



**Roll Call Number**

**Agenda Item Number**

41

Date August 21, 2023

An Ordinance entitled, "AN ORDINANCE continuing and expanding the boundaries of 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. 23-381)**

presented.

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

Second by \_\_\_\_\_.

*Six affirmative votes required for passage, Iowa Code Section 386.3(7).*

FORM APPROVED:

(First of three required readings)

*/s/ Chas M. Cahill*  
\_\_\_\_\_  
Chas M. Cahill  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, LAURA BAUMGARTNER, 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

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Prepared by: Chas M. Cahill, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309 Phone: 515-283-4533  
 Return Address: City Clerk - City Hall, 400 Robert D. Ray Dr., Des Moines, IA 50309  
 Title of Document: City of Des Moines, Ordinance No. \_\_\_\_\_  
 Grantor/Grantee: City of Des Moines, Iowa  
 Legal Description: See page 3, 4, 5, 6, 7, and 8, below.

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE continuing and expanding the boundaries of 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, Ordinance No. 15,700 passed by the City Council on September 10, 2018 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, 2024; and,

WHEREAS, a petition ( the "Petition") has been filed with the City Clerk pursuant to the Act petitioning the City Council to continue and expand the boundaries of 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 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 22, 2023, by Roll Call No. 23-0741, 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 26, 2023, by Roll Call No. 23-0903, the City Council received the report of the City Plan and Zoning Commission on the merits and feasibility of the continuation and expansion of the District; and,

WHEREAS, on June 26, 2023, by said Roll Call No. 23-0902 the City Council scheduled a public hearing for July 17, 2023, at 5:00 P.M., at which it proposed to take action for the

continuation and expansion 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 mailed by certified mail on June 26, 2023, to all the owners of record of real property located within the District as shown by the records of the Polk County Auditor, and a copy of the notice was published in the Des Moines Register on July 5, 2023, 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 and expansion of the District; and,

WHEREAS, on July 17, 2023, by Resolution and Roll Call No. 23-1042, the City Council closed the public hearing on the continuation and expansion of the District and found that the Petition, 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 and expansion of the District was closed, and no petition has been filed with the City Clerk opposing the continuation and expansion 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, continued pursuant to Ordinance No. 14,834, continued with adjusted boundaries pursuant to Ordinance No. 15,218, and continued pursuant to Ordinance No. 15,700, is hereby further continued and expanded in accordance with the general terms of the Petition.

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

BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF EAST MARTIN LUTHER KING JR PARKWAY AND THE CENTERLINE OF THE SOUTHEAST 7<sup>TH</sup> STREET RIGHT OF WAY; THENCE WESTERLY ALONG SAID SOUTH RIGHT OF WAY OF EAST MARTIN LUTHER KING JR PARKWAY TO THE NORTHEASTERLY EXTENSION OF THE NORTHWEST LINE OF BLOCK 8 IN SCOTT & DEAN'S ADDITION, AN OFFICIAL PLAT; THENCE SOUTHWEST ALONG SAID NORTHEASTERLY EXTENSION AND ALONG SAID NORTHWEST

LINE OF SAID BLOCK 8 TO THE NORTHWESTERLY CORNER OF SAID BLOCK 8, SAID NORTH LINE ALSO BEING THE SOUTHEASTERLY RIGHT OF WAY LINE OF ALLEN STREET; THENCE CONTINUING SOUTHWEST ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE OF ALLEN STREET TO THE INTERSECTION OF SAID SOUTHEASTERLY RIGHT OF WAY LINE OF ALLEN STREET AND THE NORTHEASTERLY BANK OF THE DES MOINES RIVER; THENCE CONTINUING SOUTHWEST ALONG A STRAIGHT LINE TO THE INTERSECTION OF THE SOUTHWESTERLY BANK OF THE DES MOINES RIVER AND THE NORTHERLY BANK OF THE RACCOON RIVER; THENCE WESTERLY ALONG SAID NORTHERLY BANK OF THE RACCOON RIVER TO THE NORTH/SOUTH CENTERLINE OF SECTION 8, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M.; THENCE NORTH ALONG SAID NORTH/SOUTH CENTERLINE OF SECTION 8, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M TO THE NORTH LINE OF THE NORFOLK SOUTHERN RAILWAY, SAID NORTH LINE OF THE NORFOLK SOUTHERN RAILWAY ALSO BEING A SOUTH LINE OF A PARCEL DEDICATED AS PART OF MARTIN LUTHER KING JR PARKWAY RIGHT OF WAY AND SHOWN ON PLAT OF SURVEY RECORDED IN BOOK 12736 PAGES 582-593 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA; THENCE SOUTHWEST ALONG SAID NORTH LINE OF THE NORFOLK SOUTHERN RAILWAY TO THE WEST LINE OF THE EAST 75.0 FEET OF LOT 1 IN OFFICIAL PLAT OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 8, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., AN OFFICIAL PLAT; THENCE NORTH AND PARALLEL TO THE EAST LINE OF SAID LOT 1 TO THE SOUTH LINE OF THE NORTH 225.0 FEET OF SAID LOT 1; THENCE WEST ALONG SAID SOUTH LINE OF THE NORTH 225.0 FEET OF SAID LOT 1 TO THE WEST LINE OF THE EAST 93.0 FEET OF SAID LOT 1; THENCE NORTH AND PARALLEL TO SAID EAST LINE OF SAID LOT 1 TO THE SOUTH RIGHT OF WAY LINE OF GRAND AVENUE; THENCE NORTHERLY ALONG A STRAIGHT LINE TO A POINT ON THE NORTH RIGHT OF WAY LINE OF GRAND AVENUE, SAID POINT BEING 100.0 FEET WEST OF THE NORTH/SOUTH CENTERLINE OF SECTION 5, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M.; THENCE NORTH ALONG A LINE BEING 100.0 FEET WEST FROM AND PARALLEL TO SAID CENTERLINE OF SECTION 5, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M. TO THE NORTH RIGHT OF WAY LINE OF INGERSOLL AVENUE; THENCE EAST ALONG SAID NORTH RIGHT OF WAY LINE OF INGERSOLL AVENUE AND ALONG THE EASTERLY EXTENSION OF SAID NORTH RIGHT OF WAY LINE OF INGERSOLL AVENUE TO SAID NORTH/SOUTH CENTERLINE OF SECTION 5, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M.; THENCE NORTH ALONG SAID NORTH/SOUTH CENTERLINE OF SAID SECTION 5 TO THE WESTERLY EXTENSION OF THE NORTH LINE OF PARCEL D, SAID PARCEL D SHOWN ON PLAT OF SURVEY RECORDED IN BOOK 14528 PAGES 338-339 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA; THENCE EAST ALONG SAID WESTERLY EXTENSION OF THE NORTH LINE OF SAID PARCEL D AND

ALONG SAID NORTH LINE OF SAID PARCEL D TO THE EAST LINE OF SAID PARCEL D; THENCE SOUTH ALONG SAID EAST LINE OF SAID PARCEL D TO THE NORTH LINE OF PARCEL B, SAID PARCEL B SHOWN ON PLAT OF SURVEY RECORDED IN BOOK 12613 PAGES 296-297 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA; THENCE EAST ALONG SAID NORTH LINE OF SAID PARCEL B AND ALONG THE EASTERLY EXTENSION OF SAID NORTH LINE OF SAID PARCEL B TO THE CENTERLINE OF THE 19<sup>TH</sup> STREET RIGHT OF WAY; THENCE NORTH ALONG SAID CENTERLINE OF THE 19<sup>TH</sup> STREET RIGHT OF WAY TO THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT C, J.C. SAVERY'S ADDITION, AN OFFICIAL PLAT; THENCE EAST ALONG SAID WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT C AND ALONG THE NORTH LINE OF SAID LOT C TO THE EAST LINE OF THE WEST 13 FEET OF LOT 5 IN BLOCK B OF SAID J.C. SAVERY'S ADDITION; THENCE NORTH ALONG SAID EAST LINE OF THE WEST 13 FEET OF SAID LOT 5 TO THE SOUTH LINE OF THE NORTH 95 FEET OF SAID BLOCK B; THENCE EAST ALONG SAID SOUTH LINE OF THE NORTH 95 FEET OF SAID BLOCK B AND ALONG THE EASTERLY EXTENSION OF SAID SOUTH LINE OF THE NORTH 95 FEET OF SAID BLOCK B TO THE CENTERLINE OF 17<sup>TH</sup> STREET RIGHT OF WAY; THENCE SOUTH ALONG SAID CENTERLINE OF 17<sup>TH</sup> STREET RIGHT OF WAY TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 1, BLOCK B, SUBDIVISION OF LOT 6 OF PURSLEY ESTATE, AN OFFICIAL PLAT; THENCE EAST ALONG SAID WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 1 TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE CONTINUING EAST ALONG THE SOUTH LINE OF LOTS 1 AND 2 IN BLOCK B OF SAID SUBDIVISION OF LOT 6 OF PURSLEY ESTATE TO THE WEST LINE OF THE EAST HALF (E 1/2) OF SAID LOT 2; THENCE NORTH ALONG SAID WEST LINE OF THE EAST HALF (E 1/2) OF SAID LOT 2 AND ALONG THE NORTHERLY EXTENSION OF SAID WEST LINE TO THE CENTERLINE OF HIGH STREET RIGHT OF WAY; THENCE EAST ALONG SAID CENTERLINE OF HIGH STREET RIGHT OF WAY TO THE CENTERLINE OF 16<sup>TH</sup> STREET RIGHT OF WAY; THENCE SOUTH ALONG SAID CENTERLINE OF 16<sup>TH</sup> STREET RIGHT OF WAY AND ALONG THE CENTERLINE OF VACATED 16<sup>TH</sup> STREET RIGHT OF WAY TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 1, BLOCK C OF SAID SUBDIVISION OF LOT 6 OF PURSLEY ESTATE; THENCE EAST ALONG SAID WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 1 IN BLOCK C OF SAID SUBDIVISION OF LOT 6 OF PURSLEY ESTATE TO THE SOUTHWEST CORNER OF SAID LOT 1 IN BLOCK C OF SAID SUBDIVISION OF LOT 6 OF PURSLEY ESTATE; THENCE CONTINUING EAST ALONG THE SOUTH LINE OF LOTS 1 THROUGH 5 IN BLOCK C OF SAID SUBDIVISION OF LOT 6 OF PURSLEY ESTATE TO THE SOUTHEAST CORNER OF SAID LOT 5, SAID SOUTHEAST CORNER OF LOT 5 ALSO BEING THE SOUTHWEST CORNER OF LOT 2, BLOCK 3, J.M. GRIFFITH'S SUBDIVISION OF LOT 5 OF PURSELY'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT; THENCE CONTINUING EAST ALONG THE SOUTH LINE OF

LOT 2 OF SAID BLOCK 3 AND ALONG THE EASTERLY EXTENSION OF SAID SOUTH LINE OF LOT 2 OF SAID BLOCK 3 TO THE CENTERLINE OF 15<sup>TH</sup> STREET RIGHT OF WAY; THENCE NORTH ALONG SAID CENTERLINE OF 15<sup>TH</sup> STREET RIGHT OF WAY TO THE CENTERLINE OF WOODLAND AVENUE RIGHT OF WAY; THENCE EAST ALONG SAID CENTERLINE OF WOODLAND AVENUE RIGHT OF WAY TO THE CENTERLINE OF THE 10<sup>TH</sup> STREET RIGHT OF WAY; THENCE NORTHERLY ALONG SAID CENTERLINE OF 10<sup>TH</sup> STREET RIGHT OF WAY AND NORTH/NORTHWESTERLY ALONG THE CENTERLINE OF METHODIST DRIVE RIGHT OF WAY TO THE CENTERLINE OF CENTER STREET RIGHT OF WAY; THENCE WEST ALONG SAID CENTERLINE OF CENTER STREET RIGHT OF WAY TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF OAKRIDGE PLAT NO.3, AN OFFICIAL PLAT; THENCE NORTH ALONG SAID SOUTHERLY EXTENSION OF THE WEST LINE OF SAID OAKRIDGE PLAT NO.3 AND ALONG SAID WEST LINE OF SAID OAKRIDGE PLAT NO.3 TO THE NORTHWEST CORNER OF LOT 1 IN SAID OAKRIDGE PLAT NO.3, SAID NORTHWEST CORNER ALSO BEING A CORNER OF LOT 2 IN OAKRIDGE PLAT NO.1, AN OFFICIAL PLAT; THENCE NORTHEAST ALONG AN EASTERLY LINE OF SAID LOT 2 IN SAID OAKRIDGE PLAT NO.1, A DISTANCE OF 6.12 FEET TO A CORNER OF SAID LOT 2 IN SAID OAKRIDGE PLAT NO.1; THENCE CONTINUING NORTHEAST ALONG THE NORTHEASTERLY EXTENSION OF AN EASTERLY LINE OF SAID LOT 2 TO THE CENTERLINE OF OAKRIDGE DRIVE RIGHT OF WAY; THENCE NORTHWESTERLY ALONG SAID CENTERLINE OF OAKRIDGE DRIVE RIGHT OF WAY TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 21, LOUGHREY'S ADDITION, AN OFFICIAL PLAT; THENCE NORTH ALONG SAID SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 21 TO THE NORTH LINE OF OAKRIDGE PLAT NO.1, AN OFFICIAL PLAT; THENCE EASTERLY ALONG SAID NORTH LINE OF SAID OAKRIDGE PLAT NO.1 TO THE NORTHEAST CORNER OF LOT A IN SAID OAKRIDGE PLAT NO.1; THENCE EASTERLY ALONG A STRAIGHT LINE TO THE SOUTHWEST CORNER OF LOT 111, KEOSAUQUA WAY PLAT NO.3, AN OFFICIAL PLAT; THENCE EAST ALONG THE SOUTH LINE OF LOTS 111, 110 AND 109 IN SAID KEOSAUQUA WAY PLAT NO.3 TO THE SOUTHEAST CORNER OF SAID LOT 109; THENCE CONTINUING EAST ALONG A STRAIGHT LINE TO THE SOUTHWEST CORNER OF LOT 4, BLOCK E, DAY'S ADDITION TO FORT DES MOINES, AN OFFICIAL PLAT; THENCE CONTINUING EAST ALONG THE SOUTH LINE OF SAID LOT 4 TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE CONTINUING EAST ALONG A STRAIGHT LINE TO THE SOUTHWEST CORNER OF BLOCK D IN SAID DAY'S ADDITION TO FORT DES MOINES; THENCE CONTINUING EAST ALONG THE SOUTH LINE OF SAID BLOCK D TO THE NORTHWEST CORNER OF LOT K, GRASS ROOTS 1, AN OFFICIAL PLAT; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT K TO THE CENTERLINE OF SCHOOL STREET RIGHT OF WAY; THENCE EAST ALONG SAID CENTERLINE OF SCHOOL STREET RIGHT OF WAY TO THE NORTHERLY EXTENSION OF THE WESTERLY RIGHT OF WAY LINE OF

5<sup>TH</sup> AVENUE; THENCE SOUTHEASTERLY ALONG A STRAIGHT LINE TO THE NORTHWEST CORNER OF BLOCK F, RIVER HILLS PLAT ONE, AN OFFICIAL PLAT; THENCE EAST ALONG THE NORTH LINE OF SAID BLOCK F TO NORTHEAST CORNER OF SAID BLOCK F; THENCE NORTHEASTERLY ALONG A STRAIGHT LINE TO A POINT ON THE NORTHERLY EXTENSION OF WEST LINE OF BLOCK G IN SAID RIVER HILLS PLAT ONE, SAID POINT BEING 33 FEET NORTH ALONG SAID NORTHERLY EXTENSION FROM THE NORTHWEST CORNER OF SAID BLOCK G, ALSO SAID POINT BEING ON THE CENTERLINE OF THE PLATTED SCHOOL STREET RIGHT OF WAY; THENCE EAST AND PARALLEL TO THE NORTH LINE OF SAID BLOCK G TO THE NORTHERLY EXTENSION OF THE WEST RIGHT OF WAY LINE OF 2<sup>ND</sup> AVENUE; THENCE SOUTHEASTERLY ALONG A STRAIGHT LINE TO THE NORTHWEST CORNER OF BLOCK H IN SAID RIVER HILLS PLAT ONE; THENCE EAST ALONG THE NORTH LINE OF SAID BLOCK H, A DISTANCE OF 37 FEET TO A CORNER OF SAID BLOCK H; THENCE NORTHEASTERLY ALONG A STRAIGHT LINE TO A POINT THAT IS 48 FEET NORTH OF AND 290 FEET EAST OF THE PREVIOUS STATED CORNER OF SAID BLOCK H; THENCE EAST ALONG A STRAIGHT LINE TO THE NORTHWEST CORNER OF RIVER HILLS PLAT THREE, AN OFFICIAL PLAT; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID RIVER HILLS PLAT THREE TO THE NORTHEAST CORNER OF BLOCK B IN SAID RIVER HILLS PLAT THREE; THENCE SOUTH ALONG THE WEST LINE OF EAST FORT DES MOINES, AN OFFICIAL PLAT, TO THE NORTHEASTERLY LINE OF PARCEL DEEDED BY THE CITY OF DES MOINES AND RECORDED IN BOOK 10987 PAGE 783 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA; THENCE SOUTHEAST ALONG SAID NORTHEASTERLY LINE TO THE NORTH LINE OF LOT 2 IN BLOCK 25 OF SAID EAST FORT DES MOINES; THENCE SOUTHWEST ALONG THE NORTH LINE OF SAID LOT 2 TO NORTHWEST CORNER OF SAID LOT 2; THENCE SOUTHEAST ALONG A STRAIGHT LINE TO A POINT, SAID POINT BEING 196.1 FEET EAST FROM AND PERPENDICULAR TO THE EAST RIGHT OF WAY LINE OF EAST 7<sup>TH</sup> STREET AND BEING 237.21 FEET NORTH FROM AND PERPENDICULAR TO THE NORTH RIGHT OF WAY LINE OF LYON STREET; THENCE NORTHEAST ALONG A LINE THAT IS PARALLEL TO THE SOUTH LINE OF LOTS 3, 2 AND 1, BLOCK O, GRIFFITHS' ADDITION NO.2 TO THE TOWN OF EAST FORT DES MOINES, POLK COUNTY, IOWA, AN OFFICIAL PLAT, TO THE EAST LINE OF SAID LOT 1 AND ALONG THE NORTHEASTERLY EXTENSION OF SAID PARALLEL LINE TO THE EAST RIGHT OF WAY LINE OF PENNSYLVANIA AVENUE; THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE OF PENNSYLVANIA AVENUE TO THE NORTHERLY RIGHT OF WAY LINE OF THE EAST/WEST ALLEY IN BLOCK P OF SAID GRIFFITHS' ADDITION NO.2 TO THE TOWN OF EAST FORT DES MOINES, POLK COUNTY, IOWA; THENCE NORTHEAST ALONG SAID NORTHERLY RIGHT OF WAY OF EAST/WEST ALLEY IN SAID BLOCK P TO THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 11 IN SAID BLOCK P; THENCE SOUTHEAST ALONG



SAID NORTHERLY EXTENSION AND ALONG THE EAST LINE OF SAID LOT 11 TO THE NORTH LINE OF THE SOUTH 90.0 FEET OF SAID LOT 11; THENCE SOUTHWEST AND PARALLEL TO THE SOUTH LINE OF SAID LOT 11 TO THE WEST LINE OF THE EAST 42.0 FEET OF SAID LOT 11; THENCE SOUTHEAST AND PARALLEL TO THE EAST LINE OF SAID LOT 11 TO THE NORTH LINE OF THE SOUTH 59.15 FEET OF SAID LOT 11; THENCE SOUTHWEST AND PARALLEL TO THE SOUTH LINE OF LOTS 11 AND 10 OF SAID BLOCK P TO SAID EAST RIGHT OF WAY LINE OF PENNSYLVANIA AVENUE AND ALONG SOUTHWESTERLY EXTENSION OF SAID LINE BEING PARALLEL TO THE SOUTH LINE OF SAID LOT 10 TO THE CENTERLINE OF PENNSYLVANIA AVENUE; THENCE SOUTH ALONG SAID CENTERLINE OF PENNSYLVANIA AVENUE AND ALONG THE CENTERLINE OF EAST 7<sup>TH</sup> STREET RIGHT OF WAY AND ALONG SAID CENTERLINE OF SOUTHEAST 7<sup>TH</sup> STREET RIGHT OF WAY TO THE POINT OF BEGINNING.

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, continued pursuant to Ordinance No. 15,218, and continued pursuant to Ordinance No. 15,700 until June 30, 2024, 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, 2024 and continuing for nine (9) 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 ten (10) 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 and twenty-five cents (\$2.25) per thousand dollars of taxable value of the Property.

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:

/s/ Chas M. Cahill  
Chas M. Cahill  
Assistant City Attorney