



Roll Call Number

16.0998

Agenda Item Number

60

Date June 13, 2016

**RESOLUTION CLOSING HEARING AND APPROVING PETITION
TO ESTABLISH THE SW 9TH CORRIDOR
SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT**

WHEREAS, on February 22, 2016, by Roll Call No. 16-0303, the City Council received a petition to establish the SW 9th Corridor Self-Supported Municipal Improvement District, and referred the Petition to the City Plan and Zoning Commission for preparation of an evaluative report for the Council on the merit and feasibility of the proposed project and improvements as required by Iowa Code Chapter 386; and,

WHEREAS, the City Plan and Zoning Commission has submitted its report and recommendation on the merit and feasibility of the proposed SW 9th Corridor Self-Supported Municipal Improvement District, and,

WHEREAS, the purpose of the proposed SW 9th Corridor 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 SW 9th Corridor 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 April 7, 2016, and the City Council received the final report and recommendation of the Commission on April 25, 2016, by Roll Call No. 16-0671.

WHEREAS, on May 23, 2016, by Roll Call No. 16-0902, it was duly resolved by the City Council that the Petition to Establish the SW 9th Corridor Self-Supported Municipal Improvement District be set down for public hearing on June 23, 2016, 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 June 3, 2016, 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 May 9, 2016, 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,



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

1. The hearing is now closed.
2. The City Council hereby makes the following findings regarding the sufficiency of the Petition to Establish the SW 9th Corridor 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 Properties 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.
 - c) The Petition identifies the name of the proposed district as the "SW 9th Corridor 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 SW 9th within the District of 'improvements' as defined in the Act, consisting of signage and banners; seasonal and holiday decorations; street furnishings; murals and public art; public plaza(s); and installation of trees and plant materials (collectively 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



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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 in opposition to the renewal at least 6 months prior to the expiration of the current period.

- 3. 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.
- 4. The Legal Department is hereby authorized and directed to prepare an Ordinance establishing the SW 9th Corridor 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. 16-303)

MOVED by Gatto to adopt.

FORM APPROVED:

Thomas G. Fisher Jr.
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).

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

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.

MOTION CARRIED APPROVED
Y. M. Franklin Council Mayor

Diane Rauh City Clerk