

RESOLUTION NO. 14-1062

RESOLUTION DETERMINING AN AREA OF THE CITY TO BE A BLIGHTED AND ECONOMIC DEVELOPMENT AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE RESIDENTS OF THE CITY; DESIGNATING SUCH AREA AS APPROPRIATE FOR URBAN RENEWAL PROJECTS; AND ADOPTING AMENDMENT NO. 3 TO THE AMENDED AND RESTATED URBAN RENEWAL PLAN

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, a proposed Amendment No. 3 to the Amended and Restated Urban Renewal Plan ("Plan" or "Urban Renewal Plan") for the Amended and Restated Urban Renewal Area ("Area" or "Urban Renewal Area") described below has been prepared, which proposed Amendment is on file 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 Area adds land, as follows:

**AMENDMENT NO. 3 AREA TO
AMENDED AND RESTATED URBAN RENEWAL PLAN**

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.

WHEREAS, the proposed Amendment No. 3 to the Amended and Restated Urban Renewal Plan may include land classified as agricultural land and, if so, written permission of the current owners has been obtained; and

WHEREAS, it is desirable that the Area be redeveloped as part of the activities described within the proposed Amendment No. 3 to the Amended and Restated Urban Renewal Plan ; and

WHEREAS, by resolution adopted on September 15, 2014, this Council directed that a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed Amendment No. 3 to the Amended and Restated Urban Renewal Plan and the division of revenue described therein, and that notice of the consultation and a copy of the proposed Amendment No. 3 to the Amended and Restated Urban Renewal Plan be sent to all affected taxing entities; and

WHEREAS, pursuant to such notice, the consultation was duly held as ordered by the City Council and all required responses to the recommendations made by the affected taxing entities, if any, have been timely made as set forth in the report of the City Administrator, or his delegate, filed herewith and incorporated herein by this reference, which report is in all respects approved; and

WHEREAS, by resolution this Council also set a public hearing on the adoption of the proposed Amendment No. 3 to the Amended and Restated Urban Renewal Plan for this meeting of the Council, and due and proper notice of the public hearing was given, as provided by law, by timely publication in the Des Moines Register, which notice set forth the time and place for this hearing and the nature and purpose thereof; and

WHEREAS, in accordance with the notice, all persons or organizations desiring to be heard on the proposed Amendment No. 3 to the Amended and Restated Urban Renewal Plan, both for and against, have been given an opportunity to be heard with respect thereto and due consideration has been given to all comments and views expressed to this Council in connection therewith and the public hearing has been closed.

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

Section 1. That the findings and conclusions set forth or contained in Amendment No. 3 concerning the area of the City of Windsor Heights, State of Iowa, described in the preamble hereof, be and the same are hereby ratified and confirmed in all respects as the findings of this Council for this area.

Section 2. This Council further finds:

A. Although relocation is not expected, a feasible method exists for the relocation of any families who will be displaced from the Amended and Restated Urban Renewal Area into decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;

B. The Plan, as amended, and Amendment No. 3 to the Amended and Restated Urban Renewal Plan conform to the general plan for the development of the City as a whole; and

C. Acquisition by the City is not immediately expected, however, as to any areas of open land to be acquired by the City included within the Amended and Restated Urban Renewal Area:

i. Residential use is not expected, however, with reference to any portions thereof which are to be developed for residential uses, this City Council hereby determines that a shortage of housing of sound standards and design with decency, safety and sanitation exists within the City; that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; and that one or more of the following conditions exist:

a. That the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas, including other portions of the urban renewal area.

b. That conditions of blight in the municipality and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime, so as to constitute a menace to the public health, safety, morals, or welfare.

c. That the provision of public improvements related to housing and residential development will encourage housing and residential development which is necessary to encourage the retention or relocation of industrial and commercial enterprises in this state and its municipalities.

d. The acquisition of the area is necessary to provide for the construction of housing for low and moderate income families.

ii. Non-residential use is expected and with reference to those portions thereof which are to be developed for non-residential uses, such non-residential uses are necessary and appropriate to facilitate the proper growth and development of the City in accordance with sound planning standards and local community objectives.

Section 3. That the Amended and Restated Urban Renewal Area, as amended, continues to be a blighted and economic development area within the meaning of Iowa Code Chapter 403; that such area is eligible for designation as an urban renewal area and otherwise meets all requisites under the provisions of Chapter 403 of the Code of Iowa; and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of this City.

Section 4. That Amendment No. 3 to the Amended and Restated Urban Renewal Plan of the City of Windsor Heights, State of Iowa, attached hereto as Exhibit 1 and incorporated herein by reference, be and the same is hereby approved and adopted as "Amendment No. 3 to the Amended and Restated Urban Renewal Plan for the City of Windsor Heights, State of Iowa"; Amendment No. 3 to the Amended and Restated Urban Renewal Plan of the City of Windsor Heights, State of Iowa, is hereby in all respects approved; and the City Clerk is hereby directed to file a certified copy of Amendment No. 3 with the proceedings of this meeting.

Section 5. That, notwithstanding any resolution, ordinance, plan, amendment or any other document, the original Amended and Restated Urban Renewal Plan, and the Plan as amended, shall be in full force and effect from the date of this Resolution until the Council amends or repeals the Amendment. The proposed Amendment No. 3 to the Amended and Restated Urban Renewal Plan shall be forthwith certified by the City Clerk, along with a copy of this Resolution, to the Recorder for Polk County, Iowa, to be filed and recorded in the manner provided by law.

Section 6. That all other provisions of the Plan not affected or otherwise revised by the terms of Amendment No. 3, as well as all resolutions previously adopted by this City Council related to the Plan be and the same are hereby ratified, confirmed and approved in all respects.

PASSED AND APPROVED this 20th day of October, 2014.

Steve Peterson, Mayor Pro Tem

ATTEST:

Brett Klein, Interim City Administrator

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

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 #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.

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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"

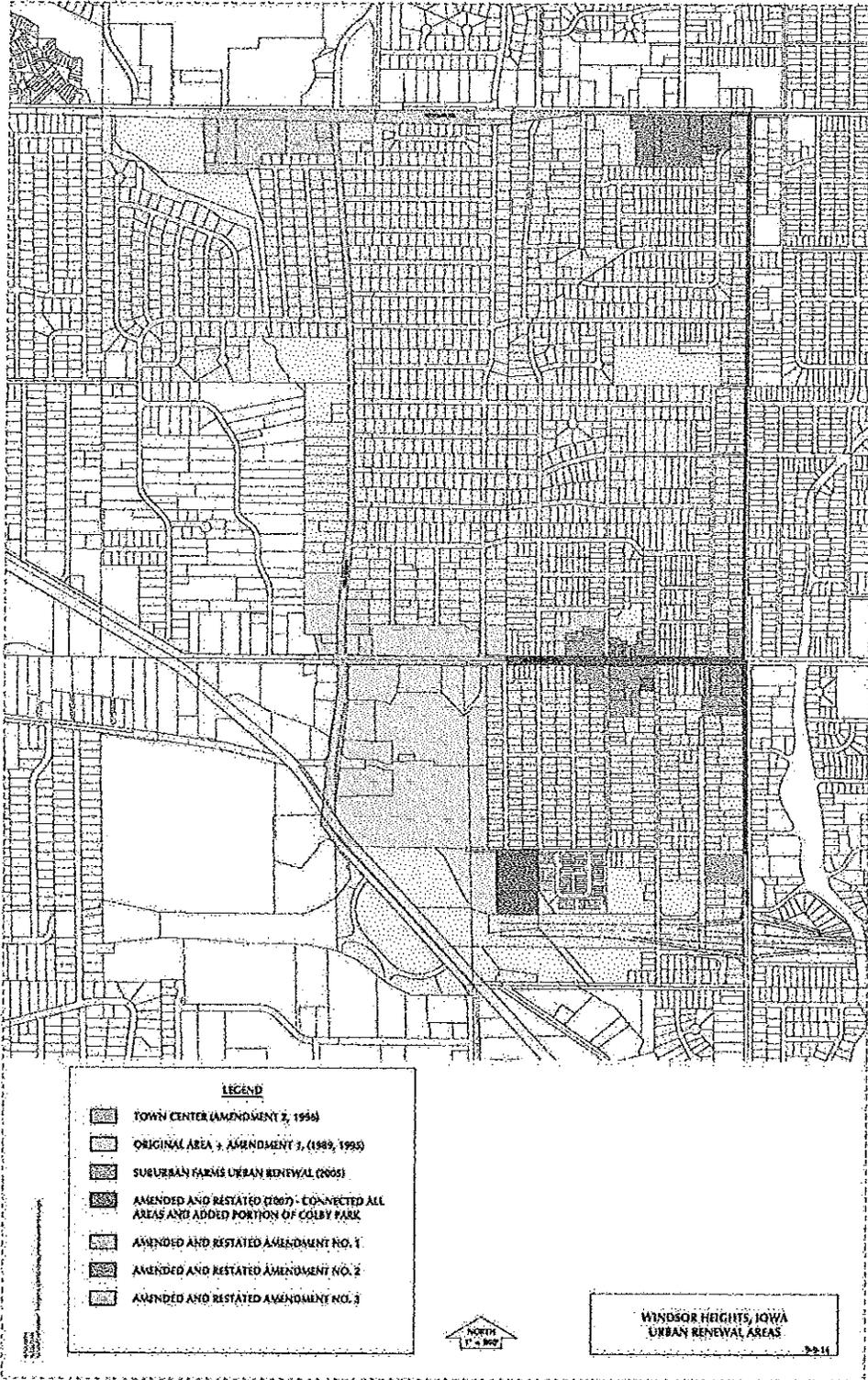
The area being added to the Urban Renewal Area is described as follows:

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

ORDINANCE NO. 14-12

AN ORDINANCE AMENDING ORDINANCE NOS. 89-1, 95-10, 96-5, 06-01, 09-07 AND 12-15, PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE AMENDED AND RESTATED URBAN RENEWAL AREA, IN THE CITY OF WINDSOR HEIGHTS, COUNTY OF POLK, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF WINDSOR HEIGHTS, COUNTY OF POLK, DES MOINES AND WEST DES MOINES COMMUNITY SCHOOL DISTRICTS, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE CITY IN CONNECTION WITH THE AMENDED AND RESTATED URBAN RENEWAL AREA (AMENDMENT NO. 3 TO THE AMENDED AND RESTATED URBAN RENEWAL PLAN)

WHEREAS, the City Council of the City of Windsor Heights, State of Iowa, has heretofore, in Ordinance Nos. 89-1, 95-10, 96-5, 06-01, 09-07 and 12-15, provided for the division of taxes within the Amended and Restated Urban Renewal Area (also known as Consolidated Urban Renewal Area), pursuant to Section 403.19 of the Code of Iowa; and

WHEREAS, additional territory now has been added to the Amended and Restated Urban Renewal Area (“Amended and Restated Urban Renewal Area” or “Area”) through the adoption of Amendment No. 3 to the Amended and Restated Urban Renewal Plan; and

WHEREAS, indebtedness has been incurred by the City, and additional indebtedness is anticipated to be incurred in the future, to finance urban renewal project activities within the Amended and Restated Urban Renewal Area, and the continuing needs of redevelopment within the Amended and Restated Urban Renewal Area are such as to require the continued application of the incremental tax resources of the Amended and Restated Urban Renewal Area; and

WHEREAS, the following enactment is necessary to accomplish the objectives described in the premises.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDSOR HEIGHTS, STATE OF IOWA, THAT:

Ordinance Numbers 89-1, 95-10, 96-5, 06-01, 09-07 and 12-15 are hereby amended to read as follows:

Section 1. For purposes of this Ordinance, the following terms shall have the following meanings:

(a) Original Project Sub-Area shall mean that portion of the City of Windsor Heights, Iowa described in the Urban Renewal Plan, approved by Resolution No. 85-25 on January 19, 1989, which Original Project Area includes the lots and parcels located within the area legally described as follows:

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.

(b) Amendment No. One Sub-Area shall mean that portion of the City of Windsor Heights, Iowa described in the Urban Renewal Plan, approved by Resolution No. 95-185 on May 22, 1995, which Amendment No. One Sub-Area includes the lots and parcels located within the area legally described as follows:

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.

(c) Amendment No. Two Sub-Area shall mean that portion of the City of Windsor Heights, Iowa described in the Urban Renewal Plan, approved by Resolution No. 96-338 on

October 28, 1996, which Amendment No. Two Sub-Area includes the lots and parcels located within the area legally described as follows:

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

(d) Suburban Farms Sub-Area shall mean that portion of the City of Windsor Heights, Iowa described in the Urban Renewal Plan, approved by Resolution No. 05-1205/287 on December 5, 2005, which Suburban Farms Sub-Area includes the lots and parcels located within the area legally described as follows:

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

(e) Colby Park Sub-Area shall mean that portion of the City of Windsor Heights, Iowa described in the Amended and Restated Urban Renewal Plan, approved by Resolution No. 07-0716/165 on July 16, 2007, which Colby Park Sub-Area includes the lots and parcels located within the area 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.

(f) Amendment No. 1 Area (63rd & Hickman Sub-Area) shall mean that portion of the City of Windsor Heights, Iowa described in Amendment #1 to the Urban Renewal Plan for the Consolidated Project Area approved by Resolution No. 09-1102/303 on November 2, 2009, which 63rd & Hickman Sub-Area includes the lots and parcels located within the area legally described as follows:

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.

(g) Amendment No. 2 Area shall mean that portion of the City of Windsor Heights, Iowa described in Amendment #2 to the Urban Renewal Plan for the Consolidated Project Area approved by Resolution No. 12-1015/313 on October 15, 2012, which Amendment No. 2 Area includes the lots and parcels located within the area legally described as follows:

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.

Locally known as 1146 65th St. Windsor Heights, IA 50324.

District/Parcel: 292/00479-001-000

(h) Amendment No. 3 Area shall mean that portion of the City of Windsor Heights, Iowa described in Amendment #2 to the Urban Renewal Plan for the Consolidated Project Area approved by Resolution No. 12-1015/313 on October 15, 2012, which Amendment No. 2 Area includes the lots and parcels located within the area legally 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.

(i) Amended and Restated Area shall mean that portion of the City of Windsor Heights, Iowa described in the Urban Renewal Plan, consisting of and including the Original Project Sub-Area, the Amendment No. One Sub-Area, the Amendment No. Two Sub-Area, the Suburban Farms Sub-Area, the Colby Park Sub-Area, the Amendment No. 1 Area to the Amended and Restated Plan Area (63rd & Hickman Sub-Area), the Amendment No. 2 Area to the Amended and Restated Plan Area, and the Amendment No. 3 Area to the Amended and Restated Plan Area each as described in this Subsection (h).

(j) Urban Renewal Plan shall mean the Amended and Restated Urban Renewal Plan for the Amended and Restated Area approved on July 16, 2007 by Resolution No. 07-0716/165, as amended by Amendment #1 thereto approved on November 2, 2009 by Resolution No. 09-1102/303, by Amendment #2 thereto approved on November 19, 2012 by Resolution No. 12-1119/355, and by Amendment No. 3 thereto approved on October 20, 2014 by Resolution No 14-1062.

Section 2. The taxes levied on the taxable property in the Amended and Restated Area, legally described in Section 1 hereof, by and for the benefit of the State of Iowa, County of Polk, Iowa, Des Moines and West Des Moines Community School Districts, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

Section 3. As to the Original Area, that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts taxing property in the Original Area upon the total sum of the assessed value of the taxable property in the Original Area as shown on the assessment roll as of January 1, 1989, being the first day of the calendar year preceding the effective date of Ordinance No. 89-1, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid. The taxes so determined shall be referred herein as the "base period taxes" for such area.

As to the Amendment No. One Sub-Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 1994,

being the assessment roll as of January 1 of the calendar year preceding the effective date of Ordinance No. 95-10.

As to the Amendment No. Two Sub-Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 1995, being the assessment roll as of January 1 of the calendar year preceding the effective date of Ordinance No. 96-5.

As to the Suburban Farms Sub-Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 2004, being the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City of Windsor Heights certified its tax increment indebtedness to the County Auditor in respect of such Sub-Area, as described in Ordinance No. 06-01.

As to the Colby Park Sub-Area (adopted as part of the Amended and Restated Plan) base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 2006, being the assessment roll as of January 1 of the calendar year preceding the effective date of Ordinance 09-07.

As to the Amendment No. 1 Area (63rd & Hickman Sub-Area), base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 2008, being the assessment roll applicable to property in such area as of January 1 of the calendar year preceding the effective date of Ordinance 09-07.

As to Amendment No. 2 Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 2011, being the assessment roll applicable to property in such area as of January 1 of the calendar year preceding the effective date of Ordinance 12-15.

As to Amendment No. 3 Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 2013, being the assessment roll applicable to property in such area as of January 1 of the calendar year preceding the effective date of this Ordinance.

Section 4. That portion of the taxes each year in excess of the base period taxes for the Amended and Restated Area, determined for each sub-area thereof as provided in Section 3 of this Ordinance, shall be allocated to and when collected be paid into the special tax increment fund previously established by the City of Windsor Heights, State of Iowa, to pay the principal of and interest on loans, monies advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under authority of Section 403.9 or Section 403.12 of the Code of Iowa, incurred by the City of Windsor Heights, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Amended and Restated Area pursuant to the Urban Renewal Plan, as amended, except that (i) taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Iowa Code Section 298.2 and taxes for the instructional support program of a school district imposed pursuant to Iowa Code Section 257.19 (but in each case only to the extent required under Iowa

Code Section 403.19(2)); (ii) taxes for the payment of bonds and interest of each taxing district; (iii) taxes imposed under Iowa Code Section 346.27(22) related to joint county-city buildings; and (iv) any other exceptions under Iowa Code Section 403.19 shall be collected against all taxable property within the Amended and Restated Area without any limitation as hereinabove provided.

Section 5. Unless or until the total assessed valuation of the taxable property in the areas of the Amended and Restated Area exceeds the total assessed value of the taxable property in the areas shown by the assessment rolls referred to in Section 3 of this Ordinance, all of the taxes levied and collected upon the taxable property in the Amended and Restated Area shall be paid into the funds for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes.

Section 6. At such time as the loans, monies advanced, bonds and interest thereon and indebtedness of the City of Windsor Heights, State of Iowa, referred to in Section 4 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Amended and Restated Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

Section 7. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to continue the division of taxes from property within the Original Area under the provisions of Section 403.19 of the Code of Iowa, as authorized in Ordinance Nos. 89-1, 95-10, 96-5, 06-01, 09-07 and 12-15, and to fully implement the provisions of Section 403.19 of the Code of Iowa with respect to the division of taxes from property within the Amendment No. 3 Area to the Amended and Restated Plan as described above. Notwithstanding any provisions in any prior Ordinances or other documents, the provisions of this Ordinance and all prior Ordinances relating to the Urban Renewal Area, as amended, shall be construed to continue the division of taxes from property within the Area to the maximum period of time allowed by Section 403.19 of the Code of Iowa. In the event that any provision of this Ordinance shall be determined to be contrary to law it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to the Amended and Restated Area and the territory contained therein.

Section 8. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 20th day of October, 2014.

Steve Peterson, Mayor Pro Tem

ATTEST:

Brett Klein, Interim City Administrator

Read First Time: _____, 2014

Read Second Time: _____, 2014

Read Third Time: _____, 2014

PASSED AND APPROVED: _____, 2014.

I, _____, City Clerk of the City of Windsor Heights, State of Iowa, hereby certify that the above and foregoing is a true copy of Ordinance No. _____ passed and approved by the City Council of the City at a meeting held _____, 2014, signed by the Mayor on _____, 2014, and published in the Des Moines Register on _____, 2014.

City Clerk, City of Windsor Heights, State of Iowa

(SEAL)

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.