

Agenda Report

September 15, 2014 City Council Meeting

September 15, 2014
Item No. 14

ISSUE: Setting Public Hearing for Urban Renewal Amendment #3

BACKGROUND:

As part of our ongoing redevelopment efforts the Mayor and I would like the Council to consider amending the City's current urban renewal plan to encompass 73rd Street along with the entire area encompassing Sherwood Forest. A map is included in your packet that highlights the targeted area. At this meeting the Council will only set the public hearing. Also attached is a broad timeline as developed by Ahlers and Cooney to move forward with the process. The new amendment does not allow for any future TIF funds to be used for public buildings. The key areas for investment will be public infrastructure, façade updates and development agreements. This project provides a real opportunity to incent development in this area of Windsor Heights. Again at this meeting we are only scheduling the public hearing. Feel free to contact me with any questions.

RECOMMENDATION:

Staff recommends the City Council adopt the resolution setting the public hearing

STAFF CONTACTS:

Jeffrey A. Fiegenschuh, City Administrator
Diana Willits, Mayor

(This agenda item should be incorporated with the other items in your regular agenda and posted/published as required.)

AGENDA ITEM

Governmental Body: The City Council of the City of Windsor Heights, State of Iowa.
Date of Meeting: September 15, 2014.
Time of Meeting: 6:00 o'clock P.M.
Place of Meeting: Council Chambers, City Hall, 1133 66th Street, Windsor Heights, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for the meeting is as follows:

Amended and Restated Urban Renewal Plan

- Resolution setting dates of a consultation and a public hearing on a proposed Amendment No. 3 to the Amended and Restated Urban Renewal Plan in the City of Windsor Heights, State of Iowa.

Such additional matters as are set forth on the additional _____ page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of the governmental body.

City Clerk, City of Windsor Heights, State of Iowa

September 15, 2014

The City Council of the City of Windsor Heights, State of Iowa, met in _____ session, in the Council Chambers, City Hall, 1133 66th Street, Windsor Heights, Iowa, at 6:00 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. 3 TO THE AMENDED AND RESTATED URBAN RENEWAL PLAN IN THE CITY OF WINDSOR HEIGHTS, 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 AMENDED AND RESTATED URBAN
RENEWAL PLAN IN THE CITY OF WINDSOR HEIGHTS,
STATE OF IOWA

WHEREAS, by Resolution No. 07-0716/165, adopted July 16, 2007, 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 Amended and Restated Urban Renewal Plan (the "Plan") for the Amended and Restated Urban Renewal Plan Area (also known as the Consolidated Area) (the "Urban Renewal Area") described therein, which Plan is on file in the office of the Recorder of Polk County; and

WHEREAS, by Resolution No. 09-1102/303, adopted November 2, 2009, this City Council approved and adopted an Amendment No. 1 to the Plan; and

WHEREAS, by Resolution No. 12-1119/355, adopted November 19, 2012, this City Council approved and adopted an Amendment No. 2 to the Plan; and

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

AMENDED AND RESTATED PLAN

Original Project Sub-Area

Beginning at the Northwest corner of Lot 22 of Mott Place an Official Plat, Thence East approximately 385.3 Ft. to the Centerline of 73rd Street;

Thence Northerly, along the Centerline of 73rd Street, 50.2 Ft. to a point on the Westerly extension of the North line of Lot 63 of said Mott Place;

Thence West 275.3 Ft. to a point 28.0 Ft. East of the Northeast corner of said Lot 63;

Thence South 100.0 Ft. to a point 28.0 Ft. East of the Southeast corner of said Lot 63;

Thence West 28.0 Ft. to the Southeast corner of said Lot 63;

Thence South 333.7 Ft. to the Southeast corner of Lot 48 of said Mott Place; Thence East 1,333.0 Ft. to the Northeast corner of Lot 41 of said Mott Place; Thence South 238.5 Ft. to the Centerline of University Ave.;

Thence East, along the Centerline of University Ave., approximately 79.0 Ft. to a point on the Northerly extension of the East line of Lot 306 of Colby Acres Plat # 2 an Official Plat;

Thence South 217.67 Ft. to the Southeast corner of Lot 307 of said Colby Acres Plat #2;

Thence East 70.0 Ft. to the Northwest corner of Lot 303 of said Colby Acres Plat #2;

Thence South 66.0 Ft. to the Southeast corner of Lot 303 of said Colby Acres Plat #2;

Thence West 190.00 Ft. to the West Right-of-Way line of 69th Street;

Thence South, along the West Right-of-Way line of 69th Street, 66.0 Ft. to the Southeast corner of Lot 1 of Walnut Valley Plat #2 an Official Plat;
 Thence West 150.00 Ft. to the Southwest corner of Lot 1 of said Walnut Valley Plat #2;
 Thence South 1,452.0 Ft. to the Southeast corner of Lot 2 of said Walnut Valley Plat #2;
 Thence East, along the South line of said Lot 2 and also along the Centerline of the Westerly extension of School Street, 73.8 Ft.;
 Thence South approximately 300.0 Ft. to the North line of Lot K of Windsor Place an Official Plat;
 Thence West, along the North line of said Lot K, 150.0 Ft.;
 Thence South approximately 350.0 Ft. to the Centerline of Walnut Creek;
 Thence Northwesterly, along the Centerline of Walnut Creek, approximately 210.0 Ft.;
 Thence North-Northwesterly, along the Centerline of Walnut Creek, approximately 433.0 Ft.; Thence West-Northwesterly, along the Centerline of Walnut Creek, approximately 238.2 Ft. to a point on the South line of Lot 2 of Ashworth an Official Plat;
 Thence West, along the South line of Lot 2 of said Ashworth, approximately 900.0 Ft. to the Centerline of 73rd Street;
 Thence Northwesterly, along the Centerline of 73rd Street, approximately 90.0 Ft.;
 Thence Southwesterly 33.0 Ft. to the Westerly Right-of-Way line of 73rd Street;
 Thence Northerly, along the West Right-of-Way line of 73rd Street, approximately 730.0 Ft.; Thence Westerly, along the City of Windsor Heights Corporate Limits line, 28.0 Ft.;
 Thence, Northerly, along the City of Windsor Heights Corporate Limits line, 60.0 Ft.;
 Thence Easterly, along the City of Windsor Heights Corporate Limits line, 28.0 Ft. to the Westerly Right-of-Way line of 73rd Street;
 Thence Northerly, along the West Right-of-Way line of 73rd Street, approximately 920.4 Ft.; Thence West, along the City of Windsor Heights corporate limits line, approximately 20.0 Ft.; Thence North, along the City of Windsor Heights Corporate Limits line, 10.0 Ft. to a point on the South Right-of-Way line of University Ave.;
 Thence West, along the South Right-of-Way line of University Ave., approximately 155.0 Ft. to the Centerline of North Walnut Creek;
 Thence Northerly, along the Centerline of Walnut Creek, approximately 90.0 Ft. to a point on the North Right-of-way line of University Ave.;
 Thence West, along the North Right of way line of University Ave., 15.0 Ft. to the Southwest corner of Lot 27 of said Mott Place;
 Thence Northwesterly, along the Westerly line of Lot 27 of said Mott Place, 208.0 Ft. to the Northwest corner of Lot 27 of said Mott Place;
 Thence West 95.0 Ft. to the Southwest corner of Lot 25 of said Mott Place;
 Thence North 385.5 Ft. to the Northwest corner of Lot 22 of said Mott Place and the point of beginning.

Amendment No. One Sub-Area:

All of Lots 43,44,45,46, & 47 of Mott Place an Official Plat now included in and forming a part of the City of Windsor Heights, Polk County, Iowa; and, all that part of the Right-of-Way of 71st Street lying immediately adjacent to and between said Lots 44 and 45 of Mott Place; and, all that part of the Right-of-Way of 72nd Street lying

immediately adjacent to and between said Lots 46 and 47 of Mott Place.

All of Lots 1 and 2 of Rancho Grande an Official Plat now included in and forming a part of the City of Windsor Heights, Polk County, Iowa; and, all that part of Lots 3, 4, and 5 of said Rancho Grande that is not a part of Interstate 1-235 Right-of-Way now owned by the State of Iowa; and, all that part of 73rd Street Right-of-Way (as it now exists) lying between the Centerline of Center Street and the Westerly extension of the South line of Lot 2 of Ashworth an Official Plat now included in and forming a part of the City of Windsor Heights, Polk County, Iowa; and, all that part of the Southwesterly 33.0 Ft of 73rd Street Right-of-Way lying between the Westerly extension of the South line of said Lot 2 of Ashworth and a point approximately 90 Ft Northwest of the intersection of the Centerline of 73rd Street and the extension of the South line of said Lot 2 of Ashworth.

Amendment No. Two Sub-Area:

Right of Way

University Avenue - 69th Street to East Corp. Line

63rd Street - North of C/L University Ave., a distance of 247.5 feet

63rd Street - South of C/L University Ave., a distance of 2,137.4 feet

School Street - C/L of 64th Street to East Corp. Line, a distance of 442.9 feet

67th Street - South of C/L University Ave., a distance of 217 feet

66th Street - North of C/L University Ave., a distance of 470 feet

66th Street - South of C/L University Ave., a distance of 540 feet

65th Street - North of C/L University Ave., a distance of 158.4 feet

65th Street - South of C/L University Ave., a distance of 165 feet

Colby Acres Plat 3

Lots 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62

16 foot alley North of Lots 51-62, 350 feet East of C/L of 66th Street

Lots 83, 87, South 1/2 of Lot 85, South 1/2 of Lot 86

Lots 64, 65, 66, 67, 68, 69, 70, 81 and 82 of Colby Acres Plat 3.

Elmcrest

Lots 72, 73

Evergreen Heights

Lots 8, 9, East 40 feet of Lot 10

Hopkins Place

Lots 1, 2, 3, 4, 23, 24, East 60.4 feet of Lot 5, North 55 feet of Lot 22

Windsor Place

East 402.9 feet of Lot 35, except the West 33 feet and except the North 50 feet, Windsor Place; and the North Half of that part of Lot K lying immediately South of and adjoining the East 402.9 feet except the West 33 feet of Lot 35, Windsor Place

Cooper Place

Lots 2, 3, 4 North 125 feet of Lot 1 of Cooper Place.

Colby Acres

Lots 45, 47, 48, 49, 50 of Colby Acres

Colby Park Sub-Area:

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.

Suburban Farms Sub-Area:

6500 Hickman Road

- EX RD – N 500F Lot 7 and All Lots 7 1/2 & 8 Suburban Farms

6440 Hickman Road

- EX RD – W 70F N 395F LT 6 Suburban Farms

6400 Hickman Road

- EX RD & N 245F E 125F & S 150F – LT 4 & EX RD & S 150F & W 70F N 395F – LTS 5 & 6 Suburban Farms

6336 Hickman Road

- EX RD – N 245F E 125F LT 4 Suburban Farms

6322 Hickman Road

N 325F W 120F LT 2 & EX S 350F LT 3 Less .012A RD Suburban Farms

LT 8 Barnes Manor Plat 3

And

All adjacent public rights of ways

And

The public right of way along 63rd Street between Hickman Road and University Avenue

**AMENDMENT NO. 1 AREA TO
AMENDED AND RESTATED URBAN RENEWAL PLAN**

The South 195 feet of the North 200 feet of Lot 1, and the South 195 feet of the North 200 feet of the East 35 feet of Lot 2, Suburban Farms, City of Windsor Heights, Polk County, Iowa,

and

The public right of ways being established in connection with the City of Windsor Heights widening of Hickman Road, Westover Blvd. and 63rd Street, as illustrated on Exhibit B attached hereto.

**AMENDMENT NO. 2 AREA TO
AMENDED AND RESTATED URBAN RENEWAL PLAN**

The South 125 feet of the North 250 feet of Lot 1 COOPER PLACE, an Official Plat, now included in and forming a part of the City of Windsor Heights, Polk County, Iowa.

WHEREAS, City staff has caused there to be prepared a form of Amendment No. 3 to the 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 add and/or confirm the proposed urban renewal projects to be undertaken within the Urban Renewal Area and to add certain real estate to the Urban Renewal Area; and

WHEREAS, this proposed Amendment No. 3 to the Urban Renewal Plan adds land as follows:

Lots 1 thru 6 and Lot 16, Sherwood Forest Plat No. 1 AND Lots 4 thru 7, the North 325.00 feet of Lot 8, the East 15.00 feet of the North 152.00 feet of Lot 9 AND the East 3.00 feet of the South 173.00 feet of the North 325.00 feet of Lot 9, Plaza Hills Plat 5 AND the North 100.00 feet of Lot 1, Plaza Hills Plat 7 lying South and adjacent to Lots 3 thru 8, Plaza Hills Plat 5, except Parcel A of said Lot 1, Plaza Hills Plat 7 AND 73rd Street lying East and adjacent to said Lots 3, 4 and 6, Sherwood Forest Plat No. 1 AND Hickman Road lying North and adjacent to 73rd Street, North and adjacent to Sherwood Forest Plat No. 1 and North and adjacent to Lots 3 thru the East 15.00 feet of Lot 9, Plaza Hills Plat 5 AND Hickman Road lying East of 73rd Street and West of 63rd Street AND 73rd Street from Hickman Road to the Westbound entrance to Interstate 235 AND University Avenue from 73rd Street to 69th Street. All right-of-way lying within the boundary of Windsor Heights.

Itemized

XLot 1, Sherwood Forest Plat No. 1
XLot 2, Sherwood Forest Plat No. 1
XLot 3, Sherwood Forest Plat No. 1
XLot 4, Sherwood Forest Plat No. 1
XLot 5, Sherwood Forest Plat No. 1
XLot 6, Sherwood Forest Plat No. 1
XLot 16, Sherwood Forest Plat No. 1
XLot 4, Plaza Hills Plat 5
XLot 5, Plaza Hills Plat 5
XLot 6, Plaza Hills Plat 5
XLot 7, Plaza Hills Plat 5
XNorth 325.00 feet, Lot 8, Plaza Hills Plat 5
XEast 15.00 feet of the North 152.00 feet, Lot 9, Plaza Hills Plat 5

XEast 3.00 feet of the South 173.00 feet of the North 325.00 feet, Lot 9, Plaza Hills Plat 5

XNorth 100.00 feet, Lot 1, Plaza Hills Plat 7, lying South and adjacent to Lots 3 thru 8, Plaza Hills Plat 5, except Parcel A of said Lot 1, Plaza Hills Plat 7

X73rd Street lying East and adjacent to Lots 3, 4 and 6, Sherwood Forest Plat No. 1

XHickman Road lying North and adjacent to 73rd Street, North and adjacent to Sherwood Forest Plat No. 1 and North and adjacent to Lots 3 thru the East 15.00 feet of Lot 9, Plaza Hills Plat 5

XHickman Road lying East of 73rd Street and West of 63rd Street

X73rd Street from Hickman Road to the Westbound entrance to Interstate 235

XUniversity Avenue from 73rd Street to 69th Street.

WHEREAS, it is desirable that these areas be redeveloped as part of the overall redevelopment area covered by the Amendment; 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 Amended and Restated 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 Amended and Restated 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 WINDSOR HEIGHTS, STATE OF IOWA:

Section 1. That the consultation on the proposed Amendment No. 3 to the Amended and Restated Urban Renewal Plan required by Section 403.5(2) of the Code of Iowa, as amended, shall be held on the 24th day of September, 2014, at the City Hall, 1133 66th Street, Windsor Heights, Iowa, at 10:00 o'clock A.M., and the City Administrator, 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 Amended and Restated Urban Renewal Plan, the notice to be in substantially the following form:

NOTICE OF A CONSULTATION TO BE HELD BETWEEN
THE CITY OF WINDSOR HEIGHTS, STATE OF IOWA AND
ALL AFFECTED TAXING ENTITIES CONCERNING THE
PROPOSED AMENDMENT NO. 3 TO THE AMENDED AND
RESTATED URBAN RENEWAL PLAN FOR THE CITY OF
WINDSOR HEIGHTS, STATE OF IOWA

The City of Windsor Heights, 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 September 24, 2014, at the City Hall, 1133 66th Street, Windsor Heights, Iowa concerning a proposed Amendment No. 3 to the Amended and Restated 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 Administrator, or his delegate, as the designated representative of the City of Windsor Heights, 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 Amended and Restated 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 Windsor Heights, State of Iowa, as provided by Section 403.5 of the Code of Iowa, as amended.

Dated this _____ day of _____, 2014.

City Clerk, City of Windsor Heights, State of
Iowa

(End of Notice)

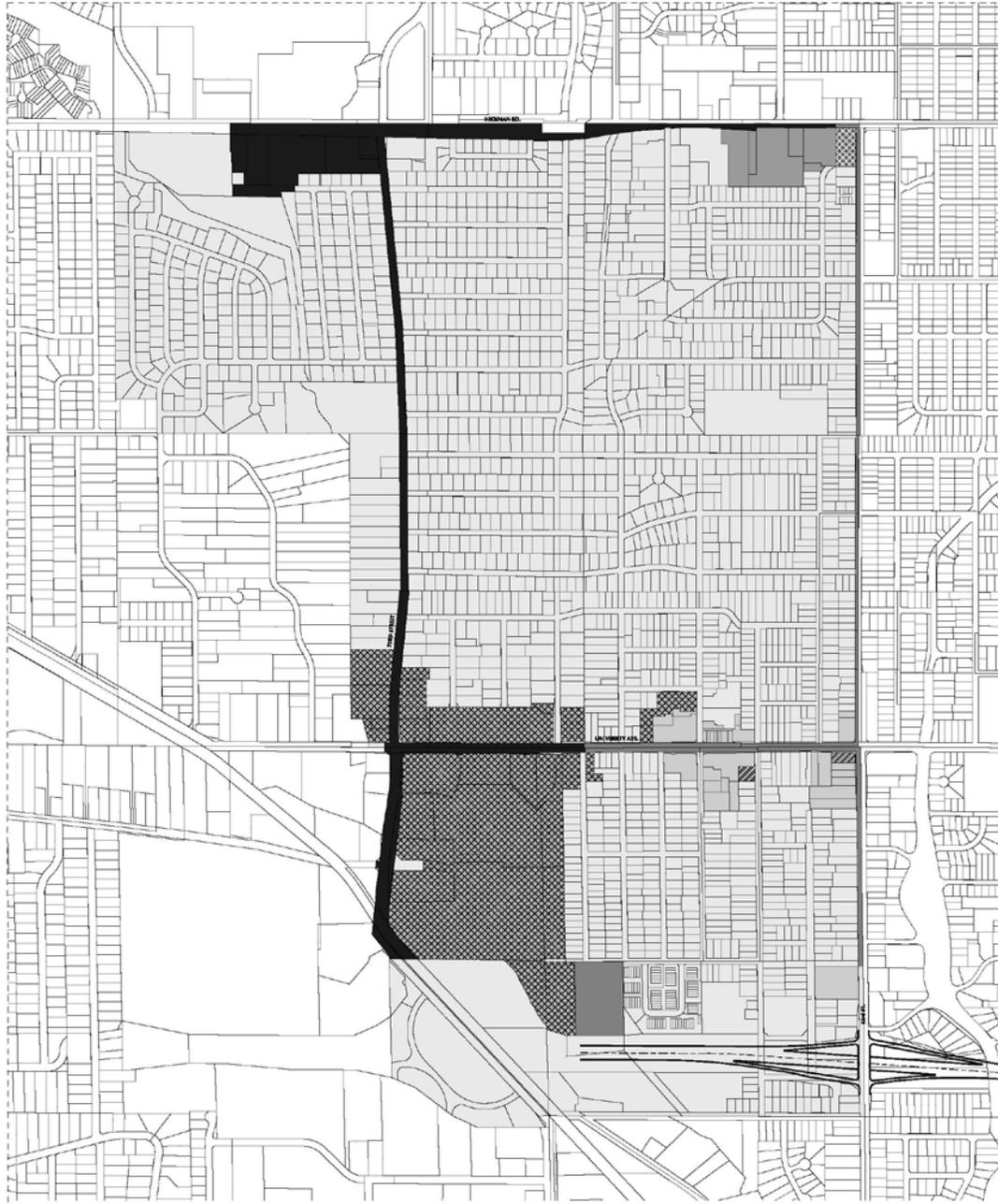
Section 3. That a public hearing shall be held on the proposed Amendment No. 3 to the Amended and Restated Urban Renewal Plan before the City Council at its meeting which commences at 6:00 o'clock P.M. on October 20, 2014, in the Council Chambers, City Hall, 1133 66th Street, Windsor Heights, Iowa.

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 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 AMENDED
AND RESTATED URBAN RENEWAL PLAN FOR AN URBAN
RENEWAL AREA IN THE CITY OF WINDSOR HEIGHTS,
STATE OF IOWA

The City Council of the City of Windsor Heights, State of Iowa, will hold a public hearing before itself at its meeting which commences at 6:00 o'clock P.M. on October 20, 2014 in the Council Chambers, City Hall, 1133 66th Street, Windsor Heights, Iowa, to consider adoption of a proposed Amendment No. 3 to the Amended and Restated Urban Renewal Plan (the "Amendment") concerning an Urban Renewal Area in the City of Windsor Heights, State of Iowa, generally depicted in the following map:



LEGEND

-  TOWN CENTER (AMENDMENT 2, 1996)
-  ORIGINAL AREA + AMENDMENT 1, (1989, 1995)
-  SUBURBAN FARMS URBAN RENEWAL (2005)
-  AMENDED AND RESTATED (2007) - CONNECTED ALL AREAS AND ADDED PORTION OF COLBY PARK
-  AMENDED AND RESTATED AMENDMENT NO. 1
-  AMENDED AND RESTATED AMENDMENT NO. 2
-  AMENDED AND RESTATED AMENDMENT NO. 3

10/10/2014
 10:50:00 AM
 10/10/2014 10:50:00 AM
 10/10/2014 10:50:00 AM



WINDSOR HEIGHTS, IOWA
URBAN RENEWAL AREAS
 9-9-14

which land is to be included as part of this amended Urban Renewal Area.

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

The City of Windsor Heights, 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 economic development through 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, and rehabilitate, conserve and redevelop land, buildings and other improvements within such area through the elimination and containment of conditions of blight so as to improve the community through the establishment of effective land use controls, through use of an effective program of rehabilitation of existing buildings and elimination of those structures which cannot be economically rehabilitated, with a limited amount of acquisition, clearance, resale and improvement of land for various purposes specified 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, 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, and provides that the Amendment may be amended from time to time.

The proposed Amendment No. 3 would add and/or confirm the proposed urban renewal projects to be undertaken within the Urban Renewal Area and to add certain real estate to 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 Windsor Heights, State of Iowa, as provided by Section 403.5 of the Code of Iowa.

Dated this _____ day of _____, 2014.

City Clerk, City of Windsor Heights, State of
Iowa

(End of Notice)

Section 5. That the proposed Amendment No. 3 to the Amended and Restated 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 Amended and Restated 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 15th day of September, 2014.

Mayor

ATTEST:

City Clerk

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

ATTACH THE AMENDMENT
LABELED AS EXHIBIT 1 HERE

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POLK)

I, the undersigned City Clerk of the City of Windsor Heights, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of the City showing proceedings of the City Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of public hearing and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of the agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective City offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Council hereto affixed this _____ day of _____, 2014.

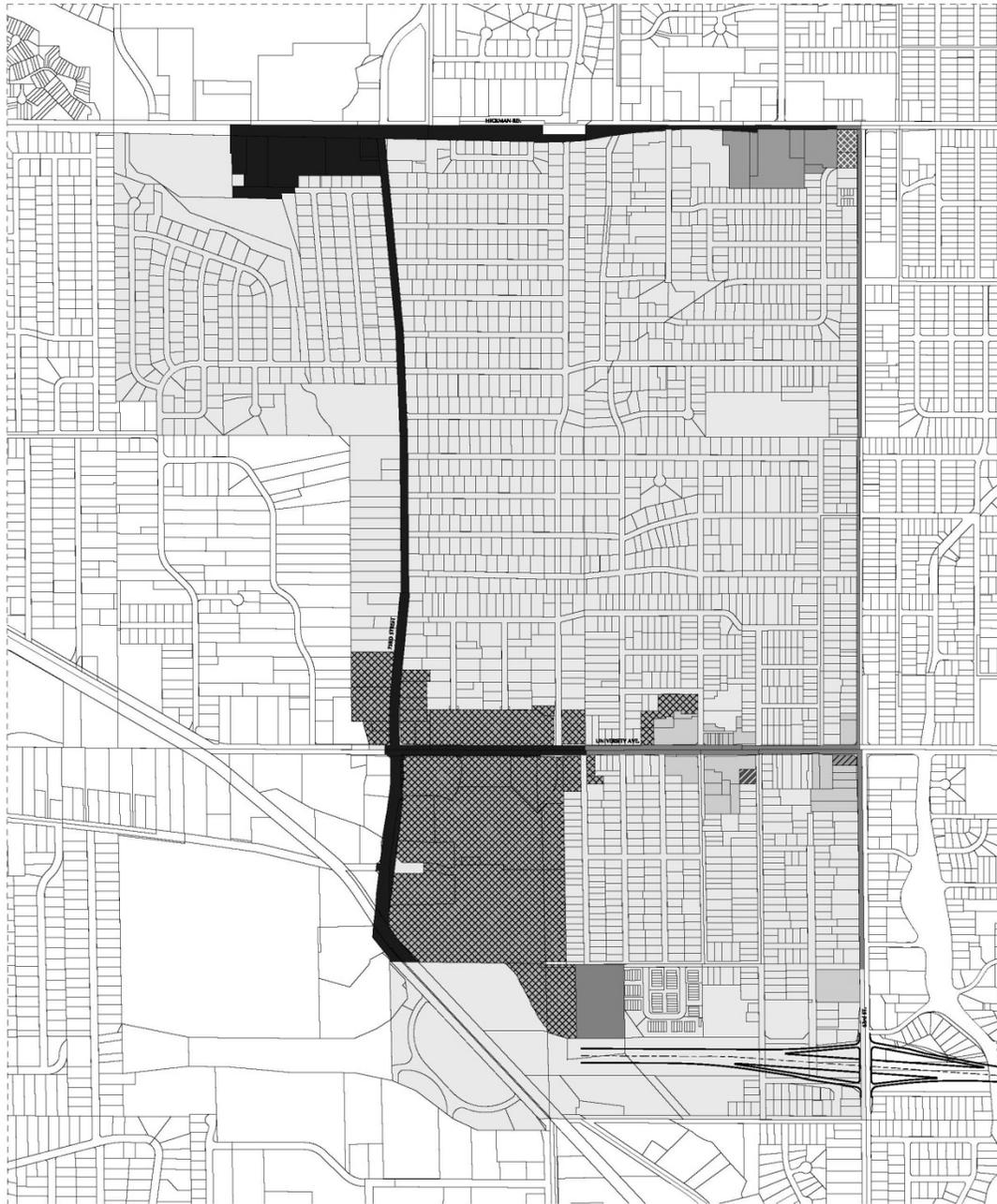
City Clerk, City of Windsor Heights, State of Iowa

(SEAL)

(One publication required)

NOTICE OF PUBLIC HEARING TO CONSIDER APPROVAL
OF A PROPOSED AMENDMENT NO. 3 TO THE AMENDED
AND RESTATED URBAN RENEWAL PLAN FOR AN URBAN
RENEWAL AREA IN THE CITY OF WINDSOR HEIGHTS,
STATE OF IOWA

The City Council of the City of Windsor Heights, State of Iowa, will hold a public hearing before itself at its meeting which commences at 6:00 o'clock P.M. on October 20, 2014 in the Council Chambers, City Hall, 1133 66th Street, Windsor Heights, Iowa, to consider adoption of a proposed Amendment No. 3 to the Amended and Restated Urban Renewal Plan (the "Amendment") concerning an Urban Renewal Area in the City of Windsor Heights, State of Iowa, generally depicted in the following map:



LEGEND

-  TOWN CENTER (AMENDMENT 2, 1996)
-  ORIGINAL AREA + AMENDMENT 1, (1989, 1995)
-  SUBURBAN FARMS URBAN RENEWAL (2005)
-  AMENDED AND RESTATED (2007) - CONNECTED ALL AREAS AND ADDED PORTION OF COLBY PARK
-  AMENDED AND RESTATED AMENDMENT NO. 1
-  AMENDED AND RESTATED AMENDMENT NO. 2
-  AMENDED AND RESTATED AMENDMENT NO. 3

8/12/2014
 10:20:00 AM
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WINDSOR HEIGHTS, IOWA
URBAN RENEWAL AREAS
 9-9-14

which land is to be included as part of this amended Urban Renewal Area.

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

The City of Windsor Heights, 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 economic development through 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, and rehabilitate, conserve and redevelop land, buildings and other improvements within such area through the elimination and containment of conditions of blight so as to improve the community through the establishment of effective land use controls, through use of an effective program of rehabilitation of existing buildings and elimination of those structures which cannot be economically rehabilitated, with a limited amount of acquisition, clearance, resale and improvement of land for various purposes specified 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, 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, and provides that the Amendment may be amended from time to time.

The proposed Amendment No. 3 would add and/or confirm the proposed urban renewal projects to be undertaken within the Urban Renewal Area and to add certain real estate to 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 Windsor Heights, State of Iowa, as provided by Section 403.5 of the Code of Iowa.

Dated this _____ day of _____, 2014.

01051049-1\11366-043

City Clerk, City of Windsor Heights, State of
Iowa

Windsor Heights

PROCEDURE FOR ADOPTION OF UR PLAN OR AMENDMENT
(REV. 8/30/12)

9-4-14

		DATE	TIME	LOCATION	NAME	COMMENTS
	FIRST MEETING (sets dates, res. of necessity)	9/15			N/A	
<p>About 7 days between 1st mtg & Cons. mtg</p>	<p>Mail out 3 items to affected taxing entities:</p> <p>1. Notice of cons. 2. Notice of public hearing 3. Copy of resolution (WITH AMENDMENT OR PLAN ATTACHED & LABELED AS EXHIBIT 1)</p>	9/16	N/A	N/A	N/A	
<p>About 30 days between 1st mtg and public hearing</p>	CONSULTATION MEETING	9/24	10:00	city hall	N/A	
	Position of Designated Representative for CONSULTATION MEETING	N/A	N/A	N/A	Jeff figenschuh	
	P&Z MEETING Not needed for Amendments				N/A	
<p>About 23 Days between cons. mtg and public hearing</p>	Date PUBLIC HEARING notice must be sent to paper	9/20	N/A	N/A	N/A	
	Name of paper	N/A	N/A	N/A		Dm Register
	Date notice to be PUBLISHED		N/A	N/A	N/A	10/3
	SECOND MEETING (PUBLIC HEARING & ADOPTION OF PLAN or AMENDMENT)	10/20			N/A	

AHLERS & COONEY, P.C.

100 COURT AVENUE, SUITE 600
DES MOINES, IOWA 50309-2231
FAX: 515-243-2149
WWW.AHLERSLAW.COM

Kristin B. Cooper
KCooper@ahlerslaw.com

Direct Dial:
515.246.0330

September 11, 2014

***Letter, Agenda Item, Resolution and Notice of Public Hearing
sent via e-mail; letter and all enclosures sent via overnight mail***

Jeff Fiegenschuh
City Administrator/Clerk
City of Windsor Heights
1133 66th Street
Windsor Heights, Iowa 50324

RE: City of Windsor Heights - Amendment No. 3 to the Amended and Restated
Urban Renewal Plan - Proceedings Adopting Resolution of Necessity and
Setting Hearing (September 15, 2014)

Dear Jeff:

Enclosed please find suggested proceedings of the City Council setting a date of public hearing and providing for the consultation to be held on the proposed Amendment No. 3 to the Amended and Restated Urban Renewal Plan (the "Amendment") for the Consolidated Windsor Heights Urban Renewal Area (the "Urban Renewal Area"). The proposed Amendment should be presented to the Council with the enclosed proceedings.

Agenda Item and Resolution

The enclosed Agenda Item and Resolution (proceedings) accomplish a number of required steps. In the order presented, the proceedings:

- set a date for a consultation on the proposed Amendment and appoint a designated representative of the City to conduct the same;
- direct that notice of the consultation be mailed to all affected taxing entities, along with a copy of the proposed Amendment, using the form of notice approved in Section 2 of the proceedings and designate the City Administrator, or his delegate, to conduct the consultation and provide responses to any recommendations that are made;
- call for a public hearing on the proposed Amendment;

- direct that notice be published, **not less than four nor more than twenty days** before the date set for the public hearing, in a newspaper having general circulation within the City; and
- direct that a copy of the Amendment be placed on file in your office for public inspection.

Note: The Amendment indicates that the Plan (as amended) is in compliance with the general plan for the development of the City as a whole, which is the Comprehensive Plan, dated July 8, 2013. This representation is important; however, we have no way of making this determination. Therefore, if this information is not correct, let us know.

Please note that we have incorporated the legal description, which was provided by Greg Roth of Veenstra & Kimm, into the Resolution. We have not undertaken a separate review of said legal description. Please review the same and make certain it is accurate and complete before the Council initiates the Amendment adoption proceedings. We will provide the Amendment in its final form to you. It is important that the Amendment describes all the prospective urban renewal projects (with estimated costs) in order to avoid future amendments, if possible. Make sure to attach the Amendment to the resolution (marked as Exhibit 1) before you send it to the Council and to the affected taxing entities.

Based on the schedule attached, we understand the hearing for adoption of the Amendment is scheduled for October 20, 2014. The proceedings have been prepared on this assumption. Please advise us immediately if the schedule changes.

You should follow the Important Instructions that are clipped to the Agenda and Resolution to give public notice of the agenda. You should attach the Amendment as Exhibit 1 to the Resolution.

Notice of Consultation

Scheduling the consultation and hearing and ensuring that timely publications and notices are given will require careful planning. Notice of the consultation should be given by regular mail to the affected taxing entities. Although the Iowa Code does not provide any specific notice requirement, we would suggest that the affected taxing entities receive not less than 4 days' notice of the consultation. The consultation itself should be scheduled at least 15 days before the date set for the public hearing. Iowa law permits the designated representatives of the affected taxing entities to make written recommendations for modification to the proposed division of revenue no more than seven days following the date of the consultation, and requires the representative of the City to submit written responses to those recommendations no later than seven days prior to the public hearing. Providing for a period longer than 15 days between the consultation and the public hearing will allow more than one day for preparation of the City's responses to any recommendations that are made. After the Resolution is adopted, you should immediately (September 16) mail a copy of the: (1) Notice of Consultation; (2) Notice of Public

Hearing; and (3) a copy of the Resolution (with the Amendment attached as Exhibit 1) to the affected taxing entities. The affected taxing entities are listed on the Certificate of Mailing of Notices of Consultation and Hearing. The Consultation is scheduled for September 24, 2014. If you receive any written recommendations from an affected taxing entity after the consultation meeting, please send them to us immediately for review and advice, as you must respond to the recommendations in writing and within a set time.

Planning and Zoning Commission

Under the 2012 Amendments to the Urban Renewal Law, the Planning and Zoning Commission has no role in Plan Amendments.

Agricultural Land

We understand that there is no land that meets the definition of "agricultural land" within the boundaries of the Amendment. Please let us know immediately if this is incorrect.

Notice of Public Meeting

You should publish a form of notice of the public hearing approved in the proceedings once on a date not less than four nor more than twenty days before the date set for the public hearing. A separate copy of the notice is enclosed for delivery to the Des Moines Register by September 26, 2014, which is the date we understand you must have the notice to the paper in order to be published on October 3, 2014. As noted above, a copy of the notice of hearing also should be mailed to the affected taxing entities, along with the notice of consultation, resolution and Amendment (attached as Exhibit 1 to the Resolution). Please review the notice carefully. A certificate relating to the publication also is enclosed. After the notice is published, attach the enclosed certificate to the publisher's affidavit and copy of newspaper clipping. You should review the notice carefully after it is published to ensure it was published accurately.

Documentation to be returned: (Bolded documents are enclosed with this letter)

- Resolution.** Attach the final Amendment marked as Exhibit 1 to the Resolution. Sign and date the original proceedings and retain them for your file and return the stamped extra copy of the proceedings to us for our transcript file.
- Send us a copy of your meeting minutes.
- Notice of Consultation.** Sign and date the **Notice of Consultation** and **Notice of Public Hearing**. Make a copy of: (1) **Resolution** (with Amendment attached as Exhibit 1); (2) **Notice of Hearing**; (3) **Notice of Consultation** and mail to the affected taxing entities. The affected taxing entities are listed on the **Certificate of Mailing Notices**. Complete the **Certificate of Mailing Notices** and attach copies of the Notices to the Certificate of Mailing, as well as the Resolution (and Amendment attached as Exhibit 1). Retain the original Certificate of Mailing

September 11, 2014

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Notices (with the Notices and Resolution) in your file and return the stamped extra copy of the **Certificate of Mailing Notices** (with a copy of all the attachments) to us for our transcript file. Send the Certificate of Mailing Notices (with all attachments) to us immediately.

- Notice of Public Hearing.** Sign and date the Notice of Public Hearing and publish it as indicated above. After you receive the Affidavit from the Publisher with a copy of the published notice (newspaper will provide the Affidavit), attach it to the **Certificate of Publisher's Affidavit of Publication.** Retain the original in your file and return the stamped extra copy to us (with a copy of the Publisher's Affidavit) for our transcript file.
- Send us a copy of the report of the consultation meeting as soon as the consultation meeting has been held. (The report is a short summary of the meeting. This will be provided to the City Council with the package of materials for the 10/20 meeting.)

If any questions arise, or if you would like us to attend either the consultation or the public hearing, please do not hesitate to contact me at 515-246-0330 or at kcooper@ahlerslaw.com.

Very truly yours,



Kristin Billingsley Cooper

KBC:jac

Enclosures: Agenda Items and Important Information; Resolution (*attach Amendment as Exhibit 1 to the Resolution*); Notice of Consultation; Certificate of Mailing Notices; Notice of Public Hearing; Certificate of Publisher's Affidavit of Publication; Schedule (9/4/14)

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