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Date November 9, 2015

RESOLUTION CONDITIONALLY GRANTING PRIOR APPROVAL OF TAX ABATEMENT FOR A NEW RESIDENCE AT 3833 E. BROADWAY AVENUE NOT CONNECTED TO THE PUBLIC SEWER SYSTEM

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, Craig and Anna Young, propose to build a new single-family dwelling upon a 1.075 acre lot utilizing a private septic system at 3833 Broadway Avenue (the "Improvements"); and,

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

WHEREAS, Mr. and Mrs. Young have 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, as follows:

1. The application of Craig Young and Anna Young for prior approval of eligibility for tax abatement for the construction of Improvements at 3833 E. Broadway is hereby received.
2. The City Council hereby finds that the construction of the Improvements described above 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;
 - c) The parcel of land upon which the Improvements will be made was created prior to July 1, 1999, and not thereafter voluntarily reduced in size;



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- d) The owners have agreed to enter into an agreement in a recordable form acceptable to the Legal Department agreeing to connect to the public sewer system when it becomes available and waiving the right to protest the assessment for such sewer;
 - e) The construction of the Improvements will not jeopardize future development and improvements in the vicinity, considering the following factors:
 - i) The location of the Improvements allows for future development to urban densities.
 - ii) the location of the Improvements do not interfere with the logical extension of streets, water, sewer and other public infrastructure to serve future development in the vicinity; and,
 - iii) The Improvements are reasonably accessible by emergency vehicles.
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 construction of the Improvements being as represented in the application; and being commenced by December 31, 2020, under authority of a properly issued building permit and being completed by December 31, 2021, or such later dates as may be allowed by any future amendment to the Urban Revitalization Plan. 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.

MOVED by _____ to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown, Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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