

★ Roll Call Number  
17-0360

Agenda Item Number  
16B

Date March 06, 2017

RESOLUTION APPROVING TAX ABATEMENT APPLICATION  
FOR THE ADDITIONAL VALUE ADDED BY IMPROVEMENTS  
COMPLETED DURING 2016  
(1 application)

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 tax abatement, and the City Council shall approve the application by resolution, subject to review by the County Assessor, if it finds: (a) the project is located in a designated Urban Revitalization Area; (b) the project is in conformance with the Urban Revitalization Plan for such area; and (c) the improvements were made during the time the area was so designated; and,

WHEREAS, pursuant to the Act, the Des Moines City Council passed Ordinance No. 11,026 designating the entire area within the corporate boundaries of the City of Des Moines on July 6, 1987, as a revitalization area (the "City-wide Urban Revitalization Area"); and,

WHEREAS, pursuant to the 2011-1 Omnibus Amendment to the City's urban revitalization plans which was approved by the City Council on December 5, 2011, by Roll Call No. 11-2085, all the territory within the City of Des Moines as of January 1, 2012, was consolidated into the City-wide Urban Revitalization Area, and any territory thereafter annexed into the City are added to the City-wide Urban Revitalization Area effective upon annexation; and,

WHEREAS, the City-wide Urban Revitalization Plan provides that in order to qualify for tax exemption eligibility, the improvements must be completed in accordance with all applicable zoning and other regulations of the City; and,

WHEREAS, the application for tax abatement for the building located at 6150 SE 6<sup>th</sup> Court (the "Application") has been received, reviewed and recommended for approval by City staff as further described in the accompanying council communication; and,

WHEREAS, the building fails to satisfy Article H, section 7 of the City-wide Urban Revitalization Plan located, because it is not served by the public sewer system, however it satisfies the exceptions in that section; and,

WHEREAS, the applicant is willing to enter into an agreement with the City to connect to the public sewer system when it becomes available and waive its right to protest an assessment for the sewer; and,



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WHEREAS, the applicant meets all other requirements of Article H, section 7 of the City-wide Urban Revitalization Plan.

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

- 1) The Application for 6150 SE 16<sup>th</sup> Court for tax abatement is hereby received.
- 2) The following findings are hereby adopted:
  - a) The Application is for a project located in the City-wide Urban Revitalization Area; the project is in conformance with the Urban Revitalization Plan for the City-wide Urban Revitalization Area, with the exception of not being served by the public sewer system; and the improvements described in the Applications were made during the time the applicable area was so designated.
  - b) The Application is for improvements completed in 2016.
  - c) The Application appears to have been timely filed with the City on or before February 1, 2017.
- 3) The following additional findings are hereby adopted:
  - a) Public sewer is not available within 100 feet of the boundaries of the parcel of land upon which the improvement is made.
  - b) The improvement is assessed as residential property.
  - c) The parcel of land upon which the improvement is made was created prior to July 1, 1999, and not thereafter voluntarily reduced in size.
  - d) The owners of the property have agreed to enter into an agreement in recordable form acceptable to the City 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 and
    - 1) The lot is less than two acres in size, and
    - 2) The improvements will not jeopardize future development and improvements in the vicinity considering the following factors:
      1. The location of the improvement on the lot allow for future development to urban densities,
      2. The location of the improvement does not interfere with the logical extension of streets, water, sewer and other public infrastructure to serve future development in the vicinity,
      3. The improvement is reasonably accessible by emergency vehicles.
- 3) The Application is approved subject to recording an agreement approved by the City Legal Department and subject to review by the County Assessor under Section 404.5 of the Act, for exemption according to the schedules noted on each Application.

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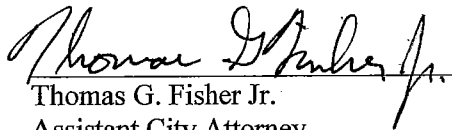
Date March 06, 2017

- 4) The City Clerk shall forward a certified copy of this resolution and the Applications to the County Assessor.

(Council Communication No. 17- 278 )

MOVED by Hensley to adopt.

FORM APPROVED:

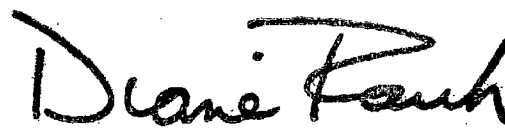
  
 Thomas G. Fisher Jr.  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO				✓
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	6			

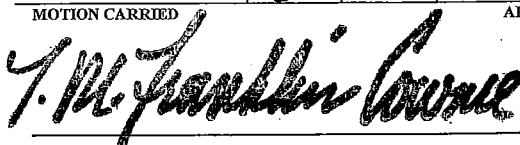
CERTIFICATE

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.



City Clerk

MOTION CARRIED APPROVED  
  
 T. M. Franklin  
 Mayor