park's Place; Thence East along said North line to the East line of said Lot 20; Thence South along said East line to the North Right of Way line of Emma Avenue; Thence West along said North Right of Way line to Northerly extension of the West Right of Way line of Southwest 8th Street; Thence South along said Northerly extension and along said West Right of Way line to South Right of Way line of Herold Avenue; Thence East along said South Right of Way line to the East line of Lot 22, Whispering Pines, an Official Plat; Thence South along said East line to the South line of said Lot 22; Thence East along the South line of Lot 23 in said Whispering Pines to a point that is 30.2 Feet East of the Northwest corner of Lot 1, Evans Place, an Official Plat; Thence South along a straight line to a point on the North Right of Way line that is 36 Feet West of the Southwest corner of said Lot 1; Thence West along said North Right of Way line to the Northerly extension of the East line of the West 100 Feet of Lot 1, Meadowbrook Place, an Official Plat; Thence South along said Northerly extension and along said East line to a point on a line that is 150 Feet South of and parallel of the North line of said Lot 1; Thence East along said parallel line to the East line of said Lot 1; Thence Southerly along said East line to Southeast corner of said Lot 1; Thence West along South line of said Lot 1 to the Northeast corner of Lot 2 in said Meadowbrook Place; Thence South along the East line of Lots 2, 3, 4, 5, 6, 7, 8, 9 and 10 in said Meadowbrook Place to the Southeast corner of said Lot 10; Thence West along the South line of said Lot 10 to the East line of Lot 12, Dodge Heights, an Official Plat; Thence South along said East line to the South line of said Lot 12; Thence West along said South line to the Northwest corner of Lot 13 in said Dodge Heights; Thence South along the West line of Lots 13 and 14 to the Northwest corner of Lot 10, Du Pont Place; Thence continuing South along the West line of Lots 10, 11 and 12 in said Du Pont Place to South line of the North 75 Feet of said 12; Thence East along said South line to the West line of the East 400 Feet of said Lot 12; thence South along said West line to the North Right of Way line of Kenyon Avenue; Thence West along said North Right of Way line to the Northerly extension of the West Right of Way line of the North/South Alley in Block 1, Hillcrest, an Official Plat; Thence South along said Northerly extension and along said West Right of Way line and along the Southerly extension of said West Right of Way line to the South Right of Way line of Porter Avenue; Thence East along said South Right of Way line to West line of the East 107 Feet of Lot 10,

Block D, Corrected Plat of Thomas Heights, an Official Plat; Thence South along said West line to the South line of said Lot 10; Thence continuing South along the West line of the East 107 Feet of Lot 9 in said Block D to the South line of the North 64 Feet of said Lot 9; Thence East along said South line to the East line of said Lot 9; Thence South along said East line to the Southeast corner of said Lot 9; Thence East along the North line of Lot 3 in said Block D to a corner of Lot 4, Hallmark South, an Official Plat, said corner lying 24 Feet North of the Southwest corner of said Lot 4; Thence South along a Westerly line of said Lot 4 to the Northwest corner of Lot 5 in said Hallmark South; Thence continuing South along the West line of said Lot 5 to the Southwest corner of said Lot 5; Thence East along the South line of said Lot 5 to the West Right of Way line of Southwest 7th Street; Thence South along said West Right of Way line to the North Right of Way line of Wall Street; Thence West along said North Right of Way line to the Northerly extension of the East Line of Lot 1, Subdivision of Block E of Thomas Heights Except Lots 4 and 5, an Official Plat; Thence South along said Northerly extension to the Northeast corner of said Lot 1; Thence continuing South along the East line of Lots 1 through 24 in said Subdivision of Block E of Thomas Heights Except Lots 4 and 5 to the North Right of Way line of Payton Avenue; Thence West along said North Right of Way line to the Northerly extension of the East line of the West 100 Feet of Lot 10 in Block H in said Corrected Plat of Thomas Heights; Thence South along said Northerly extension and along said East line to the North line of Lot 9 in said Block H; Thence continuing South along the East line of the West 100 Feet of said Lot 9 to the North line of Lot 8 in said Block H; Thence East along said North Line to the Northeast corner of said Lot 8; Thence South along the East line of Lots 8 and 7 in said Block H to the Southeast corner of said Lot 7; Thence East along the South line of said Lot 7 to the East line of the West 210 Feet of Lot 6 in said Block H; Thence South along said East line and its Southerly extension to the South Right of Way line of Leland Avenue; Thence East along said South Right of Way line to the East line of Lot 2, Block 3, Porter's Replat, an Official Plat; Thence South along said East line to the South line of said Lot 2; Thence West along the South line of Lots 2 and 1 in said Block 3 to the East line of Lot 18 in said Block 3; Thence South along said East line to the North Right of Way line of Lally Street; Thence West along said North Right of Way line to the Northerly extension of the West line of Lot 10, Kimble Heights, an Official Plat; Thence South along said Northerly extension and along said West line to the South line of said Kimble Heights; Thence East along said South line to the East line of said Kimble Heights; Thence North along said East line to the South Right of Way line of Lally Street; Thence East along said South Right of Way line to the East line of Lot 1, Block 5 in said Porter's Replat; Thence South along the East line of Lot 1 and 18 in said Block 5 to South line of said Lot 18; Thence East along said South line to the West line of said Lot 18; Thence South along the Southerly extension of the said West line to the North Right of Way line of Army Post Road; Thence West along said North Right of Way line to Northerly extension of the East line of Lot 3, Fort Des Moines Business Park, an Official Plat; Thence South along said Northerly extension and along said East line and along the Southerly extension of said Lot 3 to South Right of Way line of Dickman Road; Thence Southeasterly along said South Right of Way line to the East line of Lot 4 in said Fort Des Moines Business Park; Thence South along said East line, a distance of 473.07 Feet to a Southeasterly corner of said Lot 4; Thence West along a Southerly line of said Lot 4, a distance of 300 Feet to a corner of said Lot 4; Thence South along a Easterly

line of said Lot 4, a distance of 60 Feet to a Southerly corner of said Lot 4; Thence West along the most Southerly line of said Lot 4, a distance of 100 Feet to the Southwest corner of said Lot 4; Thence continuing along the Westerly extension of said most Southerly line of said Lot 4 to the West line of the East 33 feet of the Northwest Quarter in Section 33, Township 78 North, Range 24 West of the 5th P.M.; Thence North along said West line to the North Right of Way line of West Street; Thence West along said North Right of Way line to the East Right of Way line of Southwest 10th Street; Thence North along said East Right of Way line and its Northerly extension to the North Right of Way line of Army Post Road; Thence West along said North Right of Way line to the East line of Lot 3, Langdon Place, an Official Plat; Thence North along said East line to Southeast corner of Lot 6 in said Langdon Place; Thence continuing North along the East line of Lots 6 and 7 in said Langdon Place to the South line of Lot 8 in said Langdon Place; Thence East along said South line to the Southeast corner of said Lot 8; Thence North along the East line of Lots 8 and 9 in said Langdon Place to the Southwest corner of Lot 14 in said Langdon Place; Thence East long the South line of said Lot 14 to the Southeast corner of said Lot 14; Thence North along the East line of said Lot 14 to the Southwest corner of Lot 15 in said Langdon Place; Thence East along the South line of said Lot 15 to the Southeast corner of said Lot 15; Thence North along the East line of said Lot 15 to South Right of Way line of Leland Avenue; Thence East along said South Right of Way line to the Southerly extension of the West line of the East 168 Feet of Lot 4, Columbia Heights, an Official Plat; Thence North along said Southerly extension and along said West line to the South line of Lot 3 in said Columbia Heights; Thence West along said South line to the Southwest corner of said Lot 3; Thence North along the East line of said Lot 3 to the Northwest corner of said Lot 3; Thence East along the South Line of Lot 2 in said Columbia Heights to the West line of the East 150 Feet of said Lot 2; Thence North along said West line and its Northerly extension to North Right of Way line of Randolph Street; Thence West along said North Right of Way line to the East line of the West 80 Feet of Lot 21, Wesley Place, an Official Plat; Thence North along said East line to the North line of said Lot 21; Thence continuing North along the East line of the West 80 of Lot 20 of said Wesley Place to the North line of said Lot 20; Thence East along said North line to the West line of Lot 4 of said Wesley Place; Thence North along said West line to the South Right of Way line of Payton Avenue; Thence East along said South Right of Way line to the Southerly extension of the West line of the East 150 Feet of Lot 14, Nichols Place, an Official Plat; Thence North along said Southerly extension and along said West line to the North line of the South 150 Feet of said Lot 14; Thence West along said North line to the East line of said Lot 14; Thence North along said East line to the North line of said Lot 14; Thence East along said North line to the West line of Lot 12 in said Nichols Place; Thence North along said West line to the North line of said Lot 12; Thence East along said North line to the West line of Lot 1, Durrie Heights, an Official Plat; Thence North along said West line and its Northerly extension to the North Right of Way line of Frederick Avenue; Thence West along said North Right of Way line to the West line of Lot 22 in said Durrie Heights; Thence North along said West line to the South line of Lot 9 in said Nichols Place; Thence West along said South line to the West line of said Lot 9; Thence North along the West line of Lots 9, 8, 7, 6 and 5 of said Nichols Place to the South line of Lot 3 in said Nichols Place; Thence West along said South line to the West line of said Lot 3; Thence North along the West line of Lots 3 and 2 of said Nichols Place to the North

line of said Lot 2; Thence East along said North line to the West Right of Way line of Southwest 9th Street; Thence North along said West Right of Way line to the North Right of Way line of Porter Avenue; Thence West along said North Right of Way line to the West line of Lot 10, Macomber's Subdivision, an Official Plat; Thence North along the West line of Lots 10, 9, 8, 7 and 6 of said Macomber's Subdivision to the South Right of Way line of Kenyon Avenue; Thence East along said South Right of Way line to the Southerly extension of the East line of Lot 151, Sheridan Place, an Official Plat; Thence North along said Southerly extension and along said East line to the North line of said Lot 150; Thence West along said North line to the West line of Lot 79 in said Sheridan Place; Thence North along said West line to the Northwest corner of said Lot 79; Thence North along a straight line to the Southwest corner of Lot 74 in said Sheridan Place; Thence North along the West line of Lots 74 and 3 of said Sheridan Place to the South Right of Way line of Spring Street; Thence East along said South Right of Way line to the Southerly extension of the West line of Lot 77, Block 9, Pinehurst, an Official Plat; Thence North along said Southerly extension to the Southwest corner of said Lot 77; Thence North along said West line and its Northerly extension to the North Right of Way line of Hackley Avenue; Thence West along said North Right of Way line to the West line of Lot 30, Block 8 in said Pinehurst; Thence North along said West line to the North line of said Lot 30; Thence East along said North line to the West line of Lot 24 in said Block 8; Thence North along the West line of Lots 24, 23, 22, 21, 20 and 19 in said Block 8 to the Northwest corner of said Lot 19; Thence North along a straight line to the Southwest corner of Lot 38, Block 3 in said Pinehurst; Thence North along the West line of Lots 38 and 39 in said Block 3 to the North line of said Lot 39; Thence East along said North line the East line of the West 5 Feet of Lot 40 in said Block 3; Thence North along the East line of the West 5 Feet of Lots 40, 41 and 42 in said Block 3 to the North line of the South 10.7 Feet of said Lot 42; Thence West along said North line to the West line of said Lot 42; Thence continuing along the North line of the South 113 Feet of Lot 37, 36 and 35 in said Block 3 to the West line of said Lot 35; Thence North along said West line to the North line of Lot 34 in said Block 3; Thence West along said North line to the West Line of Parcel C as Recorded in Book 11019 Page 328 at the Recorder's Office of Polk County, Iowa; Thence North along said West line to the Northwest corner of said Parcel C; Thence continuing along a West line of Parcel B as Recorded in Book 11019 Page 328 at the Recorder's Office of Polk County, Iowa, a distance of 42 Feet to a corner of said Parcel B; Thence West along a South line of said Parcel B, a distance of 25 Feet to the most Westerly line of said Parcel B; Thence North along said most Westerly line to the South Right of Way line of McKinley Avenue; Thence East along said South Right of Way line to the Southerly extension of the West line of the East Half of Lot 26, Amend Place, an Official Plat; Thence North along said Southerly extension to the South line of said Lot 26; Thence North along the West line of the East Half of Lots 26 and 27 in said Amend Place to the South line of Lot 24 in said Amend Place; Thence East along said South line to the West line of the East 80 Feet of said Lot 24; Thence North along said West line and along its Northerly extension to the North Right of Way line of Herold Avenue; Thence West along said North Right of Way line to the West line of the East 153 Feet of Lot 23; Thence North along the West line of the East 153 Feet of Lots 23 and 22 in said Amend Place to the North line of said Lot 22; Thence East along said North line to the West line of the East Half of Lot 21 in said Amend Place; Thence North along said West line to the South

Right of Way line of Emma Avenue; Thence East along said South Right of Way line to the Southerly extension of the West line of the East 125 Feet of Lot 20 in said Amend Place; Thence North along said Southerly extension and along said West line to the North line of South 165 Feet of said Lot 20; Thence West along said North line to the West line of said Lot 20; Thence North along said West line to the North line of the South Half of Lot 19 in said Amend Place; Thence West along said North line to the West line of East 5 Feet of said Lot 19; Thence North along said West line to the South line of the North 122.47 Feet of said Lot 19; Thence East along the South line of the North 122.47 Feet of said Lots 19 and 20 to a point on said South line that is 49.16 Feet East of the West line of said Lot 20; Thence North along a line that is parallel with said West line to the South Right of Way line of Lewis Avenue; Thence continuing along the Northerly extension of said parallel line to the North Right of Way line of Lewis Avenue; Thence West along said North Right of Way line to the West line of the East Half of Lot C in said Amend Place; Thence Northwesterly along said West line to the Westerly extension of the North line of Lot 4, Willmont Place, an Official Plat; Thence East along said Westerly extension and along said North line to the East line of Lot 5 in said Willmont Place; Thence North along said East line and its Northerly extension to the North Right of Way line of Elder Lane; Thence West along said North Right of Way line to the West line of the East 250 Feet of Lot 1, Merkel Place, an Official Plat; Thence North along said West line to the North line of the South 152.85 Feet of said Lot 1; Thence West along said North line to the West line of the East 257 Feet of said Lot 1; Thence North along said West line to the North line of said Lot 1; Thence East along said North line to the West line of the East 160 Feet of Lot 2 in said Merkel Place; Thence North along said West line to the South line of Lot 3 in said Merkel Place; Thence West along said South line to the West line of said Lot 3; Thence North along said West line to the South Right of Way line of Leach Avenue; Thence East along said South Right of Way line to the Southerly extension of the West line of the East Half of Lot 252 in said Watrous Heights Plat No.2; Thence North along said Southerly extension to the South line of said Lot 252; Thence continuing North along the West line of the East Half of Lots 252, 251 and 250 in said Watrous Heights Plat No.2 to the South line of Lot 249 in said Watrous Heights Plat No.2; Thence West along said South line to the West line of said Lot 249; Thence North along said West line to the North line of said Lot 249; Thence East along said North line to the West line of the East 100 Feet of Lot 248 in said Watrous Heights Plat No.2; Thence North along said West line to the North line of said Lot 248; Thence continuing North along the West line of the East 100 Feet of Lot 247 in said Watrous Heights Plat No.2 to the South Right of Way line of Marion Street; Thence East along said South Right of Way line to the Southerly extension of the West line of the East 70 Feet of Lot 233 in said Watrous Heights Plat No.2; Thence North along said Southerly extension and along said West line to the North line of said Lot 233; Thence continuing North along the West line of the East 70 Feet of Lot 232 in said Watrous Heights Plat No.2 to the North line of said Lot 232; Thence West along said North line to the East line of Lot 231 in said Watrous Heights Plat No.2; Thence North along the East line of Lots 231, 230, 229 and 228 in said Watrous Heights Plat No.2 to the South Right of Way line of Watrous Avenue; Thence continuing North along the Northerly extension of the East line of said Lot 228 to the North Right of Way line of Watrous Avenue; Thence West along said North Right of Way line to the West line of Lot 196, Watrous Park, an Official Plat; Thence North along said West line to the North line of said Lot

196; Thence East along the North line of Lots 196 and 197 in said Watrous Park to the East line of Lot 172 in said Watrous Park; Thence North along said East line and its Northerly extension to the North Right of Way line of Maish Avenue; Thence West along said North Right of Way line to the West line of Lot 145 in said Watrous Park; Thence North along said West line to the Northwest corner of said Lot 145; Thence East along the North line of Lots 145, 146 and 147 in said Watrous Park to the East line of Lot 122 in said Watrous Park; Thence North along said East line to the Northeast corner of said Lot 122; Thence North along a straight line to the Southwest corner of Lot 100 in said Watrous Park; Thence North along the West line of Lots 100, 99, 98, 75, 74 and 73 in said Watrous Park to the Northwest corner of said Lot 73; Thence North along a straight line to the Southwest corner of Lot 50 in said Watrous Park; Thence North along the West line of Lots 50, 49, 48, 25, 24 and 23 in said Watrous Park to the South Right of Way line of Thornton Avenue; Thence East along said South Right of Way line to the Southerly extension of the West line of Lot 336, Watrous Park Plat 2, an Official Plat; Thence North along said Southerly extension and along said West line to the Northwest corner of said Lot 336; Thence continuing North along the East line of Lots 335 and 334 and the Northerly extension of the East line of said Lot 334 in said Watrous Park Plat 2 to the North line of Lot 333 in said Watrous Park Plat 2; Thence East along said North line to the Southwest corner of Lot 332 in said Watrous Park Plat 2; Thence North along the West line of Lots 332, 331, 330 and 329 in said Watrous Park Plat 2 to the Northwest corner of said Lot 329; Thence continuing North along the Northerly extension of the West line of said Lot 329 to the North Right of Way line of Jarvis Street; Thence West along said North Right of Way line to the West line of Lot 238 in said Watrous Park Plat 2; Thence North along said West line to the Northwest corner of said Lot 238; Thence East along said North line to the Southwest corner of Lot 287 in said Watrous Park Plat 2; Thence North along the West line of Lots 287, 286, 285 and 284 to the South Right of Way line of Caulder Avenue; Thence East along said South Right of Way line to the Southerly extension of the East line of Lot 244 in said Watrous Park Plat 2; Thence North along said Southerly extension to the Southeast corner of said Lot 244; Thence North along said East line to the South line of Lot 10, Littleton Place, an Official Plat; Thence West along said South line to the West line of said Lot 10; Thence North along the West line of Lots 10 and 9 in said Littleton Place to the North line said Lot 9; Thence East along said North line to the West line of Lot 3 in said Littleton Place; Thence North along said West line to the South Right of Way line of Park Avenue; Thence East along said South Right of Way line to Southerly extension of the East line of Lot 18, Southgate, an Official Plat; Thence North along said Southerly extension and along said East line to the North line of said Lot 18; Thence West along said North line to the East line of the West 121 Feet of Lot 20 in said Southgate; Thence North along said East line to the North line of the South 45 Feet of said Lot 20; Thence East along said North line to the East line of the West 135 Feet of said Lot 20; Thence North along said East line and its Northerly extension to the North Right of Way line of Boulder Avenue; Thence West along said North Right of Way line to the West line of Lot 2 in said Southgate; Thence North along the West line of Lots 2 and 1 of said Southgate to the South Right of Way line of Pleasant View Drive; Thence East along said South Right of Way line to the Southerly extension of the West line of Lot 37, Virginia Heights, an Official Plat; Thence North along said Southerly extension to the Southwest corner of said Lot 37; Thence continuing North along said West line of Lot 37 and its Northerly

extension to the Southwest corner of Lot 27 in said Virginia Heights; Thence North along the West line of said Lot 27 to the South Right of Way line of Virginia Avenue; Thence East along said South Right of Way line to the Southerly extension of the West line of the East 87 Feet of Lot 13 in said Virginia Heights; Thence North along said Southerly extension and along said West line to the South line of Lot 12 in said Virginia Heights; Thence West along said South line to the West line of said Lot 12; Thence North along said West line to the South line of Lot 8, Block B, City View, an Official Plat; Thence West along said South line to the Southwest corner of said Lot 8; Thence North along the West line of said Lot 8 to the North line of said Lot 8; Thence East along said North line to the West line of Lot 1 in said Block B; Thence North along the West line of Lots 1, 2 and 3 of said Block B to the South line of Lot 4 in said Block B; Thence East along said South line to the West line of the East 150 Feet of said Lot 4; Thence North along said West line to the South Right of Way line of Creston Avenue; Thence East along said South Right of Way line to the Southerly extension of the West line of the East 100 Feet of Lot 4, Block A of said City View; Thence North along said Southerly extension to the South line of said Lot 4; Thence continuing North along the West line of the East 100 Feet of Lots 4 and 3 in said Block A to the South line of Lot 2 in said Block A; Thence West along said South line to the West line of the East 170 Feet of said Lot 2; Thence North along said West line to the North line of the South 45 Feet of said Lot 2; Thence East along said North line to the East line of the West 82 Feet of said Lot 2; Thence North along the East line of the West 82 Feet of Lots 2 and 1 in said Block A; Thence continuing North along the Northerly extension of said East line to the North Right of Way line of Loomis Avenue; Thence East along said North Right of Way line to the West Right of Way line of Southwest 9th Street; Thence North along said West Right of Way line to the North Right of Way line of Bell Avenue; Thence Northwest along said North Right of Way line to the Southwest corner of Parcel A as Recorded in Book 14804 Page 758 at the Recorder's Office of Polk County, Iowa; Thence Northeasterly along the Westerly line of said Parcel A to a point on the West line of Lot 39, Bell Place Plat 2, an Official Plat; Thence North along said West line to the Northwest corner of said Lot 39; Thence East along the North line of Lots 39 and 40 in said Bell Place Plat 2 to the Northeast corner of said Lot 40; Thence North along a straight line to the Southwest corner of Lot 5, Dorward Place, an Official Plat; Thence North along the West line of said Lot 5 to the Northwest corner of said Lot 5; Thence North along a straight line to the Southwest corner of Parcel D as Recorded in Book 9060 Page 373 at the Recorder's Office of Polk County, Iowa; Thence East along the South line of said Parcel D to the Southeast corner of said Parcel D; Thence North along the East line of said Parcel D to the South line of Lot 3, Roop's Subdivision, an Official Plat; Thence East along the South line of Lots 3, 4, 5, and 6 in said Roop's Subdivision to the Southwest corner of Lot 9 in said Roop's Subdivision; Thence North along the West line of said Lot 9 to the North line of said Lot 9; Thence East along said North line to a point 120 Feet West of the Northeast corner of said Lot 9; Thence Northeast along a straight line to a point on the North line of Lot 7 in said Roop's Subdivision, said point being 120 Feet West of the Northeast corner of said Lot 7; Thence East along the North line of said Lot 7 to the Southwesterly extension of the East line of the West 77 Feet of Lot 560 in said 1st Plat of Clifton Heights; Thence Northeasterly along said Southwesterly extension to the South line of said Lot 560; Thence continuing Northeasterly along the East line of the West 77 Feet of Lots 560 and 559 in said 1st Plat of Clifton Heights to

the North Line of the South 20 Feet of said Lot 559; Thence West along said North line to the East line of said Lot 559; Thence Northeasterly along the West line of Lots 559, 558 and 557 in said 1st Plat of Clifton Heights to the Northwest corner of said Lot 557; Thence East along the North line of said Lot 557 to the East line of the West 44 Feet of Lot 556 in said 1st Plat of Clifton Heights; Thence Northeasterly along said East line to North line of said Lot 556; Thence East along said North line to the Northeast corner of said Lot 556; Thence East along a straight line to the Northwest corner of said Lot 302 in said 1st Plat of Clifton Heights, said corner being the Point of Beginning.

Sec. 3. It is hereby found and determined that each property within the District is zoned for commercial use and that the owners of each property within the District will directly benefit from the acquisition, construction, installation, operation and maintenance of the Improvements.

Sec. 4. Pursuant to the provisions of the Act, there is hereby established and created a self-supported municipal improvement district capital improvement and operation fund with respect to the District to be known as the "SW 9th Self-Supported Municipal Improvement District Capital Improvement and Operation Fund" (herein the "Capital Improvement and Operation Fund"), for which the City may certify taxes (the "Capital Improvement and Operation Tax") against the property as defined in the Act within the District (the "Property") each year, in addition to all other taxes, commencing with the levy of taxes for collection in the fiscal year beginning July 1, 2017, and continuing for ten (10) years thereafter. The City 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 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 District, is filed with the City Clerk at least 6 months prior to the expiration of the current period. The City shall not renew the levy of the Capital Improvement and Operation Tax if such a petition is timely received.

Sec. 5. The City may 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 and repair of the Improvements, any administration expenses (as defined in and authorized by the Act) of the District, including legal and engineering fees, and any other expenses reasonably incurred in fulfilling the purposes of the District, all as may be determined from time to time by the City Council.

Sec. 6. The aggregate rate of the Combined Capital Improvement and Operation Tax to be levied annually as aforesaid shall not exceed \$2.25 per thousand dollars (\$1,000) of taxable value of the property within the District in any one year, in addition to all other taxes.

Sec. 7. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance, which shall be given effect without such invalid part or parts.

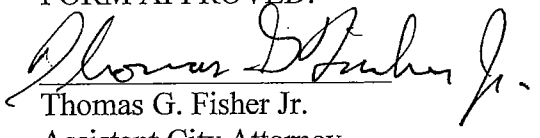
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Sec. 8. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 9. The City Clerk is hereby authorized and directed to cause a certified copy of this ordinance to be recorded in the office of the Polk County Recorder, and a copy thereof to be filed with the Polk County Auditor.

FORM APPROVED:



Thomas G. Fisher Jr.
Assistant City Attorney