

16

.....
Date..... October 9, 2006

RESOLUTION CONDITIONALLY GRANTING PRIOR APPROVAL OF
TAX ABATEMENT FOR A NEW RESIDENCE AT 202 WILLIAMS STREET

WHEREAS, the Iowa Urban Revitalization Act, Chapter 404, Code of Iowa (the "Act"), provides for partial exemption from property tax for the actual value added by improvements to property located in a designated Urban Revitalization Area which are consistent with the Urban Revitalization Plan for such Area; and

WHEREAS, the Act provides that persons making improvements may apply to the City Council for prior approval of eligibility for tax abatement, and the City Council shall approve the application by resolution, subject to review by the County Assessor, if it finds (a) the improvements are located in a designated Urban Revitalization Area; (b) the improvements are in conformance with the Urban Revitalization Plan for such area; and (c) the improvements are to be made during the time the area is so designated; and

WHEREAS, David Edwards is seeking to build a new single-family dwelling upon a parcel of land he owns at 202 Williams Street utilizing a private septic system; and,

WHEREAS, the City-wide Urban Revitalization Plan permits improvements utilizing a private septic system to qualify for tax abatement only under limited circumstances; and,

WHEREAS, David Edwards has made application pursuant to Iowa Code §404.4 for prior approval of the eligibility of such Improvements for tax abatement pursuant to the City-wide Urban Revitalization Plan; and,

WHEREAS, the application for prior approval has been received, reviewed and recommended for conditional approval by City staff; NOW, THEREFORE,

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

1. The application of David Edwards for prior approval of eligibility for tax abatement for the construction of a new single-family dwelling at 202 Williams Street is hereby received.
2. The City Council hereby finds that the construction of a new single-family dwelling at 202 Williams Street will qualify for tax abatement under the City-wide Urban Revitalization Plan, notwithstanding the lack of public sanitary sewer service, because the following requirements are satisfied:
 - a) Public sewer is not available within 100 feet of the boundaries of the parcel of land upon which the Improvements are to be made;
 - b) The improvements will be assessed as residential property;

(continued)

.....
Date..... October 9, 2006

- c) The parcel of land at 202 Williams Street containing approximately 3.58 acres was created prior to July 1, 1999, and not thereafter voluntarily reduced in size;
 - d) The owners of the parcel have signed a Declaration of Covenants in a recordable form acceptable to the Legal Department agreeing to connect the Improvements to the public sewer system when public sewer becomes available, and waiving the right to protest the assessment for such sewer;
 - e) The construction of a new single-family dwelling upon the parcel will not jeopardize future development and improvements in the vicinity.
3. The City Council hereby finds that the proposed Improvements are located in the City-wide Urban Revitalization Area and are in conformance with the Urban Revitalization Plan for the City-wide Urban Revitalization Area.
4. The application for prior approval of eligibility for tax abatement is hereby approved, subject to the following conditions:
- a) The Declaration of Covenants must be promptly recorded at the applicant's expense.
 - b) Construction of the new single-family dwelling must be commenced under authority of a properly issued building permit by December 31, 2008 and must be completed as represented in the application prior to December 31, 2009.
 - c) A driveway of sufficient width and load bearing capacity must be constructed from the public street to the house to allow fire and emergency vehicles to drive to within 30 feet of the new dwelling.
 - d) The dwelling must be completed in compliance with the applicable provisions of the Zoning Ordinance, and the Building and Fire Codes.

(continued)

16

Date..... October 9, 2006

- 5. As provided by Iowa Code §404.4, such prior approval shall not entitle the owners to exemption from taxation until the improvements have been completed and found to be qualified real estate, and an application for tax abatement is timely filed.

(Council Communication No. 06- 055)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K Brown
 Roger K. Brown
 Assistant City Attorney

C:\Rog\Revit\Admin\Pre-Approval\202 Williams RC.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

Mayor

City Clerk

APPLICATION FOR PRIOR APPROVAL

2006 Tax Abatement Application - Des Moines, Iowa	
Property & Owner/ Authorized Agent Info	Address: 202 Williams
	Legal description: W 146.4' & N 300' E 65' W 1/2 LT 50 LN 6 N OF Williams Street ORP 5-78-23
	Polk Co. Assessor's District & Parcel #: 05D 04067-000-000 (Go to: http://www.assess.co.polk.ia.us/) district parcel #
	Title holder or contract holder name: David & Teressa Edwards
	Address of owner if different than above: 1017-315 th St. New Virginia IA 50210
Authorized Agent: _____ Phone #: (515) 577-6713 if different than above	
Use Classification	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial Owner-Occupied? Renter-Occupied? <input checked="" type="checkbox"/> Single Family <input type="checkbox"/> Single Family <input type="checkbox"/> Duplex or Triplex <input type="checkbox"/> Duplex or Triplex <input type="checkbox"/> Condo or Townhouse <input type="checkbox"/> Condo or Townhouse <input type="checkbox"/> Multi-Family
Project Type	<input checked="" type="checkbox"/> New structure <input type="checkbox"/> Addition <input type="checkbox"/> Renovation
On City Sewer ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Describe Improvements	Single family dwelling to be completed by December 31, 2008.
Completion Date	<u>FEB/07</u> <input checked="" type="checkbox"/> Estimated date <input type="checkbox"/> Actual date month / year
Estimated Cost of Improvements	\$ <u>185,000</u>
Abate. Schedule	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4A <input checked="" type="checkbox"/> 4B See reverse side for schedule information
Tenant Information	If project was rehabilitation of residential property, were there tenants when project started? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If you answered yes, list the tenant's name, date the tenant occupancy began and relocation benefits paid to each tenant on the reverse side of this form

Return application to:
City of Des Moines /
Permit & Development Center
602 Robert Ray Dr.
Des Moines, IA 50309

Questions:
Phil Poorman at 515-283-4751 or taxabate@dmgov.org

Filing this Application Does NOT Signify Approval
New application must be filed after the dwelling is completed.

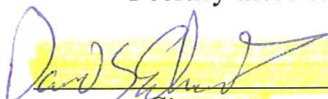
202 Williams

<i>Abatement Schedule #</i>	<i>Use</i>	<i>Must increase building assessment by: Residential: at least 5% Commercial: at least 15%</i> <i>Amount eligible for abatement</i>	<i>How much of improvement's value is abated?</i>	<i>Improvement must qualify with applicable</i> - zoning, - building <i>and</i> - fire codes <i>Where?</i>
1 (for improvements)	Residential only	Up to \$20,000	115% for 10 years	Anywhere in city, provided zoning is appropriate
2 (for new construction & major improvements)	Residential , Commercial and/or Industrial	No limit	1 st year - 80% 2 nd year - 70% 3 rd year - 60% 4 th year - 50% 5 th & 6 th year - 40% 7 th & 8 th year - 30% 9 th & 10 th year - 20%	<u>Industrial</u> permitted in Central Place & Guthrie Ave. urban renewal areas.
3 (new construction & major improvements)	Residential , Commercial and/or Industrial	No limit	100% for 3 years	Anywhere in city provided zoning is appropriate.
4A (new construction & major improvements)	Residential & Commercial with 75% of space for residential	No limit	100% for 10 years	Must be in specified area which are generally located in the downtown and near-downtown
4B (new construction & major improvements)	Residential & Commercial with 75% of space for residential	No limit	100% for 5 years	Anywhere in city. <u>Not</u> permitted in area generally west of the airport where public sewer is unavailable.

Tenant Relocation: If this project is rehabilitation of residential property, list the tenant's name, date the tenant occupancy began and relocation benefits paid to each tenant. Attach additional paper if needed.

<i>Tenant Name</i>	<i>Unit #</i>	<i>Date Tenancy Began</i>	<i>Relocation Benefits</i>	
			<i>Amt. Paid</i>	<i>Date of Payment</i>
None				

Signature I certify these statements are true to the best of my knowledge.


Signature

David Edwards
Printed Name

Date