

★ Roll Call Number

12-1969

Agenda Item Number

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Date December 17, 2012

RESOLUTION CLOSING HEARING ON PETITION TO ESTABLISH THE
INGERSOLL GRAND SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT
AND APPROVING SAME

WHEREAS, on November 5, 2012, by Roll Call No. 12-1719, the City Council received a *Petition to Establish the Ingersoll Grand Self-Supported Municipal Improvement District*, and referred the Petition to the City Plan and Zoning Commission for preparation of a report on the merit and feasibility of the proposed project and improvements as required by Iowa Code Chapter 386; and,

WHEREAS, the purposed of the proposed Ingersoll Grand Self-Supported Municipal Improvement District is to provide enhanced improvement and services within the district, all as more specifically described in the *Petition to Establish the Ingersoll Grand Self-Supported Municipal Improvement District* which is on file and available for public inspection in the office of the City Clerk; and,

WHEREAS, the City Plan and Zoning Commission considered the proposed project and improvements at a public hearing on November 15, 2012, and the City Council received the final report and recommendation of the Commission on November 19, 2012, by Roll Call No. 12-1805.

WHEREAS, on November 19, 2012, by Roll Call No. 12-1806, it was duly resolved by the City Council that the *Petition to Establish the Ingersoll Grand Self-Supported Municipal Improvement District* be set down for public hearing on December 17, 2012, at 5:00 p.m., in the Council Chambers; and,

WHEREAS, notice of said hearing was published as provided by law in the Des Moines Register on November 29, 2012, 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 on November 29, 2012, to each owner of property within the proposed 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 notices those interested in the Petition, both for and against, have been given 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 of Des Moines, Iowa, as follows:

(continued)

Date December 17, 2012

1. The City Council hereby makes the following findings regarding the sufficiency of the *Petition to Establish the Ingersoll Grand Self-Supported Municipal Improvement District*:
 - a) The Petition contains the signatures of at least 25% of all owners of property within the proposed district which together represent ownership of property with an assessed value of at least 25% of all property in the proposed district, after removal of the Excluded Propertied identified below.
 - b) The Petition contains a description of the boundaries of the proposed district, and such property is wholly within the boundaries of the City of Des Moines and is zoned for commercial use. The boundaries include portions of six parcels that should be removed from the district either because the boundary line runs through a building or only a small portion of the parcel is commercially zoned. The affected parcels, herein referred to as the "Excluded Parcels" are: 2515 Forest Drive; 516 28th Street; 3333 Grand Avenue; 3663 Grand Avenue; 3829 Grand Avenue; and District/Parcel No. 090/07279-084-0001.
 - c) The Petition identifies the name of the proposed district as the "Ingersoll Grand Self-Supported Municipal Improvement District".
 - d) The Petition identifies that the purpose of the District is as follows:
 - 1) To undertake the acquisition, construction, installation, operation, maintenance and repair within the public rights-of-way of Ingersoll and Grand Avenues within the District of 'improvements' as defined in the Act, consisting of improved sidewalks, curbs and cross-walks, landscaping, planters, decorative lighting, utility relocation, traffic signals, and related pedestrian improvements (hereinafter collectively referred to as the "Improvements"); and,
 - 2) To undertake the administration and provision of numerous services within the District (hereinafter collectively referred to as the "Services"), all as more specifically described in the Petition.
 - e) The Petition further provides for the annual levy of a Combined Capital Improvement and Operation Tax, and allows for the annual levy of a Debt Service Tax to be used to fund the Improvements and Services within the District.
 - f) The Petition further provides that the Combined Capital Improvement and Operation Tax and the Debt Service Tax shall not exceed an aggregated amount of \$2.25 per thousand dollars of taxable value of the property within the district in any one year, in addition to all other taxes.
 - g) The Petition identifies that the Debt Service Tax and the Combined Capital Improvement and Operation Tax may be levied for an initial period of twenty (20) years, commencing with the levy of taxes for collection in the fiscal year beginning July 1, 2013, and that the City of Des Moines may renew the levy for subsequent five (5) year periods unless a petition containing the signatures of at least forty percent of all owners of property within the District or signatures which together represent ownership of property with an assessed

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value of forty percent or more of the assessed value of all property within the District, is filed with the City Clerk in opposition to the renewal at least 6 months prior to the expiration of the current period.

- 2. The City Council further finds that the installation, operation, maintenance and provision of the Improvements and Services within the District is feasible and would provide substantial benefit to the District and to all the properties therein.
- 3. The Legal Department is hereby authorized and directed to prepare an Ordinance establishing the Ingersoll Grand Self-Supported Municipal Improvement District as proposed in the Petition but without the Excluded Parcels identified above, for consideration by the City Council at the expiration of the thirty (30) day waiting period required by Iowa Code §386.3(6).

(Council Communication No. 12- 620)

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K. Brown
Roger K. Brown
Assistant City Attorney

NOTE: Iowa Code §386.3(6) provides that the City must wait at least 30 days after this hearing before it may adopt an ordinance creating the District. Six affirmative votes will be required to adopt that ordinance. I.C. §386.3(7).

Exhibits:

- "A" - Petition to Establish the Ingersoll Grand SSMID
- "1" - Map of the District
- "2" - Boundary Description of the District

* Mayor Cownie declares a conflict of interest and abstains from voting.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
*COWNIE				
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	6			

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