CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

ITEM: Approval of Agreement between Madison County and - the City of West Des Moines Concerning the Osmium Urban Renewal Area

DATE: October 3, 2016

Resolution - Approving the joint agreement between Madison County and the City of West Des Moines

FINANCIAL IMPACT: The City will be able to utilize Tax Increment Funds from the proposed Osmium Tax Increment Taxing District to pay for improvements associated with the construction of infrastructure, the construction of Veteran's Parkway, and water lines, for the Microsoft Osmium Project. Absent the agreement the City would have to pay for those improvements out of other sources.

BACKGROUND: With the announcement of the Microsoft Osmium Project, the City has started the process to construct all of the necessary public infrastructure associated with that project. It is the City's intent to utilize tax increment financing to fund those public improvements within the proposed Osmium Urban Renewal Area utilizing funding from the proposed Osmium TIF District. Because the infrastructure that is to be constructed is not totally within the corporate limits of the City of West Des Moines, State Code Section 403.17(4) requires the City to get the consent of the appropriate jurisdiction to include property within their governance to be included within our Urban Renewal Area. Madison County has granted that consent for the inclusion of some of their jurisdiction into the proposed Osmium Urban Renewal Area as part of the attached Joint Agreement, (see Exhibit II).

OUTSTANDING ISSUES (if any): There are no outstanding issues.

RECOMMENDATION: That the City Council pass a resolution, authorizing the Mayor to sign the agreement.

Lead Staff Member: Clyde E. Evans, AICP, Community and Economic Development

STAFF REVIEWS

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

PUBLICATION(S) (if applicable)

Published In	N/A
Dates(s) Published	N/A

SUBCOMMITTEE REVIEW (if applicable)

Committee	N/A		
Date Reviewed	N/A		
Recommendation	☐Yes	☐ No	

Attachments:
- Exhibit I — Resolution
- Exhibit II — Agreement
- Exhibit III — Map of territory to be included in the proposed Osmium URA

EXHIBIT I

Prepared by: Clyde Evans, Community & Economic Development, PO Box 65320, W.D.M., IA 50265-0320, 515-273-0770
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

RESOLUTION

RESOLUTION APPROVING AN AGREEMENT WITH MADISON COUNTY FOR THE INCLUSION OF PROPERTY LOCATED IN THE UNINCORPORATED PORTION OF MADISON COUNTY IN THE PROPOSED OSMIUM URBAN RENEWAL AREA BEING CREATED BY THE CITY OF WEST DES MOINES

WHEREAS, the City of West Des Moines, Iowa, ("West Des Moines") is proposing to adopt the Osmium Urban Renewal Plan ("the Plan") for the proposed Osmium Urban Renewal Area (the "Urban Renewal Area"), pursuant to Chapter 403 of the Code of Iowa (the "Urban Renewal Law"), in order to undertake activities authorized by the Urban Renewal Law; and

WHEREAS, the amendment to the Plan is expected to authorize certain infrastructure improvements as urban renewal projects, some of which projects are expected to be constructed in the unincorporated portion of Madison County; and

WHEREAS, it is expected that the cost of constructing the infrastructure improvements will be funded from incremental tax revenue generated by the Microsoft Corporation regional data center located within the proposed Osmium Urban Renewal Area, which revenues are expected to be collected by the County, and provided to West Des Moines under the Urban Renewal Law; and

WHEREAS, in order to allow incremental tax revenues to be used to fund the infrastructure improvements on property within the unincorporated portion of Madison County (see attached map), such property must be added to and included in the proposed West Des Moines Osmium Urban Renewal Area by the proposed by the Plan; and

WHEREAS, the property in question is within the unincorporated portion of Madison County, and the City of West Des Moines will not adopt a TIF Ordinance covering land within the unincorporated portion of Madison County that is within the Urban Renewal Area; and

WHEREAS, Section 403.17(4) of the Code of Iowa provides that no property may be included in a City's urban renewal area that lies in a neighboring jurisdiction unless an agreement

has been adopted by the governing body of Madison County declaring a need to be included in the area."

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of West Des Moines, Iowa, as follows:

1. The City of West Des Moines declares a need to have certain property within the unincorporated portion of Madison County included in the proposed West Des Moines Osmium Urban Renewal Area as depicted in the proposed Osmium Urban Renewal Plan.

2. Madison County has further authorizes the governing body of the City of West Des Moines to pass any resolution necessary to designate the property as part of the proposed Osmium Urban Renewal Area under Chapter 403 of the Code of Iowa, and to proceed with activities authorized under said Chapter.

3. This resolution is contingent on the City of West Des Moines not adopting an ordinance pursuant to Iowa Code Section 403.19 implementing tax increment financing on the property within the unincorporated portion of Madison County.

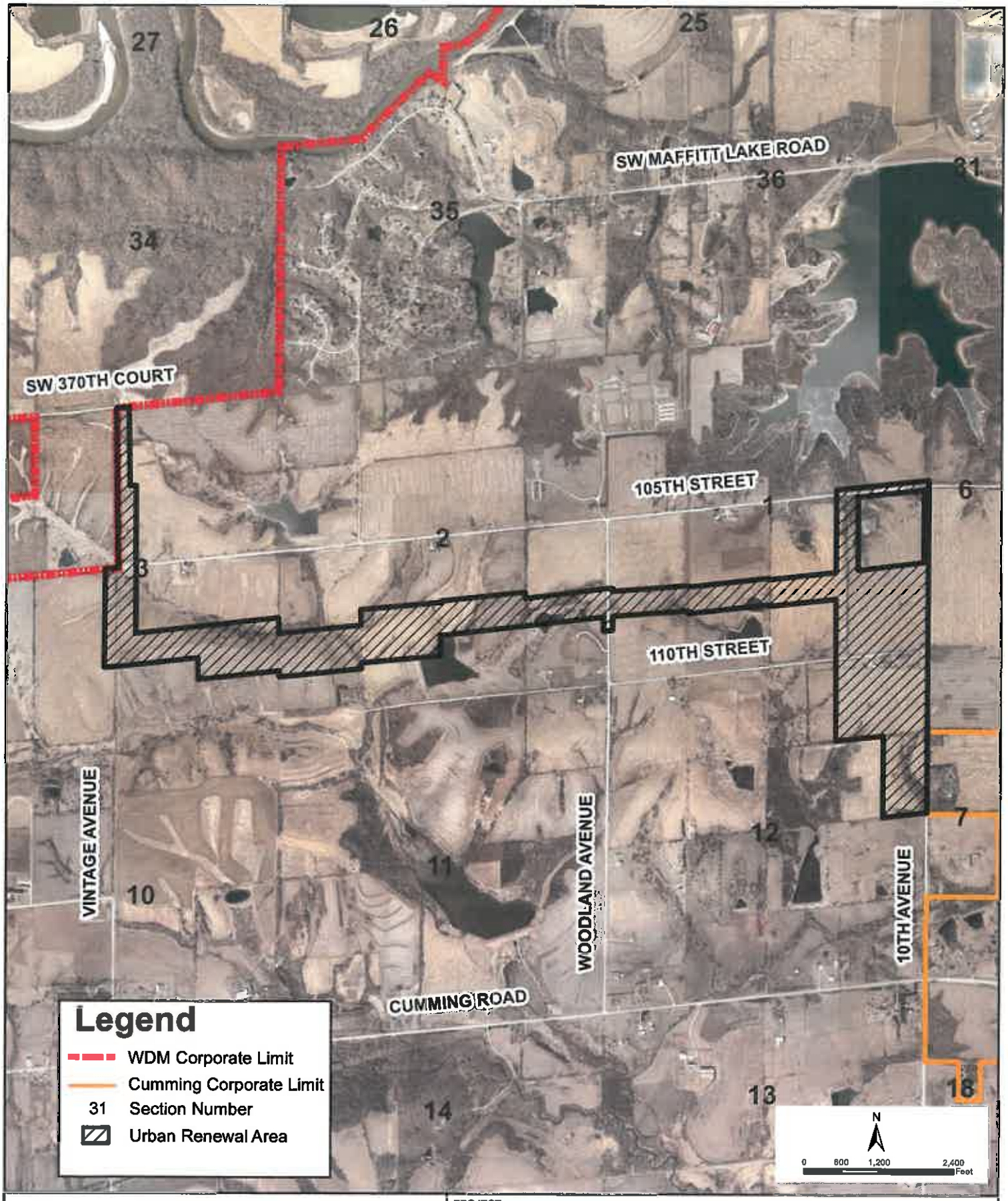
4. That the City Council authorizes the Mayor to sign the Joint Agreement with Madison County.

PASSED AND APPROVED this ____ day of _____, 2016.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk



CITY OF WEST DES MOINES
ENGINEERING SERVICES
4200 MILLS CIVIC PARKWAY
WEST DES MOINES, IOWA 50265
PH: 515.222.3475 FAX: 515.273.0603

PROJECT:
UNINCORPORATED OSMIUM URBAN RENEWAL PLAN EXHIBIT "B"

LOCATION:
MADISON COUNTY

DRAWN BY: REF	DATE: 8/23/2016	SHT. 1 OF 1

EXHIBIT ____
JOINT CITY/COUNTY AGREEMENT

WHEREAS, the City of West Des Moines, State of Iowa, (the "City") has proposed to establish the Osmium Urban Renewal Area within two miles of the City of West Des Moines, State of Iowa, for the purpose of participating in eligible urban renewal projects; and

WHEREAS, the City Council of the City of West Des Moines, State of Iowa, has reviewed the Osmium Urban Renewal Plan for said Urban Renewal Area and has determined that the proposed Urban Renewal Plan and completion of the eligible projects are in the best interests of the City of West Des Moines, State of Iowa; and

WHEREAS, Iowa Code Section 403.17(4) requires a "joint agreement" between the City and the County before the City can proceed with said projects.

NOW THEREFORE, MADISON COUNTY, STATE OF IOWA, AND THE CITY OF WEST DES MOINES, STATE OF IOWA, AGREE AS FOLLOWS:

1. The Board of Supervisors of Madison County, State of Iowa, hereby agrees and authorizes the City of West Des Moines, State of Iowa, to proceed with the Osmium Urban Renewal Plan, and the undertaking of the eligible urban renewal projects therein which are located within two miles of the City of West Des Moines and in such location as is identified in the Osmium Urban Renewal Plan.

2. This "joint agreement" is intended to meet the requirements of Iowa Code Section 403.17(4) with respect to the portions of the Osmium Urban Renewal Area outside the current boundaries of the City but within two miles thereof.

3. This Joint Agreement has been duly authorized by the governing bodies of Madison County, State of Iowa, and the City of West Des Moines, State of Iowa.

PASSED AND APPROVED this _____ day of _____, 2016.

MADISON COUNTY, STATE OF IOWA

_____
Chairperson, Board of Supervisors

ATTEST:

_____
Secretary

STATE OF IOWA)
) SS
COUNTY OF MADISON)

On this _____ day of _____, 2016, before me a Notary Public in and for the State of Iowa, personally appeared _____ and _____ to me personally known, who being duly sworn, did say that they are the Chairperson and Secretary, respectively, of Madison County, State of Iowa, a political subdivision, and that the seal affixed to the foregoing instrument is the seal of said political subdivision, and that said instrument was signed and sealed on behalf of said political subdivision by authority and resolution of its Board of Supervisors, and said Chairperson and Secretary acknowledged said instrument to be the free act and deed of said political subdivision by it voluntarily executed.

_____
Notary Public in and for Madison County, Iowa

PASSED AND APPROVED this _____ day of _____, 2016.

CITY OF WEST DES MOINES, STATE OF IOWA

_____
Mayor

ATTEST:

_____
City Clerk

STATE OF IOWA)
) SS
COUNTY OF POLK)

On this _____ day of _____, 2016, before me a Notary Public in and for said County, personally appeared _____ and _____ to me personally known, who being duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of West Des Moines, State of Iowa, a Municipal Corporation, created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said Municipal Corporation, and that said instrument was signed and sealed on behalf of said Municipal Corporation by authority and resolution of its City Council, and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said Municipal Corporation by it voluntarily executed.

_____
Notary Public in and for Polk County, Iowa

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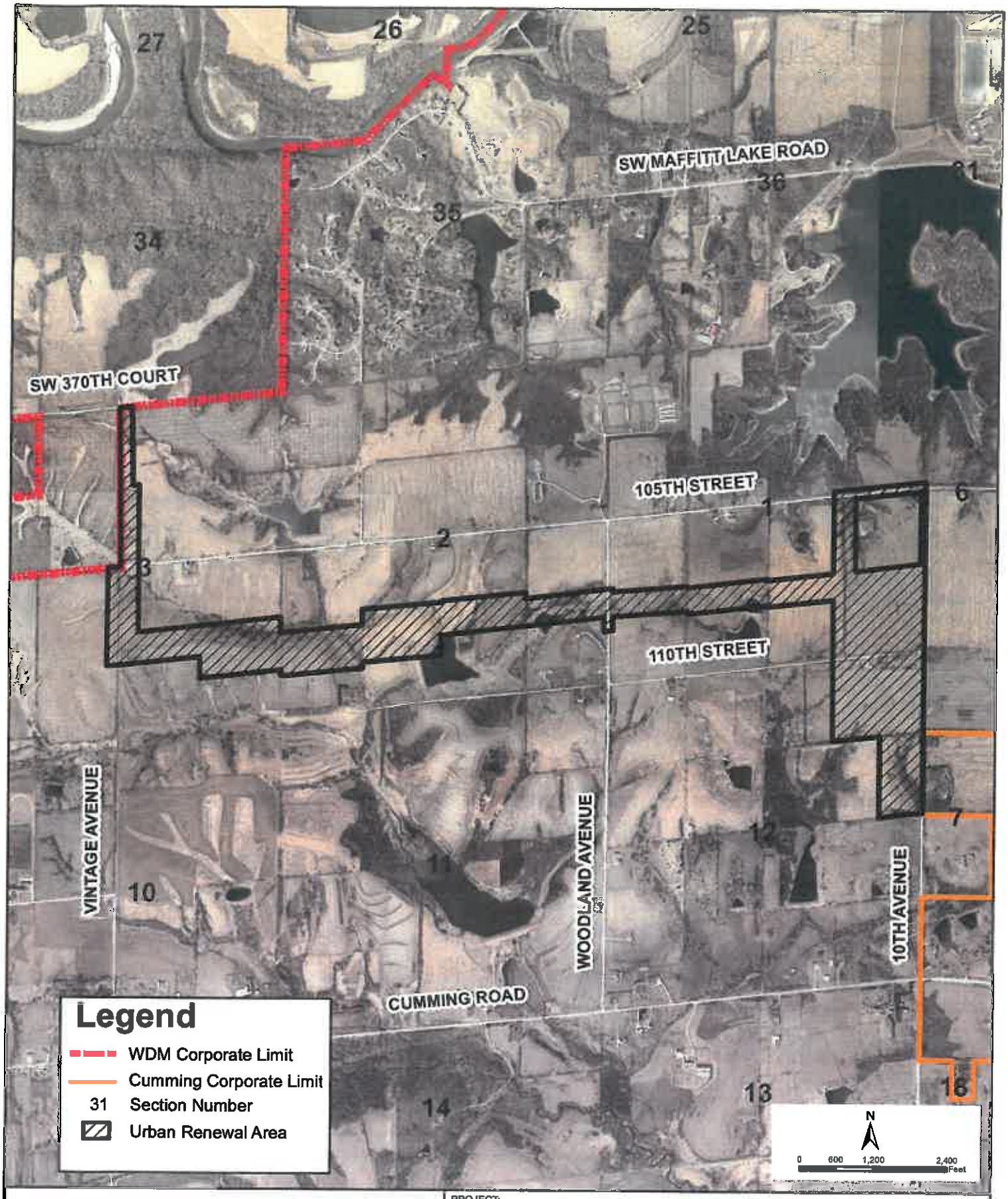
EXHIBIT III



THE CITY OF WEST DES MOINES

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