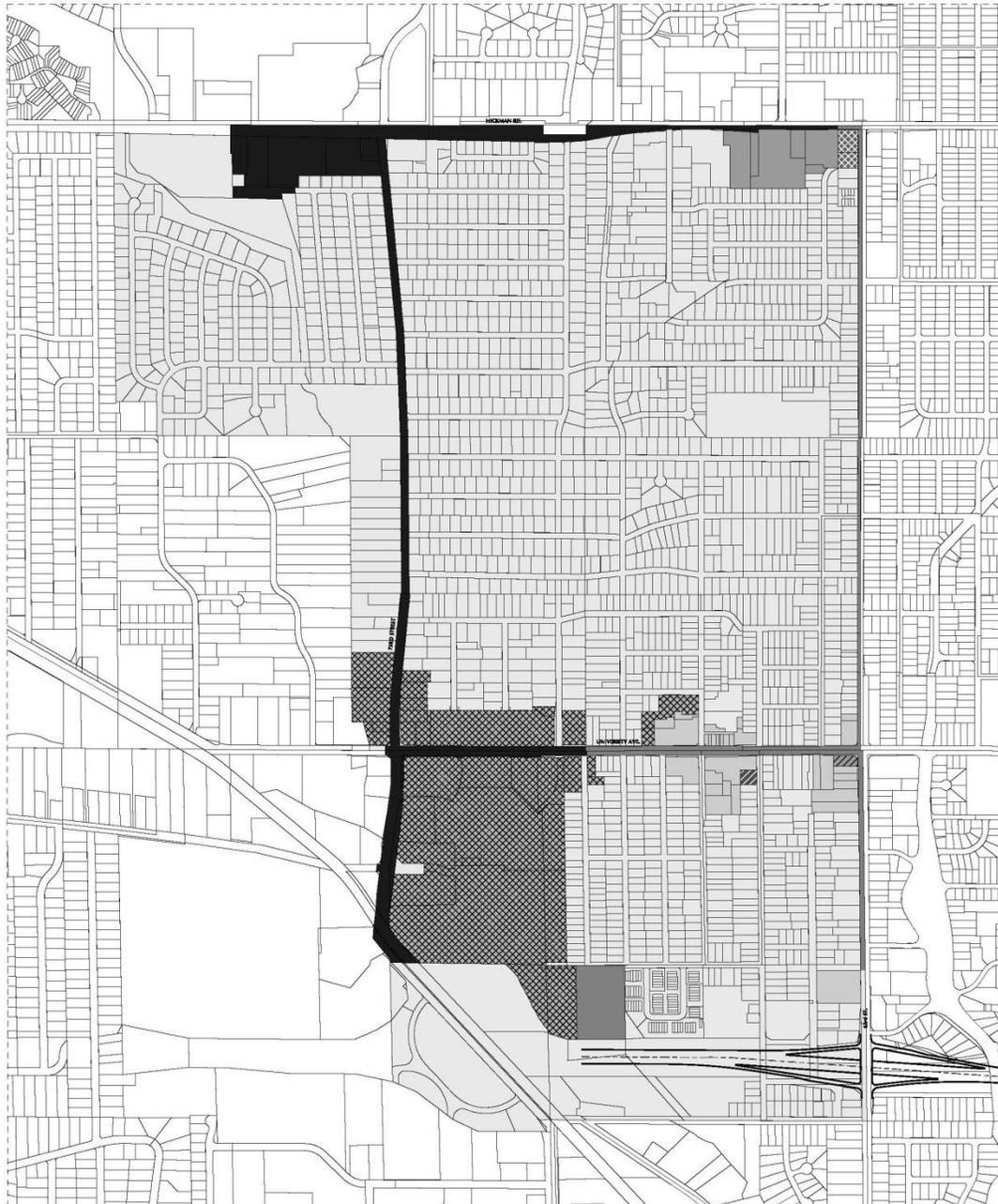


(One publication required)

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

8/22/2014
 10:20:00 AM
 D:\2010\Projects\1012181\WindsorHeights\1012181.dwg



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 15th day of September, 2014.

Jeffrey A. Fiegenschuh
City Clerk, City of Windsor Heights, State of
Iowa

01051049-1\11366-043

Exhibit #1

AMENDMENT NO. 3

to the

AMENDED AND RESTATED

URBAN RENEWAL PLAN

for the

CONSOLIDATED WINDSOR HEIGHTS

URBAN RENEWAL AREA

Adopted – 2007

Amendment No. 1 – 2009

Amendment No. 2 – 2012

Amendment No. 3 – 2014

AMENDMENT NO. 3
URBAN RENEWAL PLAN
CITY OF WINDSOR HEIGHTS, IOWA

INTRODUCTION

The Amended and Restated Urban Renewal Plan ("Urban Renewal Plan") for the Consolidated Windsor Heights Urban Renewal Area ("Urban Renewal Area"), adopted on July 16, 2007, amended by Amendment No. 1 by resolution 09-1102/303 dated November 2, 2009, and by Amendment No. 2 by resolution 12-1119/355 dated November 19, 2012 is being amended by this Amendment No. 3 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 Area.

In accordance with Iowa Code Section 403.19(1)(b), the base value of the area being added as a result of this Amendment No. 3 will be the assessed value of the taxable property in that area as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan to include the subject area.

The subareas make up the Urban Renewal Area. The base valuation of the Original subarea and each of the existing Amendment subareas will remain unchanged by this Amendment. The overall base value of the Urban Renewal Area, after adoption of this Amendment, will be determined by adding all of the base valuations of the subareas together.

Except as modified by this Amendment, the provisions of the Urban Renewal Plan are hereby ratified, confirmed, and approved and shall remain in full force and effect as provided therein. In case of any conflict or uncertainty, the terms of this Amendment shall control.

DESCRIPTION

The legal description of the area being added to the Urban Renewal Area as a result of this Amendment No. 3 is set forth on Exhibit "A". A map showing the new area and right of ways, if any, being added to the Urban Renewal Area, in addition to the overall Urban Renewal Area, is attached as Exhibit "B".

AREA DESIGNATION

With the adoption of this Amendment No. 3, the City of Windsor Heights is designating the property being added by this Amendment as an economic development area that is appropriate for the promotion of commercial and industrial development and blight remediation.

The entire Urban Renewal Area continues to be designated as an economic development area for the promotion of commercial development and blight remediation. Land being added by this Amendment is needed to accommodate projects resulting from existing development and anticipated future development activities. A portion of the land being added by this Amendment includes the public right-of-way of Hickman Road and 73rd Street. These two streets are major thoroughfares linking the Area together. Public Infrastructure projects are proposed along these right-of-way areas, which will allow continued development within, and accessibility to, the Area.

LAND USE PLAN AND ZONING

The City of Windsor Heights has a general plan for the physical development of the City as a whole outlined in the Comprehensive Plan, dated July 8, 2013. The goals and objectives of this Urban Renewal Plan, as amended, are in conformity with the City's Comprehensive Plan.

No zoning district changes for existing or future land uses are contemplated at this time, other than potential zoning changes in connection with possible future commercial development along and adjacent to Hickman Road. The Urban Renewal Plan, as amended, does not in any way replace the City's current land use planning or zoning regulation process.

OVERALL OBJECTIVES

Renewal activities are designed to provide opportunities, incentives, and sites for community economic development purposes, including new and existing commercial and industrial development. Objectives include:

1. To contribute to a diversified, well-balanced economy by facilitating development of commercial facilities within the Consolidated Area and the resulting creation of new supporting job opportunities and strengthening of the tax base.
2. To provide for the installation of public works and facilities, which contribute to the revitalization of the area and to the sound development of the entire City.
3. To eliminate blighting influences and promote revitalization.
4. To plan and provide sufficient land for commercial and industrial development in a manner that is efficient from the standpoint of providing municipal services.
5. To provide appropriate funding for construction of necessary public improvements and extension of utilities, and the elimination of conflicts between pedestrian and street traffic.

6. To plan and provide for commercial development consistent with City land use and development policies and regulations.
7. To facilitate and encourage commercial growth and development through the use of appropriate and available incentives, including various federal, State and local sources as identified in this Urban Renewal Plan.
8. To stimulate, through public action and commitment, private investment in commercial development.
9. To help develop a sound economic base that will serve as the foundation for future growth and development.

TYPES OF RENEWAL ACTIVITIES

Renewal activities are designed to provide opportunities, incentives, and sites for redevelopment, revitalization, and economic development purposes. As a renewal activity, the City may:

1. Undertake and carry out urban renewal projects through the execution of contracts and other instruments.
2. Arrange for, or cause to be provided, the construction or repair of public infrastructure and facilities, including installation of new public buildings, the redevelopment and improvement of Colby Park and other parks, playgrounds and recreational, community, educational, water and sewage facilities, streets and right-of-way improvements, bridges, sidewalks, streetscaping, landscaping and other improvements which are necessary to serve and improve the Consolidated Area.
3. Provide for the construction of specific site improvements including site grading and required utility relocations, to assist private development as deemed appropriate by the City Council, or to make grants to developers for the costs thereof.
4. To acquire property through a variety of means (purchase, lease, option, etc.) and to hold, clear, or prepare the property for redevelopment.
5. To dispose of property that has been acquired.
6. To undertake the demolition and clearance of existing development.
7. Make loans or grants to private persons or businesses for economic development purposes on such terms as may be determined by the City Council

payable from, or reimbursed through, tax increment revenues generated within the Consolidated Area.

8. Borrow money and to provide security therefore.
9. Make, or have made, surveys and plans necessary for the implementation of the urban renewal program or specific urban renewal projects.
10. Use tax increment financing to facilitate economically feasible and marketable development.
11. Acquisition, disposition, transfer, clearance, and redevelopment of properties as needed within the Consolidated Area. The City Council may acquire any property or interest which it determines to be necessary or advisable to carry out the Plan. These actions may include purchase or disposition of properties, relocation of occupants, demolition of buildings, and preparation of sites for redevelopment, including abatements of environmental hazards.
12. Installation of new streets and circulation ways, curbs, bridges, sidewalks, and water and sewer improvements, as required for the implementation of specific project plans.
13. Construction or installation of improvements within public right-of-ways or other public properties, including street and utility improvements at the intersections of 63rd Street and Hickman Road and at Westover Blvd. and Hickman Road, as well as sidewalks, street landscaping, street graphics, street furniture, lighting, intersection nodes, public open spaces and plazas, burial of overhead wires and distribution lines, and other related improvements.
14. Redesign and reconstruction of public parking areas, street access points, and curbs and curb cuts.
15. Use any or all other powers granted by Chapter 403 and Chapter 15A, Code of Iowa, to develop and provide for improved economic conditions for the City of Windsor Heights and State of Iowa.

PREVIOUS URBAN RENEWAL PROJECTS

Various Urban Renewal Projects not listed in this Amendment were authorized prior to this Amendment and are continuing.

PROPOSED URBAN RENEWAL PROJECTS

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

1. **Public Improvements:**

Project	Estimated Date	Estimated cost not to exceed	Rationale
Improvement and/or repair of infrastructure along University Avenue from 63 rd to 73 rd Street, including street, water and sewer.	2014-2020	\$1.1 million	Improved infrastructure attracts business and economic development to blighted and aging areas of the community.
Improvement and/or repair of infrastructure along 73 rd Street, from University to Hickman, including street, water and sewer.	2014-2020	\$1 million	Improved infrastructure attracts business and economic development to blighted and aging areas of the community.
Sidewalks and lighting along Hickman Road, expected to consist of a 6 foot meandering sidewalk with pedestrian lights from 73 rd Street westerly to Canterbury Road.	2014-2021	\$80,000	These Improvements enhance pedestrian safety and accommodate increased pedestrian and vehicular traffic from commercial development.

2. **Development Agreements:**

A. **Kum and GO.** Kum and GO is contemplating building a new store at 73rd and University, with construction to begin in 2014 or 2015. The City is considering financial incentives, possibly in the form of tax rebates, to assist Kum and GO with construction costs associated with full bricking of construction columns, in accordance with City design guidelines. Incentives are expected to consist of no more than \$30,000.

B. **Colby/Sherwood Forest Co.** The City expects to assist the owner of the Sherwood Forest shopping plaza with the cost of substantial improvements at the center. Some of the improvements that have been discussed are parking improvements, such as construction of 2 inch HMA resurfacing of entire parking area and restriping HMA, estimated to cost approximately \$625,000, the construction of permeable parking along edges that drain other parking, including 700 – 14,000 square foot pavers, rock base, etc., estimated to cost approximately \$160,000, the construction of handicapped ramps in limited areas, expected to cost approximately \$35,000, the purchase and installation of parking lot lighting, expected to consist of replacement of an estimated 11 existing lights with high efficiency LED lights plus electrical if needed, estimated to cost approximately

\$125,000, and the installation of Bioswales and cleansing cells or other improvements designed to reduce storm water runoff, estimated to cost approximately \$120,000. In sum, financial incentives are expected to consist of no more than \$1,065,000.

C. Additional Development Agreements. The City expects to consider requests for 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 loans, grants, tax rebates, the sale or transfer of city-owned land and other incentives. The costs of such Development Agreements will not exceed \$1 million.

2. Planning, engineering fees, attorney fees and related costs to support urban renewal projects

Fees and costs: The City expects to incur fees and costs to support urban renewal projects in an amount not to exceed \$50,000 annually or \$250,000 total.

DEBT

- 1) Current Constitutional debt limit of the City is \$19,047,166.
- 2) Current general obligation debt of the City is \$12,970,000.
- 3) Proposed amount of indebtedness to be incurred: A specific amount of debt to be incurred for the Proposed Urban Renewal Projects (Amendment #3) has not yet been determined. This document is for planning purposes only. The estimated project costs in this Amendment are estimates only and will be incurred and spent over a number of years. In no event will the City's constitutional debt limit be exceeded. The City Council will consider each project proposal on a case-by-case basis to determine if it is in the City's best interest to participate before approving an urban renewal project or expense. It is further expected that such indebtedness, including interest on the same, may be financed in whole or in part with tax increment revenues from the Urban Renewal Area. Subject to the foregoing, it is estimated that the cost of the Proposed Urban Renewal Projects as described above will be approximately as follows: \$4,525,000.

URBAN RENEWAL FINANCING

The City of Windsor Heights intends to utilize various financing tools such as those described below to successfully undertake the proposed urban renewal actions. The City of Windsor Heights has the statutory authority to use a variety of tools to finance physical improvements within the Area. 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, economic development incentives or other urban renewal 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 proposed 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, and in any event upon the expiration of the tax increment district.

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 and for other urban renewal projects. Such bonds are payable from the levy of unlimited ad valorem taxes on all the taxable property within the City of Windsor Heights. 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 or private entities in connection with the urban renewal projects identified in the Plan, as amended. 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 Area. Alternatively, the City may determine to use available funds for making such loans or grants or other incentives related to urban renewal projects.

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 the Urban Renewal Plan.

PROPERTY ACQUISITION/DISPOSITION/DEVELOPMENT AGREEMENTS

Notwithstanding any prior Plan provisions, the City will follow any applicable requirements for the acquisition and disposition of property, and the City shall determine the terms of development agreements, subject to the City's discretion.

RELOCATION

The need for relocation of residents or businesses by the City is not anticipated. However, the City will provide any required applicable relocation costs.

URBAN RENEWAL PLAN AMENDMENTS

The Urban Renewal Plan may be amended for a variety of reasons, including, but not limited to, changes in the area, to modify goals or types of renewal activities, or to amend property acquisition and disposition provisions.

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

EFFECTIVE PERIOD

This Amendment No. 3 will become effective upon its adoption by the City Council. The Urban Renewal Plan, as so amended, shall remain in effect until terminated by the City Council.

Notwithstanding any contrary statement in prior plans, resolutions, ordinances or amendments, this Plan, as amended, shall stay in effect until the City Council amends or terminates the Plan, as amended. The division of revenues shall continue on the Area, including all Amendment Areas, for the maximum period allowed by law.

REPEALER

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

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 any part of the Plan not determined to be invalid or unconstitutional.

EXHIBIT "A"

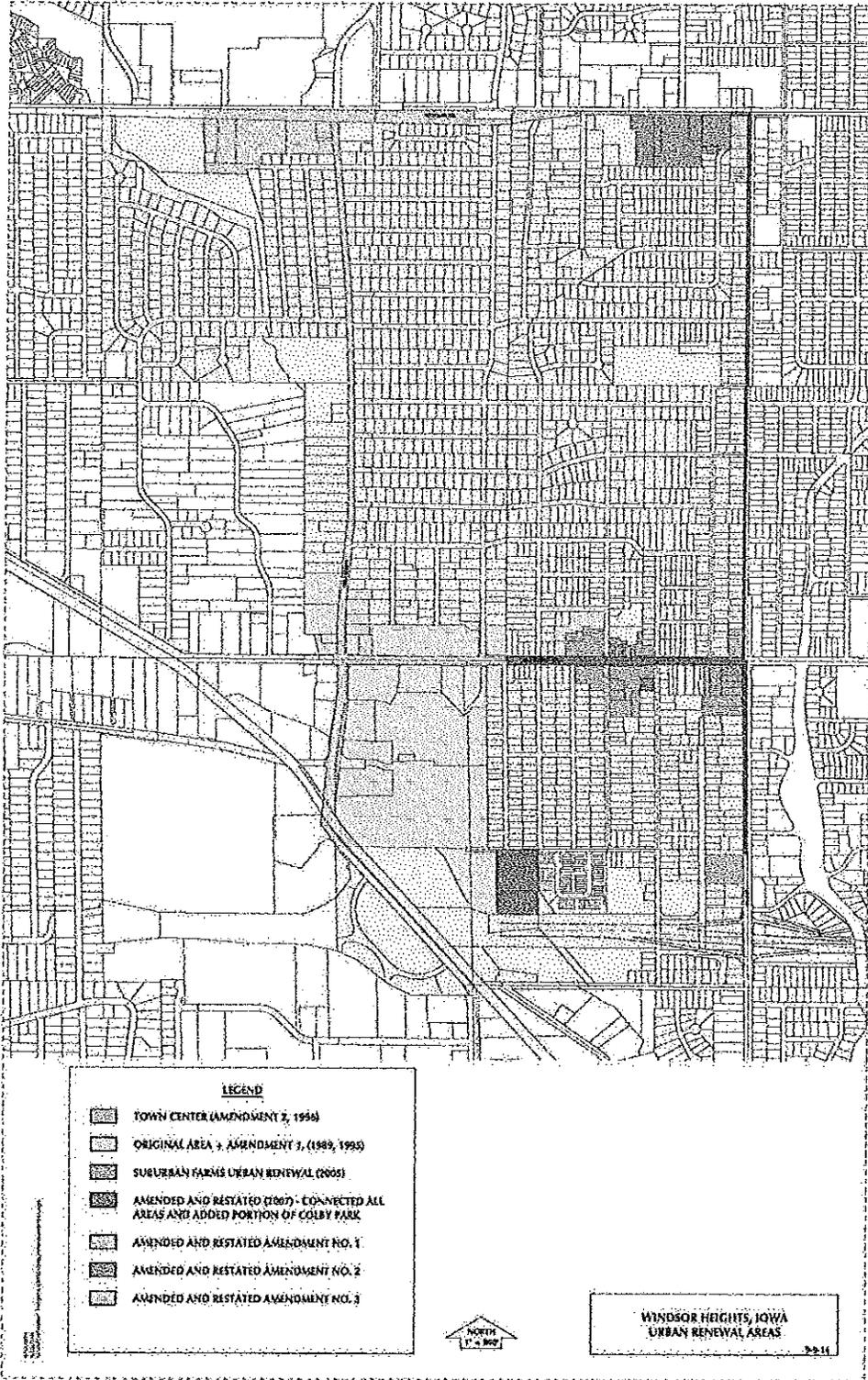
The area being added to the Urban Renewal Area is described as follows:

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

- Lot 1, Sherwood Forest Plat No. 1
- Lot 2, Sherwood Forest Plat No. 1
- Lot 3, Sherwood Forest Plat No. 1
- Lot 4, Sherwood Forest Plat No. 1
- Lot 5, Sherwood Forest Plat No. 1
- Lot 6, Sherwood Forest Plat No. 1
- Lot 16, Sherwood Forest Plat No. 1
- Lot 4, Plaza Hills Plat 5
- Lot 5, Plaza Hills Plat 5
- Lot 6, Plaza Hills Plat 5
- Lot 7, Plaza Hills Plat 5
- North 325.00 feet, Lot 8, Plaza Hills Plat 5
- East 15.00 feet of the North 152.00 feet, Lot 9, Plaza Hills Plat 5
- East 3.00 feet of the South 173.00 feet of the North 325.00 feet, Lot 9, Plaza Hills Plat 5
- North 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
- 73rd Street lying East and adjacent to Lots 3, 4 and 6, Sherwood Forest Plat No. 1
- 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
- Hickman Road lying East of 73rd Street and West of 63rd Street
- 73rd Street from Hickman Road to the Westbound entrance to Interstate 235
- University Avenue from 73rd Street to 69th Street.

EXHIBIT "B"



01030224-1\11366-043

Final - Approval Date 10/20/14

Urban Renewal Consultation Meeting Minutes
September 24, 2014, 10:00am, Windsor Heights City Hall

The Urban Renewal Consultation meeting was held Wednesday, September 24, 2014 at 10:00am.

Present: City Administrator Jeff Fiegenschuh and Interim City Administrator Brett Klein.

No representatives from Polk County Auditor's office, Des Moines School District, or West Des Moines School District showed up.

The meeting concluded at 10:15am.