

★ Roll Call Number

Agenda Item Number

41

Date August 20, 2018

An Ordinance entitled, "AN ORDINANCE continuing the Downtown Des Moines Self-Supported Municipal Improvement District pursuant to the provisions of Chapter 386, Code of Iowa; and providing for the continuation of an operation fund and the levy of an annual tax in connection therewith",


(Council Communication No. 18-423)

presented.

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

FORM APPROVED:

(First of three required readings)


Lawrence R. McDowell
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
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: Lawrence R. McDowell, 400 Robert D. Ray Dr., Des Moines, IA 50309 (515) 283-4543

ORDINANCE NO. _____

AN ORDINANCE continuing the Downtown Des Moines Self-Supported Municipal Improvement District pursuant to the provisions of Chapter 386, Code of Iowa; and providing for the continuation of an 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, Ordinance No. 13,579 passed by the City Council on February 23, 1998 established the Downtown Des Moines Self-Supported Municipal Improvement District pursuant to the provisions of the Act and provided for the establishment of an operation fund and the levy of an annual tax in connection therewith; and,

WHEREAS, Ordinance No. 13,913 passed by the City Council on January 22, 2001, continued the Downtown Des Moines Self-Supported Municipal Improvement District pursuant to the provisions of the Act and provided for the continuation of an operation fund and the levy of an annual tax in connection therewith; and,

WHEREAS, Ordinance No. 14,311 passed by the City Council on January 26, 2004 continued and expanded the Downtown Des Moines Self-Supported Municipal Improvement District pursuant to the Act and provided for the continuation of the operation fund and the levy of an annual tax in connection therewith until June 30, 2009; and

WHEREAS, Ordinance No. 14,540 passed by the City Council on February 6, 2006 expanded the Downtown Des Moines Self-Supported Municipal Improvement District pursuant to the Act and provided for the continued levy of an annual operation tax on property in the expanded District; and

WHEREAS, Ordinance No. 14,834 passed by the City Council on February 23, 2009 continued the Downtown Des Moines Self-Supported Municipal Improvement District pursuant to the Act and provided for continuation of the operation fund and levy of an annual tax in connection therewith until June 30, 2014; and

WHEREAS, Ordinance No. 15,218 passed by the City Council on September 23, 2013 continued and adjusted the boundaries of the Downtown Des Moines Self-Supported Municipal Improvement District pursuant to the Act and provided for continuation of the operation fund and levy of an annual tax in connection therewith until June 30, 2019; and

WHEREAS, a petition (the "Petition") has been filed with the City Clerk pursuant to the Act petitioning the City Council to continue the Downtown Des Moines Self-Supported Municipal Improvement District (the "District"), to continue an operation fund with respect to the District, and to levy an annual tax for such fund, all for the purposes of paying the administrative expenses of the District or paying part or all of the maintenance expenses of improvements or self-liquidating improvements with respect to the District; and,

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

WHEREAS, on May 21, 2018, by Roll Call No. 18-0892, 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 June 11, 2018, by Roll Call No. 18-0982 the City Council received the report of the City Plan and Zoning Commission on the merit and feasibility of continuation of the District; and,

WHEREAS, on June 11, 2018 by Roll Call No. 18-0981, the City Council scheduled a public hearing for July 9, 2018, at 5:00 P.M., at which it proposed to take action for the continuation of the District, and did direct that notice of such hearing be given in accordance with the Act; and,

WHEREAS, notice of the hearing was published in the Des Moines Register on June 28, 2018, and a copy of such notice was mailed by certified mail on June 20, 2018, to all the owners of record of real property located within the District as shown by the records of the Polk County Auditor, 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 District and residents of the City desiring to express their views with respect to the continuation of the District; and,

WHEREAS, by Resolution and Roll Call No. 18-1185 adopted July 9, 2018, the City Council closed the public hearing on the continuation of the District and found that the Petition and the District satisfied the applicable requirements imposed by the Act; and,

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

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

Sec. 1. That in accordance with Iowa Code Chapter 386 and the recitations set out in the Preamble hereof the self-supported municipal improvement district as defined in the Act, named the "Downtown Des Moines Self-Supported Municipal Improvement District" (the "District") established and created in the City of Des Moines pursuant to Ordinance No. 13,579, continued pursuant to Ordinance No. 13,913, continued and expanded pursuant to Ordinance No. 14,311 further expanded pursuant to Ordinance No. 14,540, and continued pursuant to Ordinance No. 14,834, and continued with adjusted boundaries pursuant to Ordinance No. 15,218 is hereby further continued in accordance with the general terms of the Petition.

Sec. 2. The District shall include all property within the following described boundaries:

Beginning at the intersection of the East Right-of-Way line of 7th Street and the South Right-of-Way line of School Street; thence East along the South Right-of-Way line of School Street and its easterly extension to the East Right-of-Way line of 6th Avenue; thence south along said Right-of-Way line to intersection with the South Right of Way line of Interstate 235; thence East along said South Right-of-Way line of Interstate 235 to the West Bank of the Des Moines River; thence East to the intersection of the East Bank of the Des Moines River and the South Right-of-Way line of I-235; thence East along the South Right-of-Way line of Interstate 235 to its intersection with the West lot line of Lot 3, Block D, River Hills Plat 3, an Official Plat; thence South along said West lot line of Lot 3, Block D, River Hills Plat 3 and continuing South along the West lot line of Lot 6, Block D and the Southerly projection of said West lot line of Lot 6, Block D, River Hills Plat 3 to the South Right-of-Way line of Des Moines Street; thence East along said South Right-of-Way line of Des Moines Street to the East Right-of-Way line of East 6th Street; thence North along said East Right-Of-Way line of East 6th Street to its intersection with the South right-of-Way line of Lyon Street; thence Easterly along said South Right-of-Way line of Lyon Street to its intersection with the Southerly projection of the East Right-of-Way line of East 7th Street; thence North along said Southerly projection of the East Right-of-Way line of East 7th Street and continuing North along the East Right-of-Way line of East 7th Street to its intersection with the South Right-of-Way line of Interstate 235; thence Southeasterly along said South Right-of-Way line of Interstate 235 to its intersection with the Northerly extension of a line, said line having one point on the Northerly Right-of-Way of Lyon Street and a distance of 196.1 feet East of the Southwest corner of Lot 3 in Block 25 of East Fort Des Moines, an Official Plat, and having another point on the Southerly Right-of-Way line of the Vacated East/West Alley in Block 0, Griffiths' Addition No. 2, an Official Plat, with said point being 6.2 feet East of the Northwest corner of Lot 4 in Block O, Griffith's Addition No. 2; thence Southeasterly along said line and the Southerly extension of said line to the centerline of Lyon Street; thence Northeasterly along said centerline to the centerline of Pennsylvania Avenue; thence South along the centerline of Pennsylvania Avenue and its southerly extension to

the intersection of the centerline of East Locust Street; thence West along the centerline of East Locust Street to the intersection of the northerly extension of the centerline of East 7th Street; thence South along the northerly extension of the centerline of East 7th Street and continuing along the centerline of Southeast 7th Street to the intersection with the centerline of Allen Street; thence West along the centerline of Allen Street and its westerly extension to the West Bank of the Des Moines River and the North Bank of the Raccoon River; thence westerly along the North Bank of the Raccoon River to its intersection with the North/South centerline of Section 8, Township 78 North, Range 24 West of the 5th P.M.; thence North along said North/South centerline of Section 8, Township 78 North, Range 24 West of the 5th P.M. to its intersection with the North Right-of-Way line of the Norfolk and Southern Railroad lying within Lot 1, Official Plat Northwest ¼, Section 8, Township 78 North, Range 24 West of the 5th P.M.; thence Southwesterly along said North Right-of-Way line of the Norfolk and Southern Railroad lying within Lot 1, Official Plat Northwest ¼, Section 8, Township 78 North, Range 24 West of the 5th P.M. to its intersection with a line being 75 feet West of the East line of Lot 1, Official Plat, Northwest ¼, Section 8, Township 78 North, Range 24 West of the 5th P.M.; thence North along said line 75 feet West of and parallel to the East line of Lot 1, Official Plat, Northwest ¼, Section 8, Township 78 North, Range 24 West of the 5th P.M. to a point, said point being 225 feet South of the South Right-of-Way line of Grand Avenue; thence West 18 feet along a line 225 feet South of and parallel to the South Right-of-Way line of Grand Avenue to a point, said point being 93 feet West of the East line of Lot 1, Official Plat, Northwest ¼, Section 8, Township 78 North, Range 24 West of the 5th P.M.; thence North along said line 93 feet West of and parallel to the East line of Lot 1, Official Plat, Northwest ¼, Section 8, Township 78 North, Range 24 West of the 5th P.M. to its intersection with the South Right-of-Way of Grand Avenue; thence Northwesterly to a point on the North Right-of-Way line of Grand Avenue said point being 100 feet West of and parallel to the East lot line of Lot 9, Official Plat, Southwest ¼, Section 5, Township 78 North, Range 24 West of the 5th P.M.; thence North along said line 100 feet West of and parallel to the East lot line of Lot 9, Official Plat, Southwest ¼, Section 5, Township 78 North, Range 24 West of the 5th P.M. and continuing North along said Northerly projection of a line 100 feet West of and parallel to the East lot line of Lot 9, Official Plat, Southwest ¼, Section 5, Township 78 North, Range 24 West of the 5th P.M. to its intersection with North Right-of-Way line of Ingersoll Avenue; thence East along said North Right-of-Way line of Ingersoll Avenue and continuing East along the Easterly projection of said North Right-of-Way line of Ingersoll Avenue 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 North 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 Westerly extension of the North lot line of Parcel "D" Plat of Survey, Part of Lots 1 through 6, Harding Road Place, an Official Plat and Part of Lots 5 through 9, Block B, West & Burton's Addition to Des Moines, an Official Plat; thence East along the Westerly extension of the North lot line of Parcel "D" Plat of Survey, Part of Lots 1 through 6, Harding Road Place, and Part of Lots 5 through 9, Block B, West & Burton's Addition to Des Moines and continuing East along the North lot line of Parcel "D" Plat of Survey,

Part of Lots 1 through 6, Harding Road Place, and Part of Lots 5 through 9, Block B, West & Burton's Addition to Des Moines to its intersection with the East lot line of Parcel "D" Plat of Survey, Part of Lots 1 through 6, Harding Road Place, and Part of Lots 5 through 9, Block B, West & Burton's Addition to Des Moines; thence South along the East lot line of Parcel "D" Plat of Survey, Part of Lots 1 through 6, Harding Road Place, and Part of Lots 5 through 9, Block B, West & Burton's Addition to Des Moines to its intersection with the North Lot line of Parcel "B" Plat of Survey, Part of Lots 1 through 6, Harding Road Place, and Part of Lots 5 through 9, Block B, West & Burton's Addition to Des Moines; thence East along the North lot line of Parcel "B" Plat of Survey, Part of Lots 1 through 6, Harding Road Place, and Part of Lots 5 through 9, Block B, West & Burton's Addition to Des Moines and continuing East along the Easterly extension of the North lot line of Parcel "B" Plat of Survey, Part of Lots 1 through 6, Harding Road Place, and Part of Lots 5 through 9, Block B, West & Burton's Addition to Des Moines to its intersection with the Centerline of 19th Street; thence North along the Centerline of 19th Street to its intersection with the Westerly extension of the North line of Block C, J. C. Savery's Addition, an Official Plat; thence East along the North line of Block C, J. C. Savery's Addition and continuing East along the North line of Block C, J. C. Savery's Addition to its intersection with the Southerly extension of a North/South line lying 13 feet East of and parallel to the West lot line of Lot 5, Block B, J. C. Savery's Addition; thence North along the Southerly extension of a North/South line lying 13 feet East of and parallel to the West lot line of Lot 5, Block B, J. C. Savery's Addition and continuing North along a North/South line lying 13 feet East of and parallel to the West lot line of Lot 5, Block B, J. C. Savery's Addition to its intersection with a line lying 95 feet South of and parallel to the North lot line of Lot 5, Block B, J. C. Savery's Addition; thence East along a line lying 95 feet South of and parallel to the North lot line of Lot 5, Block B, J. C. Savery's Addition and continuing East along a line lying 95 feet South of and parallel to the North lot lines of Lots 4, 3, 2, and 1, Block B, J. C. Savery's Addition and also continuing East along the Easterly extension of a line lying 95 feet South of and parallel to the North lot line of Lot 1, Block B, J. C. Savery's Addition to its intersection with the Centerline of 17th Street; thence South along the Centerline of 17th Street to its intersection with the Westerly extension of the South lot line of Lot 1, Block B, Subdivision of Lot 6 of the Pursley Estate, an Official Plat; thence East along the Westerly extension of the South lot line of Lot 1, Block B, Subdivision of Lot 6 of the Pursley Estate and continuing East along the South lot lines of Lots 1 & 2, Block B, Subdivision of Lot 6 of the Pursley Estate to its intersection with the Centerline of Lot 2, Block B, Subdivision of Lot 6 of the Pursley Estate; thence North along the Centerline of Lot 2, Block B, Subdivision of Lot 6 of the Pursley Estate and continuing North along the Northerly extension of the Centerline of Lot 2, Block B, Subdivision of Lot 6 of the Pursley Estate to its intersection with the Centerline of High Street; thence East along the Centerline of High Street to its intersection with the Centerline of 16th Street; thence South along the Centerline of 16th Street to its intersection with the Westerly extension of the South lot line of Lot 1, Block C, Subdivision of Lot 6 of the Pursley Estate; thence East along the Westerly extension of the South lot line of Lot 1, Block C, Subdivision of Lot 6 of the Pursley Estate and continuing East along the South lot lines of Lot 1, 2, 3, 4, and 5, Block C, Subdivision of Lot 6 of the Pursley Estate and also continuing East along the South lot line of Lot 2, Block 3, Griffith's Subdivision, an Official Plat and then

continuing East along the Easterly extension of the South lot line of Lot 2, Block 3, Griffith's Subdivision to its intersection with the Centerline of 15th Street; thence North along the centerline of 15th Street and its centerline and its northerly extension to the intersection of the centerline of Woodland Avenue; thence East along the centerline of Woodland Avenue and its easterly extension to the intersection of the centerline of 10th Street; thence North along the centerline of 10th Street and its centerline and the northerly extension of 10th Street to the centerline of Methodist Drive; thence northerly and westerly along the centerline of Methodist Drive to the intersection of the southerly extension of centerline of 12th Street; thence West along the Easterly projection of the centerline of Center Street and continuing West along the centerline of Center Street to its intersection with the West lot line of Lot 2, Oakridge Plat 3, an Official Plat; thence North along said West lot line of Lot 2, Oakridge Plat 3 and continuing North along the West lot line and the Northerly projection of said West lot line of Lot 1, Oakridge Plat 3 to its intersection with the Northeasterly Right-of-Way line of Oakridge Drive; thence Northwesterly along the Northeasterly Right-of-Way line of said Oakridge Drive to its intersection with the South Right-of-Way line of Interstate 235; thence East along said South Right-of-Way line of Interstate 235 to its intersection with the centerline of Keosauqua Way; thence Southeasterly along the centerline of Keosauqua Way to its intersection with the Southerly projection of the West lot line of Lot 7, Block 7, Grass Roots 1, an Official Plat; thence North along said Southerly projection of the West lot line of Lot 7, Block 7, Grass Roots 1 and continuing North along the West lot line of Lot 7, Block 7, Grass Roots 1 to its intersection with the North lot line of said Lot 7, Block 7, Grass Roots 1; thence East along said North lot line of Lot 7, Block 7, Grass Roots 1 to its intersection with the West Right-of-Way line of Vacated 12th Street Place; thence North along said West Right-of-Way line of Vacated 12th Street Place to its intersection with the South Right-of-Way line of School Street; thence East along said South Right-of-Way of School Street to the West Right-of-Way line of 12th Street; thence South along said West Right-of-Way line of 12th Street to its Intersection with the South Right-of-Way line of Crocker Street; thence East along said South Right-of-Way line of Crocker Street to its intersection with the East Right-of-Way of 9th Street; thence South along said East Right-of-Way of 9th Street and its southerly projection to its intersection with the centerline of Center Street; thence east along said centerline of Center Street to its intersection with the East Right-of-Way line of 7th Street; thence North along said East Right-of-Way line of 7th Street to the Point of Beginning, All now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Sec. 3. It is hereby found and determined that all of the property within the District is similarly related so that the present and potential use or enjoyment of the property is benefitted by the condition, performance of administration, redevelopment, revitalization and maintenance of the District and the owners of property in the District have a present and potential benefit from the condition, performance of administration, redevelopment, revitalization and maintenance of the District.

Sec. 4. Pursuant to the provisions of the Act, the self-supported municipal improvement district operation fund with respect to the District known as the "Downtown Des Moines Self-Supported Municipal Improvement District Operation Fund" (herein the "Operation Fund")

established and created pursuant to Ordinance 13,579, continued pursuant to Ordinance No. 13,913, continued pursuant to Ordinance No. 14,311 and continued pursuant to Ordinance No. 14,834, continued pursuant to Ordinance No. 15,218 until June 30, 2019, is hereby further continued, for which the City may certify taxes (the "Operation Tax") against the property, as defined in the Act (excluding property assessed as residential property for property tax purposes), 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, 2019 and continuing for four (4) additional years for the purposes of paying the administrative expenses of the District, as defined and authorized in the Act or paying part or all of the maintenance expenses of "improvements" or "self-liquidating improvements", as defined in the Act for a period of five (5) years.

Sec. 5. The City may continue to disburse the amounts collected in the Operation Fund, in accordance with the recommendations made to the City Council by the Downtown Des Moines Self-Supported Municipal Improvement District, an Iowa nonprofit corporation, for one or more of the following purposes:

- a. Enhanced maintenance, cleaning and upkeep of public spaces within the District.
- b. Graffiti removal on public property and private buildings within the District.
- c. Enhanced public and property safety and crime prevention within the District, including the operation of a "Goodwill Ambassador" program as determined and operated from time to time by the Downtown Des Moines Self-Supported Municipal District.
- d. Development, marketing, promotion and management of activities and events within the District.
- e. Capital, physical or other improvements designed to enhance the image and appearance of the District, including but not limited to improvements to the skywalk system.
- f. Management and operation of public spaces within the District, including public parking facilities.
- g. Research and planning services benefiting the District.
- h. Parking and transportation management benefiting the District.
- i. Activities and operations benefiting the District under any agreements with the City of Des Moines or other public or quasi public entities.
- j. Recommendations regarding, and the promotion of, the District and the advancement of the District, including with respect to the use of public spaces within the District, the types of public spaces and services within the District, the services and improvements within the District, policies and practices for the District, business retention and attraction within the District, and activities and events within the District.
- k. Other activities intended to benefit or further the purposes or interests of the District and the development and advancement of the District.

Sec. 6. The rate of the Operation Tax to be levied annually, in addition to all other taxes, as aforesaid, shall not exceed a rate of two dollars (\$2.00) per thousand dollars of taxable value of the Property.

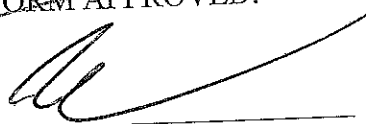
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Sec. 7. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance, which shall be given effect without such invalid part or parts.

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:



Lawrence R. McDowell
Deputy City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 18-____), passed by the City Council of said City at a meeting held _____, 2018, signed by the Mayor on _____, 2018, and published as provided by law in the Business Record on _____, 2018. Authorized by Publication Order No. _____.

Diane Rauh, City Clerk