

ORDINANCE NO. 15,553

An Ordinance amending Ordinance No. 13,386, as amended by Ordinance No. 14,058, entitled: An Ordinance providing that general property taxes levied and collected each year on all property located within the ACCENT Neighborhood 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, 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 said City in connection with said urban renewal redevelopment project.

WHEREAS, the City Council of the City of Des Moines, Iowa, has heretofore, in Ordinance No. 13,386, provided for the division of revenue from taxes within the ACCENT Neighborhood Urban Renewal Area (hereinafter referred to as the “Original ACCENT Area”); and,

WHEREAS, by the First Amendment to the Urban Renewal Plan for the ACCENT Neighborhood Urban Renewal Area, after notice and hearing as prescribed by law, said Urban Renewal Plan was amended and adopted to add an additional area (hereinafter referred to as the “Expansion Area”); and,

WHEREAS, by Ordinance No. 14,058 the City Council amended Ordinance No. 13,386 to expand the area subject to the division of revenue from taxes to include the Expansion Area; and,

WHEREAS, by the Third Amendment to the Urban Renewal Plan for the ACCENT Neighborhood Urban Renewal Area, after notice and hearing as prescribed by law, said Urban Renewal Plan was amended and adopted to: i) correct several scrivener's errors in the prior legal descriptions without substantive change to the interpretation and application of the prior descriptions; and ii) to remove several existing tax parcels that extend outside the said urban renewal area; and,

WHEREAS, the continuing need for redevelopment and restoration of the ACCENT Neighborhood Urban Renewal Area are such as to require continued application of the increment tax resources of the said urban renewal area; and,

WHEREAS, the following enactment is necessary to accomplish the objectives described above and in the Urban Renewal Plan for the ACCENT Neighborhood Urban Renewal Area; NOW THEREFORE,

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

Section 1. That Ordinance Nos. 13,386 and 14,058 are hereby amended to read as follows:

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 October 21, 1996, adopted an Urban Renewal Plan for an area known as the ACCENT Neighborhood Urban Renewal Area (herein designated as the “Original ACCENT Area”).

WHEREAS, by the First Amendment to said Urban Renewal Plan, after public notice and hearing as prescribed by law, said Urban Renewal Plan was amended and adopted for an extended area consisting of the Original ACCENT Area combined with an area (herein referred to as the “Expansion Area”); and,

WHEREAS, by the Third Amendment to the Urban Renewal Plan for the ACCENT Neighborhood Urban Renewal Area, after notice and hearing as prescribed by law, said Urban Renewal Plan was amended and adopted to: i) correct several scrivener’s errors in the prior legal descriptions without substantive change to the interpretation and application of the prior descriptions; and ii) to remove several existing tax parcels that extend outside the said urban renewal area; and,

WHEREAS, indebtedness has been incurred by the City of Des Moines, Iowa, and additional expenditures and indebtedness are anticipated to be incurred in the future to finance said Urban Renewal Project; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

Section 1. That the taxes levied on the taxable property in the amended urban renewal area of the ACCENT Neighborhood Urban Renewal Project, consisting of the Original ACCENT Area and the Expansion Area described below, by and for the benefit of the State of Iowa, City of Des Moines, County of Polk, Des Moines Independent Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

**Original ACCENT Area**

Commencing at the Northeast corner of Lot 1, Davis Heights, an Official Plat; thence southwesterly along the North line of said Lot 1, a distance of 53.22 feet to the Point of Beginning; thence South and southwesterly along the westerly line of said Lot 1 and along the West line of Lot 5 and 6, of said Davis Heights, to a point 49.50 feet South of

the Northwest corner of said Lot 6; thence southwesterly to the Northwest corner of Lot 7, Tom's Heights Plat No. 2, an Official Plat, said point also being on the East right-of-way line of East 29th Street; thence South along the East right-of-way line of East 29th Street and the southerly extensions of East 29th Street right-of-way lines to the Northwest corner of Lot 15, Block 4, Hyde Park Plat 2, an Official Plat; thence East along the North line of Lots 15 through 27, inclusive in said Block 4 and said North line extended East to the East right-of-way line of East 30th Street; thence South along the East right-of-way line of East 30th Street to the Northwest corner of Lot 15, Block 10, in said Hyde Park Plat 2, said Northwest corner also being on the East right-of-way line of East 30th Street; thence South along said East right-of-way line to the North right-of-way line of East University Avenue; thence East along said North right-of-way line to the Southeast corner of Lot 19 of said Block 10; thence North along the East line of said Lot 19 to the Northeast corner of said Lot 19; thence East along the North line of Lots 20 through 31, inclusive in said Block 10 to the Northeast corner of said Lot 31; thence Easterly along a straight line to a point 7.0 feet North of the Northwest corner of Lot 16, Block E, Gray Heights, an Official Plat; thence East along a straight line that is 7.0 feet North of and parallel with the North line of Lots 16 through 20 to the Northwesterly line of the former railroad right of way in said Lot E; thence Southwesterly along said former railroad right of way line to the Northeast corner of said Lot 20; thence East along the Westerly extension of the North Line of Lot 21 of said Block E to a point that is 80.0 feet West of the Northeast corner of said Lot 21; thence North along a line that is 80 feet West of and parallel to the Northerly extension of the East line of said Lot 21 to a point on a straight line that is 7.0 feet North of and parallel with the Westerly extension of the North line of said Lots 21; thence East along said Westerly extension and continuing along on a straight line that is 7.0 feet North of and parallel to lots 21 through 27, inclusive, in said Block E and said straight line extended East to the East right-of-way line of East 33rd Street; thence South along the East right-of-way line of East 33rd Street and said East right-of-way line extended to the South right-of-way line of East University Avenue as it now exists; thence West along said South right-of-way line of East University Avenue to the East right-of-way line of East 30th Street as it now exists; thence South along said East right-of-way line to a point of intersection with the easterly extension of the South right-of-way line of Walker Street; thence West along said South right-of-way line and its easterly extension to the Northwest corner of Lot 12, Block 8, Farwell Place, an Official Plat; thence North to the Southeast corner of Lot 18, Block 7, in said Farwell Place; thence West along the South line of said Lot 18, a distance of 25.00 feet; thence North along a line being 25.0 feet West of and parallel with the East line of said Lot 18, to the North line of said Lot 18; thence West 25.0 feet along the North line of said Lot 18 to the Northeast corner of Lot 19, Block 7, in said Farwell Place; thence West along the North line of Lots 19 through 28, inclusive, in said Block 7 to the Northwest corner of said Lot 28; thence South along the West line of said Lot 28 to a point of intersection with the easterly extension of the South line of Lot 25, Block 6, in said Farwell Place; thence West along the easterly and westerly extensions of the said South lot lines of 25 and 4, Blocks 6 and 5, in said Farwell Place and continuing West along the North lines of Lots 26 and 5,

Block 4 in said Farwell Place and the westerly extension of said lots and also continuing West along the North lot lines of Lots 26 and 5, Block 3 in said Farwell Place to a point 5.0 feet East of the Northwest corner of said Lot 5; thence southwesterly to the Northwest corner of Lot 6, Block 3, in said Farwell Place; thence South along the West line to the intersection with the easterly extension of a line being 15.0 feet North of the Southeast corner of Lot 25, Block 2 of said Farwell Place; thence West along a line, 15.0 feet North of and parallel with the South line of Lots 25 and 6 of said Block 2 to the East right-of-way line of East 26th Court; thence North along the East right of way line of East 26th Court to a point of intersection with the South line extended East of Lots 27 and 4, Block 1, in said Farwell Place; thence West along the South line and the South line extended of said Lots 27 and 4 to the West right-of-way line of East 26th Street; thence South along the West right-of-way line, said right-of-way line also being the East line of Block 10, York's Choice, an Official Plat, to a point on the East line of Lot 11, said Block 10 being 12.50 feet South of the Northeast corner of said Lot 11; thence West along a straight line being 12.50 feet South of and parallel with the North line of said Lot 11, to a point being 54.00 feet West of the East line of said Lot 11; thence North 2.00 feet; thence West along a straight line being 10.50 feet South of and parallel with the North line of said Lot 11, a distance of 30.00 feet; thence South 2.00 feet to a point being 12.50 feet South of the North line and 84.00 feet West of the Northeast corner of said Lot 11; thence West along a straight line being 12.50 feet South of and parallel with the North line of said Lot 11 to a point that is 20.00 feet East and 12.50 feet South of the Northwest corner of said Lot 11; thence South along a straight line to a point being 20.00 feet West of and 7.50 feet South of the Northwest corner of Lot 12, in said Block 10; thence West along a straight line that is 7.50 feet South of and parallel with the North line of said Lot 12 to a point on the West line of Lot 12, in said Block 10; thence North along said West line to the Northwest corner of said Lot 12; thence West along the easterly extension of the South line of Lot 48, of said Block 10, to the Southeast corner of said Lot 48; thence West along the South line of said Lot 48 to the Southwest corner of said Lot 48; thence North along the West line of Lots 48 through 52, inclusive, in said Block 10 to the Northwest corner of said Lot 52; thence West along the North line of said Lot 52 extended West to the Southeast corner of Lot 6, Block 9, in said York's Choice; thence West along the South line of said Lot 6 and the South line extended West to the Northeast corner of Lot 52, in said Block 9; thence South along the East line of Lots 52, 51 and 50, in said Block 9 to the Southeast corner of said Lot 50; thence West along the South line of said Lot 50 to a point being 1.0 feet East of the Southwest corner of said Lot 50 also being the East right of way line of East 25th Street; thence North along said East right of Way line to the North line of said Lot 50; thence West along the westerly extension of the North line of said Lot 50, to the west right of way line of East 25th St., and being the South line of Lot 9 Block B, in said York's Choice; thence West along the South line and the South line extended West of said Lot 9 to the Southeast corner of Lot 52, in said Block 8; thence North along the East line of said Lot 52 to the Southeast corner of Lot 53, in said Block 8; thence West along the South line and the South line extended West of said Lot 53, and the South line of extended of Lot 8, Block 7, in said York's Choice to the Southeast

corner of Lot 53, in said Block 7; thence North along the East line of said Lot 53 to the Northeast corner of said Lot 53; thence West along the North line of said Lot 53 to the Northwest corner of said Lot 53; thence South along the West line of said Lot 53 to the Southwest corner of said Lot 53; thence West along the westerly extension of the South line of said Lot 53, to the Southeast corner of Lot 8, Block 6 in said York's Choice; thence West along the South line of said Lot 8, and the South line extended of said Lot 8, to the Southeast corner of Lot 53, in said Block 6; thence North along the East line of said Lot 53 to the Northeast corner of said Lot 53; thence West along the North line and the North line extended West of said Lot 53 to the Northeast corner of Lot 8, Block 5, in said York's Choice; thence South along the East line of said Lot 8 to the Southeast corner thereof; thence West along the South line of said Lot 8, to the Southwest corner of said Lot 8; thence North along the West line of Lots 8 and 7, in said Block 5 to the Northwest corner of Lot 7, in said Block 5; thence West along the westerly extension of the North line of Lot 7, Block 5, to the Northeast corner of Lot 7, Block 4, in said York's Choice; thence South along the East line of said Lot 7 and Lot 8, Block 4, to the Southeast corner of said Lot 8; thence West along the South line and the South line extended of said Lot 8 to the Southeast corner of Lot 53, in said Block 4; thence North along the East line of said Lot 53 and Lot 54, Block 4, to the Northeast corner of said Lot 54; thence West along the North line and the North line extended of said Lot 54, to the Northeast corner of Lot 8, Block 3, in said York's Choice; thence South along the East line of said Lot 8 to the Southeast corner of said Lot 8; thence West along the South line and the South line extended of said Lot 8 to the Southeast corner of Lot 55, in said Block 3; thence North along the East line of said Lot 55 to the Northeast corner of said Lot 55; thence West along the North line and the North line extended of said Lot 55 to the West right-of-way line of East 22nd Street, said right-of-way line also being the East line of Block 2, Easdale, an Official Plat; thence South along the East line of said Block 2, Easdale to the Southeast corner of Lot 8, Block 2, in said Easdale; thence West along the South line of said Lot 8 to the Southeast corner of Lot 23 in said Block 2; thence North along the East line of said Lot 23, a distance of 3.00 feet; thence West along a straight line that is 3.00 feet North of and parallel with the South line of said Lot 23 to the West line of said Lot 23; thence South along the West line of Lots 23, 22 and 21, in said Block 2 to the Southwest corner of said Lot 21; thence West along the Westerly extension of the South line of said Lot 21, Block 2, to the Southeast corner of Lot 9, Block 1, in said Easdale; thence West along the South line and the South line extended West of Lots 9 and 20, Block 1, in said Easdale to a point on the West right-of-way line of East 21st Street; thence North along the West right-of-way line of East 21st Street to the southeasterly right-of-way line of Avenue Frederick M. Hubbell; thence southwesterly along the southeasterly right-of-way line of Avenue Frederick M. Hubbell to its intersection with the easterly extension of the South right-of-way line of Walker Street; thence West along the easterly extension of the South right-of-way line and the South right-of-way line of Walker Street to the East right-of-way line of the Union Pacific Railway; thence northerly along the East right-of-way line of the Union Pacific Railway to the southerly right-of-way line of Interstate Freeway No. 235, as presently established; thence easterly

and northerly along the southerly and easterly right-of-way line of Interstate Freeway No. 235, as presently established, to the intersection of the southerly right-of-way line extended westerly of Easton Boulevard; thence easterly along the southerly right-of-way line of Easton Boulevard to the West right-of-way line of Lay Street extended South; thence North along the southerly extension of the West right-of-way line and the West right-of-way line of Lay Street and along the northerly extension of the West right-of-way line and Lay Street to the North right-of-way line of Jefferson Avenue; thence East along the North right-of-way line and the North right-of-way line extended to the Southwest corner of Lot 18, Block 2, Vorse's 1st Addition to Easton Place, an Official Plat; thence North to the Northwest corner of said Lot 18; thence East along the North line of said Lot 18 and the North line extended to a point that is 30.00 feet East of the Northeast corner of said Lot 18; thence North along a straight line that is 30.00 feet East of parallel with the East line of Lots 11 through 18, in said Block 2 and along the East line of Block 2, Easton Place Plat No. 4, an Official Plat and the East line of Block 3, Easton Place Plat No. 4, an Official Plat to a point on a line that is 30.00 feet northerly of the centerline of the 7th Ward Ditch; thence easterly and southeasterly along a line 30.00 feet easterly and northerly of the centerline of 7th Ward Ditch to a point on the northerly right-of-way line of Easton Boulevard; thence northeasterly along the northerly right-of-way line of Easton Boulevard to a point that is the intersection of the West line extended North of Lot 29, Boulevard Addition, an Official Plat with the northerly right-of-way line of Easton Boulevard; thence South along the West line extended North of said Lot 29 to the southerly right-of-way line of Easton Boulevard; thence northeasterly along the southerly right-of-way of Easton Boulevard and to the easterly extension of the southerly right of way of said Easton Boulevard to the Point of Beginning, all now in and forming a part of Des Moines, Polk County, Iowa.

### **Expansion Area**

Commencing at a point on the East right-of-way line of East 30th Street as it now exists, said Point of Beginning being the point of intersection with the easterly extension of the South right-of-way line of Walker Street; thence South along said East right-of-way line of East 30th Street to the South right-of-way line of Dean Avenue; thence West along said South right-of-way line of Dean Avenue to a point of intersection with the Southerly extension of the West lot line of Lot 26, Block 8, Elbert & York's Addition, an Official Plat; thence North along said southerly extension and the West lot lines of Lots 26 and 3, in Blocks 8 and 5 in said Elbert & York's Addition and along the Northerly extension of the West line of Lot 3 of said Block 5 to the South line of Block 4 of said Elbert & York's Addition; thence East along said South line to the Southeast corner of Lot 28 of said Block 4; thence North along the East line of said Lot 28 to the Northeast corner of said Lot 28; thence West along the North lines of Lots 28, 27 and 26 of said Block 4 to the Northwest corner of said Lot 26; thence North along the Northerly extension of the West line of said Lot 26 to the Southwest corner of Lot 3 of said Block 4; thence continuing North along the West line of said Lot 3 to the South right-of-way line of Capitol Avenue;

thence west along said South right-of-way line to a point of intersection with the southerly extension of the West lot line of Lot 4, Block 1, Elbert & York's Addition; thence North along said southerly extension and the West lot line of Lot 4, Block 1, Elbert & York's Addition and continuing North along the West lot line of Lot 8, Geo. W. Harter's Subdivision, an Official Plat, and the northerly extension of said Lot 8 to the North right-of-way line of East Grand Avenue; thence East along said North right-of-way line to the West lot line of Lot 3, Block 1, Elliott's Addition, and Official Plat; thence North along said West lot line to the North lot line of Lot 3, Block 1, Elliott's Addition; thence East along said North lot line to a point of intersection with the southerly extension of the West lot line of Lot 28, Block 1, Elliott's Addition; thence North along said southerly extension and the West lot lines of Lots 28, 29, 30, Block 1, and Lots 1, 2, 3, Block 2, Elliott's Addition to the South lot line of Lot 28, Block 2, Elliott's Addition; thence West along the westerly extension of said South lot line to a point on said westerly extension, said point being 7' (seven feet) west of the West lot line of Lot 28, Block 2, Elliott's Addition; thence North from said point along a line 7' (seven feet) west of and parallel to the West lot lines of Lots 28, 29, 30, Block 2, Elliott's Addition and the northerly extension of said line to the North right-of-way line of Lyon Street; thence West along said North right-of-way line to a point on said North right-of-way line, said point being 10' (ten feet) west of the West lot line of Lot 1, Block 3, Elliott's Addition; thence North from said point along a line 10' (ten feet) west of and parallel to the West lot lines of Lots 1, 2, 3, Block 3, Elliott's Addition to a point of intersection with the easterly extension of the North lot line of Lot 4, Block 3, Elliott's Addition; thence West along said easterly extension and the North lot line of Lot 4, Block 3, Elliott's Addition to a point of intersection with the southerly extension of the West lot line of Lot 11, Block 9, Farwell Place, an Official Plat; thence North along said southerly extension and the West lot line of Lot 11, Block 9, Farwell Place and also the northerly extension of said West lot line to a point of intersection with the North right -of-way line of East Maple Street; thence East along said North right-of-way line to a point of intersection with the West lot line of Lot 17, Block 8, Farwell Place; thence North along said West lot line and the West lot line of Lot 12, Block 8, Farwell Place to the Northwest corner of said Lot 12; thence East along the South right-of-way line of Walker Street and the easterly extension of said South right-of-way to the Point of Beginning, all now in and forming a part of Des Moines, Polk County, Iowa.

Section 2. For purposes of this Ordinance, “Base Period Taxes” are 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 the amended ACCENT Neighborhood Urban Renewal Area upon the total sum of the “Base Valuations” of the sub-areas within the said urban renewal area. The “Base Valuations” are the assessed values of the taxable property in each sub-area of the said urban renewal area as shown on the following assessment rolls:

With respect to the Original ACCENT Area, the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City of Des Moines certified to the county auditor the amount of loans, advances, indebtedness, or bonds payable from the division of tax revenue pursuant to Ordinance No. 13,386, being the assessment roll for January 1, 1995;

With respect to the Expansion Area, the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City of Des Moines certified to the county auditor the amount of loans, advances, indebtedness, or bonds payable from the division of tax revenue pursuant to Ordinance No. 13,386, as amended by Ordinance No. 14,058, being January 1, 2001;

The “Base Period Taxes” for each of the sub-areas within the amended ACCENT Neighborhood Urban Renewal Area shall be computed using the total assessed value of the taxable property within each such sub-area as shown on the assessment rolls applicable to each sub-area as described above. “Base Period Taxes” shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by and for said taxing district into which all other property taxes are paid.

Section 3. For purposes of this Ordinance, “Incremental Taxes” are that portion of the taxes each year in excess of the “Base Period Taxes” for the amended ACCENT Neighborhood Urban Renewal Area, determined as provided in Section 2 of this Ordinance. “Incremental Taxes” shall be allocated to and when collected be paid into a special fund of the City of Des Moines, Iowa, hereafter to be maintained to pay the principal of and interest on loans, monies advanced to, and indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under authority of Sections 403.9 and 403.12 of the 2015 Code of Iowa, as amended, incurred by the City of Des Moines, Iowa, to finance or refinance, in whole or in part, urban renewal project activities undertaken within the amended ACCENT Neighborhood Urban Renewal Area, except that except that to the extent authorized in Section 403.19(2), taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2, taxes for the instructional support program of a school district imposed pursuant to Section 247.17, taxes for the payment of bonds and interest of each taxing district levying taxes in the said urban renewal area, and taxes imposed under section 364.27, subsection 22, related to joint county-city buildings shall be collected against all taxable property within the said urban renewal area without any limitations as hereinabove provided.

Section 4. At such time as the loans, monies advanced and bonds of the City of Des Moines and interest thereon, hereinabove referred to, have been paid, all monies thereafter received from taxes upon the taxable property in the amended ACCENT Neighborhood Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as “Base Period Taxes”.



Section 5. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to continue the division of taxes from property within each of the sub-areas of the amended ACCENT Neighborhood Urban Renewal Area as described above and to fully implement the provisions of Section 403.19 of the Code of Iowa, as amended, with respect thereto. 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, as amended, with reference to the said urban renewal area.

Section 6. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

Section 2: 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. 17-0150), passed by the City Council of said City at a meeting held January 23, 2017 signed by the Mayor on January 23, 2017 and published and provided by law in the Business Record on February 10, 2017. Authorized by Publication Order No. 9894.

Diane Rauh, City Clerk

