

ORDINANCE NO. 13,930

AN ORDINANCE giving prior approval for a partial exemption from property taxation on the value to be added by new construction to industrial real estate located at 2500 Dixon Street and owned by Lomar Distributing Inc. in accordance with Chapter 427B of the Iowa Code and of Des Moines Ordinance No. 11,038.

WHEREAS, pursuant to Chapter 427B of the Iowa Code and Ordinance No. 11,038 of the Des Moines Municipal Code, the City Council is authorized to give prior approval for a partial exemption from property taxation on the value to be added by new construction to industrial real estate; and

WHEREAS, Bonded Fiber and Quilting Inc. has requested that the City Council give such prior approval to a project involving the reconstruction and refitting of an industrial building at 2500 Dixon Street which building improvements will cost approximately \$2,383,000; and

WHEREAS, pursuant to Section 1(a) of Ordinance No. 11,038, the Iowa Department of Economic Development has recommended that the City Council approve the request for prior approval for partial tax exemption for the building reconstruction and refitting project which will constitute new construction on the basis that (1) the reconstruction of the building is required due to economic obsolescence, (2) the reconstruction is necessary to implement recognized industry standards for the manufacture and processing of specific products, and (3) the reconstruction is required for the owner of the building to continue to competitively manufacture or process those products; and

WHEREAS, pursuant to Section 3(2) of Ordinance No. 11,038, before the City Council may give such prior approval to a proposal, it must schedule a public hearing and public notice of same, and "at least thirty days after such hearing the city council, by ordinance, may give its prior approval of a tax exemption"; and

WHEREAS, pursuant to Roll Call No. 01-058, dated January 8, 2001, the City Council scheduled the required public hearing for January 22, 2001, and authorized publication of notice thereof; and

WHEREAS, after due notice, the public hearing was held before the City Council on January 22, 2001; and

WHEREAS, at the conclusion of the public hearing, the City Council, pursuant to Roll Call No. 01-264, directed the Legal Department to prepare this ordinance for first consideration by the City Council on February 26, 2001, for the purpose of establishing this Council's prior approval of a partial tax exemption for the Lomar Distributing Inc. reconstruction and refitting project in accordance with Section 3(2) of said Ordinance No. 11,038; NOW, THEREFORE,

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the City Council finds that the entire industrial building reconstruction and refitting project of Lomar Distributing Inc. costing approximately \$2,383,000 at 2500 Dixon Street is in conformance with the zoning for the City and constitutes new construction eligible for a tax exemption under Chapter 427B of the Iowa Code City of Des Moines Ordinance No. 11,038 in that (1) the reconstruction of the building is required due to economic obsolescence, (2) the reconstruction is necessary to implement recognized industry standards for the manufacture and processing of specific products, and (3) the reconstruction is required for the owner of the building to continue to competitively manufacture or process those products; and

Sec. 2. That the exemption shall be available for five years for the portion of the project otherwise qualified and for which an exemption has not previously been granted, and the amount of such exemption shall be determined in accordance with the schedule set forth in Section 2 of City of Des Moines Ordinance No. 11,038. Sec. 3. That the exemption given prior approval hereunder shall be allowed only if the following requirement is satisfied:

a) The exemption is not allowable until all the new construction has been completed and found to be qualified real estate.

Sec. 4. That the proceedings to give prior approval for partial tax exemption by this ordinance for the industrial building reconstruction and refitting project of Lomar Distributing Inc. are hereby determined to comply with City of Des Moines Ordinance No. 11,038.

Sec. 5. This ordinance shall constitute prior approval for partial tax exemption under Iowa Code Chapter 427B for the industrial building reconstruction and refitting project of Lomar Distributing Inc.

Sec. 6. That a certified copy of this ordinance and Ordinance No. 11,038 shall be promptly forwarded to the County Assessor for Polk County, Iowa.

Sec. 7. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

David L. Phillips, Assistant City Attorney

Preston Daniels, Mayor

Attest:

I, Donna Boetel-Baker, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 01-868), passed by the City Council of said City at a meeting held March 26, 2001, signed by the Mayor on March 26, 2001, and published as provided by law in the Business Record on April 9, 2001. Authorized by Publication Order No. 1679.

Donna Boetel-Baker, MMC, City Clerk