

ORDINANCE NO. 15,440

AN ORDINANCE providing that general property taxes levied and collected each year on all property located within the SW 42nd and Army Post Urban Renewal Area in the City of Des Moines, County of Polk, State of Iowa, by and for the benefit of the State of Iowa, City of Des Moines, County of Polk, Des Moines Independent Community School District, Des Moines Area Community College, and other taxing districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by the City of Des Moines in connection with the SW 42nd and Army Post Urban Renewal Project.

WHEREAS, the City Council of the City of Des Moines, Iowa, after public notice and hearing as prescribed by law and pursuant to Resolution passed and approved December 7, 2015, adopted an urban renewal plan titled "SW 42nd and Army Post Urban Renewal Plan" for an urban renewal project (the "SW 42nd and Army Post Urban Renewal Project") within the SW 42nd and Army Post Urban Renewal Area described as follows:

Beginning at the intersection of the centerline of Southwest 42nd Street right-of-way and the centerline of Army Post Road right-of-way; thence South along said centerline of Southwest 42nd Street right-of-way to the North right-of-way line of Iowa Highway 5; thence West along said North right-of-way line to the Northeast right-of-way line of Iowa Highway 28; thence Northwest along said Northeast right-of-way line to the centerline of Army Post Road right-of-way; thence Northeast and East along said centerline of Army Post Road right-of-way to the centerline of Southwest 42nd Street right-of-way and the Point of Beginning.

WHEREAS, expenditures and indebtedness are anticipated to be incurred by the City of Des Moines, Iowa, in the future to finance undertakings by the City of Des Moines to implement the SW 42nd and Army Post Urban Renewal Project pursuant to the SW 42nd and Army Post Urban Renewal Plan; and

WHEREAS, the City Council of the City of Des Moines, Iowa, desires to provide for the division of revenue from taxation in the Urban Renewal Area as above described, in accordance with the provisions of Section 403.19 of the 2015 Code of Iowa, as amended.

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

Section 1. That the taxes levied on the taxable property in the urban renewal area known as the SW 42nd and Army Post Urban Renewal Area, legally described in the preamble hereof, by and for the benefit of the State of Iowa, City of Des Moines, Iowa, County of Polk, Des Moines Independent Community School District, Des Moines Area Community College, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

Section 2. Except as otherwise provided in Iowa Code §403.19, as amended, that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts taxing property in said Urban Renewal Area upon the total sum of the assessed value of the taxable property in said Urban Renewal Area as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City of Des Moines certifies to the county auditor the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue, subject to any adjustment required by Iowa Code §403.20, as amended, shall be allocated to and when collected be paid into the Fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid (the “base period taxes”)

Section 3. Except as otherwise provided in Iowa Code §403.19, as amended, that portion of the taxes each year in excess of the base period taxes determined as provided in Section 2 of this Ordinance shall be allocated to and when collected be paid into a special tax increment fund of the City of Des Moines hereby established, to pay the principal of and interest on loans, monies advanced to, indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Chapters 384 and 403 of the Code of Iowa, as amended, incurred by the City of Des Moines to finance or refinance in whole or in part the SW 42nd and Army Post Urban Renewal Project. However, except as provided in Iowa Code §403.19(2)(b), taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Iowa Code §298.2 and taxes for the instructional support program of a school district imposed pursuant to Iowa Code §257.19, taxes for the payment of bonds and interest of each taxing district, and taxes imposed under Iowa Code §346.27(22) related to joint county-city buildings shall be collected against all taxable property within the taxing district without limitation by the provisions of this section.

Section 4. Except as otherwise provided in Iowa Code §403.19, as amended, all taxes levied and collected upon the taxable property in said SW 42nd and Army Post Urban Renewal Area shall be paid into the funds of the taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes unless or until the total assessed valuation of the taxable property in said Urban Renewal Area shall exceed the total assessed value of the taxable property in said Urban Renewal Area as of January 1 of the calendar year preceding the first calendar year in which the City of Des Moines certifies to the county auditor the amount of loans, advances, indebtedness, or bonds payable from the division of tax revenue pursuant to this Ordinance, subject to any adjustment required by Iowa Code §403.20, as amended.

Section 5. At such time as the principal of, and interest on, all loans, advances, bonds and interest thereon and indebtedness of the City of Des Moines hereinabove in Section 3 referred to have been paid, all monies thereafter received from taxes upon the taxable property in said SW 42nd and Army Post Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property, unless and until additional loans, advances, indebtedness or bonds, if any, are incurred and certified by the City of Des Moines.

Section 6. The provisions of this Ordinance are intended and shall be construed so as to fully implement the provisions of Iowa Code §403.19, as amended, with respect to the division of taxes from property within the Urban Renewal Area as described above. In the event that any provision of this Ordinance shall be determined to be contrary to law it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to said Urban Renewal Area and the territory therein.

Section 7: This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

FORM APPROVED:

Roger K. Brown, Assistant 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. 15-2169), passed by the City Council of said City at a meeting held December 21, 2015 signed by the Mayor on December 21, 2015 and published and provided by law in the Business Record on January 8, 2016. Authorized by Publication Order No. 9404.

Diane Rauh, City Clerk