



**Roll Call Number**

13-1746

**Agenda Item Number**

41

**Date** ..... November 4, 2013 .....

**RESOLUTION CLOSING PUBLIC HEARING ON PETITION TO ESTABLISH THE BEAVERDALE SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT AND APPROVING SAME**

WHEREAS, on September 23, 2013 by Roll Call No. 13-1495, the City Council received a petition to Establish the Beaverdale Self-Supported Municipal Improvement District ("SSMID") for the purpose of funding the installation and maintenance of improved sidewalks, curbs, crosswalks, landscaping, planters, decorative lighting, utility relocation, traffic signals, and related pedestrian improvements along a portion of Beaver Avenue and Urbandale Avenue within the district shown on the map attached hereto as Exhibit "A.1" and having the boundaries identified in Exhibit "B" attached hereto; and,

WHEREAS, the Petition was referred to the City Plan and Zoning Commission for preparation of an evaluative report for the City Council on the merit and feasibility of the proposed Beaverdale SSMID project and improvements and to make recommendations on the Beaverdale SSMID project as required by Iowa Code Chapter 386; and

WHEREAS, the City Plan and Zoning Commission considered the proposed Beaverdale SSMID project and improvements at a public hearing on October 3, 2013, and the City Council received the final report and recommendations of the Commission on October 7, 2013, by Roll Call No. 13-1563; and

WHEREAS, on October 7, 2013, by Roll Call No. 13-1562, it was duly resolved by the City Council that the Petition to Establish the Beaverdale Self-Supported Municipal Improvement District be set for public hearing on November 4, 2013; and

WHEREAS, notice of said hearing was published as provided by law in the Des Moines Register on October 25, 2013, 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 of certified mail on October 16, 2013, to each property owner 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 an opportunity to be heard with respect thereto and have presented their views to the City Council;

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

1. The City Council hereby make the following findings regarding the sufficiency of the Petition to Establish the Beavertdale Self-Supported Municipal Improvement District:
  - a. The Petition contains the signatures of at least 25% of all owners of property within the District which together represent ownership of property with an assessed value of at least 25% of all property in the District.
  - b. The Petition contains a sufficient description of the boundaries of the District as set out in the attached Exhibit "B".
  - c. The District, described in the Petition, is comprised of contiguous property wholly within the boundaries of the City and is property that is zoned for commercial use.
  - d. The Petition identifies the name of the District as the "Beavertdale Self-Supported Municipal Improvement District".
  - 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, development, operation and maintenance of the improvements of the District and the owners of property in the District have a present and potential benefit from the condition, development, operation and maintenance of the improvements of the District
  - f. The Petition identifies that, in addition to al other taxes, the capital improvement and operation tax levy which may be imposed upon property within the District to fund the installation, operation, and maintenance of the proposed improvements shall not exceed the maximum rate per thousand dollars of taxable value of the Property in any one fiscal year specified by the table below:

<u>Fiscal Years of Levy</u>	<u>Maximum Levy per Thousand Dollars of Taxable Value</u>
2014/15 to 2020/21	1.75
2021/22 and later	2.00

- g. The Petition identifies the improvements to be installed, operated and maintained in the District shall consist of the acquisition, construction, installation, operation



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and maintenance within the public rights-of-way of Beaver Avenue and Urbandale Avenue within the District of improved sidewalks, curbs, cross-walks, landscaping, planters, decorative lighting, utility relocation, traffic signals, and related pedestrian improvements.

- h. The Petition identifies that the taxes levied for the District shall be used to fund the installation, operation and maintenance of the improvements for a period of fifteen (15) years, commencing with the levy of taxes for collection in the fiscal year beginning July 1, 2014, 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 value of forty percent or more of the assessed value of all property within the District, is filed with the City Clerk at least six months prior to the expiration of the current period.
2. The City Council hereby determines that the establishment of the Beaverdale Self-Supported Municipal Improvement District and the installation, operation and maintenance of the improvements in accordance with the stated purposes of the District is consistent with 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.
3. The City Council hereby determines that the establishment of the Beaverdale Self-Supported Municipal Improvement District and the installation, operation and maintenance of the improvements within the District is feasible and would provide substantial benefit to the District and the entire City.
4. The City Council hereby determines that it shall proceed with establishment of the Beaverdale Self-Supported Municipal Improvement District and the Legal Department is hereby authorized and directed to prepare an ordinance establishing the Beaverdale Self-Supported Municipal Improvement District as proposed in the Petition for consideration by the City Council at the expiration of the thirty (30) day waiting period required by Iowa Code 386.3(6).

★ Roll Call Number

13-1746

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( Council Communication No. 13-537 )

MOVED by Giess to adopt.

FORM APPROVED:

Lawrence McDowell  
Deputy City Attorney

NOTE: Iowa Code Section 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. Iowa Code Section 386.3(7).

Exhibits:

- "A" – Petition to Establish the Beaverdale SSMID
- "1" – Map of the District
- "2" – List of Property within the District
- "B" – Boundary Description

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

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