

Date January 12, 2015

RESOLUTION CONDITIONALLY GRANTING APPLICATION OF JAMEY MEYER FOR PRIOR APPROVAL OF TAX ABATEMENT FOR A NEW RESIDENCE AT SE 40th STREET AND EVERGREEN AVENUE

WHEREAS, the Iowa Urban Revitalization Act, Chapter 404, Code of Iowa (the "Act"), provides for partial exemption from property taxation (commonly known as tax abatement) 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, Jamey R. Meyer, propose to purchase approximately 36.6 acres at the southwest corner of SE 40th Street and Evergreen Avenue (previously known as SE 44th Avenue) and to construct a new single-family dwelling in the northeast corner of such acreage 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, Jamey R. Meyer has application pursuant to Iowa Code §404.4 for prior approval of the eligibility of the Dwelling 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 Jamey R. Meyer for prior approval of eligibility for tax abatement for the construction of a single-family dwelling at the southwest corner of SE 40th Street and Evergreen Avenue is hereby received.
2. The City Council hereby finds that the construction of the dwelling 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:

Date January 12, 2015

-2-

- a) Public sewer is not available within 100 feet of the boundaries of the parcel of land upon which the dwelling is to be constructed;
 - b) The Dwelling will be assessed as residential property;
 - c) The parcel of land upon which the Dwelling is to be constructed has been a separate tax parcel since prior to July 1, 1999, and has not thereafter been voluntarily reduced in size;
 - d) Jamey R. Meyer has agreed to 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;
 - e) The construction of the dwelling will not jeopardize future development and improvements in the vicinity, considering the following factors:
 - i) The location of the 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,
 - iii) The dwelling will be reasonably accessible by emergency vehicles.
3. The City Council hereby finds that the proposed dwelling is located in the City-wide Urban Revitalization Area and is proposed to be constructed 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, subject to:
- a) Construction of the dwelling being commenced under authority of a properly issued building permit by December 31, 2015, and completed by December 31, 2016.
 - b) The dwelling shall be constructed at the located represented in the application, and in conformance with the applicable Building and Fire Codes and the applicable zoning regulations.
 - c) Jamey R. Meyer and all other owners of record shall have executed and recorded an agreement in 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.

★ Roll Call Number
15-002b

Agenda Item Number
14

Date January 12, 2015

-3-

5. As provided by Iowa Code §404.4, the owners shall not be entitled to a temporary exemption from taxation (tax abatement) until the dwelling has been completed, and the owners have filed an application for tax abatement in conformance with the City-wide Urban Revitalization Plan.

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K. Brown
Roger K. Brown
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

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.

Y. M. Franklin Council
Mayor

Diane Rauh
City Clerk