

Date June 24, 2013

RESOLUTION CLOSING HEARING ON THE PROPOSED FIRST AMENDMENT TO
THE URBAN RENEWAL PLAN FOR THE MERLE HAY COMMERCIAL URBAN
RENEWAL AREA AND ADOPTING SAME

WHEREAS, the Merle Hay Commercial Urban Renewal Area contains approximately 110 acres that are used or zoned for commercial purposes along Douglas Avenue from about 54th Street westward to the municipal boundary with the City of Urbandale, and along Merle Hay Road from a point slightly north of Ovid Avenue to Aurora Avenue; and,

WHEREAS, on July 14, 2008, by Roll Call No. 08-1240, the City Council approved the Urban Renewal Plan for the Merle Hay Commercial Urban Renewal Area (the "Plan") which seeks to enhance private development within the urban renewal area through provision of infrastructure improvements and economic development assistance that is provided, in part, with tax increment revenues generated in the urban renewal area; and,

WHEREAS, on May 20, 2013, by Roll Call No. 13,850, the City Council approved preliminary terms of agreement with Merle Hay Mall Limited Partnership for a second phase of improvements to the Merle Hay Mall that will include demolishing the current south parking structure and reconstructing/enlarging the middle south entrance of the mall to be the main entry for a new major tenant, Flix Brewhouse and movie theater which will develop an eight-screen, dine-in theater and brewery on the upper level of the mall; and,

WHEREAS, the City Manager has prepared a proposed *First Amendment to the Urban Renewal Plan for the Merle Hay Commercial Urban Renewal Area* (the "First Amendment") which amends the Plan to incorporate a description of approved economic development and redevelopment activities within the urban renewal area and to update the Financial Condition Report to include the proposed agreement with Merle Hay Mall Limited Partnership regarding the second phase of improvements to the Merle Hay Mall; and,

WHEREAS, on May 20, 2013, by Roll Call No. 13-0851, the City Council resolved that a public hearing on the proposed First Amendment be held on June 24, 2013, in the City Council Chambers; and,

WHEREAS, the Urban Design Renewal Board reviewed the proposed First Amendment at its meeting on May 21, 2013, and voted unanimously in support of a motion to recommend that the proposed First Amendment be approved; and,

WHEREAS, notice of this public hearing in the form attached hereto as Exhibit "B" was published in the Des Moines Register on June 6, 2013, which notice sets forth the information required by Section 403.5(3) of the Iowa Code; and,

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WHEREAS, notice was given by ordinary mail to the Des Moines Public School District, Des Moines Area Community College, and Polk County of a consultation meeting in the Kofu Conference Room, at City Hall, at 1:30 p.m. on May 30, 2013; and,

WHEREAS, the City has received no requests from the Des Moines Public School District, Des Moines Area Community College, or Polk County for any modification of the proposed division of revenue from the tax increment from the Merle Hay Commercial Urban Renewal Area; and,

WHEREAS, the public hearing on the First Amendment has now been opened and all persons or organizations desiring to be heard regarding the proposed First Amendment have been given the opportunity to be heard; NOW THEREFORE,


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

1. The public hearing on the proposed First Amendment is hereby closed.
2. The *First Amendment to the Urban Renewal Plan for the Merle Hay Commercial Urban Renewal Area* is hereby approved and adopted, and shall hereafter be in full force and effect.
3. The City Clerk is hereby authorized and directed to file a certified copy of the First Amendment and of this Resolution in the office of the Polk County Recorder.

(Council Communication No. 13- **324**)

MOVED by _____ to adopt.

FORM APPROVED:


 Roger K. Brown, Assistant City Attorney

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Exhibits:

- "A" - First Amendment
- "B" - Notice of Hearing

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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