

ORDINANCE NO. 15,507

AN ORDINANCE establishing the Roosevelt Cultural District Self-Supported Municipal Improvement District pursuant to the provisions of Chapter 386, Code of Iowa, and providing for the establishment of a combined capital improvement and operation fund, and the levy of annual taxes 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 Roosevelt Cultural District Self-Supported Municipal Improvement District (the "District"), to establish a combined capital improvement and operation fund with respect to the District, and to levy annual taxes for such funds, all for the purpose of providing for the administration and provision of the following services and improvements within the District:

- a) To provide the following improvements (hereinafter collectively referred to as the "Improvements"):
 - i) The acquisition, construction, installation, and repair within the public rights-of-way of 42nd Street within the District, of streetscape improvements consisting of improved sidewalks, curbs and cross-walks, landscaping, planters, decorative lighting, utility relocation, traffic signals, and related pedestrian improvements.
 - ii) Capital, physical or other improvements designed to enhance the image and appearance of the District, including:
 - Signage and banners;
 - Seasonal and holiday decorations;
 - Street furnishings such as benches, litter receptacles, planters, and bus shelters;
 - Murals and public art;
 - Public plaza(s) and gateway features; and,
 - Installation of trees and plant materials.
- b) To provide the following services (hereinafter collectively referred to as the "Services"):
 - i) The operation and maintenance of the Improvements identified above.
 - ii) Enhanced maintenance of public spaces, including:
 - Trash and litter removal in developed public spaces;
 - Removal of illegal graffiti, signs and stickers from public spaces and improvements; and,
 - Maintenance of trees and landscape plantings.
 - iii) Activities in support of marketing, business retention and attraction, including:
 - Business-to-business communications programs;

- Business district marketing materials and activities;
- Marketing activities, including media and advertising campaigns and communication pieces (calendar of events, newsletters, shopping directories, maps, holiday brochures); and,
- Miscellaneous business support services;
- Establishment and promotion of special events, festivals, and holiday activities in public spaces.

WHEREAS, the Petition is in all ways in complete compliance with the provisions of the Act upon removal of the portions of the west 1/2 of the vacated north/south alley identified below; and,

WHEREAS, on June 27, 2016, by Roll Call No. 16-1061, 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 July 25, 2016, by Roll Call No. 16-1201, the City Council received the report of the City Plan and Zoning Commission on the merits and feasibility of the District and the Improvements and Services; and,

WHEREAS, on July 25, 2016, by Roll Call No. 16-1200, the City Council scheduled a public hearing for August 22, 2016, at 5:00 P.M., at which it proposed to take action for the establishment of the District and authorization of the Improvements and Services, and did direct that notice of such hearing be given in accordance with the Act; and,

WHEREAS, on August 3, 2016, notice of the hearing was published in the Des Moines Register, and on August 4, 2016, a copy of the notice was mailed by certified mail 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 Proposed District and residents of the City desiring to express their views with respect to the establishment of the District and the acquisition, construction, installation, operation and maintenance of the Improvements and the provision of the Services; and,

WHEREAS, on August 22, 2016, by Resolution and Roll Call No.16-1441, the City Council closed the public hearing on the creation of the District and the acquisition, construction, installation, operation and maintenance of the Improvements and the provision of the Services and found that the Petition, the District and the Improvements and Services satisfied the applicable requirements imposed by the Act; and,

WHEREAS, it was subsequently discovered that several portions of the west 1/2 of the vacated north/south alleys extending north and south from Crocker Street, between 41st and

42nd Streets, must be removed from the District to avoid improperly splitting existing tax parcels, and such portions have been removed from the description of the District provided below; and,

WHEREAS, more than thirty days has now passed since the public hearing on the creation of the District was closed, and no petition has been filed with the City Clerk opposing the creation of the 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 "Roosevelt Cultural District Self-Supported Municipal Improvement District" (herein the "District"):

Sec. 2. The District shall consist of all the property within the following described area:

Beginning at the Southwest corner of Lot 16, Bryn Mawr Heights Addition, an Official Plat; Thence West along the Westerly Extension of the South line of said Lot 16 to the Centerline of the 42nd Street Right of Way; Thence North along said Centerline to the Easterly Extension of the Centerline of the Chamberlain Avenue Right of Way; Thence West along said Easterly Extension and continuing along the Centerline of the Chamberlain Avenue Right of Way to the Southerly Extension of the West line of the East 150 feet of Lot 34, Chamberlain Heights, an Official Plat; Thence North along said Southerly Extension and continuing along said West line and its Northerly Extension to the Centerline of the Crocker Street Right of Way; Thence West along said Centerline to the Southerly Extension of the West Line of Lot 33 in said Chamberlain Heights; Thence North along said Southerly Extension and continuing along the West line of Lots 33, 32 and 31 of said Chamberlain Heights to the Northwest corner of said Lot 31; Thence East along the North line of said Lot 31 and its Easterly Extension to the Centerline of said 42nd Street Right of Way; Thence South along said Centerline to Westerly Extension of the North line of Lot 7, Campbell Place, an Official Plat; Thence East along said Westerly Extension and continuing along said North line to the East line of said Lot 7; Thence South along East line of Lots 7 and 8 of said Campbell Place to Southeast corner of said Lot 8; Thence along a straight line to the Northeast corner of Lot 1 of said Bryn Mawr Heights; Thence South along the East line of Lots 1, 2 and 3 of said Bryn Mawr Heights to the Westerly Extension of the South Line of Lot 31 of Eckel's Place, an Official Plat; Thence East along said Westerly Extension and continuing along said South line to West line of the 41st Street Right of Way; Thence South along said West Right of Way line and its Southerly Extension to the Southeast corner of Lot 15 in said Eckel's Place; Thence West along the South line of Lots 15, 16 and 17 in said Eckel's Place to the Southwest corner of said Lot 17; Thence continuing West along a straight line to the

Southeast corner of Lot 16 of said Bryn Mawr Heights; Thence continuing West along the South line of said Lot 16 to the Point of Beginning.

Sec. 3. It is hereby found and determined that each property within the District is zoned for commercial use and that the owners of each property within the District will directly benefit from the acquisition, construction, installation, operation and maintenance of the Improvements and the provisions of the services.

Sec. 4. Pursuant to the provisions of the Act, there is hereby established and created a self-supported municipal improvement district combined capital improvement and operation fund with respect to the District to be known as the "Roosevelt Cultural District Self-Supported Municipal Improvement District Combined Capital Improvement and Operation Fund" (herein the "Combined Capital Improvement and Operation Fund"), for which the City may certify taxes (the "Combined Capital Improvement and Operation Tax") against the property as defined in the Act 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, 2017. However, parcels of property which are assessed as residential property for property tax purposes are exempt from the Combined Capital Improvement and Operation Tax until the parcels are no longer assessed as residential property or until the residential properties are designated as a part of an historic district.

Sec. 5. The City may use the proceeds of the Capital Improvement and Operation Tax for the purposes of paying (or reimbursing the City with respect thereto) all or part of the costs incurred in connection with:

- a) The acquisition, construction, installation, operation, maintenance and repair of the Improvements as described above;
- b) The provision of the Services as described above;
- c) The administrative expenses for the provision of the Improvements and Services; and,
- d) Any other expenses reasonably incurred in fulfilling the purposes of the District.

Sec. 6. The aggregate rate of the Combined Capital Improvement and Operation Tax to be levied annually as aforesaid shall not exceed the amount per thousand dollars (\$1,000) of taxable value of the property within the District in any one year specified by the table below, in addition to all other taxes:

<u>Fiscal Years</u> <u>of Levy</u>	<u>Max. levy per thousand dollars</u> <u>taxable value</u>
2017/18 to 2022/23	\$1.75
2023/24 and later	\$2.25

Sec. 7. The Combined Capital Improvement and Operation Tax may be levied for an initial period of ten (10) years, commencing with the levy of taxes for collection in the fiscal year beginning July 1, 2017, and continuing for ten (10) years thereafter. The City of Des Moines may renew the levy of the Capital Improvement and Operation Tax for subsequent five (5) year periods unless a petition containing the signatures of at least forty percent (40%) of all owners of

property within the proposed 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 Proposed District, is filed with the City Clerk at least 6 months prior to the expiration of the District. The City of Des Moines shall not renew the levy of the Capital Improvement and Operation Tax if such a petition is timely received.

Sec. 8. 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. 9. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 10. 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

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. 16-1635), passed by the City Council of said City at a meeting held September 26, 2016 signed by the Mayor on September 26, 2016 and published and provided by law in the Business Record on October 14, 2016. Authorized by Publication Order No. 9723.

Diane Rauh, City Clerk