CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

ITEM: Determining the Necessity and Setting Dates of Consultation Meeting and Public Hearing– Amendment #3 to Westown V Urban Renewal Area – City-initiated

DATE: April 6, 2015

RESOLUTION: Determine the Necessity and Establish Consultation Meeting and Public Hearing – Urban Renewal Plan –Amendment #3 to Westown V

FINANCIAL IMPACT: The amendment to the Westown V Urban Renewal Plan adds an economic development grant of $1.2- $2 million for HyVee's 155,000 square foot addition to its existing headquarters building and conference center located on Westown Parkway. In addition, the Plan amendment would increase the amount of money allowed for other economic development grants from $400,000 to $3,000,000; and add public improvement projects, consisting of turn lanes, lane widenings, and island modifications, which would total approximately $2,500,000. The existing public improvements and development agreement already listed in the Plan equal $7,375,000, for a total of $14,875,000. These costs will be funded by incremental property tax revenues generated by properties within the Westown V Urban Renewal Area.

BACKGROUND: Staff has initiated the process to amend the Westown V Urban Renewal Area regarding economic development grants and to add additional public improvements to the Plan. The Iowa Economic Development Authority (IEDA) has approved $7.5 million in financial assistance for HyVee's office and conference center addition. A 5 year tax rebate on a sliding scale (first year = 75% refund; second year = 60% refund; third year = 45% refund; fourth year = 30% refund; fifth year = 15% refund) is the required local match. This is a typical match for this IEDA program, and equals more than the amount currently allowed for an economic development grant ($400,000) by the Westown V Urban Renewal Plan. Staff estimates that the tax rebate will total approximately $1.2- $2 million.

The Amendment also changes the maximum amount for future economic development grants from $400,000 to $3,000,000, based upon the fact that the last two development agreements the City has approved have close $1,000,000 and have required that the Urban Renewal Plan be amended. Lastly, staff reviewed the area for any potential public improvement projects and suggests that projects pertaining to turn lanes, lane widenings, and island modifications be added to the Plan.

Per the Code of Iowa, the first step in the process to amend a new 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 April 15, 2015 The public hearing is proposed to be set for the May 4, 2015 City Council meeting.

OUTSTANDING ISSUES: There are no outstanding issues.

RECOMMENDATION: Staff recommends the City Council approve a resolution setting April 15, 2015 as the date for a consultation meeting for the Westown V Urban Renewal Plan; setting May 4, 2015 as the public hearing date for the Westown V Urban Renewal Plan; and forwarding the Westown V Urban Renewal Plan to the Plan and Zoning Commission to review its conformity with the Comprehensive Plan.

Lead Staff Member: Naomi Hamlett, AICP, Planner

STAFF REVIEWS

Department Director	Clyde Evans, Community and Economic Development Department CEE
Appropriations/Finance	
Legal	
Agenda Acceptance	RTJ

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 Westown V Urban Renewal Plan Amendment #3

ATTACHMENT I

April 6, 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 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. 3 TO THE WESTOWN V 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. 3 TO THE WESTOWN V URBAN RENEWAL PLAN IN THE CITY OF WEST DES MOINES, STATE OF IOWA

WHEREAS, by Resolution No. 09-11-02-08, adopted November 2, 2009, 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 Westown V Urban Renewal Plan (the "Plan") for the Westown V Urban Renewal Plan Area (the "Urban Renewal Area" or "Area") described therein, which Plan is on file in the office of the Recorder of Polk County; and

WHEREAS, by Resolution No. 12-11-12-10, adopted November 12, 2012, this City Council approved and adopted an Amendment No. 1 to the Plan (no land was added); and

WHEREAS, by Resolution No. 14-09-22-12, adopted September 22, 2014, this City Council approved and adopted an Amendment No. 2 to the Plan (no land was added); and

WHEREAS, the Urban Renewal Area includes and consists of:

ORIGINAL AREA

Beginning at the Northwest corner of the intersection of Jordan Creek Parkway and University Avenue in the City of West Des Moines, Iowa; thence East along the north right-of-way line of said University Avenue to the west right-of-way line of Interstates 35/80; thence South along said west right-of-way line of Interstates 35/80 to the North right-of-way line of Interstate 80; thence West along said north right-of-way line of Interstate 80 to the west right-of-way line of Jordan Creek Parkway; thence north along said west right-of-way line of Jordan Creek Parkway to the point of beginning; and including all adjacent streets and public right of way; and

WHEREAS, City staff has caused there to be prepared a form of Amendment No. 3 to the Plan ("Amendment No. 3" or "Amendment"), 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 and/or confirm 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. 3 to the Urban Renewal Plan adds no new land; 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. 3 to the Westown V 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. 3 to the Westown V 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. 3 to the Westown V Urban Renewal Plan required by Section 403.5(2) of the Code of Iowa, as amended, shall be held on the 15th day of April, 2015, in the Council Chambers, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa, at 10:00 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. 3 to the Westown V 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. 3 TO THE WESTOWN V 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 A.M. on April 15, 2015, in the Council Chambers, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa concerning a proposed Amendment No. 3 to the Westown V 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. 3 to the Westown V 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. 3 to the Westown V Urban Renewal Plan before the City Council at its meeting which commences at 5:35 P.M. on May 4, 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. 3 TO THE WESTOWN V 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 P.M. on May 4, 2015 in the Council Chambers, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa, to consider adoption of a proposed Amendment No. 3 to the Westown V Urban Renewal Plan (the "Amendment") concerning an Urban Renewal Area in the City of West Des Moines, State of Iowa, legally described as follow:

ORIGINAL AREA

Beginning at the Northwest corner of the intersection of Jordan Creek Parkway and University Avenue in the City of West Des Moines, Iowa; thence East along the north right-of-way line of said University Avenue to the west right-of-way line of Interstates 35/80; thence South along said west right-of-way line of Interstates 35/80 to the North right-of-way line of Interstate 80; thence West along said north right-of-way line of Interstate 80 to the west right-of-way line of Jordan Creek Parkway; thence north along said west right-of-way line of Jordan Creek Parkway to the point of beginning; and including all adjacent streets and public right of way.

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 the installation, construction and reconstruction of substantial public improvements, including, but not limited to, streets, utilities, sewers, bridges, railroad crossings, bike trails, traffic signals and signage, turn lanes, median improvements 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 as well as development agreements, and provides that the Amendment may be amended from time to time.

The proposed Amendment No. 3 would add and/or confirm the list of proposed projects to be undertaken within the Urban Renewal Area. The proposed Amendment adds no new land. 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. 3 to the Westown V 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. 3 to the Westown V 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 6th day of April, 2015.

_____
Mayor

ATTEST:

_____
City Clerk

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

EXHIBIT I

AMENDMENT NO. 3

to

WESTOWN V
URBAN RENEWAL PLAN

City of West Des Moines, Iowa

Original Area Adopted – 2009
Amendment No. 1 – 2012
Amendment No. 2 – 2014
Amendment No. 3 - 2015

Draft – April 6, 2015

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AMENDMENT NO. 3
to
WESTOWN V
URBAN RENEWAL PLAN
CITY OF WEST DES MOINES, IOWA

I. INTRODUCTION

The **Westown V** Urban Renewal Plan ("Plan" or "Urban Renewal Plan") for the **Westown V** Urban Renewal Area ("Area" or "Urban Renewal Area"), originally adopted in 2009, was amended in 2012 (Amendment No. 1), in 2014 (Amendment No. 2) and is now being further amended by this Amendment No. 3 to Westown V Urban Renewal Plan ("Amendment No. 3" or "Amendment") to add and/or confirm the list of proposed projects to be undertaken within the Urban Renewal Area. No land is being added to the Area by this Amendment.

Except as modified by this Amendment, the provisions of the original **Westown V** Urban Renewal Plan, as previously amended, 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.

II. 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.

III. BASE VALUE

No change is being made to the boundaries of the Original Area by this Amendment. The Area has a frozen base value that has already been established and that is not being changed by this Amendment.

IV. DESCRIPTION OF AREA

Even though no land is being added by this Amendment, for convenience the legal description of the Area is set out in Exhibit A. A map of the Area is set out in Exhibit B.

V. PLAN OBJECTIVES

The objectives of the Plan continue. Generally, the objectives of this Plan are land acquisition, development, construction, re-construction, and expansion of streets, existing or proposed, within the Urban Renewal Area, and any associated utilities and sewers,

bridges, railroad crossings, bike trails, traffic signals and signage, turn lanes, median improvements, etc. In addition, projects that increase the tax base and employment are encouraged.

VI. TYPES OF RENEWAL ACTIVITIES

The types of renewal activities previously described continue.

VII. PREVIOUS URBAN RENEWAL PROJECTS

The following Urban Renewal Projects were previously authorized prior and are completed or continuing. Such projects include:

A. Public Improvements:

Project	Estimated Project Date	Not to exceed	Rationale
Undergrounding of electrical power lines near 59th Place and 60th Street	completed in 2010	$450,000	Utility improvements to promote commercial development
Undergrounding of electrical utilities along or adjacent to public streets (e.g. 59th Street, 60th Street, Jordan Creek Parkway and the south side of University Avenue) within the Westown V Urban Renewal area	2014-2020	$3,000,000	Utility improvements to promote commercial development
Traffic signalization at intersections (e.g. 71st and University; Driveway midway between 68th and 60th and University; 71st and Westown; 68th and Westown; Lake and Westown; Methodist and Westown; Farm Bureau and Westown)	Once an engineering study concludes that signalization is warranted based on traffic volumes, crash data, and development activity	$2,000,000	Smooth traffic flow, which is managed in part through proper signalization is a major consideration in economic development decisions. As this area continues to develop, acceptable traffic service levels need to be maintained.

Northbound right turn lane at Jordan Creek and Westown	2017-2022	$500,000	Smooth traffic flow, which is managed in part through turn lanes, islands, and proper site distance is a major consideration in economic development decisions. As this area continues to develop, acceptable traffic service levels need to be maintained.
Eastbound right turn lane at 60th and University	Once an engineering study concludes that additional capacity is justified, based on delay	$500,000	
Lengthen existing northbound left turn lane at 60th and University	Once an engineering study concludes that additional storage is justified, based on queuing	$125,000	
Island modifications on north leg of 60th and Westown to improve left turn visibility	Once an engineering study concludes that modifications are warranted, based on crashes	$100,000	

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. Development Agreements:

1) Economic development incentives to attract a business to West Des Moines. Ryan Companies US, Inc. is constructing an approximately 50,000 square feet building for Merchant's Bonding which will house Merchant's Bonding's operations and employees. The incentives to Ryan Companies and/or the tenant will be in the form of incremental property tax rebates or other incentives necessary to stimulate development of this property. The costs of such Development Agreement to be funded by tax increment will range between $500,000-$700,000.

VIII. PROPOSED URBAN RENEWAL PROJECTS (Amendment No. 3)

Although certain project activities may occur over a period of years, in addition to the projects previously proposed in the **Westown V** Urban Renewal Plan, the Proposed Urban Renewal Projects under this Amendment include:

A. Public Improvements:

Project	Estimated Project Date	Not to exceed	Rationale
At 60th & Westown, add eastbound right-turn lane and widen Westown Parkway to provide for westbound dual left-turn lanes. Modify island on the east leg to lengthen the westbound left-turn storage. Add northbound right-turn lane.	Once an engineering study concludes that additional capacity is justified, based on delay.	$2,000,000	Smooth traffic flow, which is managed in part through turn lanes, islands, and proper site distance is a major consideration in economic development decisions. As this area continues to develop, acceptable traffic service levels need to be maintained.
At Lake Drive and Westown Parkway, a northbound left turn lane.	Once an engineering study concludes that additional capacity is justified, based on delay.	$500,000	

B. Development Agreements:

1) Economic development incentive for a business in West Des Moines. HyVee plans to construct an approximately $4.5 million addition to their existing conference center and a $13.8 million addition to their existing office space. These improvements are expected to create 102 new jobs, which qualify for financial assistance from the Iowa Economic Development Authority. In order to be eligible for these funds, the City is required to provide a local match. The local incentive to HyVee is expected to be in the form of an incremental property tax rebate. The costs of such a Development Agreement to be funded by tax increment will range between approximately $1.2 million - $2 million. Actual expense could change due to a variety of factors, including but not limited to changes in tax levies or rates, changes in tax laws, changes in assessed values, and other factors.

2) *Future Development Agreements*: The City expects to consider requests for other Development Agreements for projects that are consistent with this Plan, in the City's sole discretion. Such Agreements are unknown at this time, but based on past history, and dependent on development opportunities and climate, the City expects to consider a broad range of incentives as authorized by this Plan, including but not limited to land, loans, grants, tax rebates, infrastructure assistance and other incentives. The costs of such Development Agreements will not exceed $3,000,000.

IX. FINANCIAL DATA

1.	July 1, 2014 constitutional debt limit:	$305,500,079
2.	Outstanding general obligation debt as of May 7, 2015:	$125,540,601
3.	A specific amount of debt to be incurred for the Previous and Proposed Urban Renewal Projects ("Projects") has not yet been determined. This document is for planning purposes only. The Projects authorized in this Amendment are only proposed projects at this time. At no time will the City exceed its constitutional debt limit. The City Council will consider each Project proposal on a case-by-case basis to determine if it is consistent with the Plan and in the City's best interest to participate in the Project before approving a Project. These Projects will commence and be concluded over a number of years. It is further expected that such indebtedness, including interest on the same, will 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 Proposed Urban Renewal Projects as described above will be approximately as stated in the next column:	$14,875,000 This total does not include financing costs related to debt issuance.

X. PROPERTY ACQUISITION/DISPOSITION/DEVELOPMENT AGREEMENTS

Notwithstanding prior plan provisions, the City will follow any and all applicable requirements for the acquisition and disposition of property upon terms and conditions in the discretion of the City Council.

Notwithstanding prior plan provisions, the City will enter into development agreements and other agreements with developers upon terms and conditions in the discretion of the City Council.

XI. LAND USES AND DEVELOPMENT PLAN

The Area is currently planned for the following land uses:

- Support Commercial
- Office

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.

The need for improved traffic, public transportation, public utilities, recreational and community facilities, or other public improvements within the Urban Renewal Area is set forth in this Plan, as amended.

XII. URBAN RENEWAL FINANCING

The City of West Des Moines intends to utilize various financing tools such as those described below to successfully undertake the proposed urban renewal actions. The City of West Des Moines has the statutory authority to use a variety of tools to finance physical improvements within the Areas. These include:

A. Tax Increment Financing

Under Section 403.19 of the Iowa Code, urban renewal areas may utilize the tax increment financing mechanism to finance the costs of public improvements associated with redevelopment projects. Upon creation of a tax increment district within the Area, by ordinance, the assessment base is frozen and the amount of tax revenue available from taxes paid on the difference between the frozen base and the increased value, if any, is segregated into a separate fund for the use by the City to pay costs of the eligible urban renewal projects. The increased taxes generated by any new development, above the base value, are distributed to the taxing entities, if not requested by the City.

B. General Obligation Bonds

Under Division III of Chapter 384 and Chapter 403 of the Iowa Code, the City has the authority to issue and sell general obligation bonds for specified essential and general corporate purposes, including the acquisition and construction of certain public improvements within the Area. Such bonds are payable from the levy of unlimited ad valorem taxes on all the taxable property within the City of West Des Moines. It may be the City will elect to abate some or all of the debt service on these bonds with incremental taxes from this Area.

The City may also determine to use tax increment financing to provide incentives such as cash grants, loans, tax rebates or other incentives to developers in connection with the commercial or industrial development. In addition, the City may determine to issue general obligation bonds, tax increment revenue bonds or such other obligations, or loan agreements for the purpose of making loans or grants of public funds to private businesses located in the Areas. Alternatively, the City may determine to use available funds for making such loans or grants. In any event, the City may determine to use tax increment financing to reimburse the City for any obligations or advances.

Nothing herein shall be construed as a limitation on the power of the City to exercise any lawful power granted to the City under Chapter 15, Chapter 15A, Chapter 403, Chapter

427B, or any other provision of the Code of Iowa in furtherance of the objectives of this Urban Renewal Plan.

XIII. RELOCATION

The City does not expect there to be any relocation required as part of the eligible urban renewal projects; however, if any relocation is necessary, the City will follow all applicable relocation requirements.

XIV. URBAN RENEWAL PLAN AMENDMENTS

The **Westown V** 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.

XV. EFFECTIVE PERIOD

This Urban Renewal Plan Amendment No. 3 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 consistent with Chapter 403 of the Iowa Code. The time period for the division of previously adopted of not-to-exceed fifteen (15) years fiscal years of collection is unchanged.

XVI. REPEALER

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

XVII. 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.

EXHIBIT A

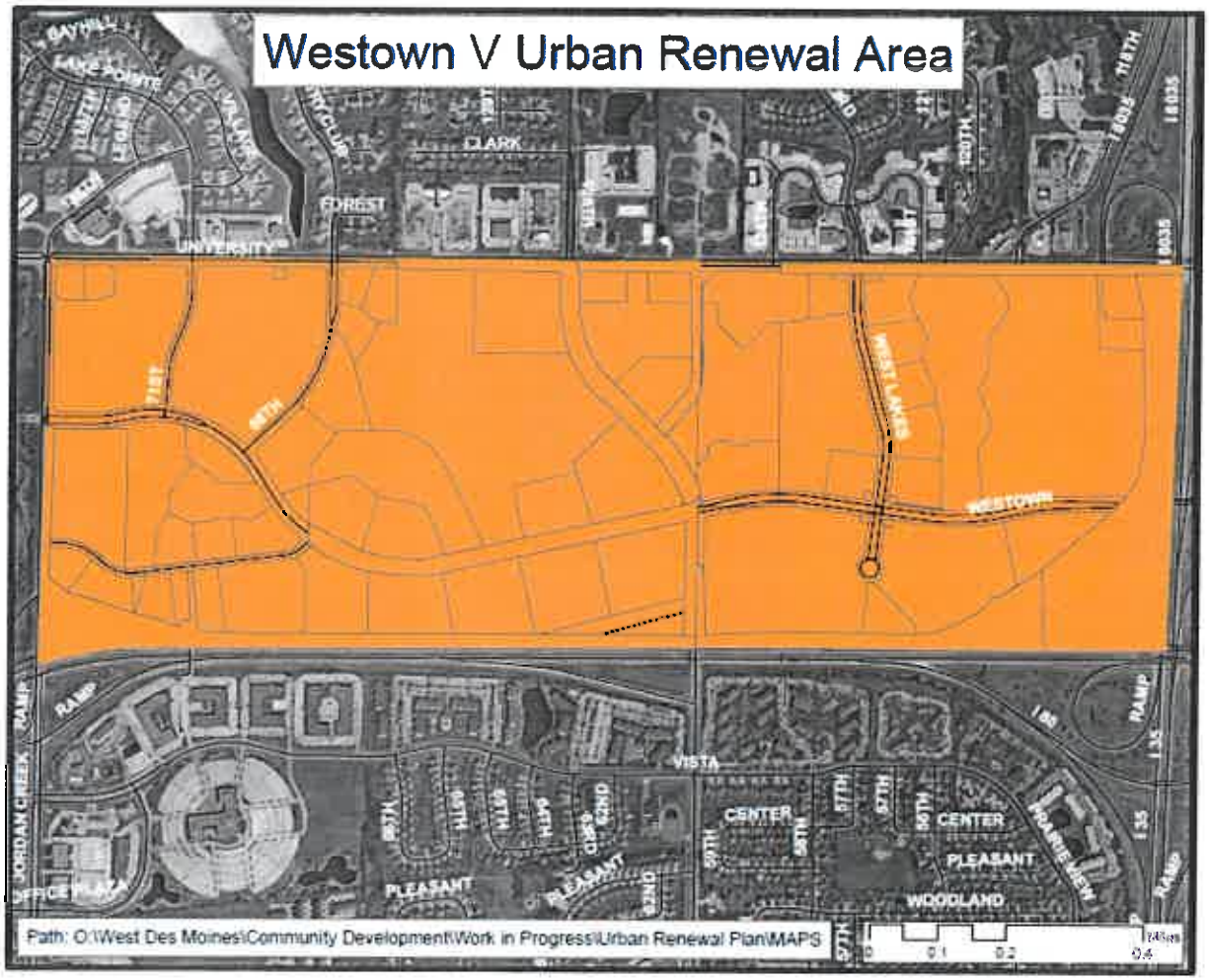
LEGAL DESCRIPTION

WESTOWN V URBAN RENEWAL PLAN AREA

The Project Area consists of the land area described as follows:

Beginning at the Northwest corner of the intersection of Jordan Creek Parkway and University Avenue in the City of West Des Moines, Iowa; thence East along the north right-of-way line of said University Avenue to the west right-of-way line of Interstates 35/80; thence South along said west right-of-way line of Interstates 35/80 to the North right-of-way line of Interstate 80; thence West along said north right-of-way line of Interstate 80 to the west right-of-way line of Jordan Creek Parkway; thence north along said west right-of-way line of Jordan Creek Parkway to the point of beginning; and including all adjacent streets and public right of way.

EXHIBIT B


Westown V Urban Renewal Area
CLARK
FOREST
UNIVERSITY
WESTOWN
VISTA
CENTER
PLEASANT
WOODLAND
Path: O:\West Des Moines\Community Development\Work in Progress\Urban Renewal Plan\MAPS