



Roll Call Number

21-1679

Agenda Item Number

44

Date November 1, 2021

**RESOLUTION HOLDING PUBLIC HEARING ON THE PROPOSED
THIRD AMENDMENT TO THE URBAN RENEWAL PLAN FOR THE
MERLE HAY COMMERCIAL AREA URBAN RENEWAL AREA
AND ADOPTING SAME**

WHEREAS, the Merle Hay Commercial Area Urban Renewal Area encompasses the commercial area located along Merle Hay Road from Aurora Avenue south to a line north of Ovid Avenue, and along Douglas Avenue from 54th Street west to a line midblock between 62nd and 63rd Streets; and

WHEREAS, on July 14, 2008, by Roll Call No. 08-1240, the City Council approved the Merle Hay Commercial Area Urban Renewal Plan (the "Plan"), as thereafter amended by Council resolution, which seeks to enhance private development within the Merle Hay Commercial Area 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, the City's Office of Economic Development has prepared a proposed Third Amendment to the Urban Renewal Plan for the Merle Hay Commercial Area Urban Renewal Area (the "Third Amendment"), and the purpose of the proposed Third Amendment to the Plan, which is on file and available for inspection in the office of the City Clerk, is to:

- Update *Appendix C - Financial Condition Report* to reflect the financial impact of the tax increment assisted projects which are detailed in *Appendix D - Approved Economic Development and Redevelopment Activities*.
- Amend Appendix D - Approved Economic Development and Redevelopment Activities which provides a summary of projects receiving or proposed to receive economic development assistance from the tax increment revenues from the Merle Hay Commercial Area Urban Renewal Area by: (1) updating the description of the Merle Hay Mall Phase I Project to address an amendment to the Minimum Assessment Agreement; (2) updating the description of the Merle Hay Mall Phase II Project to add an additional contingent economic development grant to be paid in two semi-annual installments of \$200,000 per installment from tax-increment financing (TIF) if the sale or lease of outlots or Tower on the project property do not receive the minimum cumulative net proceeds of \$400,000 by October 1, 2030; and (3) updating the description of the Merle Hay Mall Phase III project to add use of funds toward acquisition costs of the former Sears parcel in addition to the cost of design and construction of improvements to said parcel.
- Add Appendix E – Approved Public Improvement Projects to describe updates to the Capital Improvement Plan funded with tax increment revenues from the Merle Hay Commercial Urban Renewal Area. Table of Contents will be amended to include Appendix E; and



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WHEREAS, on September 13, 2021, by Roll Call No. 21-1416, the City Council resolved that a public hearing on the proposed Third Amendment be held at 5:00 p.m., on November 1, 2021, in the City Council Chambers; and

WHEREAS, the Urban Design Renewal Board reviewed the proposed Third Amendment at its meeting on September 21, 2021, and the members present voted 6-0 in support of a motion to recommend that the proposed Third Amendment be approved; and

WHEREAS, notice of this public hearing was published in the Des Moines Register on October 13, 2021, which notice sets forth the information required by Section 403.5(3) of the Iowa Code; and

WHEREAS, notice was given by ordinary mail to the Des Moines Independent School District, Polk County, Des Moines Area Community College, and Des Moines Area Regional Transit Authority of a consultation meeting in the Lower Level Conference Room 3, at City Hall, at 10:00 a.m. on October 12, 2021; and

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

WHEREAS, the public hearing on the Third Amendment has now been opened and all persons or organizations desiring to be heard regarding the proposed Third 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 Third Amendment is hereby closed, and any and all comments and objections to said Amendment, if any, are hereby received and filed.
2. The Third Amendment to the Urban Renewal Plan for the Merle Hay Commercial Area 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 Third Amendment and of this Resolution in the office of the Polk County Recorder.



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(Council Communication No. 21- 477)

MOVED by Gray to adopt.

FORM APPROVED:

/s/ Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

CERTIFICATE

I, P. KAY CMELIK, 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
Linda Westergaard
MAYOR PRO TEM Mayor

P. Kay Cmelik
City Clerk