



Roll Call Number

09-2099

Agenda Item Number

18

Date November 23, 2009

RESOLUTION APPROVING APPLICATION FOR TAX ABATEMENT
FOR IMPROVEMENTS MADE DURING 2007, AND DENYING REQUEST
TO HAVE THE TAX ABATEMENT APPLIED RETROACTIVELY
(5105 Springwood Lane)

WHEREAS, Cindy Jungweber filed the attached application for tax abatement with the City of Des Moines on November 3, 2009, seeking tax abatement for improvements made to her home at 5101 Springwood during calendar year 2007, and she further requests that the tax abatement be applied retroactively to the property taxes due in the current fiscal year as if the application has been timely filed prior to February 1, 2008; and,

WHEREAS, the Iowa Urban Revitalization Act, Chapter 404, Code of Iowa (the "Act"), provides for partial exemption from property tax for the actual value added by improvements to property located in a designated Urban Revitalization Area which are consistent with the Urban Revitalization Plan for such Area; and

WHEREAS, Iowa Code §404.4 and the corresponding provisions in the City-wide Urban Revitalization Plan provide that any application for tax abatement received by the City after February 1, 2009, and before February 1, 2010, shall be reviewed by the City for approval and forwarded to the County Assessor by March 1, 2010, and shall be applied commencing with the property taxes due in FY 2011/12; and,

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

- 1) The attached application for tax abatement for improvements to 5105 Springwood Lane is hereby received.
- 2) The following findings are hereby adopted:
 - a) The attached application was not timely filed, and received by the City of Des Moines on November 3, 2009, within the two year grace period for late filed applications.
 - b) The attached application is for a project located in the City-wide Urban Revitalization Area; the project is in conformance with the Urban Revitalization Plan for the City-wide Urban Revitalization Area; and the improvements described in the application was made during the time the applicable area was so designated.
 - c) The applicant is seeking to have the application retroactively applied as if it had been timely filed, but Iowa Code Ch 404 does not empower the City to approve such a request.

(continued)

★ Roll Call Number
09-2099

Agenda Item Number
18

Date November 23, 2009

-2-

- 3) The attached application for tax abatement is hereby approved.
- 4) The City Clerk shall forward a certified copy of this resolution and the attached application to the applicant and the County Assessor.

(Council Communication No. 09- 831)

MOVED by Kiernan
to approve the application retroactively as if it had been timely filed, and to take the application to Polk County to seek approval, if possible. In addition, refer the matter to the City Manager to assign a member of his staff, or from the Community Development Department to work with and assist the property owners during the process, and to provide an update to the Council. The City Manager will review options for fining builders or other ways to help eliminate this problem.

FORM APPROVED:

Roger K. Brown
Roger K. Brown
Assistant City Attorney

(Request Attached)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED APPROVED
T. M. Franklin
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.

Diane Fauh City Clerk