



Date September 13, 2021

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON THE PROPOSED
THIRD AMENDMENT TO THE URBAN RENEWAL PLAN FOR THE
MERLE HAY COMMERCIAL AREA URBAN RENEWAL AREA**

WHEREAS, the Merle Hay Commercial Area Urban Renewal Area encompasses the commercial area located along Merle Hay Road from Aurora Avenue south to a line north of Ovid Avenue, and along Douglas Avenue from 54th Street west to a line midblock between 62nd and 63rd Streets; and

WHEREAS, on July 14, 2008, by Roll Call No. 08-1240, the City Council approved the Merle Hay Commercial Area Urban Renewal Plan (the "Plan"), as thereafter amended by Council resolution, which seeks to enhance private development within the Merle Hay Commercial Area Urban Renewal Area through provision of infrastructure improvements and economic development assistance that is provided, in part, with tax increment revenues generated in the urban renewal area; and

WHEREAS, the City's Office of Economic Development has prepared a proposed Third Amendment to the Urban Renewal Plan for the Merle Hay Commercial Area Urban Renewal Area (the "Third Amendment"), and the purpose of the proposed Third Amendment to the Plan, which is on file and available for inspection in the office of the City Clerk, is to:

- Update *Appendix C - Financial Condition Report* to reflect the financial impact of the tax increment assisted projects which are detailed in *Appendix D - Approved Economic Development and Redevelopment Activities*.
- Amend Appendix D - Approved Economic Development and Redevelopment Activities which provides a summary of projects receiving or proposed to receive economic development assistance from the tax increment revenues from the Merle Hay Commercial Area Urban Renewal Area by: (1) updating the description of the Merle Hay Mall Phase I Project to address an amendment to the Minimum Assessment Agreement; (2) updating the description of the Merle Hay Mall Phase II Project to add an additional contingent economic development grant to be paid in two semi-annual installments of \$200,000 per installment from tax-increment financing (TIF) if the sale or lease of outlots or Tower on the project property do not receive the minimum cumulative net proceeds of \$400,000 by October 1, 2030; and (3) updating the description of the Merle Hay Mall Phase III project to add use of funds toward acquisition costs of the former Sears parcel in addition to the cost of design and construction of improvements to said parcel.
- Add Appendix E - Approved Public Improvement Projects to describe updates to the Capital Improvement Plan funded with tax increment revenues from the Merle Hay Commercial Urban Renewal Area. Table of Contents will be amended to include Appendix E; and



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WHEREAS, the Urban Design Review Board is scheduled to review the proposed Third Amendment at its regular meeting on September 21, 2021, and should be prepared to submit its report and recommendation to the City Council before the date proposed for public hearing by the City Council.

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

- 1. A public hearing shall be held before the City Council to consider the proposed Third Amendment to the Urban Renewal Plan for the Merle Hay Commercial Area Urban Renewal Area at 5:00 p.m. on November 1, 2021, in the City Council Chambers, at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
2. The City Clerk is authorized and directed to publish notice of said public hearing in the Des Moines Register on October 13, 2021.
3. The proposed Third Amendment is hereby submitted to the Urban Design Review Board for its review and recommendation, with said written recommendation requested to be received by the City Council prior to the date of public hearing.
4. The City Manager or his designee is hereby designated as the City's representative to the consultation proceedings with the Des Moines Independent School District, Polk County, Des Moines Area Community College and Des Moines Area Regional Transit Authority. The consultation meeting shall be held at least 17 days prior to the date of public hearing at a time and location to be determined by the City Manager in accordance with Iowa Code Section 403.5(2). The City Manager shall cause notice of the consultation meeting, a copy of the Notice of Public Hearing, and a copy of the proposed Third Amendment to be mailed to each such affected taxing entity.

(Council Communication No. 21- 390)

MOVED by _____ to adopt.

FORM APPROVED:

/s/ Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

CERTIFICATE

I, P. KAY CMELIK, 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

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Register Order No. _____ Roll Call Legal Bulletin Board Followup

NOTICE OF PUBLIC HEARING

The City Council of the City of Des Moines, Iowa, will hold a public hearing on November 1, 2021, at 5:00 p.m. in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, to consider the proposed Third Amendment to the Urban Renewal Plan for the Merle Hay Commercial Area Urban Renewal Area (hereinafter referred to as the "Third Amendment"). The Merle Hay Commercial Area Urban Renewal Area encompasses the commercial area located along Merle Hay Road from Aurora Avenue south to a line north of Ovid Avenue, and along Douglas Avenue from 54th Street west to a line midblock between 62nd and 63rd Streets.

The purpose of the proposed Third Amendment is to:

- Update *Appendix C- Financial Condition Report* to reflect the financial impact of the tax increment assisted projects which are detailed in *Appendix D - Approved Economic Development and Redevelopment Activities*.
- Amend Appendix D - Approved Economic Development and Redevelopment Activities which provides a summary of projects receiving or proposed to receive economic development assistance from the tax increment revenues from the Merle Hay Commercial Area Urban Renewal Area by: (1) updating the description of the Merle Hay Mall Phase I Project to address an amendment to the Minimum Assessment Agreement; (2) updating the description of the Merle Hay Mall Phase II Project to add an additional contingent economic development grant to be paid in two semi-annual installments of \$200,000 per installment from tax-increment financing (TIF) if the sale or lease of outlots or Tower on the project property do not receive the minimum cumulative net proceeds of \$400,000 by October 1, 2030; and (3) updating the description of the Merle Hay Mall Phase III project to add use of funds toward acquisition costs of the former Sears parcel in addition to the cost of design and construction of improvements to said parcel.
- Add Appendix E – Approved Public Improvement Projects to describe updates to the Capital Improvement Plan funded with tax increment revenues from the Merle Hay Commercial Urban Renewal Area. Table of Contents will be amended to include Appendix E.

A copy of the proposed Third Amendment is on file and available for public inspection in the office of the City Clerk by calling the City Clerk at (515)283-4209.

Any person or organization desiring to be heard for or against the proposed Third Amendment will be afforded an opportunity to be heard at such hearing. Any person or organization desiring to submit written material regarding this issue may cause such written material to be delivered to the City Clerk prior to 12:00 p.m. on November 1, 2021(City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa 50309; Email: cityclerk@dmgov.org).

CITY OF DES MOINES, IOWA

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