

Date February 11, 2013

RESOLUTION CONDITIONALLY GRANTING PRIOR APPROVAL OF
TAX ABATEMENT FOR TWO NEW SINGLE-FAMILY DWELLINGS
AT 6225 & 6255 SE 19th 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, R.M. Madden Construction Company, Inc., represented by Todd Madden, Officer, proposes to build a two new single-family dwellings upon two adjoining 0.8 acre lots at 6225 and 6255 SE 19th Street utilizing private septic systems; and,

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

WHEREAS, R.M. Madden Construction Company, Inc., has made application pursuant to Iowa Code §404.4 for prior approval of the eligibility of such dwellings 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 R.M. Madden Construction Company, Inc., for prior approval of eligibility for tax abatement for the construction of the planned single-family dwellings at 6225 and 6255 SE 19th Street is hereby received.
2. The City Council hereby finds that the construction of the two dwellings described above will qualify for tax abatement under the City-wide Urban Revitalization Plan, notwithstanding the lack of public sanitary sewer service, because the following requirements are satisfied:
 - a) Public sewer is not available within 100 feet of the boundaries of the parcel of land upon which the dwellings are to be constructed;
 - b) The dwellings will be assessed as residential property;

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- c) The parcels of land upon which the dwellings will be constructed were both created prior to July 1, 1999, and not thereafter voluntarily reduced in size;
 - d) R.M. Madden Construction, Inc., has entered into an agreement in a recordable form acceptable to the Legal Department agreeing to connect the dwellings to the public sewer system when it becomes available and waiving the right to protest the assessment for such sewer; and,
 - e) Each of the dwellings are to be constructed upon a lot under 2 acres in size.
3. The City Council hereby finds that the proposed dwellings at 6225 and 6255 SE 19th Street are located in the City-wide Urban Revitalization Area and are in conformance with the Urban Revitalization Plan for the City-wide Urban Revitalization Area.
4. The application for prior approval of eligibility for tax abatement is hereby approved for each dwelling, subject to construction of the dwelling being commenced by December 31, 2015, under authority of a valid permit, and completed as represented in the application prior to December 31, 2016, and the recording of the Agreement identified above. As provided by Iowa Code §404.4, such prior approval shall not entitle the owner to an exemption from taxation until the dwelling has been completed and found to be qualified real estate, and a timely application for tax abatement is filed.

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE | ✓ | | | |
| COLEMAN | ✓ | | | |
| GRIESS | ✓ | | | |
| HENSLEY | ✓ | | | |
| MAHAFFEY | ✓ | | | |
| MEYER | ✓ | | | |
| MOORE | ✓ | | | |
| 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 Rauh City Clerk