

ORDINANCE NO. 15,568

AN ORDINANCE providing that general property taxes levied and collected each year on all property located within the Northeast Gateway 1 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, Saydel 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 Northeast Gateway 1 Urban Renewal Plan.

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 March 20, 2017, adopted an urban renewal plan titled "Northeast Gateway 1 Urban Renewal Plan" for the Northeast Gateway 1 Urban Renewal Area described as follows:

Beginning at the intersection of the centerline of East Aurora Avenue and a line that is 50.0 West of and parallel to said East line of said Section 23; Thence West along said centerline to the Southerly Extension of the West line of Lot 11, Pagliai Place, an Official Plat; Thence North to the Southwest corner of said Lot 11; Thence continuing North along the West line of Lot 11 and Lot 16 of said Pagliai Place to the Northwest corner of said Lot 16; Thence East along the North line of said Lot 16 to the Southwest corner of Lot 48, Iowa Garden Acres, an Official Plat; Thence North along the West line of said Lot 48 to the Northwest corner of said Lot 48; Thence continuing North along the Northerly Extension of the West line of said Lot 48, a distance of 15.0 feet to the centerline of Northeast 43rd Avenue Right of Way; Thence West along said centerline to the Southerly Extension of the West line of Lot 1 in said Iowa Garden Acres; Thence North along said Southerly Extension and along said West line to the Northwest corner of said Lot 1; Thence West along the South line of the North quarter (1/4) of the Southeast Quarter (1/4) of the Northeast Quarter (1/4) of said Section 23, to the West line of the Southeast Quarter (1/4) of the Northeast Quarter (1/4) of said Section 23; Thence North along the West line of the Southeast Quarter (1/4) of the Northeast Quarter (1/4) of said Section 23, to the North right of way line of Northeast 44th Avenue (Hoffman Road); Thence East along said North right of way line to the Southerly Extension of the East line of Lot 21, Stickler Heights, an Official Plat; Thence North along the East line of said Lot 21 to the Northeast corner of said Lot 21; Thence West along the North line of said Lot 21, to a point 788.1 feet West of the East line of the Northeast Quarter (1/4) of the Northeast Quarter (1/4) of said Section 23; Thence North along a line that is 788.1 feet West of and Parallel with said East line of the Northeast Quarter (1/4) of the Northeast Quarter (1/4) of Section 23 to the South line of Vista Broadway Industrial Plat 1, an Official Plat; Thence West along said South line to the West line of said Vista Broadway Industrial Plat 1; Thence North along said West line to the South Right of Way line of Northeast 46th Avenue (East Broadway Avenue); Thence West along said South Right of Way line to a point that is 300 feet West of the East line of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of Section 14, Township 79 North, Range 24 West of the 5th P.M.; Thence North along a line that is 300 feet West of and parallel to the East line of

the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section 14, to the North right of way line of Northeast 46th Avenue (East Broadway Avenue); Thence North 00° 03' 45" West, 192.0 feet; Thence South 89° 55' 30" West, 348.0 feet; Thence South 00° 03' 45" East, 225.0 feet to the centerline of Northeast 46th Avenue Right of Way (East Broadway Avenue); Thence South 89° 55' 30" West along said centerline, a distance of 18.02 feet to the West line of the East ½ of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section 14; Thence North along said West line, a distance of 33 feet; Thence North 00° 01' 45" West along said West line, 1293.06 feet to the North line of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section 14; Thence South 89° 56' 30" West along said North line, 665.22 feet to the Northwest corner of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section 14; Thence North 00° 00' 00" East along the West line of the Southeast Quarter (1/4) of said Section 14, a distance of 479.65 feet to a point that is 183.0 feet South of the centerline of US Interstate 80/35 Right of Way, as it is presently established; Thence North 89° 55' 30" East, parallel with and 183.0 feet South of the South line of the North ½ of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section 14, a distance of 1329.98 feet to the East line of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section 14; Thence South 00° 03' 45" East, 68.47 feet along the East line of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of said Section 14; Thence South 85° 15' 30" East, 503.84 feet; Thence North 0° 07' 30" West, 535.38 feet to the present North Right of Way line of US Interstate 80/35; Thence continuing North 0° 07' 30" West, 91.25 feet; Thence North 89° 58' 00" East, 97.13 feet; Thence North 0° 07' 30" West, 165.00 feet; Thence North 89° 58' 00" East, 146.17 feet; Thence North 0° 07' 30" West, 165.00 feet to the centerline of Northeast 50th Avenue Right of Way (Goode Drive); Thence East along said centerline to the Southerly Extension of the West line of Lot 19, Goode Heights Plat One, an Official Plat; Thence North along the Southerly Extension of the West line of said Lot 19 to the Southwest corner of said Lot 19; Thence North along the West line of said Lot 19 and the West line of Lot 17, of said Goode Heights Plat One, to the Northwest corner of said Lot 17, and the South Right of Way line of Lot D, Goode Heights Plat One, (also known as Wauneta Drive and Northeast 50th Place); Thence continuing North along the Northerly Extension of said Lot 17 to the North Right of Way line of said Lot D, (Wauneta Avenue and Northeast 50th Place) and the Southwest corner of Lot 2 of said Goode Heights Plat One; Thence North along the West line of said Lot 2 to the Northwest corner of said Lot 2; Thence East along the North line of said Lot 2 to the Northeast corner of said Lot 2, also being the Southwest corner of Lot 27, Goode Heights Plat No.2, an Official Plat; Thence North along the West line of said Lot 27 to the Northwest corner of said Lot 27 and the South Right of Way line of Lot A, (also known as Forrest Goode Road and Northeast 51st Avenue) of said Goode Heights Plat No.2; Thence North along the Northerly Extension of the West line of said Lot 27 to the North Right of Way line of Northeast 51st Avenue (Forrest Goode Road); Thence West along said North Right of Way line to the Southwest corner of Lot 14 of Pettit Place, an Official Plat; Thence North along the West line of said Lot 14, a distance of 350.0 feet; Thence East along a line 350.0 feet North of and parallel with the South line of said Lot 14, a distance of 255.0 feet to the East line of said Lot 14; Thence South along the East line of said Lot 14, a distance of 350.0 feet to the South line of said Lot 14

to the North Right of Way line of said Northeast 51st Avenue (Forrest Goode Road); Thence continuing South along the Southerly Extension of the East line of said Lot 14 to the centerline of said Northeast 51st Avenue Right of Way (Forrest Goode Road); Thence West along the centerline of said Northeast 51st Avenue Right of Way (Forrest Goode Road), said centerline also being the North line of Lot A of said Goode Heights Plat No.2, to a point that is 150 feet West of the East line of said Lot A; Thence South along a line that is 150 feet West of and parallel to the East line of said Lot 27, to a line that is 120 feet South of and parallel to the North line of said Lot 27; Thence East along said parallel line to the East line of said Lot 27; Thence South along said East line to the North line of Lot 1 of said Goode Heights Plat One; Thence East along the North line of said Lot 1, a distance of 10.0 feet to the Northeast corner of said Lot 1; Thence South along the East line of said Lot 1, to the Southeast corner of said Lot 1, said corner also being the Northeast corner of Lot D (Wauneta Avenue and Northeast 50th Place) in said Goode Heights Plat One; Thence West along the North line of said Lot D, (Wauneta Avenue and Northeast 50th Place), a distance of 60 feet; Thence South along a line that 60 feet West of and parallel with the East line of said Lot D, for a distance of 25 feet; Thence West along a line that is 25 feet South of and parallel with the North line of said Lot D to the Northerly Extension of Lot 17 in said Goode Heights Plat One; Thence South along said Northerly Extension of the East line of said Lot 17 and along the East line of Lots 17 and 19 of said Goode Heights Plat One, 280.0 feet, to the North line of Lot A (also known as Northeast 50th Avenue and Goode Drive) of said Goode Heights Plat 1, to a point 228.0 feet West of the East line of said Lot A; Thence East along said North line of Lot A to a point that is 117.0 feet West of the East line of said Section 14; Thence South along a line that is 117.0 feet West of and parallel with the East line of said Section 14 to the South Right of Way line of Northeast 50th Avenue (Goode Drive), and being on the West Right of Way line of Northeast 14th Street (U.S. Highway 69); Thence South 03° 06' 50" West, 149.25 feet along said Right of Way line; Thence South 89° 58' 00" East along said Right of Way line, a distance of 60.0 feet; Thence South 0° 07' 30" East along said Right of Way line, a distance of 90.00 feet; Thence South 48° 31' 07" West, 113.27 feet to the North Right of Way line of United States Interstate 35-80; Thence South along a straight line to a point that is 116 feet West of the East line of the Southeast Quarter (1/4) of said Section 14 and 1322.77 feet North of the South line of the Southeast Quarter (1/4) of said Section 14; Thence South 00° 07' 30" East, parallel with and 116.0 feet West of the East line of the Southeast Quarter (1/4) of said Section 14, a distance of 1081.07 feet; Thence South 89° 55' 30" West, 125.7 feet; Thence South 00° 07' 30" East, 191.7 feet to a point 50.0 feet North of the South line of the Southeast Quarter (1/4) of said Section 14; Thence East along a line that is 50.0 feet North of and parallel with the South line of said Section 14, a distance of 125.7 feet; Thence South 102.0 feet to a point 52.0 feet South of the North line of Section 23, Township 79 North, Range 24 West of the 5th P.M. and 116.0 feet West of the East line of said Section 23; Thence East along the South Right of Way line of Northeast 46th Avenue (East Broadway Avenue) to the West Right of Way line of Northeast 14th Street (U.S. Highway 69), said Right of Way line being 50.0 feet West of the East line of said Section 23; Thence South along the West Right of Way line of said Northeast 14th Street (U.S. Highway 69), to the North line of Lot 1, Iowa Garden Acres, an Official Plat; Thence West along said North line of said Lot 1, to a point 200.0

feet East of the Northwest corner of said Lot 1; Thence South along a line that is 200.0 feet East of and parallel with the West line of said Lot 1, to the South line of said Lot 1; Thence continuing South along the Southerly Extension of said parallel line to the centerline of Northeast 43rd Avenue, a distance of 15.0 feet; Thence West along said centerline to the Northerly Extension of the West line of Lot 49 of said Iowa Garden Acres; Thence South along said Northerly Extension and along said West Line to a Line that is 157.5 feet North of and parallel with the South Line of Lots 49 and 50 of said Iowa Garden Acres; Thence East along said line that is 157.5 feet North of and parallel with the South line of Lots 49 and 50 of said Iowa Garden Acres to the West line of Lot 51 of said Iowa Garden Acres; Thence North along the West line of said Lot 51, to the Northwest corner of said Lot 51; Thence continuing North along the Northerly Extension of said West line to the centerline of Northeast 43rd Avenue Right of Way, a distance of 15.0 feet; Thence East along the centerline of Northeast 43rd Avenue and parallel with the North line of Lots 51 and 52 of said Iowa Garden Acres, to the West Right of Way line of Northeast 14th Street (U.S. Highway 69); said point being 50.0 feet West of the East line of said Section 23; Thence South along a line that is 50.0 West of and parallel to said East line of said Section 23, to the centerline of East Aurora Avenue and the Point of Beginning, EXCEPTING all portions thereof lying outside the boundaries of the City of Des Moines, Iowa.

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 Northeast Gateway 1 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 Northeast Gateway 1 Urban Renewal Area as above described, in accordance with the provisions of Section 403.19 of the Code of Iowa, as previously 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 Northeast Gateway 1 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, Saydel 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 previously 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 previously 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 previously 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 previously amended, incurred by the City of Des Moines to finance or refinance in whole or in part urban renewal projects undertaken pursuant to the Northeast Gateway 1 Urban Renewal Plan, 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 Metro Center Urban Renewal Project 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 Project Area without limitation by the provisions of this section.

Section 4. Except as otherwise provided in Iowa Code §403.19, as previously amended, all taxes levied and collected upon the taxable property in said Northeast Gateway 1 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 previously amended.

Section 5. At such time as the principal of, and interest on, all loans, advances, bonds or other indebtedness and interest thereon 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 Northeast Gateway 1 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, bonds, or other indebtedness, 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 previously 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. Ordinance No. 15,419, passed on November 9, 2015, for the purpose of providing for the division of tax revenues within the Northeast Gateway Revitalization Urban Renewal Project is hereby repealed in its entirety. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 8. 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. 17-0529), passed by the City Council of said City at a meeting held March 20, 2017 signed by the Mayor on March 20, 2017 and published and provided by law in the Business Record on April 7, 2017. Authorized by Publication Order No. 9972.

Diane Rauh, City Clerk