

Date December 8, 2008

RESOLUTION CLOSING PUBLIC HEARING ON PETITION TO  
CONTINUE THE DOWNTOWN DES MOINES SELF-SUPPORTED  
MUNICIPAL IMPROVEMENT DISTRICT AND APPROVING SAME

WHEREAS, on February 23, 1998, the City Council passed Ordinance No. 13,579 which established the Downtown Des Moines Self-Supported Municipal Improvement District ("SSMID") pursuant to the provisions of Chapter 386, Code of Iowa and which provided for the establishment of an Operation Fund and the levy of an annual tax in connection therewith; and

WHEREAS, on January 22, 2001, the City Council passed Ordinance No. 13,913 to continue the Downtown Des Moines SSMID, Operation Fund and levy to June 30, 2004; and

WHEREAS, on January 26, 2004, the City Council passed Ordinance No. 14,311 to continue and expand the Downtown Des Moines SSMID and continue the Operation Fund and levy until June 30, 2009; and

WHEREAS, on February 6, 2006, the City Council passed Ordinance No. 14,540 to expand the Downtown Des Moines SSMID; and

WHEREAS, on October 13, 2008, by Roll Call No. 08-1807, the City Council received a petition to continue the Downtown Des Moines SSMID 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 was referred to the City Plan and Zoning Commission for preparation of an evaluative report for the Council on the merit and feasibility on continuation of the Downtown Des Moines SSMID project and to make recommendations with respect to continuation of the Downtown Des Moines SSMID as required by Iowa Code Chapter 386; and

WHEREAS, the City Plan and Zoning Commission considered the continuation of the Downtown Des Moines SSMID project on November 6, 2008 and has submitted its final report and recommendation to the City Council; and

WHEREAS, the City Engineering Department has prepared a more detailed legal description of the SSMID District boundaries set forth in the petition which legal description conforms to the description detail of the current SSMID District boundaries.

WHEREAS, on November 10, 2008, by Roll Call No. 08-1965, it was duly resolved by the City Council that the Petition to Continue the Downtown Des Moines SSMID be set down for hearing on December 8, 2008; and

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WHEREAS, notice of said hearing was published in the Des Moines Register on November 26, 2008, as provided by law, setting forth the time and place for hearing on said Petition; and

WHEREAS, notice of said hearing was also given by mailing notice by certified mail not less than 15 days before the hearing to each owner of property within the District at the owner's address as shown by the records of the County Auditor, all as specified in Section 386.3(4) of the Iowa Code; and

WHEREAS, in accordance with said notice, those interested in the Petition, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. The City Council hereby makes the following findings regarding the sufficiency of the Petition to Continue the Downtown Des Moines Self-Supported Municipal Improvement District:

(a) The Petition contains the signatures of at least 25% of the owners of taxable properties within the District and such signatures represent ownership of property with an assessed value of 25% or more of the assessed value of all taxable properties within the District;

(b) The Petition contains a sufficient description of the boundaries of the District;

(c) The Petition identifies the name of the District as the Downtown Des Moines Self-Supported Municipal Improvement District;

(d) The District, described in the Petition, is comprised of contiguous property wholly within the boundaries of the City and the District is comprised primarily of property that is zoned for commercial uses;

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(e) The District, described in the Petition, is comprised of property that is similarly related so that the present and potential use or enjoyment of the property in the District is benefited 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;

(f) The Petition identifies that the operation tax levy which may be imposed upon property within the District shall not exceed the maximum rate of \$2.00 per thousand dollars of taxable valuation;

(g) The Petition identifies that the operation taxes levied for the District shall be used 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 for a period of five (5) years commencing with the levy of taxes for collection in the fiscal year beginning July 1, 2009.

2. The City Council hereby determines that the continuation of the Downtown Des Moines Self-Supported Municipal Improvement District and continued funding of operation and maintenance for additional downtown services in accordance with the stated purposes of the District is consistent and does not conflict with the Des Moines 2020 Community Character Land Use Plan, applicable zoning ordinances, and other applicable land use policies and goals and the continuation of the District is consistent with the goals and objectives of the Metro Center Urban Renewal Project to create and maintain a vibrant downtown area.

3. The City Council hereby determines that the continuation of the Downtown Des Moines Self-Supported Municipal Improvement District and the stated services and activities continued to be undertaken within the District further the general and the economic development objectives of the Metro Center Urban Renewal Project and further the Iowa code Chapter 15A economic development public purposes by assisting in the creation of new jobs and income in the City and the retention of existing jobs and income in the City that would otherwise be lost.

4. The City Council hereby determines that the continuation of the Downtown Des Moines Self-Supported Municipal Improvement District is feasible and will benefit the entire City.

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5. The City Council hereby determines that it shall proceed with continuation of the Downtown Des Moines Self-Supported Municipal Improvement District and the Legal Department is hereby authorized and directed to prepare an ordinance continuing the District as proposed in the Petition with the boundaries described in more detail by the City Engineering Department as set forth in the attached Exhibit "A" for consideration by the City Council at the expiration of the thirty (30) day waiting period required by Iowa code Section 386.3(6).

(Council Communication No. 08-717 )

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Lawrence R. McDowell
Deputy City Attorney

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Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and TOTAL (7).

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED
T. M. Franklin
Mayor

Diane Rauh
City Clerk