

ORDINANCE NO. 13,531

AN ORDINANCE establishing the Sherman Hill Historic Street Lighting Self-Supported Municipal Improvement District #2 pursuant to the provisions of Chapter 386, Code of Iowa, and providing for the establishment of an operation fund and the levy of an annual tax in connection therewith.

WHEREAS, the City of Des Moines is authorized by Chapter 386, Code of Iowa (the "Act") to create a self-supported municipal improvement district in the City, to provide for the existence and operation of such district, to provide for improvements or self-liquidating improvements for such district, and to levy taxes with respect to such district, all as more specifically defined in the Act; and,

WHEREAS, a petition (the "Petition") has been filed with the City Clerk pursuant to the Act petitioning the City Council to create the Sherman Hill Historic Street Lighting Self-Supported Municipal Improvement District #2 (the "Proposed District"), to establish an operation fund with respect to the Proposed District, and to levy an annual tax for such fund, all for the purpose of causing the construction, acquisition, installation and maintenance of a decorative pedestrian oriented street lighting system within the Proposed District (the "Improvements"); and,

WHEREAS, the Petition is in all ways in complete compliance with the provisions of the Act; and,

WHEREAS, on July 21, 1997, by Roll Call No. 97-2580, the City Council received the Petition and referred it to the City Plan and Zoning Commission for review in accordance with the Act; and,

WHEREAS, on August 18, 1987, by Roll Call No. 97-2839 the City Council received the report of the City Plan and Zoning Commission on the merits and feasibility of the Proposed District and Improvements; and,

WHEREAS, on August 18, 1997, by Roll Call No. 97-2840, the City Council scheduled a public hearing for August 25, 1997, at 5:30 P.M., at which it proposed to take action for the establishment of the Proposed District and authorization of the Improvements, and did direct that notice of such hearing be given in accordance with the Act; and,

WHEREAS, notice of the hearing was published in the Des Moines Register on August 20, 1997, and a copy of such notice was mailed by certified mail on July 31, 1997, to all the owners of record of real property located within the Proposed District as shown by the records of the Polk County Auditor, in satisfaction of the notice requirements of the Act; and,

WHEREAS, at the aforementioned time and place, the City Council did meet and hear all owners of property in the Proposed District and residents of the City desiring to express their views with respect to the establishment of the Proposed District and construction and maintenance of the Improvements; and,

WHEREAS, on August 25, 1997, by Roll Call No. 97-2963, the City Council closed the public hearing on the creation of the Proposed District and construction of the Improvements and found that the Petition, the Proposed District and Improvements satisfied the applicable requirements imposed by the Act; and,

WHEREAS, more than thirty days has now passed since the public hearing on the creation of the Proposed District was closed, and no petition has been filed with the City Clerk opposing the creation of the Proposed District; NOW THEREFORE,

BE IT ORDAINED, by the City Council of the City of Des Moines, Iowa:

Section 1. That in accordance with Iowa Code Chapter 386 and the recitations set out in the Preamble hereof, there is hereby established and created in the City of Des Moines, a self-supported municipal improvement district as defined in the Act, the name of which shall be the "Sherman Hill Historic Street Lighting Self-Supported Municipal Improvement District #2" (herein the District):

Sec. 2. The District shall consist of the following described property, together with all intervening and adjoining public rights-of-way:

Tax District-

Parcel No.: Description:

3-271-1 LTS 1, 2 & 8 & -EX ST- N 209.76F LTS 3 & 4 BOSCOBEL ADD

3-272 -EX ST- S 10.24 F LOTS 3 & 4 & -EX ST- E 73 F LOT 5 BOSCOBEL ADD

3-273 W 221 F LOT 5 BOSCOBEL ADD

3-274 W 140 F LOT 6 BOSCOBEL ADD

3-276 W 140 F LOT 7 BOSCOBEL ADD

3-277 E 129 F W 269 F LOTS 6 & 7 BOSCOBEL ADD

3-302 N 3 F LOT 2 & ALL LOT 1 T E BROWNS ADD

3-303 S 57 F LOT 2 T E BROWNS ADD

3-304 LOT 3 T E BROWNS ADD

3-305 LOT 4 & N 1/2 LOT 5 T E BROWNS ADD

3-306 S 1/2 LOT 5 & ALL LOT 6 T E BROWNS ADD

3-308 LTS 7 THRU 10 INCL T E BROWNS ADD
3-311 LTS 11 THRU 14 INCL T E BROWNS ADD
3-314 LOT 5 & S 57 F LOT 16 T E BROWNS ADD
3-315-1 LT 17 & N 3F LT 16 T E BROWNS ADD
3-316-2 LT 18 T E BROWNS ADD
3-317-2 -EX E 42F- LT 20 T E BROWNS ADD
3-317-4 N 13.5F E 42F LT 19 & E 42F LT 20 T E BROWNS ADD
3-317-5 -EX S 25F & N13.5F E42F LT 19 T E BROWNS ADD
3-317-6 S 25F LT 19 T E BROWNS ADD
3-318-1 LT 21 & N 1/2 LT 22 T E BROWNS ADD
3-319-1 S 1/2 LT 22 & ALL LT 23 T E BROWNS ADD
3-321 LTS 24 THRU 27 T E BROWNS ADD
3-325 LOT 28 T E BROWNS ADD
3-326 N 50 F LOT 29 T E BROWNS ADD
3-327 S 10 F LOT 29 & ALL 30 T E BROWNS ADD
3-328-1 LTS 31 & 32 T E BROWNS ADD
3-330 LTS 33 THRU 36 T E BROWNS ADD
3-334 LOT 37 T E BROWNS ADD
3-335 LOT 38 T E BROWNS ADD
3-336 LOT 39 T E BROWNS ADD
3-337 W 89 F LOT 40 T E BROWNS ADD
3-338 E 36 F LOT 40 T E BROWNS ADD
3-339-1 LOTS 41 & 42 T E BROWNS ADD

3-341 LOT 43 T E BROWNS ADD
3-342 LOT 44 T E BROWNS ADD
3-343 LOT 45 T E BROWNS ADD
3-344 N 47.5 F LOT 46 T E BROWNS ADD
3-345 S 12.5 F LOT 46 & N 55.5 F & W 22 F S 4.5 F LOT 47 T E BROWNS ADD
3-346 E 103 F S 4.5 F LOT 47 & ALL LOT 48 T E BROWNS ADD
3-347 LOT 49 T E BROWNS ADD
3-348 -EX W 45 F- LOT 50 T E BROWNS ADD
3-349 W 45 F LOT 50 T E BROWNS ADD
3-350 E 30 F LOT 51 T E BROWNS ADD
3-351-1 W 88F LT 51 & ALL LT 5 & S 10f LT 53 T E BROWNS ADD
3-353 N 50 F LOT 53 T E BROWNS ADD
3-354 N 28 F LOT 54 T E BROWNS ADD
3-355 S 32 F LOT 54 T E BROWNS ADD
3-356 LOT 55 T E BROWNS ADD
3-357-1 N40F LT 56 & S 30F LT 5 T E BROWNS ADD
3-358 S 20 F LOT 56 T E BROWNS ADD
3-359-1 N 30F LT 57 & ALL LT 58 T E BROWNS ADD
3-362 LOT 59 T E BROWNS ADD
3-363 LOT 60 T E BROWNS ADD
3-364 W 1/2 LTS 61 & 62 T E BROWNS ADD
3-365 E 1/2 LTS 61 & 62 T E BROWNS ADD
3-382 N 10 F LOT 79 & S 25 F LOT 78 T E BROWNS ADD

3-383 S 50 F LOT 79 T E BROWNS ADD

3-384 LOT 80 T E BROWNS ADD

3-385 N 50 F LOT 81 T E BROWNS ADD

3-386-1 S 10F LT 81 & ALL LT 82 & ALLEY W & ADJ LTS 77 THRU 82 T E BROWNS
ADD

3-387 N 50 F LOT 83 T E BROWNS ADD

3-390-1 S 4F LT 83 & ALL LTS 84 & 85 T E BROWNS ADD

3-391 LOT 86 T E BROWNS ADD

3-392 LOT 87 T E BROWNS ADD

3-393 LOT 88 T E BROWNS ADD

3-394 LOT 89 T E BROWNS ADD

3-395 LOT 90 & N 15 F LOT 91 T E BROWNS ADD

3-396 N 35 F S 45 F LOT 91 T E BROWNS ADD

3-397 S 10 F LOT 91 & ALL LOT 92 T E BROWNS ADD

3-398-1 LOTS 93 & 94 T E BROWNS ADD

3-400 LOT 95 T E BROWNS ADD

3-401 LOT 96 & S 10 F LOT 97 T E BROWNS ADD

3-402 N 50 F LOT 97 & S 10 F LOT 98 T E BROWNS ADD

3-403 N 50 F LOT 98 & S 1/2 LOT 99 T E BROWNS ADD

3-404-1 N1/2 LT 99 & ALL LTS 100 & 101 T E BROWNS ADD

3-406 W 63 F LOT 102 T E BROWNS ADD

3-407 E 62 F LOT 102 T E BROWNS ADD

3-408 LOT 103 T E BROWNS ADD

3-409 LOT 104 & S 17 F LOT 105 T E BROWNS ADD

3-410 N 43 F LOT 105 & S 34 F LOT 106 T E BROWNS ADD

3-411-1 N 26F LT 106 & ALL LTS 107 & 108 T E BROWNS ADD

3-414-1 LOT 115 T E BROWNS ADD

3-416 LOT 116 T E BROWNS ADD

3-417 N 40 F LOT 117 T E BROWNS ADD

3-418 S 20F LOT 117 & N 20F LOT 118 T E BROWNS ADD

3-419 S 40F LOT 118 T E BROWNS ADD

3-420 LOT 119 T E BROWNS ADD

3-421 LOT 120 T E BROWNS ADD

3-422 LOT 121 T E BROWNS ADD

3-423 N 50 F LOT 122 T E BROWNS ADD

3-424 S 10 F LOT 122 & N 50 F LOT 123 T E BROWNS ADD

3-425 S 10 F LOTS 123 & ALL LOT 124 T E BROWNS ADD

3-432 LOT 2 T E BROWNS 2ND ADD

3-433 LOT 3 T E BROWNS 2ND ADD

3-434 LOT 4 T E BROWNS 2ND ADD

3-435 LOT 5 T E BROWNS 2ND ADD

3-436 LOT 6 T E BROWNS 2ND ADD

3-437 S 1/2 LOT 7 T E BROWNS 2ND ADD

3-438 N 1/2 LOT 7 T E BROWNS 2ND ADD

3-439 LOT 8 T E BROWNS 2ND ADD

3-440 LOT 9 T E BROWNS 2ND ADD

3-441 E 88.5 F LOT 10 T E BROWNS 2ND ADD

3-442 W 36.5 F LOT 10 T E BROWNS 2ND ADD
3-443 E 72F LOT 11 T E BROWNS 2ND ADD
3-444 W 53 F LOT 11 T E BROWNS 2ND ADD
3-445 LOT 12 T E BROWNS 2ND ADD
3-446-1 LT 13 & S 10F LT 14 T E BROWNS 2ND ADD
3-447-1 N50F LT 14 & S 20F LT 15 T E BROWNS 2ND ADD
3-448 N 40 F LOT 15 & S 40 F LOT 16 T E BROWNS 2ND ADD
3-449 LOT 17 & N 20 F LOT 16 T E BROWNS 2ND ADD
3-450 LOT 18 T E BROWNS 2ND ADD
3-451 LOT 19 T E BROWNS 2ND ADD
3-452 LOT 20 T E BROWNS 2ND ADD
3-465 LOT 2 T E BROWNS 3RD ADD
3-466 LOT 3 T E BROWNS 3RD ADD
3-467 LOT 4 T E BROWNS 3RD ADD
3-468 LOT 5 T E BROWNS 3RD ADD
3-469 LOT 6 T E BROWNS 3RD ADD
3-470 LOT 7 T E BROWNS 3RD ADD
3-471 LOT 8 T E BROWNS 3RD ADD
3-472 W 1/2 LOTS 9 & 10 T E BROWNS 3RD ADD
3-473 E 1/2 LOTS 9 & 10 T E BROWNS 3RD ADD
3-474 E 53 F LOT 11 & E 53 F S 24 F LOT 12 T E BROWNS 3RD ADD
3-475 W 72 F LOT 11 & S 24 F W 72 F LOT 12 T E BROWNS 3RD ADD
3-476 N 36 F LOT 12 T E BROWNS 3RD ADD

3-477 LOT 13 T E BROWNS 3RD ADD

3-478 LOT 14 & S 1/2 LOT 15 T E BROWNS 3RD ADD

3-479 N 1/2 LOT 15 & S 20 F LOT 16 T E BROWNS 3RD ADD

3-480 N 40 F LOT 16 & S 10 F LOT 17 T E BROWNS 3RD ADD

3-481 N 40 F S 50 F LOT 17 T E BROWNS 3RD ADD

3-482 N 10 F LOT 17 & S 44 F LOT 18 T E BROWNS 3RD ADD

3-483 N 16 F LOT 18 & ALL LOTS 19 & 20 T E BROWNS 3RD ADD

3-484 LOT 21 T E BROWNS 3RD ADD

3-485 LOT 22 T E BROWNS 3RD ADD

3-486 N 50 F LOT 23 T E BROWNS 3RD ADD

3-487 S 32 F LOT 24 T E BROWNS 3RD ADD

3-488 S 10F LOT 23 & N 28F LOT 24 T E BROWNS 3RD ADD

3-489 LOT 25 T E BROWNS 3RD ADD

3-490 LOT 26 T E BROWNS 3RD ADD

3-491 N 55 F LOT 27 T E BROWNS 3RD ADD

3-492 S 5F LT 27 & ALL LT 28 T E BROWNS 3RD ADD

3-493 N 56 F LOT 29 T E BROWNS 3RD ADD

3-494 LOT 30 & S 4 F LOT 29 T E BROWNS 3RD ADD

3-495 LOT 31 T E BROWNS 3RD ADD

3-497-1 LOT 32 & N 10F LOT 33 T E BROWNS 3RD ADD

3-498 S 50 F LOT 33 T E BROWNS 3RD ADD

3-499 LOT 34 T E BROWNS 3RD ADD

3-500 LOT 35 T E BROWNS 3RD ADD

3-501 LOT 36 T E BROWNS 3RD ADD

3-502 LOT 37 T E BROWNS 3RD ADD

3-503 LOT 38 T E BROWNS 3RD ADD

3-1048 LOT 1 BLK 2 DAVIES 2ND ADDITION

3-1049 LOTS 2 & 3 BLK 2 DAVIES 2ND ADDITION

3-1050-1 -EX S 101.6F- LTS 4 & 5 BLK 2 DAVIES 2ND ADDITION

3-1050-2 S 101.6F LTS 4 & 5 BLK 2 DAVIES 2ND ADDITION

3-1052 LOT 6 & S 1/2 LOT 7 BLK 2 DAVIES 2ND ADDITION

3-1053 LOT 8 & N 1/2 LOT 7 BLK 2 DAVIES 2ND ADDITION

3-1054 LOT 9 & S 1/2 LOT 10 BLK 2 DAVIES 2ND ADDITION

3-1055 LOT 11 & N 1/2 LOT 10 BLK 2 DAVIES 2ND ADDITION

3-1056 LOT 12 BLK 2 DAVIES 2ND ADDITION

3-1057 LOT 13 BLK 2 DAVIES 2ND ADDITION

3-1058 LT 14 BLK 2 DAVIES 2ND ADDITION

3-1059 LT 15 BLK 2 DAVIES 2ND ADDITION

3-1062-1 ALL W LN BEG 13.2F W OF SE COR N 1/2 LT 22 THN NWLY TO PT ON W LN
27.5 N OF S W COR LT 18 LTS 18 THRU 21 & N 1/2 LT 22 BLK 2 DAVIES 2ND
ADDITION

3-1066 -EX TRI PC BNG E 13FT ON N LN- S 1/2 LOT 22 ALL LOT 23 BLK 2 DAVIES 2ND
ADDITION

3-1067 LOT 24 BLK 2 DAVIES 2ND ADDITION

3-1068 LOT 25 BLK 2 DAVIES 2ND ADDITION

3-1069 LOTS 1 & 2 BLK 3 DAVIES 2ND ADDITION

3-1070 LOT 3 & E 14 FT LOT 4 BLK 3 DAVIES 2ND ADDITION

3-1071 LOT 5 & W 36 FT LOT 4 BLK 3 DAVIES 2ND ADDITION

3-1072 LOT 6 BLK 3 DAVIES 2ND ADDITION

3-1073 LOT 7 BLK 3 DAVIES 2ND ADDITION

3-1074 LOT 8 BLK 3 DAVIES 2ND ADDITION

3-1075 LOT 9 BLK 3 DAVIES 2ND ADDITION

3-1076 LOT 10 BLK 3 DAVIES 2ND ADDITION

3-1077 LOT 11 BLK 3 DAVIES 2ND ADDITION

3-1078 LOT 12 BLK 3 DAVIES 2ND ADDITION

3-1079 S 25 FT LOT 13 BLK 3 DAVIES 2ND ADDITION

3-1080 N 15 FT LOT 13 & S 10 FT LOT 14 BLK 3 DAVIES 2ND ADDITION

3-1081-1 N 30F LT 14 & ALL LT 15 BLK 3 DAVIES 2ND ADDITION

3-1083-1 LTS 16 THRU 18 BLK 3 DAVIES 2ND ADDITION

3-1085 LOT 19 BLK 3 DAVIES 2ND ADDITION

3-1086 LOT 20 BLK 3 DAVIES 2ND ADDITION

3-1087 LOT 21 BLK 3 DAVIES 2ND ADDITION

3-1088 LOT 22 BLK 3 DAVIES 2ND ADDITION

3-1089 LOT 23 BLK 3 DAVIES 2ND ADDITION

3-1090 LOT 24 BLK 3 DAVIES 2ND ADDITION

3-1091 LOT 25 BLK 3 DAVIES 2ND ADDITION

3-3293-1 12F W & ADJ & W 118F LTS 3 & 4 BLK F LEYNERS PLAT

3-3535 N 70 F W 44.8 F LTS 5 & 6 MARSHS SD LT 2 OF 4.95 A PURSLEY ESTATE
MARSHES SUB DIV

3-3536 -EX S 56.3F- E 38F LOT MARSHES SUB DIV

3-3537 S 56.3 F LOTS 5 & 6 MARSHES SUB DIV

3-3538 LOTS 7-8 & 9 MARSHES SUB DIV

3-3542 W 1/2 N 2/3 LTS 13, 14 & 15 MARSHES SUB DIV

3-3545 LOT 16 & -EX X 11 F- LOT 17 MARSHES SUB DIV

3-3546 S 11 F LOT 17 & ALL LOTS 18 THRU 21 & INTERVENING ALLEY MARSHES
SUB DIV

3-3549 LOT 22 & W 1/2 LOT 23 MARSHES SUB DIV

3-4184 N 50 F LOT 2 & S 20 F LOT 3 RICKEYS ADDITION

3-4185-1 N 40F LOT 3 & S30F LOT RICKEYS ADDITION

3-4187 N30F LT 4 & S 45F LT 5 RICKEYS ADDITION

3-4188-1 N 15F LT 5 & ALL LTS 6, 7 & 8 RICKEYS ADDITION

3-4191 LTS 9 & 10 RICKEYS ADDITION

3-4192 LOT 11 RICKEYS ADDITION

3-4193 LTS 12 & 13 RICKEYS ADDITION

3-4195 N 42 F LOT 14 RICKEYS ADDITION

3-4196 S 18 F LOT 14 & N 31 F LOT 15 RICKEYS ADDITION

3-4197 S 28 F LOT 15 & N 20 F LOT 16 RICKEYS ADDITION

3-4198 S 40 F LOT 16 RICKEYS ADDITION

3-4199 LOT 17 RICKEYS ADDITION

3-4200 LOT 18 RICKEYS ADDITION

3-4201 N 50 F LOT 19 RICKEYS ADDITION

3-4204 N 50 F LOT 22 & S 10 F LOT 23 RICKEYS ADDITION

3-4205 N 50 F LOT 23 & S 10 F LOT 24 RICKEYS ADDITION

3-4206 N 50 F LOT 24 & S 10 F LOT 25 RICKEYS ADDITION

3-4207 N 50 F LOT 25 RICKEYS ADDITION

3-4208 LOT 26 RICKEYS ADDITION
3-4209 LOT 27 RICKEYS ADDITION
3-4210 LOT 28 RICKEYS ADDITION
3-4211 W 54 F LOTS 29 & 30 RICKEYS ADDITION
3-4212 E 71 F LTS 29 AND 30 RICKEYS ADDITION
3-4213 LOT 31 RICKEYS ADDITION
3-4214 LOT 32 RICKEYS ADDITION
3-4215 LOT 33 RICKEYS ADDITION
3-4216 LOT 34 RICKEYS ADDITION
3-4217 N 50 F LOT 35 RICKEYS ADDITION
3-4218 S 10 F LOT 35 & N 45 F LOT 36

3-4219 S 15 F LOT 36 & N 30 F LOT 37 RICKEYS ADDITION
3-4220 S 30 F LOT 37 & N 15 F LOT 38 RICKEYS ADDITION
3-4679 W 32F N 25F LOT 11 & W 32F LOT 12 SHERMAN PLACE
3-4681-1 LTS 13, 14, 15 & 7F E OF & ADJ & LTS 16 & 17 SHERMAN PLACE

Sec. 3. It is hereby found and determined that each property within the District is located within the Sherman Hill Historic District, a duly designated local historic district; that the District contains all the property that will directly benefit from the development and maintenance of the Improvements; and, that the owners of each property within the District will benefit from the development and maintenance of the Improvements.

Sec. 4. Pursuant to the provisions of the Act, there is hereby established and created a self-supported municipal improvement district operation fund with respect to the District to be known as the "Sherman Hill Historic Street Lighting Self-Supported Municipal Improvement District #2 Operation Fund" (herein the "Operation Fund"), for which the City may certify taxes (the "Operation Tax") against the property, as defined in the Act (including property assessed as residential property for property tax purposes), within the District (the "Property") each year, in addition to all other taxes, commencing with the levy of taxes for collection in the fiscal year beginning July 1, 1998 and continuing for twenty (20) years thereafter. The City may renew the

levy of the Operation Tax for subsequent five (5) year periods unless a petition containing the signatures of at least forty percent of all owners of property within 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 at least 6 months prior to the expiration of the current period. The City shall not renew the levy of the Operation Tax if such a petition is timely received.

Sec. 5. The City may use the proceeds of the Operation Tax for the purposes of paying (or reimbursing the City with respect thereto) all or part of the costs incurred in connection with the operation and maintenance of the Improvements, any administration expenses (as defined in and authorized by the Act) of the District, including legal and engineering fees, and any other expenses reasonably incurred in fulfilling the purposes of the District, all as may be determined from time to time by the City Council.

Sec. 6. The Operation Tax to be levied annually upon the Property as aforesaid, shall not exceed the amount per thousand dollars (\$1,000) of taxable value of the Property in any one year specified by the table below, in addition to all other taxes.

Fiscal Years Levy per thousand dollars

of Levy taxable value

1998/99 to 2002/03 \$1.50

2003/04 to 2007/08 \$2.00

2008/09 to 2012/13 \$2.50

2013/14 to 2017/18 \$3.00

2018/19 and thereafter \$3.50

Sec. 7. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance, which shall be given effect without such invalid part or parts.

Sec. 8. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 9. The City Clerk is hereby authorized and directed to cause a certified copy of this ordinance to be recorded in the office of the Polk County Recorder, and a copy thereof to be filed with the Polk County Auditor.

FORM APPROVED:

Roger K. Brown

Assistant City Attorney