

★ Roll Call Number

14-0436

Agenda Item Number

39

Date March 10, 2014

Resolution Closing Public Hearing on the Proposed Sixth Amendment
to the SE AgriBusiness Urban Renewal Plan and Approving Same

WHEREAS, on January 26, 1998, by Roll Call No. 98-275, the City Council adopted the Urban Renewal Plan for the SE AgriBusiness Urban Renewal Project, and such Plan has been amended five times (the urban renewal plan as amended is hereinafter referred to as the "Plan"); and,

WHEREAS, the SE AgriBusiness Urban Renewal Project Area encompasses an irregularly shaped area generally located between S.E. 14th Street and the eastern City boundary, and between Dean Avenue and the Des Moines River; and,

WHEREAS, on January 27, 2014 by Roll Call No. 14-0143, the City Council resolved that a public hearing on the proposed Sixth Amendment be held on March 10, 2014, at 5:00 p.m., in the City Council Chambers; and,

WHEREAS, the purpose of the proposed Sixth Amendment to the Plan, attached hereto as Exhibit "A", is to: (a) designate property located at 1422 Scott Avenue for acquisition and disposition by the City to acquire for redevelopment purposes and to eliminate slum and blighted conditions on the property; and (b) update the Financial Condition Report to reflect the approved projects and update anticipated use of tax increment revenues in the future; and,

WHEREAS, the building and grounds at 1422 Scott Avenue constitute an ongoing nuisance, and a slum, and blighted conditions, and a threat to the public health, safety and welfare of the community; and,

WHEREAS, the Urban Design Review Board reviewed the proposed amendment at its regular meeting on February 18, 2014, and has submitted its report and recommendation to the City Council; and,

WHEREAS, notice of this public hearing in the form attached hereto as Exhibit "B" was published in the Des Moines Register on February 20, 2014, which notice sets forth the information required by Section 403.5(3) of the Iowa Code; and,

WHEREAS, a copy of the Sixth Amendment and 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 held in City Hall on February 12, 2014; 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 of the Urban Renewal Project Area; and,

WHEREAS, the public hearing has now been opened and all persons and organizations desiring to be heard regarding the proposed Sixth Amendment to the Plan have been given the opportunity to be heard.

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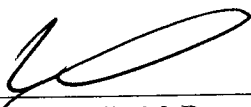
Date March 10, 2014

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 Sixth Amendment to the Urban Renewal Plan for the SE AgriBusiness Urban Renewal Project is hereby closed.
2. The property located at 1422 Scott Avenue and the improvements thereon contain a substantially deteriorated structure, insanitary and unsafe conditions, excessive and uncorrected dilapidation and deterioration of the site and building improvements, existing conditions which endanger life and property as a result of fire, in a menace and detrimental to the public health and safety in its present condition and use and is hereby determined to be a nuisance and in a slum and blighted condition.
3. Upon consideration of the recommendations of the Urban Design Review Board and all other recommendations and statements from all other interested parties and organizations, the City Council finds that the Sixth Amendment conforms to the Des Moines 2020 Community Character Land Use Plan, as amended, for the development of the City as a whole.
4. The Urban Renewal Plan for the SE AgriBusiness Urban Renewal Project is hereby amended as set forth in the Sixth Amendment attached hereto as Exhibit "A". The Urban Renewal Plan for the SE AgriBusiness Urban Renewal Project, as amended by the Sixth Amendment thereto, is hereafter in full force and effect.
5. The City Clerk is directed to cause the Sixth Amendment including the attached restated Plan and a certified copy of this resolution to be recorded in the land records of the Polk County Recorder.

(Council Communication No. 14-100)

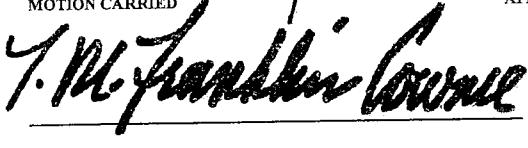
FORM APPROVED:


 Lawrence R. McDowell
 Deputy City Attorney

Moved by Gatto to adopt; refer to the City Manager and Legal to investigate responsible parties.

Exhibits:
 A - Sixth Amendment
 B - Notice

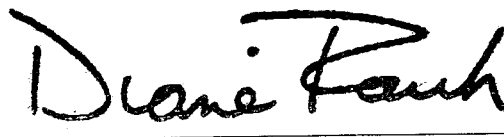
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
GATTO	✓			
TOTAL	7			

MOTION CARRIED APPROVED

 T. M. Franklin
 Mayor

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.


 Diane Rauh
 City Clerk