



Roll Call Number

15-0139

Agenda Item Number

48

Date January 26, 2015

RESOLUTION CLOSING HEARING ON THE THIRD AMENDMENT
TO THE SECOND RESTATED URBAN REVITALIZATION PLAN FOR THE
CITY-WIDE URBAN REVITALIZATION AREA AND APPROVING SAME

WHEREAS, by Ordinance No. 11,026 passed July 6, 1987, as amended by Ordinance No. 11,065 passed September 21, 1987, the City Council designated the entire area within the corporate boundaries of the City of Des Moines as established on July 7, 1987, as the City-wide Urban Revitalization Area; and,

WHEREAS, on September 28, 1987, by Roll Call No. 87-4009, the Des Moines City Council adopted a resolution, in accordance with the provisions of Section 404.2(6) of the Act, approving the Urban Revitalization Plan for the City-wide Urban Revitalization Area, which plan (the "original City-wide Plan") was repeatedly amended; and,

WHEREAS, on June 16, 1997, by Roll Call No. 97-2126, the City Council approved and adopted the Twenty-first Amendment to the original City-wide Plan, which adopted a restated plan which incorporated all prior amendments to the original City-wide Plan; and,

WHEREAS, on December 5, 2011, by Roll Call No. 11-2085, the City Council approved and adopted the 2011-1 Omnibus Amendment to the City's Urban Revitalization Plans which consolidated all of the City of Des Moines, as it then existed and as thereafter expanded by future annexations, into the City-wide Urban Revitalization Area and approved the Second Restated Urban Revitalization Plan as a complete and restated urban revitalization plan for the City-wide Urban Revitalization Area; and,

WHEREAS, in 2013 the Iowa legislature amended the Iowa property tax laws to reclassify "mobile home parks, manufactured home communities, land-leased communities, assisted living facilities, *property primarily used or intended for human habitation containing three or more separate dwelling units [commonly referred to as an apartment building]*, and that portion of a building that is used or intended for human habitation and a proportionate share of the land upon which the building is situated, regardless of the number of dwelling units located in the building, if the use for human habitation is not the primary use of the building and such building is not otherwise classified as residential property" as multiresidential property for property tax purposes; and,

WHEREAS, an amendment to the City-wide Urban Revitalization Plan is required to continue the allowance of tax abatement for apartment buildings and certain other types of buildings used for human habitation now classified as multiresidential property for property tax purposes; and,

WHEREAS, the purpose of the proposed Third Amendment to the Second Restated Plan for the City-wide Urban Revitalization Area is to update the Plan to reflect the reclassification of apartment buildings and certain other types of buildings used for human habitation as

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multiresidential property for property tax purposes, without otherwise substantively changing the City-wide tax abatement program; and,

WHEREAS, on January 12, 2015, by Roll Call No. 15-0036, the City Council scheduled a public hearing on the proposed Third Amendment to be held at 5:00 p.m., on January 26, 2015, in the City Council Chambers; and,

WHEREAS, public notice of the hearing was published in the Des Moines Register on January 15, 2015; and,

WHEREAS, all persons appearing at the hearing and desiring to be heard regarding the proposed Third Amendment have been given the opportunity to be heard.

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

1. The public hearing on the proposed Third Amendment to the Second Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area is hereby closed, and all objections to the proposed Third Amendment are hereby overruled.
2. The proposed Third Amendment is hereby found to be in conformance with the Des Moines 2020 Community Character Plan.
3. The Third Amendment to the Second Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area, attached hereto as Exhibit A, is hereby approved and adopted.

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	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE		✓		
TOTAL	6	1		

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.

T. M. Franklin
Mayor

Diane Rauh
City Clerk