**CITY OF WEST DES MOINES**
**CITY COUNCIL MEETING COMMUNICATION**

**ITEM:** Determining the Necessity and Setting Dates of Consultation Meeting and Public Hearing–Amendment No. 1 to Alluvion Urban Renewal Area – City-initiated

**DATE:** February 23, 2015

**RESOLUTION:** Determine the Necessity and Establish Consultation Meeting and Public Hearing – Urban Renewal Plan –Amendment No. 1 to Alluvion

**FINANCIAL IMPACT:** The City anticipates spending up to approximately $62 million, plus financing costs, which will include road improvements of up to $23 million, water storage/wells of up to $6 million, water distribution lines of up to $9.5 million, sanitary sewer improvements of up to $4 million, power line relocation of up to $3 million, and a public safety facility of up to $16 million. In addition, the City expects to provide economic development grants of up to $11 million to incent various costs related to the development of a fiber optic capable facility for the Microsoft Project. Each of these costs will be funded by incremental property tax revenues generated by properties within the Alluvion Urban Renewal Area.

**BACKGROUND:** Staff has initiated the process to amend the Alluvion Urban Renewal Plan. Land is proposed to be added to the Area in order to accommodate the location of public improvement projects that were listed in the Original Plan. In addition, since the Original Plan was approved, staff has been able to acquire more detailed estimates on the costs of various projects and so, where appropriate, those numbers have been updated. The result is that the cost of public infrastructure is expected to be $20 million less than previously listed in the Original Plan.

Per the Code of Iowa, the first step in the process to amend an Urban Renewal Plan is for the City Council to set a date for a consultation meeting with all affected taxing entities and to set a date for a City Council public hearing on the proposed Plan. Staff is proposing the consultation meeting date be set for March 4, 2015, and the public hearing be set for the March 23, 2015 City Council meeting.

**OUTSTANDING ISSUES:** There are no outstanding issues.

**RECOMMENDATION:** Staff recommends the City Council approve a resolution setting March 4, 2015 as the date for a consultation meeting for the Alluvion Urban Renewal Plan Amendment, and setting March 23, 2015 as the public hearing date for the Alluvion Urban Renewal Plan Amendment, as required by the Code of Iowa.

Lead Staff Member: Naomi Hamlett, AICP, Planner

**STAFF REVIEWS**

| | |
|---|---|
| Department Director | Clyde Evans, Community and Economic Development Department CEE |
| Appropriations/Finance | |
| Legal | JBW |
| Agenda Acceptance | RTG |

**PUBLICATION(S)** (if applicable)

| | |
|---|---|
| Published In | NA |
| Date(s) Published | NA |
| Letter sent to surrounding property owners | NA |

**SUBCOMMITTEE REVIEW** (if applicable)

| | | | |
|---|---|---|---|
| Committee | N/A | | |
| Date Reviewed | N/A | | |
| Recommendation | Yes ☐ | No ☐ | Split ☐ |

**ATTACHMENTS:**

Attachment I - Resolution
Exhibit I - Proposed Alluvion Urban Renewal Plan Amendment

**ATTACHMENT I**

February 23, 2015

The City Council of the City of West Des Moines, State of Iowa, met in _____ session, in the Council Chambers, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa, at 5:30 o'clock P.M., on the above date. There were present Mayor _____, in the chair, and the following named Council Members:

_____

_____

Absent: _____

* * * * * * *

Council Member _____ then introduced the following proposed Resolution entitled "RESOLUTION SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED AMENDMENT NO. 1 TO THE ALLUVION URBAN RENEWAL PLAN IN THE CITY OF WEST DES MOINES, STATE OF IOWA", and moved that the same be adopted. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

_____

NAYS: _____

Whereupon, the Mayor declared the Resolution duly adopted as follows:

RESOLUTION NO. _____

RESOLUTION SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED AMENDMENT NO. 1 TO THE ALLUVION URBAN RENEWAL PLAN IN THE CITY OF WEST DES MOINES, STATE OF IOWA

WHEREAS, by Resolution No. 14-05-19-14, adopted May 19, 2014, this Council found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the Alluvion Urban Renewal Plan (the "Plan") for the Alluvion Urban Renewal Area (the "Urban Renewal Area" or "Area") described therein, which Plan is on file in the office of the Recorder of Polk and Dallas Counties; and

WHEREAS, this Urban Renewal Area currently includes and consists of:

ORIGINAL URBAN RENEWAL AREA

THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5th P.M., WEST DES MOINES, POLK COUNTY, IOWA, LYING SOUTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF ARMY POST ROAD AS IT IS PRESENTLY ESTABLISHED;
AND,
THE SOUTH ONE-HALF OF SECTION 27, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5th P.M., WEST DES MOINES, POLK COUNTY, IOWA, LYING SOUTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF ARMY POST ROAD AS IT IS PRESENTLY ESTABLISHED;
AND,
THE EAST ONE-HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5th P.M., WEST DES MOINES, POLK COUNTY, IOWA, LYING SOUTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF ARMY POST ROAD AS IT IS PRESENTLY ESTABLISHED;
AND,
THE EAST ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5th P.M., WEST DES MOINES, POLK COUNTY, IOWA;
AND,
SECTION 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5th P.M., WEST DES MOINES, POLK COUNTY, IOWA;
AND,
THE WEST ONE-HALF OF SECTION 35, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5th P.M., WEST DES MOINES, POLK COUNTY, IOWA;
AND,
THE WEST ONE-HALF OF THE EAST ONE-HALF OF SAID SECTION 35;
AND,

THE EAST ONE-HALF OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 4, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5th P.M., WEST DES MOINES, WARREN COUNTY, IOWA;
AND,
THE NORTH ONE-HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 4;
AND,
AN IRREGULAR SHAPED PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST FRACTIONAL QUARTER OF SAID SECTION 4;
AND,
AN IRREGULAR SHAPED PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 4, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5th P.M., WEST DES MOINES, WARREN COUNTY, IOWA ALSO KNOWN AS TAX PARCEL ID No. 93025040263 FORMALLY ALL OR IN PART OF THE CHICAGO & NORTHWESTERN TRANSPORTATION CO. RIGHT-OF-WAY.

ALL OF WHICH IS DESCRIBED AS:

BEGINNING AT SOUTHWEST CORNER OF THE EAST ONE-HALF OF THE SOUTHEAST QUARTER (E.1/2-SE.1/4) OF SECTION 28, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5th P.M., WEST DES MOINES, POLK COUNTY, IOWA, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF THE EAST ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5th P.M., WEST DES MOINES, POLK COUNTY, IOWA; THENCE NORTH ALONG THE WEST LINE OF THE E.1/2-SE.1/4 OF SAID SECTION 28 TO THE INTERSECTION OF THE WEST LINE OF THE E.1/2-SE.1/4 OF SAID SECTION 28 AND THE NORTHERLY RIGHT-OF-WAY LINE OF ARMY POST ROAD AS IT IS PRESENTLY ESTABLISHED; THENCE EASTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID ARMY POST ROAD THROUGH THE SOUTH ONE-HALF OF SECTIONS 28 AND 27, AND THE SOUTHWEST QUARTER OF SECTION 26, ALL IN TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5th P.M., WEST DES MOINES, POLK COUNTY, IOWA, TO THE EAST LINE OF THE SOUTHWEST QUARTER (SW.1/4) OF SAID SECTION 26; THENCE SOUTH ALONG THE EAST LINE OF THE SW.1/4 OF SAID SECTION 26 TO THE NORTHWEST CORNER OF THE WEST ONE-HALF OF THE NORTHEAST QUARTER (W.1/2-NE.1/4) OF SECTION 35, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5th P.M., WEST DES MOINES, POLK COUNTY, IOWA; THENCE EAST ALONG THE NORTH LINE OF THE W.1/2-NE.1/4 TO THE NORTHEAST CORNER OF THE WEST ONE-HALF OF THE NORTHEAST QUARTER (W.1/2-NE.1/4) OF SECTION 35, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5th P.M., WEST DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH ALONG THE EAST LINE OF THE W.1/2-NE.1/4 OF SAID SECTION 35 AND ALONG THE EAST LINE OF THE WEST ONE-HALF OF THE

SOUTHEAST QUARTER (W.1/2-SE.1/4) OF SAID SECTION 35 TO THE SOUTHEAST CORNER OF THE W.1/2-SE.1/4 OF SAID SECTION 35; THENCE WEST ALONG THE SOUTH LINE OF SECTIONS 35, AND 34, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5th P.M., WEST DES MOINES, POLK COUNTY, IOWA TO THE NORTHEAST CORNER OF THE NORTHEAST FRACTIONAL QUARTER (NE.FRAC.1/4) OF SECTION 4, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5th P.M., WEST DES MOINES, WARREN COUNTY, IOWA; THENCE SOUTH ALONG THE EAST LINE OF THE NE.FRAC.1/4 OF SAID SECTION 4 TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE.1/4) OF SAID SECTION 4; THENCE SOUTH ALONG THE EAST LINE OF THE SE.1/4 OF SAID SECTION 4 AND ALONG THE EAST LINE OF FOX VALLEY PLAT 1, AN OFFICIAL PLAT, WEST DES MOINES, WARREN COUNTY, IOWA TO THE SOUTHEAST CORNER OF SAID FOX VALLEY PLAT 1; THENCE WEST ALONG THE SOUTH LINE OF SAID FOX VALLEY PLAT 1 AND ALONG THE SOUTH LINE OF THE NORTH ONE-HALF OF THE SOUTHEAST QUARTER (N.1/2-SE.1/4) OF SAID SECTION 4 TO THE SOUTHWEST CORNER OF THE N.1/2-SE.1/4 OF SAID SECTION 4; THENCE NORTH ALONG THE WEST LINE OF THE SOUTHEAST QUARTER (SE.1/4) OF SAID SECTION 4 TO THE NORTHWEST CORNER OF THE SE.1/4 OF SAID SECTION 4; THENCE EAST ALONG THE NORTH LINE OF THE SE.1/4 OF SAID SECTION 4 TO THE SOUTHWEST CORNER OF AN IRREGULAR SHAPED PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW.1/4-NE.1/4) OF SAID SECTION 4, ALSO KNOWN AS TAX PARCEL ID No. 93025040263 FORMERLY ALL OR IN PART A PORTION OF THE CHICAGO & NORTHWESTERN TRANSPORTATION CO. RIGHT-OF-WAY AS IT WAS PREVIOUSLY ESTABLISHED; THENCE NORTHEASTERLY ALONG SAID TAX PARCEL No. 93025040263 TO THE WEST LINE OF THE EAST ONE-HALF OF THE NORTHEAST FRACTIONAL QUARTER (E.1/2-NE.FRAC.1/4) OF SAID SECTION 4; THENCE NORTH ALONG THE WEST LINE OF THE E.1/2-NE.FRAC.1/4 OF SAID SECTION 4 TO THE SOUTHWEST CORNER OF EAST ONE-HALF OF SOUTHEAST QUARTER (E.1/2-SE.1/4) OF SAID SECTION 33; THENCE NORTH ALONG THE WEST LINE OF THE E.1/2-SE.1/4 OF SAID SECTION 33 TO THE SOUTHWEST CORNER OF THE EAST ONE-HALF OF THE NORTHEAST QUARTER (E.1/2-NE.1/4) OF SAID SECTION 33; THENCE NORTH ALONG THE WEST LINE OF THE E.1/2-NE.1/4 OF SAID SECTION 33 TO THE POINT OF BEGINNING;

**EXCEPT,**

A PORTION OF LOTS 3 AND 5, BRUBAKER ESTATE, AN OFFICIAL PLAT, WEST DES MOINES, POLK COUNTY, IOWA, IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 3; THENCE S 00°12'58" E ALONG THE EAST LINE OF SAID LOT 3 A DISTANCE OF 60.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF MAFFITT LAKE COURT, AS IT IS PRESENTLY ESTABLISHED

(FORMERLY KNOWN AS S.W. 72ND AVENUE), AND TO THE POINT OF BEGINNING; THENCE CONTINUING S 00°12'58" E ALONG THE EAST LINE OF SAID LOT 3 A DISTANCE OF 592.08 FEET; THENCE S 32°34'31" W A DISTANCE OF 166.81 TO A POINT ON THE SOUTH LINE OF SAID LOT 3; THENCE N 89°54'37" W ALONG THE SOUTH LINE OF SAID LOT 3 A DISTANCE OF 193.33 FEET; THENCE NORTHWESTERLY ALONG A 1886.50 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY WHOSE CHORD HAS A BEARING OF N 48°10'18" W AND A CHORD LENGTH OF 444.51 FEET, A DISTANCE OF 445.55 FEET; THENCE N 40°01'54" W, A DISTANCE OF 73.68 FEET TO A POINT ON THE WEST LINE OF SAID LOT 3, SAID POINT BEING 440.54 FEET SOUTH OF THE N.W. CORNER OF SAID LOT 3, SAID POINT ALSO BEING ON THE EAST LINE OF SAID LOT 5; THENCE CONTINUING N 40°01'54" W, A DISTANCE OF 394.62 FEET; THENCE N 03°09'43" E, A DISTANCE OF 78.90 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID MAFFITT LAKE COURT, SAID POINT BEING 60.00 FEET SOUTH OF THE NORTH LINE OF SAID LOT 5; THENCE S 89°54'30" E ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID MAFFITT LAKE COURT, PARALLEL WITH AND 60.00 FEET SOUTH OF THE NORTH LINE OF SAID LOTS 5 AND 3, A DISTANCE OF 909.00 FEET TO THE POINT OF BEGINNING;

**AND EXCEPT,**

AN IRREGULAR SHAPED PORTION OF LOT 8, BRUBAKER ESTATE DESCRIBED AS;

LOT 8 (8) BRUBAKER ESTATE, AN OFFICIAL PLAT, POLK COUNTY, IOWA EXCEPT: COMMENCING AT THE SW CORNER OF SAID SECTION 34 WITH THE SOUTH LINE OF SAID SECTION HAVING AN ASSUMED TRUE BEARING OF N 90°00' E, WITH ALL SUBSEQUENT BEARINGS REFERENCED THEREFROM; THENCE N 0°23' W, A DISTANCE OF 33 FEET; THENCE N 90°00' E, A DISTANCE OF 33 FEET TO THE POINT OF BEGINNING; THENCE N 0°23' W, A DISTANCE OF 488.6 FEET; THENCE N 90°00' E, A DISTANCE OF 1,104 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE CHICAGO, GREAT WESTERN RAILROAD; THENCE SOUTHWESTERLY ALONG THE SAID RAILROAD NORTHWESTERLY RIGHT-OF-WAY LINE FORMED BY A SPIRAL CURVE CONCAVE SOUTHEASTERLY, A DISTANCE OF 233.8 FEET TO THE POINT OF CURVE (PC); THENCE S 40°35' W, A DISTANCE OF 409.5 FEET; THENCE N 90°00' W, A DISTANCE OF 680.5 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 10.0 ACRES MORE OR LESS;

**AND EXCEPT,**

THE SOUTH 36.50 ACRES OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5th P.M., WEST DES MOINES, POLK COUNTY, IOWA, EXCEPT THE NORTH 150 FEET OF THE SOUTH 532.2 FEET OF THE EAST 290 FEET THEREOF;

WHEREAS, City staff has caused there to be prepared a form of Amendment No. 1 to the Plan ("Amendment" or "Amendment No. 1"), a copy of which has been placed on file for public inspection in the office of the City Clerk and which is incorporated herein by reference, the purpose of which is to add land and to add and/or update the list of proposed projects to be undertaken within the Urban Renewal Area; and

WHEREAS, it is desirable that these areas be redeveloped as part of the overall redevelopment area covered by the Amendment; and

WHEREAS, this proposed Amendment No. 1 to the Urban Renewal Plan adds land, as follows:

AMENDMENT NO. 1 AREA

PART 1

A TRACT OF LAND IN SECTIONS 28 AND 33 IN TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF WEST DES MOINES, POLK COUNTY, IOWA , IS INCLUDED IN AMENDMENT NO. 1 OF THE ALLUVION URBAN RENEWAL PLAN AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5$^{TH}$ PRINCIPAL MERIDIAN, POLK COUNTY, IOWA;

THENCE SOUTH, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, TO THE SOUTH RIGHT-OF-WAY LINE OF MAFFITT LAKE ROAD;

THENCE WEST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID MAFFITT LAKE ROAD, A DISTANCE OF 465.89 FEET;

THENCE NORTH, A DISTANCE OF 33 FEET, TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33;

THENCE NORTH 10$^{0}$36'53" EAST (ASSUMED BEARING), A DISTANCE OF 957.67 FEET, TO THE SOUTH RIGHT-OF-WAY LINE OF RELOCATED HIGHWAY 5;

THENCE WEST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID RELOCATED HIGHWAY 5, TO THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 33;

THENCE NORTH, ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 33, TO THE NORTH RIGHT-OF-WAY LINE OF RELOCATED HIGHWAY 5;

THENCE EAST, ALONG NORTH RIGHT-OF-WAY LINE OF RELOCATED HIGHWAY 5, TO THE WEST RIGHT-OF-WAY LINE OF SOUTH 22ND STREET;

THENCE NORTH, ALONG THE WEST RIGHT-OF-WAY LINE OF SOUTH 22ND STREET, TO THE SOUTH RIGHT-OF-WAY LINE OF ARMY POST ROAD;

THENCE CONTINUING NORTH, NORMAL TO THE CENTERLINE OF SAID ARMY POST ROAD, TO THE NORTH RIGHT-OF-WAY LINE OF SAID ARMY POST ROAD;

THENCE EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF ARMY POST ROAD, TO THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 28, TOWNSHIP 78 NORTH, RANGE 25 NORTH OF THE 5TH PRINCIPAL MERIDIAN;

THENCE SOUTH, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 28, TO THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 33, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH PRINCIPAL MERIDIAN;

THENCE SOUTH, ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 33, TO THE POINT OF BEGINNING.

## PART 2

A TRACT OF LAND IN SECTIONS 26 AND 27 IN TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF WEST DES MOINES, POLK COUNTY, IOWA , IS INCLUDED IN AMENDMENT No. 1 TO THE ALLUVION URBAN RENEWAL PLAN AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF ARMY POST ROAD AND THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27; TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF WEST DES MOINES, POLK COUNTY, IOWA;

THENCE EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ARMY POST ROAD, TO THE WEST RIGHT-OF-WAY LINE OF FORMER SOUTH 11$^{TH}$ STREET;

THENCE NORTH, ALONG THE WEST RIGHT-OF-WAY LINE OF FORMER SOUTH 11$^{TH}$ STREET, TO A POINT LOCATED 685 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 27;

THENCE EAST, TO A POINT 685 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 27 LOCATED ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27;

THENCE SOUTH 89$^{0}$33'31"EAST (ASSUMED BEARING), A DISTANCE OF 445.00 FEET;

THENCE SOUTH 00$^{0}$00'00" EAST (ASSUMED BEARING), A DISTANCE OF 360.00 FEET;

THENCE NORTH 89$^{0}$33'31"WEST (ASSUMED BEARING), A DISTANCE OF 400.00 FEET, TO THE EAST RIGHT-OF-WAY LINE OF FORMER SOUTH 11$^{TH}$ STREET;

THENCE SOUTH, ALONG THE EAST RIGHT-OF-WAY LINE AND THE EAST RIGHT-OF-WAY LINE EXTENDED OF FORMER SOUTH 11$^{TH}$ STREET, TO THE NORTH RIGHT-OF WAY LINE OF ARMY POST ROAD, SAID LINE IS ALSO THE NORTH LINE OF THE ORIGINAL ALLUVION URBAN RENEWAL PLAN;

THENCE WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF ARMY POST ROAD (NORTH LINE OF ORIGINAL ALLUVION URBAN RENEWAL PLAN), TO THE POINT OF BEGINNING.

## PART 3

A TRACT OF LAND IN SECTIONS 35 AND 36 IN TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF DES MOINES, POLK COUNTY, IOWA , IS INCLUDED IN AMENDMENT NO. 1 TO THE ALLUVION URBAN RENEWAL PLAN AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 78 NORTH RANGE 25 WEST OF THE 5$^{TH}$ PRINCIPAL MERIDIAN, CITY OF DES MOINES, POLK COUNTY, IOWA;

THENCE EAST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF SAID SECTION 35, TO THE NORTHEAST CORNER OF SAID SECTION 35;

THENCE SOUTH $00^0$13'15" EAST (ASSUMED BEARING), ALONG THE WEST LINE OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH PRINCIPAL MERIDIAN, POLK COUNTY, IOWA, A DISTANCE OF 254.16 FEET;

THENCE NORTH $73^0$58'30" EAST (ASSUMED BEARING), A DISTANCE OF 526.10 FEET;

THENCE SOUTH $89^0$58"00" EAST (ASSUMED BEARING), A DISTANCE OF 50.00 FEET;

THENCE SOUTH $00^0$02'00" WEST (ASSUMED BEARING), A DISTANCE OF 37.64 FEET;

THENCE SOUTH $73^0$58'30" WEST (ASSUMED BEARING), A DISTANCE OF 577.89 FEET, TO THE EAST LINE OF SECTION 35, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH PRINCIPAL MERIDIAN;

THENCE SOUTH $00^0$13'15" EAST (ASSUMED BEARING), A DISTANCE OF 398.04 FEET ALONG THE EAST LINE OF SAID SECTION 35;

THENCE SOUTH $89^0$46'45" WEST (ASSUMED BEARING), A DISTANCE OF 450.00 FEET;

THENCE NORTH $00^0$13'15" WEST (ASSUMED BEARING), A DISTANCE OF 423.04 FEET, TO THE SOUTH RIGHT-OF-WAY LINE OF THE GREAT WESTERN TRAIL;

THENCE SOUTHWESTERLY, ALONG THE SOUTH LINE OF SAID GREAT WESTERN TRAIL, TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 35;

THENCE NORTH, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 35, TO THE POINT OF BEGINNING; and

WHEREAS, the Iowa statutes require the City Council to notify all affected taxing entities of the consideration being given to the proposed Amendment No. 1 to the Alluvion Urban Renewal Plan and to hold a consultation with such taxing entities with respect thereto, and further provides that the designated representative of each affected taxing entity may attend the consultation and make written recommendations for modifications to the proposed division of

revenue included as a part thereof, to which the City shall submit written responses as provided in Section 403.5, as amended; and

WHEREAS, the Iowa statutes further require the City Council to hold a public hearing on the proposed Amendment No. 1 to the Alluvion Urban Renewal Plan subsequent to notice thereof by publication in a newspaper having general circulation within the City, which notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the Amendment and shall outline the general scope of the urban renewal project under consideration, with a copy of the notice also being mailed to each affected taxing entity.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, STATE OF IOWA:

Section 1. That the consultation on the proposed Amendment No. 1 to the Alluvion Urban Renewal Plan required by Section 403.5(2) of the Code of Iowa, as amended, shall be held on the 4th day of March, 2015, in the Training Room, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa, at 10:00 o'clock A.M., and the City Clerk, or his delegate, is hereby appointed to serve as the designated representative of the City for purposes of conducting the consultation, receiving any recommendations that may be made with respect thereto and responding to the same in accordance with Section 403.5(2).

Section 2. That the City Clerk is authorized and directed to cause a notice of such consultation to be sent by regular mail to all affected taxing entities, as defined in Section 403.17(1), along with a copy of this Resolution and the proposed Amendment No. 1 to the Alluvion Urban Renewal Plan, the notice to be in substantially the following form:

NOTICE OF A CONSULTATION TO BE HELD BETWEEN THE CITY OF WEST DES MOINES, STATE OF IOWA AND ALL AFFECTED TAXING ENTITIES CONCERNING THE PROPOSED AMENDMENT NO. 1 TO THE ALLUVION URBAN RENEWAL PLAN FOR THE CITY OF WEST DES MOINES, STATE OF IOWA

The City of West Des Moines, State of Iowa will hold a consultation with all affected taxing entities, as defined in Section 403.17(1) of the Code of Iowa, as amended, commencing at 10:00 o'clock A.M. on March 4, 2015, in the Training Room, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa concerning a proposed Amendment No. 1 to the Alluvion Urban Renewal Plan, a copy of which is attached hereto.

Each affected taxing entity may appoint a representative to attend the consultation. The consultation may include a discussion of the estimated growth in valuation of taxable property included in the proposed Urban Renewal Area, the fiscal impact of the division of revenue on the affected taxing entities, the estimated impact on the provision of services by each of the affected taxing entities in the proposed Urban Renewal Area, and the duration of any bond issuance included in the Amendment.

The designated representative of any affected taxing entity may make written recommendations for modifications to the proposed division of revenue no later than seven days following the date of the consultation. The City Clerk, or his delegate, as the designated representative of the City of West Des Moines, State of Iowa, shall submit a written response to the affected taxing entity, no later than seven days prior to the public hearing on the proposed Amendment No. 1 to the Alluvion Urban Renewal Plan, addressing any recommendations made by that entity for modification to the proposed division of revenue.

This notice is given by order of the City Council of the City of West Des Moines, State of Iowa, as provided by Section 403.5 of the Code of Iowa, as amended.

Dated this _____ day of _____, 2015.

_____

City Clerk, City of West Des Moines, State of Iowa

(End of Notice)

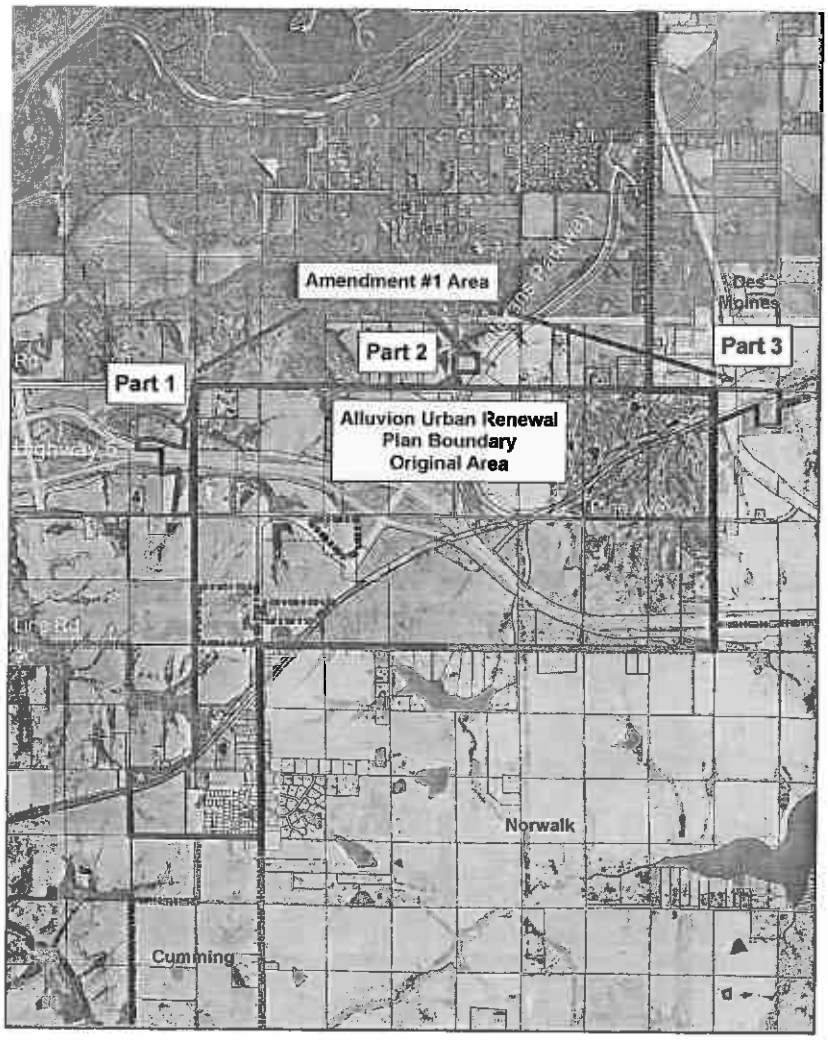
Section 3. That a public hearing shall be held on the proposed Amendment No. 1 to the Alluvion Urban Renewal Plan before the City Council at its meeting which commences at 5:35 o'clock P.M. on March 23, 2015, in the Council Chambers, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa.

Section 4. That the City Clerk is authorized and directed to publish notice of this public hearing in the Des Moines Register, once on a date not less than four (4) nor more than twenty (20) days before the date of the public hearing, and to mail a copy of the notice by ordinary mail to each affected taxing entity, such notice in each case to be in substantially the following form:

(One publication required)

NOTICE OF PUBLIC HEARING TO CONSIDER APPROVAL OF A PROPOSED AMENDMENT NO. 1 TO THE ALLUVION URBAN RENEWAL PLAN FOR AN URBAN RENEWAL AREA IN THE CITY OF WEST DES MOINES, STATE OF IOWA

The City Council of the City of West Des Moines, State of Iowa, will hold a public hearing before itself at its meeting which commences at 5:35 o'clock P.M. on March 23, 2015 in the Council Chambers, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa, to consider adoption of a proposed Amendment No. 1 to the Alluvion Urban Renewal Plan (the "Amendment") concerning an Urban Renewal Area in the City of West Des Moines, State of Iowa, generally depicted in the following map:




N

**Location Map**
**Alluvion Urban Renewal Plan - Amendment #1**

A copy of the Amendment is on file for public inspection in the office of the City Clerk, City Hall, City of West Des Moines, Iowa.

The City of West Des Moines, State of Iowa is the local public agency which, if such Amendment is approved, shall undertake the urban renewal activities described in such Amendment.

The general scope of the urban renewal activities under consideration in the Amendment is to promote the growth and retention of qualified industries and businesses in the Urban Renewal Area through various public purpose and special financing activities outlined in the Amendment. To accomplish the objectives of the Amendment, and to encourage the further economic development of the Urban Renewal Area, the Amendment provides that such special financing activities may include, but not be limited to, the making of loans or grants of public funds to private entities under Chapter 15A of the Code of Iowa. The City also may reimburse or directly undertake, or cause to be undertaken, the installation, construction and reconstruction of substantial public improvements, including, but not limited to, street, water, sanitary sewer, storm sewer or other public improvements. The City also may acquire and make land available for development or redevelopment by private enterprise as authorized by law. The Amendment provides that the City may issue bonds or use available funds for purposes allowed by the Plan, as amended, and that tax increment reimbursement of the costs of urban renewal projects may be sought if and to the extent incurred by the City. The Amendment initially proposes specific public infrastructure or site improvements to be undertaken by the City or to be contracted for by the City, and provides that the Amendment may be amended from time to time.

The proposed Amendment No. 1 would add land and to add and/or update the list of proposed projects to be undertaken within the Urban Renewal Area. Other provisions of the Plan not affected by the Amendment would remain in full force and effect.

Any person or organization desiring to be heard shall be afforded an opportunity to be heard at such hearing.

This notice is given by order of the City Council of the City of West Des Moines, State of Iowa, as provided by Section 403.5 of the Code of Iowa.

Dated this _____ day of _____, 2015.

_____

City Clerk, City of West Des Moines, State of Iowa

(End of Notice)

Section 5. That the proposed Amendment No. 1 to the Alluvion Urban Renewal Plan, attached hereto as Exhibit 1, for the proposed Urban Renewal Area described therein is hereby officially declared to be the proposed Amendment No. 1 to the Alluvion Urban Renewal Plan referred to in the notices for purposes of such consultation and hearing and that a copy of the Amendment shall be placed on file in the office of the City Clerk.

PASSED AND APPROVED this 23rd day of February, 2015.

_____
Mayor

ATTEST:

_____
City Clerk

*Label the Amendment as Exhibit 1 (with all exhibits) and attach it to this Resolution.*

**EXHIBIT I**

# AMENDMENT NO. 1

# to the

# ALLUVION
# URBAN RENEWAL PLAN

**City of West Des Moines, Iowa**

**Original Area Adopted – 2014**

**Amendment No. 1 – 2015**

Draft – February 23, 2015

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**AMENDMENT NO. 1**
**to**
**ALLUVION**
**URBAN RENEWAL PLAN**
**CITY OF WEST DES MOINES, IOWA**

## I. INTRODUCTION

The **Alluvion** Urban Renewal Plan ("Plan" or "Urban Renewal Plan") for the **Alluvion** Urban Renewal Area ("Area" or "Urban Renewal Area"), originally adopted in 2014 is being amended by this Amendment No. 1 to Alluvion Urban Renewal Plan ("Amendment No. 1" or "Amendment") to add land and revise the list of proposed urban renewal projects to be undertaken within the Urban Renewal Area.

The material changes by this Amendment include the following:

1. Update the Eligible Urban Renewal Projects. See Pages 2-6.
2. Addition of right-of-way for water lines, a parcel for the construction of a booster station, and a parcel for a water storage facility. See Exhibit A for Legal Description of Amendment No. 1 Area.
3. New map showing Original Area and Amendment No. 1 Area. See Exhibit B.
4. New map showing Urban Renewal Area in context to entire City. See Exhibit C.
5. Updating Financial Data. See Page 6.

Except as modified by this Amendment, the provisions of the original **Alluvion** Urban Renewal Plan are hereby ratified, confirmed, and approved and shall remain in full force and effect as provided herein. In case of any conflict or uncertainty, the terms of this Amendment shall control. Any subsections or language not mentioned in this Amendment shall continue to apply to the Plan unless the subsection or language is changed by this Amendment.

## II. DESCRIPTION OF URBAN RENEWAL AREA

The legal description of the property being added to the Urban Renewal Area, called the Amendment No. 1 Area, is attached hereto as Exhibit "A". A map of the entire Urban Renewal Area (Original Area plus Amendment No. 1 Area) is attached as Exhibit "B". A map of the Area in context with the rest of the City is attached hereto as Exhibit "C".

## III. AREA DESIGNATION

The City continues to designate the Urban Renewal Area as an economic development area that is appropriate for the promotion of new commercial and/or industrial development.

## IV. PLAN OBJECTIVES

The objectives of the Plan are unchanged. At this time, the objectives of this Plan are related to Microsoft's construction of a data center within the Area. As such, public infrastructure and economic development incentives for the Microsoft facility are the primary urban renewal projects at this time. The urban renewal projects include land acquisition, development, construction, re-construction, and expansion of streets, existing or proposed, within the Urban Renewal Area, and associated utilities and sewers, bridges, railroad crossings, bike trails, traffic signals and signage, turn lanes, median improvements, etc.

## V. TYPES OF RENEWAL ACTIVITIES

The types of renewal activities previously described continue. The City may elect to construct the urban renewal projects itself or may elect to contract for the construction of the projects.

## VI. ELIGIBLE URBAN RENEWAL PROJECTS

The following Urban Renewal Projects were previously eligible and are continuing. Since the Microsoft Alluvion Project is still in the planning stages, the estimated costs for the public improvements listed below in "Section A, Public Improvements" may vary between projects depending on site design decisions, however, the total cost of public improvements will not exceed the dollar amount listed as a Subtotal below, unless the City formally amends the Plan. Such projects have been updated, if required.

### A. Public Improvements:

| Description of Urban Renewal Project | Est. Time Period | Estimated cost to be reimbursed by tax increment financing | Rationale (why economic development is promoted) |
|---|---|---|---|
| SE White Crane Road improvements, generally from 8th Street to an access point for the Microsoft Project. Public street construction, reconstruction, and/or widening and related activities including right-of-way acquisition, related utilities and sewers, storm water conveyance structures, bridges, railroad crossings, | 2014-2020 | $1,500,000 - $3,000,000. | The construction of a Connector Street on the south side of the Microsoft Project will provide southern site access to the Microsoft Project. |

| Description of Urban Renewal Project | Est. Time Period | Estimated cost to be reimbursed by tax increment financing | Rationale (why economic development is promoted) |
|---|---|---|---|
| bike lanes and bike/pedestrian trails and under crossings, traffic signals and signage, turn lanes, medians, landscaping, street lights, and related items. Approximately .5 miles long. | | | |
| South 8th Street improvements, generally from Army Post Road to County Line Road. Public street construction, reconstruction, and/or widening and related activities including right-of-way acquisition, related utilities and sewers, storm water conveyance structures, bridges, railroad crossings, bike lanes and bike/pedestrian trails and under crossings, traffic signals and signage, turn lanes, medians, landscaping, street lights, and related items. Approximately 1.25 miles long. | 2014 - 2020 | $5,000,000-$7,500,000. Some of the cost may be covered by a RISE grant, pursuant to which the State will provide partial funding, potentially resulting in a decreased amount of tax increment needed for the project. Any local match requirement for a RISE grant for road improvements under the Plan is expected to be funded/reimbursed from tax increment. | The improvements to South 8th Street will provide direct paved access to Microsoft Project, and will also provide access to any additional development that may take place between Army Post Road and County Line Road. |
| Maffitt Lake Road improvements, generally from Veterans Parkway to South 8th Street, including a 600' connecting segment of County Line Rd. Public street construction, reconstruction, and/or widening and related activities including right-of-way acquisition, related utilities and sewers, storm | 2014-2020 | $4,500,000-$6,500,000 | The improvements to Maffitt Lake Road will provide paved access to the Microsoft Project from the south, and will also provide a parallel link along Highway 5 from Maffitt Lake to 8th Street which will |

| Description of Urban Renewal Project | Est. Time Period | Estimated cost to be reimbursed by tax increment financing | Rationale (why economic development is promoted) |
|---|---|---|---|
| water conveyance structures, bridges, railroad crossings, bike lanes and bike/pedestrian trails and under crossings, traffic signals and signage, turn lanes, medians, land-scaping, street lights, and related items. Approximately 1 mile long. | | | provide secondary access to any additional development that may take place south of Highway 5. |
| Pine Avenue improvements, generally from Veterans Parkway to the West Des Moines corporate boundary on the east. Public street construction, reconstruction, and/or widening and related activities including right-of-way acquisition, related utilities and sewers, storm water conveyance structures, bridges, railroad crossings, bike lanes and bike/pedestrian trails and under crossings, traffic signals and signage, turn lanes, medians, landscaping, street lights, and related items. Approximately 1 mile long. | 2014-2020 | $4,000,000 – $6,000,000 | The improvements to Pine Avenue will provide paved access to the Microsoft Project from the north, and will also provide access to any additional development that may take place north of Pine Avenue. |
| Water storage/wells. Construct a water storage facility and any needed wells; install all related utilities, signage, security fencing, and other projects/items associated with said water storage and/or wells; and purchase/acquisition of any real or personal property necessary for the construction and operation of said water storage and/or wells. This project will be located on the | 2014-2020 | $4,000,000 - $6,000,000 | Additional water storage and/or wells would be required to provide water to large commercial and industrial users within the approximately 1,300 acres included in this Urban Renewal Plan. |

| Description of Urban Renewal Project | Est. Time Period | Estimated cost to be reimbursed by tax increment financing | Rationale (why economic development is promoted) |
|---|---|---|---|
| land included in the Amendment No. 1 Area. The City may contract with Des Moines Water Works related to the construction of all or part of this project. | | | |
| Water lines. Extend and construct water lines to connect existing water supply distribution system to new areas of development. Water lines will run along existing ROW, some of which will be located in the Amendment No. 1 Area. | 2014-2020 | $7,000,000-$9,500,000 | The extension of water lines would allow for commercial and industrial development in the Area. |
| Sanitary sewer improvements. Extend and construct sewer lines to connect existing sanitary sewer system to new areas of development; may also entail other effluent "treatment" options. | 2014-2020 | $3,750,000 - $4,000,000 | The extension of sewer lines would allow for commercial and industrial development in the Area. |
| Power line relocation (MidAmerican Energy project). Reimburse MidAmerican Energy, the owner of power lines to move said power lines that presently are located in the middle of the property Microsoft plans to develop. | 2014-2020 | $2,000,000 - $3,000,000 | The existing power line bisects a central portion of the Area, which divides developable property in such a way that makes development difficult. Moving the power line to the perimeter allows for development to occur in the adjacent area. |
| Sanitary Sewer Analysis and Public Recreation Trail Study | 2015-2020 | $250,000 | Before the sewer and trail serving this Area can be built, studies are required to determine where and how they |

| Description of Urban Renewal Project | Est. Time Period | Estimated cost to be reimbursed by tax increment financing | Rationale (why economic development is promoted) |
|---|---|---|---|
| | | | should be built to most efficiently serve the Area. |
| Public Safety Facility. Construct and equip a municipal public safety facility and install all needed utilities and sewers, bike/pedestrian trails, street lights, traffic signals and signage, streets, turn lanes, and other projects associated with said public safety facility, as well as purchase/acquire any real or personal property necessary for the construction and operation of said public safety facility. | 2015-2020 | $15,000,000 - $16,000,000 | A public safety facility will help protect the multi-million dollar investments of future commercial and industrial developments, as well as protect the motoring public in the area. See the Original Plan, Section XII, Public Building Analysis for further information on how a public safety building within the Area promotes economic development. |
| Subtotal | | | $47,000,000 – $61,750,000 This total does not include financing costs related to debt issuance, which will be incurred over the life of the Area. |

Note: It may be that the above costs will be reduced by the application of state and/or federal grants or programs; cost-sharing agreements with other entities; or other available sources of funds.

**B.** Tax Rebate or Other Development Agreements

The City entered into a development agreement with Microsoft related to the Microsoft Alluvion Project whereby Microsoft agreed to a minimum assessment agreement, setting a minimum assessed value of the Microsoft Project and the

creation of at least 84 jobs. The minimum assessment agreement states that the Project will be assessed at various values, with a high of approximately $243,000,000 in assessed valuation, over potentially a twenty year period. Subject to the terms and conditions of the development agreement, the City expects to construct road improvements, which will total up to $23 million, water storage/wells of up to $6 million, water distribution lines of up to $9.5 million, sanitary sewer improvement of up to $4 million, power line relocation of up to $3 million (all described above under "Public Improvements"). In addition, the City expects to provide economic development grants of up to $11 million to incent various costs related to the development of a fiber optic capable facility for the Microsoft Project. The Tax Increment generated by the construction of the Project will be used to pay the debt service on general obligation City Bonds proposed to be issued to fund the public use improvements and economic development grant. Project amounts and terms and conditions may vary upon completion of a development agreement. At this time no other development agreements are contemplated.

**C.** Planning, engineering fees (for urban renewal plans), attorney fees, other related costs to support urban renewal projects and planning

| Project | Date | Estimated Cost |
|---|---|---|
| Fees and costs | Undetermined | $100,000 |

## VII. DEBT

| | | |
|---|---|---|
| 1. | July 1, 2014 constitutional debt limit: | $ 305,500,079 |
| 2. | Outstanding general obligation debt: | $ 92,567,844 |
| 3. | Proposed amount of indebtedness to be incurred: A specific amount of debt to be incurred for the Eligible Urban Renewal Projects has not yet been determined. This document is for planning purposes. The estimated project costs in this Amendment are estimates only and will be incurred and spent over a number of years. In no event will the City's constitutional debt limit be exceeded. The City Council will consider each project proposal on a case-by-case basis to determine if it is in the City's best interest to participate before approving an urban renewal project or expense. It is further expected that such indebtedness, including interest on the same, may be financed in whole or in part with tax increment revenues from the Urban Renewal Area. Subject to the foregoing, it is estimated that the cost of the Urban Renewal Projects as described above will be approximately: | $47,000,000 - $62,000,000 plus financing costs |

## VIII. PROPERTY ACQUISITION/DISPOSITION

While the City does not expect it, in the event acquisition/disposition of property does occur, the City will follow any applicable requirements for the acquisition and disposition of property.

## IX. LAND USES AND DEVELOPMENT PLAN

The Area is currently planned for the following land uses:

- Light Industrial
- Medium Density Residential
- Community Commercial
- Highway Commercial
- Support Commercial
- Office
- Single Family Residential
- Open Space

The Plan, as amended, is consistent with the existing West Des Moines Comprehensive Plan adopted on September 20, 2010. The West Des Moines Comprehensive Plan is the City's general plan for the development of the City as a whole. In addition, the proposed urban renewal projects as described in this Plan are consistent with the West Des Moines Comprehensive Plan. This Urban Renewal Plan does not change or in any way replace the City's current land use planning or zoning regulation process.

## X. URBAN RENEWAL PLAN AMENDMENTS

The **Alluvion** Urban Renewal Plan may be amended from time to time for a variety of reasons, including but not limited to, adding or deleting land, adding urban renewal projects, or to modify goals or types of renewal activities.

The City Council may amend this Plan in accordance with applicable state law.

## XI. EFFECTIVE PERIOD

This Urban Renewal Plan Amendment No. 1 will become effective upon its adoption by the City Council. Notwithstanding anything to the contrary in the Urban Renewal Plan, any prior amendment, resolution, or document the Urban Renewal Plan shall remain in effect until terminated by the City Council, and the use of incremental property tax revenues, or the "division of revenue," as those words are used in Chapter 403 of the Code of Iowa, will be for the maximum time allowed by law

## XII. REPEALER

Any parts of the previous Plan, as previously amended, in conflict with this Amendment are hereby repealed.

## XIII. SEVERABILITY CLAUSE

If any part of the Amendment is determined to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the previously adopted Plan as a whole or the previous amendments to the Plan, or any part of the Plan not determined to be invalid or unconstitutional.

## XIV. CITY OF DES MOINES CONSENT

In accordance with paragraph 4 of Section 403.17 of the Code of Iowa, a city may exercise urban renewal powers with respect to property which is located outside but within two miles of the boundary of a city only if the city obtains the consent of the city within which such property is located. The water storage/wells urban renewal project described above may be located in Part 3 within the Amendment No. 1 Area, which property is located within the City of Des Moines (Des Moines Water Works) property. See Exhibit B. The City of Des Moines adopted a resolution dated February 9, 2015 declaring a need for its land to be included in the Amendment No. 1 Area. No TIF Ordinance will be placed on the City of Des Moines area that is included within the Alluvion Urban Renewal Area. A copy of the City of Des Moines resolution is on file with the City of West Des Moines' Clerk's office.

**Exhibit A**

LEGAL DESCRIPTION
AMENDMENT NO. 1 TO THE ALLUVION URBAN RENEWAL PLAN
WEST DES MOINES, IOWA

PART 1

A TRACT OF LAND IN SECTIONS 28 AND 33 IN TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF WEST DES MOINES, POLK COUNTY, IOWA , IS INCLUDED IN AMENDMENT NO. 1 OF THE ALLUVION URBAN RENEWAL PLAN AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5$^{TH}$ PRINCIPAL MERIDIAN, POLK COUNTY, IOWA;

THENCE SOUTH, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 33, TO THE SOUTH RIGHT-OF-WAY LINE OF MAFFITT LAKE ROAD;

THENCE WEST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID MAFFITT LAKE ROAD, A DISTANCE OF 465.89 FEET;

THENCE NORTH, A DISTANCE OF 33 FEET, TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33;

THENCE NORTH 10$^{0}$36'53" EAST (ASSUMED BEARING), A DISTANCE OF 957.67 FEET, TO THE SOUTH RIGHT-OF-WAY LINE OF RELOCATED HIGHWAY 5;

THENCE WEST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID RELOCATED HIGHWAY 5, TO THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 33;

THENCE NORTH, ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 33, TO THE NORTH RIGHT-OF-WAY LINE OF RELOCATED HIGHWAY 5;

THENCE EAST, ALONG NORTH RIGHT-OF-WAY LINE OF RELOCATED HIGHWAY 5, TO THE WEST RIGHT-OF-WAY LINE OF SOUTH 22$^{ND}$ STREET;

THENCE NORTH, ALONG THE WEST RIGHT-OF-WAY LINE OF SOUTH 22ND STREET, TO THE SOUTH RIGHT-OF-WAY LINE OF ARMY POST ROAD;

THENCE CONTINUING NORTH, NORMAL TO THE CENTERLINE OF SAID ARMY POST ROAD, TO THE NORTH RIGHT-OF-WAY LINE OF SAID ARMY POST ROAD;

THENCE EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF ARMY POST ROAD, TO THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 28, TOWNSHIP 78 NORTH, RANGE 25 NORTH OF THE 5TH PRINCIPAL MERIDIAN;

THENCE SOUTH, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 28, TO THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 33, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH PRINCIPAL MERIDIAN;

THENCE SOUTH, ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 33, TO THE POINT OF BEGINNING.

PART 2

A TRACT OF LAND IN SECTIONS 26 AND 27 IN TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF WEST DES MOINES, POLK COUNTY, IOWA , IS INCLUDED IN AMENDMENT No. 1 TO THE ALLUVION URBAN RENEWAL PLAN AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF ARMY POST ROAD AND THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27; TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF WEST DES MOINES, POLK COUNTY, IOWA;

THENCE EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ARMY POST ROAD, TO THE WEST RIGHT-OF-WAY LINE OF FORMER SOUTH 11TH STREET;

THENCE NORTH, ALONG THE WEST RIGHT-OF-WAY LINE OF FORMER SOUTH 11TH STREET, TO A POINT LOCATED 685 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 27;

THENCE EAST, TO A POINT 685 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 27 LOCATED ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27;

THENCE SOUTH $89^0$33'31"EAST (ASSUMED BEARING), A DISTANCE OF 445.00 FEET;

THENCE SOUTH $00^0$00'00" EAST (ASSUMED BEARING), A DISTANCE OF 360.00 FEET;

THENCE NORTH $89^0$33'31"WEST (ASSUMED BEARING), A DISTANCE OF 400.00 FEET, TO THE EAST RIGHT-OF-WAY LINE OF FORMER SOUTH 11TH STREET;

THENCE SOUTH, ALONG THE EAST RIGHT-OF-WAY LINE AND THE EAST RIGHT-OF-WAY LINE EXTENDED OF FORMER SOUTH 11TH STREET, TO THE NORTH RIGHT-OF WAY LINE OF ARMY POST ROAD, SAID LINE IS ALSO THE NORTH LINE OF THE ORIGINAL ALLUVION URBAN RENEWAL PLAN;

THENCE WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF ARMY POST ROAD (NORTH LINE OF ORIGINAL ALLUVION URBAN RENEWAL PLAN), TO THE POINT OF BEGINNING.

## PART 3

A TRACT OF LAND IN SECTIONS 35 AND 36 IN TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF DES MOINES, POLK COUNTY, IOWA , IS INCLUDED IN AMENDMENT NO. 1 TO THE ALLUVION URBAN RENEWAL PLAN AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 78 NORTH RANGE 25 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF DES MOINES, POLK COUNTY, IOWA;

THENCE EAST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF SAID SECTION 35, TO THE NORTHEAST CORNER OF SAID SECTION 35;

THENCE SOUTH $00^0$13'15" EAST (ASSUMED BEARING), ALONG THE WEST LINE OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 25 WEST OF

THE 5TH PRINCIPAL MERIDIAN, POLK COUNTY, IOWA, A DISTANCE OF 254.16 FEET;

THENCE NORTH 73°58'30" EAST (ASSUMED BEARING), A DISTANCE OF 526.10 FEET;

THENCE SOUTH 89°58"00" EAST (ASSUMED BEARING), A DISTANCE OF 50.00 FEET;

THENCE SOUTH 00°02'00" WEST (ASSUMED BEARING), A DISTANCE OF 37.64 FEET;

THENCE SOUTH 73°58'30" WEST (ASSUMED BEARING), A DISTANCE OF 577.89 FEET, TO THE EAST LINE OF SECTION 35, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH PRINCIPAL MERIDIAN;

THENCE SOUTH 00°13'15" EAST (ASSUMED BEARING), A DISTANCE OF 398.04 FEET ALONG THE EAST LINE OF SAID SECTION 35;

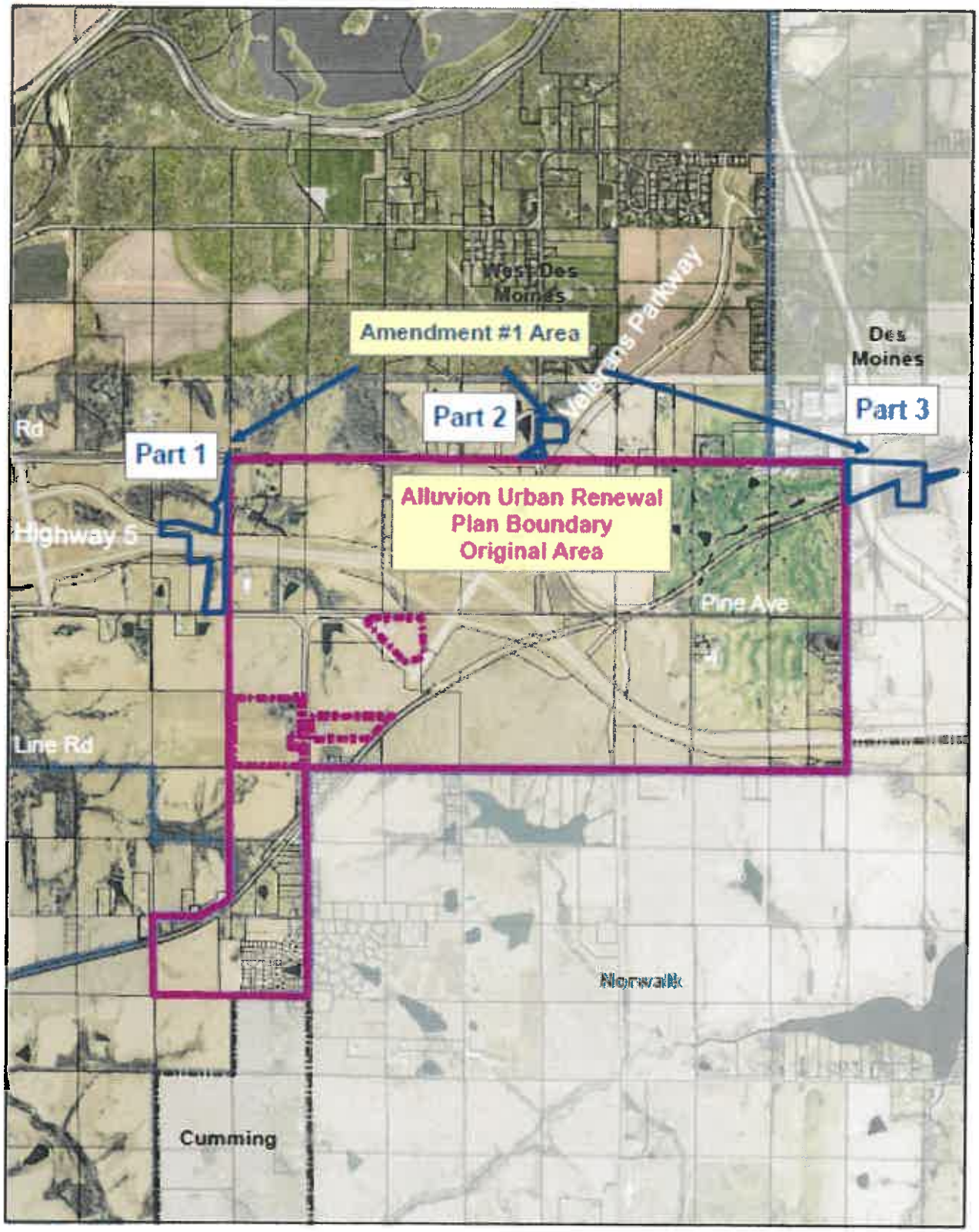
THENCE SOUTH 89°46'45" WEST (ASSUMED BEARING), A DISTANCE OF 450.00 FEET;

THENCE NORTH 00°13'15" WEST (ASSUMED BEARING), A DISTANCE OF 423.04 FEET, TO THE SOUTH RIGHT-OF-WAY LINE OF THE GREAT WESTERN TRAIL;

THENCE SOUTHWESTERLY, ALONG THE SOUTH LINE OF SAID GREAT WESTERN TRAIL, TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 35;

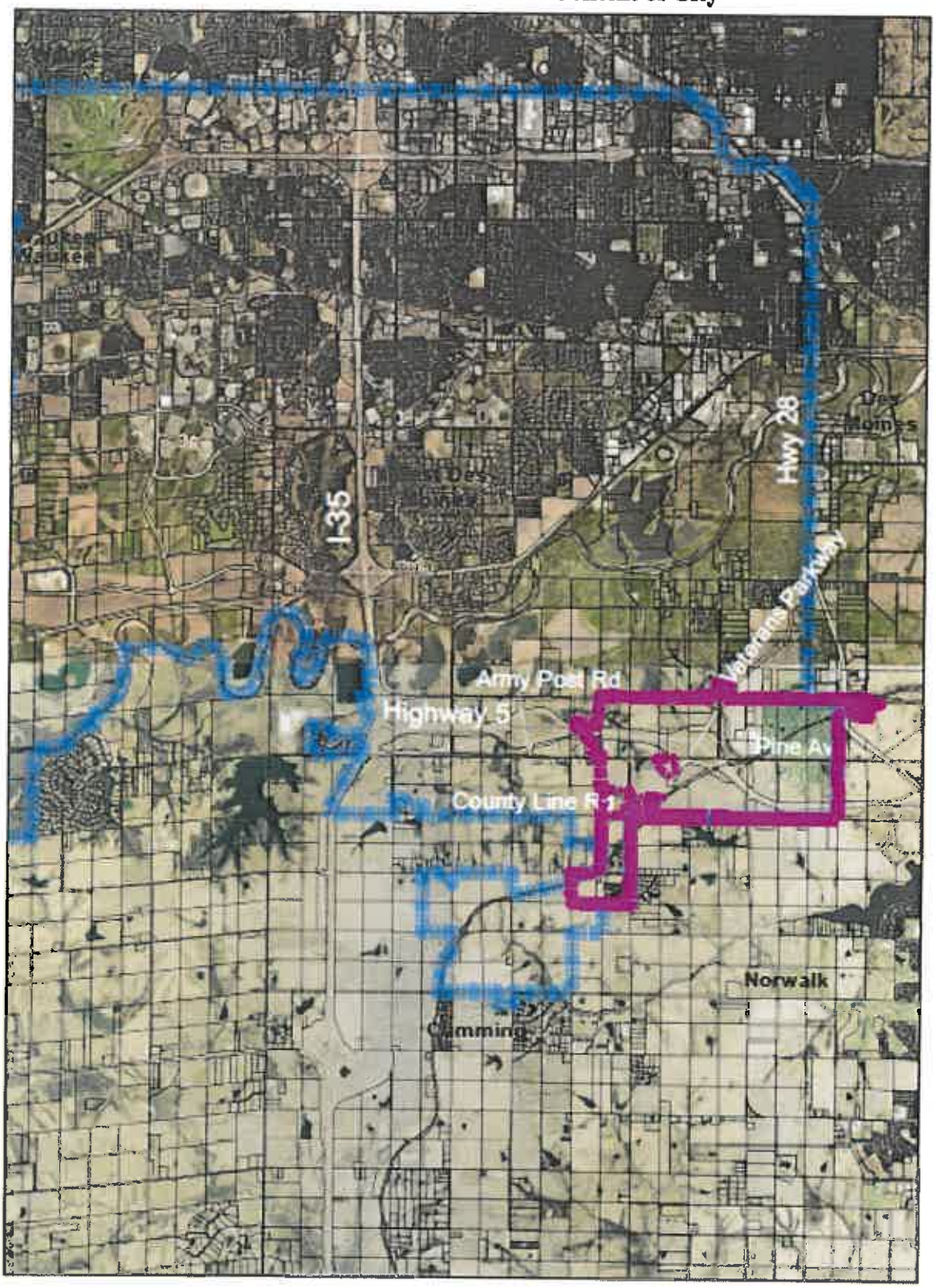
THENCE NORTH, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 35, TO THE POINT OF BEGINNING.

**Exhibit B**
**Original Area and Amendment No. 1 Area**




Location Map
Alluvion Urban Renewal Plan - Amendment #1

**Exhibit C**
**Urban Renewal Area Within Context of City**




Vicinity Map
Alluvion Urban Renewal Area - Amendment #1