

ORDINANCE NO. 14,311

AN ORDINANCE continuing and expanding the Downtown Des Moines Self-Supported Municipal Improvement District pursuant to the provisions of Chapter 386, Code of Iowa; and providing for the continuation 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, Ordinance No. 13,579 passed by the City Council on February 23, 1998 established the Downtown Des Moines Self-Supported Municipal Improvement District pursuant to the provisions of The Act and provided for the establishment of an operation fund and the levy of an annual tax in connection therewith; and,

WHEREAS, Ordinance No. 13,913 passed by the City Council on January 22, 2001, continued the Downtown Des Moines Self-Supported Municipal Improvement District pursuant to the provisions of the Act and provided for the continuation of an operation fund and they levy of an annual tax in connection therewith; and,

WHEREAS, a petition (the "Petition") has been filed with the City Clerk pursuant to the Act petitioning the City Council to continue and expand the Downtown Des Moines Self-Supported Municipal Improvement District (the "District"), to continue an operation fund with respect to the District, and to levy an annual tax for such fund, all for the purposes of paying the administrative expenses of the District or paying part or all of the maintenance expenses of improvements or self-liquidating improvements with respect to the District; and,

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

WHEREAS, on November 3, 2003, by Roll Call No. 03-2492, 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 November 17, 2003, by Roll Call No. 03-2586 the City Council received the report of the City Plan and Zoning Commission on the merit and feasibility the expanded District; and,

WHEREAS, on November 17, 2003 by Roll Call No. 03-2587, the City Council scheduled a public hearing for December 22, 2003, at 5:30 P.M., at which it proposed to take action for the continuation and expansion of the District, 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 December 10, 2003, and a copy of such notice was mailed by certified mail on November 25, 2003, to all the owners of record of real property located within the 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 District and residents of the City desiring to express their views with respect to the continuation and expansion of the District; and,

WHEREAS, by Resolution and Roll Call No. 03-2936 adopted December 22, 2003, the City Council closed the public hearing on the continuation and expansion of the District and found that the Petition and the District satisfied the applicable requirements imposed by the Act; and,

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

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

Sec. 1. That in accordance with Iowa Code Chapter 386 and the recitations set out in the Preamble hereof the self-supported municipal improvement district as defined in the Act, named the "Downtown Des Moines Self-Supported Municipal Improvement District" (the "District") established and created in the City of Des Moines pursuant to Ordinance No. 13,579 and continued pursuant to Ordinance No. 13,913 is hereby further continued and expanded in accordance with the general terms of the Petition.

Sec. 2. The District shall include all property within the following described boundaries:

Beginning at the intersection of the centerline of 7th Street and the centerline of Center Street, being 33.0 feet North and 33.0 feet West of the Northwest corner of Lot 10, Block R, Grimmel's Addition, an Official Plat; thence North along the northerly extension and the centerline of 7th Street to the intersection of the centerline of School Street said centerline being 33.0 feet North of the South right-of-way line of School Street; thence East along the centerline of School Street and its easterly extension to the West Bank of the Des Moines River; thence southerly along the West Bank of the Des Moines River to the intersection of the easterly extension of the centerline of Center Street; thence East along the easterly extension of the centerline of Center Street to the East Bank of the Des Moines River; thence southerly along the East Bank of the Des Moines River to the westerly extension of the centerline of East Grand Avenue, said centerline being 40.0 feet South of the North right-of-way line of East Grand Avenue: thence East along the centerline of East Grand Avenue to the northerly extension of the centerline of Pennsylvania Avenue; thence South along the northerly extension of the centerline of Pennsylvania Avenue and its centerline to the intersection of the centerline of East Locust Street; thence West along the centerline of East Locust Street to the intersection of the northerly extension of the centerline of East 7th Street; thence South along the northerly extension of the centerline of East 7th Street and its centerline to the centerline of East Walnut Street; thence West along the centerline of East Walnut Street to the intersection of the northerly extension of the centerline of East 2nd Street; thence South along the northerly extension of the centerline of East 2nd Street and its centerline to the intersection of the centerline of East Court Avenue; thence West along the centerline of East Court Avenue to the East Bank of the Des Moines River; thence South along the East Bank of the Des Moines River to the intersection of the easterly extension of the centerline of the East/West alley right-of-way being 8.25 feet South of and adjoining Lot 11, Block 35, Fort Des Moines, an Official Plat; thence West along the easterly extension of the centerline of the East/West alley and its centerline to the intersection of the centerline of 3rd Street; thence South along the centerline of 3rd Street and its southerly extension to the intersection of the centerline of Vine Street right-of-way being 41.25 feet South of and adjoining Blocks 25 and 20 of said Fort Des Moines; thence West along the centerline of Vine Street to the intersection of the centerline of 5th Street; thence

North along the centerline of 5th Street and its northerly extension to the easterly extension of the centerline of Cherry Street; thence West along the easterly extension of the centerline of Cherry Street to the intersection of the centerline of 9th Street; thence North along the southerly extension of the centerline of 9th Street and its centerline to the intersection of the centerline of Walnut Street; thence West along the centerline of Walnut Street to a point being 200.72 feet West of the centerline of 10th Street; thence South along the southerly extension of a line being 200.72 feet West of and parallel with the centerline of 10th Street to the intersection of the centerline of Mulberry Street; thence West along the centerline of Mulberry Street to the southerly extension of the centerline of 12th Street; thence North along the southerly extension of the centerline of 12th Street and its centerline to the centerline of Walnut Street; thence west along the centerline of Walnut Street to the southerly extension of the centerline of 13th Street; thence North along the southerly extension of the centerline of 13th Street and its centerline to the intersection of the centerline of Locust Street; thence West along the centerline of Locust Street to the southerly extension of the centerline of 14th Street; thence North along the southerly extension of the centerline of 14th Street and its centerline to the intersection of the centerline of Grand Avenue; thence East along the centerline of Grand Avenue to the southerly extension of the centerline of 10th Street; thence North along the southerly extension of the centerline of 10th Street and its centerline and the northerly extension of 10th Street to the centerline of Methodist Drive; thence northerly following the centerline of Methodist Drive to the intersection of the centerline of 12th Street; thence North along the centerline of 12th Street and its northerly extension to the centerline of Keosauqua Way; thence southeasterly along the centerline of Keosauqua Way to the intersection of the centerline of Park Street; thence East along the centerline of Park Street to the intersection of the centerline of 7th Street; thence North along the centerline of 7th Street and its centerline to the point of beginning. All now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Sec. 3. It is hereby found and determined that all of the property within the District is similarly related so that the present and potential use or enjoyment of the property is benefitted by the condition, performance of administration, redevelopment, revitalization and maintenance of the District and the owners of property in the District have a present and potential benefit from the condition, performance of

administration, redevelopment, revitalization and maintenance of the District.

Sec. 4. Pursuant to the provisions of the Act, the self-supported municipal improvement district operation fund with respect to the District known as the "Downtown Des Moines Self-Supported Municipal Improvement District Operation Fund" (herein the "Operation Fund") established and created pursuant to Ordinance 13,579 and continued pursuant to Ordinance No. 13,913, is hereby further continued, for which the City may certify taxes (the "Operation Tax") against the property, as defined in the Act (excluding 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, 2004 and continuing for four (4) additional years for the purposes of paying the administrative expenses of the District, as defined and authorized in the Act or paying part or all of the maintenance expenses of "improvements" or "self-liquidating improvements", as defined in the Act for a period of five (5) years.

Sec. 5. The City may continue to disburse the amounts collected in the Operation Fund, in accordance with the recommendations made to the City Council by the SSMID Board established pursuant to the Petition, for one or more of the following purposes:

- a) Enhanced maintenance and cleaning of public spaces;
- b) Services to enhance the safety of persons and property, including a "Goodwill Ambassador" security program;
- c) Development and management of activities for marketing, business retention and attraction;
- d) Capital or physical improvements; and
- e) Improvement of skywalk system, including maintenance, cleaning and security.

Sec. 6. The rate of the Operation Tax to be levied annually, in addition to all other taxes, as aforesaid, shall not exceed a rate of two dollars (\$2.00) per thousand dollars of taxable value of the Property.

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:

Lawrence R. McDowell, Deputy City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, 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. 04-190), passed by the City Council of said City at a meeting held January 26, 2004 signed by the Mayor on January 26, 2004 and published as provided by law in the Business Record on February 9, 2004 Authorized by Publication Order No. 4019.

Diane Rauh, City Clerk