★ **Roll Call Number**
11-1623

Agenda Item Number
16

Date September 26, 2011

RESOLUTION CONDITIONALLY GRANTING PRIOR APPROVAL OF TAX ABATEMENT FOR A NEW RESIDENCE AT 4790 E. SPRING STREET

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, the Act provides that persons making improvements may apply to the City Council for prior approval of eligibility for tax abatement, and the City Council shall approve the application by resolution, subject to review by the County Assessor, if it finds (a) the improvements are located in a designated Urban Revitalization Area; (b) the improvements are in conformance with the Urban Revitalization Plan for such area; and (c) the improvements are to be made during the time the area is so designated; and

WHEREAS, Darren Clark proposes to acquire the parcel at 4790 E. Spring Street (formerly 4790 SE 52nd Avenue). for the construction of a new single-family dwelling utilizing a private septic system; and,

WHEREAS, the Urban Revitalization Plan permits improvements utilizing a private septic system to qualify for tax abatement only under limited circumstances; and,

WHEREAS, Darren Clark has made application pursuant to Iowa Code §404.4 for prior approval of the eligibility of a new single-family dwelling on such parcel for tax abatement pursuant to the City-wide Urban Revitalization Plan; and,

WHEREAS, the application for prior approval has been received, reviewed and recommended for conditional approval by City staff; NOW, THEREFORE,

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

1. The application of Darren Clark for prior approval of eligibility for tax abatement for the construction of a new single-family dwelling at 4790 E. Spring Street is hereby received.

2. The City Council hereby makes the following findings of fact concerning the parcel at 4790 E. Spring Street and proposed new single-family dwelling:
   a) The dwelling is located in the City-wide Urban Revitalization Area and is in conformance with the Urban Revitalization Plan for the City-wide Urban Revitalization Area.
   b) Public sewer is not available within 100 feet of the boundaries of the parcel;
   c) The dwelling will be assessed as residential property;
   d) The parcel was created prior to July 1, 1999, and not thereafter voluntarily reduced in size;
   e) The construction of the dwelling will not jeopardize future development and improvements in the vicinity, considering the following factors:

(continued)

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i) The location of the new single-family dwelling allows for future development to urban densities.

ii) the location of the dwelling does not interfere with the logical extension of streets, water, sewer and other public infrastructure to serve future development in the vicinity; and,

4. The application for prior approval of eligibility for tax abatement is hereby approved, subject to compliance with following conditions:
   a) Construction of the proposed new single-family dwelling must be commenced under authority of a City building permit by December 31, 2011, and completed by December 31, 2012. However, in the event the City-wide Urban Revitalization Plan is hereafter extended by at least one year, then construction of the proposed new single-family dwelling must be commenced under authority of a building permit by December 31, 2012, and completed by December 31, 2013.
   b) The owners of the parcel must enter into an agreement in a recordable form acceptable to the Legal Department agreeing to connect to the public sewer system when it becomes available and waiving the right to protest the assessment for such sewer.
   c) The new single-family dwelling must be constructed in conformance with the applicable provisions of the City building codes and Zoning Ordinance.
   d) The dwelling will be reasonably accessible by emergency vehicles.
   e) As provided by Iowa Code §404.4, such prior approval shall not entitle the owners to exemption from taxation until the improvements have been completed and found to be qualified real estate.

(Council Communication No. 11- 599)

MOVED by Hensley to adopt.

FORM APPROVED:
Roger K Brown
Roger K. Brown, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED APPROVED

T. M. Franklin Cownie 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 Rauh City Clerk