

**BUSINESS OF THE CITY COUNCIL
WINDSOR HEIGHTS, IOWA
AGENDA STATEMENT**


Item No. 7
For Meeting of 06/18/07

ITEM TITLE: Consideration of resolution setting dates of a consultation and a public hearing on proposed amended and restated urban renewal plan for the Windsor Heights

CONTACT PERSON: Marketa George Oliver, City Administrator

SUMMARY EXPLANATION

The attached resolution begins the process for the City to amend and restate its Urban Renewal Area. The purpose of undertaking this action is to include the entirety of Colby Park in the Urban Renewal Area. Currently, only the western portion of the park (that was recently deeded to the City by the Colby family) is a part of the Urban Renewal Area. This action would add all of the City's property, including the portion of the park on which the shelter house sits, the ball park and the Public Works Facility to the Urban Renewal Area. The resolution provides for a consultation meeting with other taxing entities on June 25th at 9:30 a.m. and for a public hearing on the matter on July 16th at 5:00 p.m. The matter will also be discussed by the Planning and Zoning Commission on June 19th. City staff does not anticipate objection by other taxing entities as the property being added to the Urban Renewal Area does not currently generate taxes, given that it is City property.

<input checked="" type="checkbox"/> Resolution _____ Ordinance ____ Contract _____ Other (Specify) _____
Funding Source _____
 APPROVED FOR SUBMITTAL _____ City Administrator

STAFF RECOMMENDATION: By motion and roll call vote, approve the resolution.

COUNCIL ACTION:

The City Council of Windsor Heights, Iowa, met in regular session, in the Council Chambers, City Hall, Windsor Heights, Iowa, at 5 o'clock PM., on the above date. There were present Mayor Sullivan, in the chair, and the following named Council Members:

Markley, Hunter, Willits, Tillotson, Peterson

Absent: None_____

* * * * *

Resolution No. 07-0618/

Council Member _____ introduced the following Resolution entitled "RESOLUTION SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON PROPOSED AMENDED AND RESTATED URBAN RENEWAL PLAN FOR THE WINDSOR HEIGHTS URBAN RENEWAL AREA OF THE CITY OF WINDSOR HEIGHTS, 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. 07-0618/

RESOLUTION SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON PROPOSED AMENDED AND RESTATED URBAN RENEWAL PLAN FOR THE WINDSOR HEIGHTS URBAN RENEWAL AREA OF THE CITY OF WINDSOR HEIGHTS, IOWA

WHEREAS, by Resolution No. 89-25, adopted January 19, 1989 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 Windsor Heights Urban Renewal Plan (the "Original Plan") for the Windsor Heights Urban Renewal Plan Area (the "Original Project Area") described therein, which Original Plan is on file in the office of the Recorder of Polk County; and

WHEREAS, by Resolution No. 95-185, this Council approved and adopted Amendment #1 to the Original Plan, which Amendment #1 is on file in the office of the Recorder of Polk County; and

WHEREAS, by Resolution No. 96-338, this Council approved and adopted Amendment #2 to the Original Plan, which Amendment #2 is on file in the office of the Recorder of Polk County; and

WHEREAS, City staff has caused there to be prepared a form of Amended and Restated Urban Renewal Plan, 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 update and consolidate the Original Plan, as so amended, as a single comprehensive document and to include additional area within the Urban Renewal Area, such additional area being legally described as follows:

Part of Lots 56, 57, 58 and 59, all in Windsor Park, an Official Plat in Windsor Heights, Polk County, Iowa.

Beginning at the NW corner of said Lot 56, thence southeasterly to a point 976.8 feet west of and 125 feet south of the NE corner of Lot 1 of said Windsor Park, thence southwesterly 160 feet to a point on the west line of said Lot 59, thence North 240 feet to the point of beginning.

Said parcel contains 0.44 acres, more or less.

And

A tract of land located in Lots 48 and 49 of Windsor Place and Out Lot X of Windsor Park, Official Plats, in Windsor Heights, Polk County, Iowa, described as follows:

Commencing at the NE Corner of Lot 1 of said Windsor Park; thence southerly 125 feet; thence southerly 330 feet on the east line of Lot 84, 85, 86, 87 and 88 of Windsor Park; thence westerly 885 feet to the Point of Beginning; thence southeasterly to a point 200 feet westerly from the SE Corner of said Out Lot X; thence westerly to a point 500 feet westerly and 33 feet northerly of the SE Corner of Lot 49 of said Windsor Place; thence northerly to a point 500 feet west and 108 feet north of the SE Corner of said Lot 49; thence northwesterly to a point on the northwesterly line of said Lot 49 which is 160 feet normally distant northerly from the south line of said Lot 49; thence to a point on the southeasterly line of Lot 48, which is 80 feet northeasterly of the southeasterly corner of said Lot 48; thence northwesterly to a point on the West line of said Lot 48, which is 155 feet northerly of the southwesterly corner of said

Lot 48; thence easterly to the Point of Beginning, containing 4.9 acres, more or less.

And

Beginning at the Northeast Corner of Lot 47 in Windsor Place, an Official Plat, Polk County, Iowa; thence South 625 feet; thence West parallel to the North line of Lot 47, 410 feet; thence North 625 feet to the North line of Lot 47; thence East 410 feet to place of beginning, subject to easement of record over the North 25 feet for street purposes.

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

WHEREAS, the Iowa statutes require the City Council to submit the proposed Amended and Restated Plan to the Planning and Zoning Commission for review and recommendation as to its conformity with the general plan for development of the City as a whole prior to City Council approval of such Amended and Restated Plan, and further provides that the Planning and Zoning Commission shall submit its written recommendations thereon to this Council within thirty (30) days of its receipt of such proposed Amended and Restated Plan; and

WHEREAS, the Iowa statutes further require the City Council to notify all affected taxing entities of the consideration being given to the proposed Amended and Restated 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 Amended and Restated Plan subsequent to notice thereof by publication in a newspaper having a 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 urban renewal plan and shall outline the general scope of the urban renewal project under consideration, with a copy of said notice also being mailed to each affected taxing entity.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF WINDSOR HEIGHTS, IOWA:

Section 1. That the consultation on the proposed Amended and Restated Plan required by Section 403.5(2) of the Code of Iowa, as amended, shall be held on the 25th day of June, 2007, in the Council Chambers, City Hall, Windsor Heights, Iowa at 9:30 o'clock A.M., and the City Administrator is hereby appointed to serve as the designated representative of the City for purposes of conducting said 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 said consultation to be sent by regular mail to all affected taxing entities, as defined in Section 403.17(1), along with a copy of the proposed Amended and Restated Plan, said notice to be in substantially the following form:

NOTICE OF A CONSULTATION TO BE HELD
BETWEEN THE CITY OF WINDSOR HEIGHTS, IOWA
AND ALL AFFECTED TAXING ENTITIES
CONCERNING THE PROPOSED AMENDED AND
RESTATED URBAN RENEWAL PLAN FOR THE
WINDSOR HEIGHTS URBAN RENEWAL AREA OF
THE CITY OF WINDSOR HEIGHTS, IOWA

The City of Windsor Heights, 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 9:30 o'clock A.M. on June 25th, 2007, in the Council Chambers, City Hall, Windsor Heights, Iowa concerning a proposed Amended and Restated Urban Renewal Plan for the Windsor Heights Urban Renewal Area, 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 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 Urban Renewal Area, and the duration of any bond issuance included in said Amended and Restated Plan.

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 Administrator as the designated representative of the City of Windsor Heights, shall submit a written response to the affected taxing entity, no later than seven days prior to the public hearing on the proposed Amended and Restated 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 Windsor Heights, Iowa, as provided by Section 403.5 of the Code of Iowa, as amended.

Dated this 18th day of June, 2007.

City Clerk, Windsor Heights, Iowa

(END OF NOTICE)

Section 3. That a public hearing shall be held on the proposed Amended and Restated Plan for Urban Renewal Area before the City Council at its meeting which commences at 5 o'clock P.M. on July 16th, 2007, in the Council Chambers, City Hall, Windsor Heights, 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 said public hearing, and to mail a copy of said 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 THE PROPOSED AMENDED AND
RESTATED URBAN RENEWAL PLAN FOR THE
WINDSOR HEIGHTS URBAN RENEWAL AREA
OF THE CITY OF WINDSOR HEIGHTS, IOWA

The City Council of the City of Windsor Heights, Iowa, will hold a public hearing before itself at its meeting which commences at 5 o'clock P.M. on July 16th, 2007 in the Council Chambers, City Hall, Windsor Heights, Iowa to consider adoption of the proposed Amended and Restated Urban Renewal Plan (the "Amended and Restated Plan") for the Windsor Heights Urban Renewal Area.

A copy of the Amended and Restated Plan is on file for public inspection in the office of the City Clerk, City Hall, Windsor Heights, Iowa.

The City of Windsor Heights, Iowa is the local public agency which, if such Amended and Restated Plan is approved, shall undertake the urban renewal activities described in such Amended and Restated Plan.

The purpose of the Amended and Restated Plan is to update and consolidate the original Windsor Heights Urban Renewal Plan, as so amended, as a single comprehensive document and to include additional area within the Windsor Heights Urban Renewal Area (the "Urban Renewal Area").

The additional area proposed to be included as part of the Urban Renewal Area under the Amended and Restated Plan is legally described as follows:

Part of Lots 56, 57, 58 and 59, all in Windsor Park, an Official Plat in Windsor Heights, Polk County, Iowa.

Beginning at the NW corner of said Lot 56, thence southeasterly to a point 976.8 feet west of and 125 feet south of the NE corner of Lot 1 of said Windsor Park, thence southwesterly 160 feet to a point on the west line of said Lot 59, thence North 240 feet to the point of beginning.

Said parcel contains 0.44 acres, more or less.

And

A tract of land located in Lots 48 and 49 of Windsor Place and Out Lot X of Windsor Park, Official Plats, in Windsor Heights, Polk County, Iowa, described as follows:

Commencing at the NE Corner of Lot 1 of said Windsor Park; thence southerly 125 feet; thence southerly 330 feet on the east line of Lot 84, 85, 86, 87 and 88 of Windsor Park; thence westerly 885 feet to the Point of Beginning; thence southeasterly to a point 200 feet westerly from the SE Corner of said Out Lot X; thence westerly to a point 500 feet westerly and 33 feet northerly of the SE Corner of Lot 49 of said Windsor Place; thence northerly to a point 500 feet west and 108 feet north of the SE Corner of said Lot 49; thence northwesterly to a point on the northwesterly line of said Lot 49 which is 160 feet normally distant northerly from the south line of said Lot 49; thence to a point on the southeasterly line of Lot 48, which is 80 feet northeasterly of the southeasterly corner of said Lot 48; thence northwesterly to a point on the West line of said Lot 48, which is 155 feet northerly of the southwest corner of said Lot 48; thence easterly to the Point of Beginning, containing 4.9 acres, more or less.

And

Beginning at the Northeast Corner of Lot 47 in Windsor Place, an Official Plat, Polk County, Iowa; thence South 625 feet; thence West parallel to the North line of Lot 47, 410 feet; thence North 625 feet to the North line of Lot 47; thence East 410 feet to place of beginning, subject to easement of record over the North 25 feet for street purposes.

The general scope of the urban renewal activities under consideration in the Amended and Restated Plan is to assist qualified commercial enterprises in the Urban Renewal Area through various public purpose and special financing activities outlined in the Amended and Restated Plan. The City also may install, construct and reconstruct streets, public park improvements and facilities, and other substantial public improvements. The City may issue bonds or use available funds for such purposes and tax increment reimbursement of such costs will be sought if and to the extent incurred by the City.

This Notice is given by order of the City Council of Windsor Heights, Iowa, as provided by Section 403.5 of the Code of Iowa, as amended.

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

Dated this 18th day of June, 2007.

City Clerk, Windsor Heights, Iowa

(END OF NOTICE)

Section 5. That the proposed Amended and Restated Plan, now before this Council, for the Windsor Heights Urban Renewal Area described therein is hereby officially declared to be the proposed Amended and Restated Plan referred to in said notices for purposes of such consultation and hearing and that a copy of said Amended and Restated Plan shall be placed on file in the office of the City Clerk.

Section 6. That the proposed Amended and Restated Plan be submitted to the Planning and Zoning Commission for review and recommendation as to its conformity with the General Plan for the development of the City as a whole, with such recommendation to be submitted in writing to this Council within 30 days of the date hereof.

PASSED AND APPROVED this 18th day of June, 2007.

Jerry Sullivan, Mayor

ATTEST:

Marketa George Oliver, City Administrator/Clerk

