



Roll Call Number

17-1513

Agenda Item Number

59

Date August 28, 2017

**RESOLUTION CLOSING HEARING AND APPROVING PETITION TO
ESTABLISH THE SHERMAN HILL
SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT**

WHEREAS, on May 8, 2017, by Roll Call No. 17-0784, the City Council received a petition to establish the Sherman Hill 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 Sherman Hill Self-Supported Municipal Improvement District, and,

WHEREAS, the purpose of the proposed Sherman Hill 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 Sherman Hill 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 June 1, 2017, and the City Council received the final report and recommendation of the Commission on June 12, 2017, by Roll Call No. 17-0971.

WHEREAS, on June 12, 2017, by Roll Call No. 17-0971, it was duly resolved by the City Council that the Petition to Establish the Sherman Hill Self-Supported Municipal Improvement District be set down for public hearing on July 10, 2017, 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 August 22, 2017, 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 August 10, 2017, 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;



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NOW THEREFORE, 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 Sherman Hill 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 Propertied 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 or part of a designated historical district.
 - c) The Petition identifies the name of the proposed district as the "Sherman Hill Corridor Self-Supported Municipal Improvement District".
 - d) The Petition identifies that the purpose of the District is as follows:
 - 1) A decorative pedestrian oriented street lighting system along the public streets.
 - 2) A neighborhood park and associated improvements, including but not limited to sidewalks, landscaping, benches and playground equipment.
 - 3) Streetscape improvements, including but not limited to improved sidewalks, benches, pedestrian crosswalks, landscaping, signage, and street restoration.
 - 4) Capital, physical, and other improvements designed to enhance the image, appearance, and/or safety of the District.
 - 5) Activities and operations benefitting the District under any agreements with the City or other public, quasi-public, or private entities.
 - 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 \$3.50 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 further provides for the levy of a Debt Service Tax to be used to pay any or all of the costs of the construction and installation of the Improvements described above, or to pay any legal indebtedness incurred by the City for the cost of such Improvements.



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- 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 Sherman Hill 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).

MOVED by Hensley to adopt, prior to ordinance consideration a separate Advisory SSMID Board shall be formed to have representation from all areas of the proposed SSMID district and procedures be established to

FORM APPROVED: provide actual notice to property owners of any proposed increase to the SSMID levy, including by certified mail if necessary.

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).

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

MOTION CARRIED APPROVED
T. M. Franklin Mayor

Diane Rauh City Clerk