

**OFFICE OF THE CITY ADMINISTRATOR**

Johnston, Iowa

AGENDA COMMUNICATION

August 25, 2008

**SUBJECT:** Determine if Amendment No. 2 to the Beaver Creek West Economic Development Urban Renewal Area is in conformance with the general plan for development in Johnston

**ACTION REQUIRED:**

- Ordinance
- Resolution
- Approval
- Receive/File
- Attorney Review

**SYNOPSIS:**

In August 1996 the city established the Beaver Creek West TIF (Tax Increment Financing) Urban Renewal Area. The TIF district includes a commercial subdivision known as West Park. KC Holdings is in the process of beginning a project in West Park that involves the construction of up to six office buildings. The project will be phased in over a 12-year period with the potential of property tax rebates extending for up to 17 years. Since the Beaver Creek West Urban Renewal Area sunsets prior to the full build out of the West Park project it has been determined that it is best to remove West Park from the Beaver Creek West TIF and include it in the TIF district being established along NW 100<sup>th</sup> Street. The new district will enable the West Park project to build out over time.

By removing West Park from the Beaver Creek West district the current property tax valuation will be 'released' and entire amount of taxes generated on the property will be spread among the taxing authorities.

The action of the Commission is to determine if the amendment to the plan is in conformance with the general plan for the development of the city.

Attached is a copy of the amendment to the plan and map that shows the area to be removed from the TIF district.

**FISCAL IMPACT:**

The full value of the current property taxes generated in West Park will be collected and distributed among the taxing authorities including the city, county and school district. No more taxes will be collected for retirement of TIF obligations in the Beaver Creek West TIF district.

**RECOMMENDATION:**

AMENDMENT NO. 2

TO THE

**BEAVER CREEK WEST  
ECONOMIC DEVELOPMENT PLAN**

OF THE

CITY OF JOHNSTON, IOWA

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July 1996

Amendment No. 1 – November 2005

Amendment No. 2 – September 2008

AMENDMENT NO. 2

BEAVER CREEK WEST  
ECONOMIC DEVELOPMENT PLAN  
CITY OF JOHNSTON, IOWA

The Beaver Creek West Economic Development Plan (the "Plan"), approved by Resolution No. 96-147 of the City Council of the City of Johnston, Iowa on July 15, 1996, and amended by Resolution No. 05-345 of the City Council of the City of Johnston, Iowa on November 21, 2005, is hereby further amended as follows:

1. Section B of the Plan, entitled "LEGAL DESCRIPTION AND DESIGNATION", is hereby deleted in its entirety and the following is hereby added as a new Section B:

**B. LEGAL DESCRIPTION AND DESIGNATION**

The Beaver Creek West Economic Development Area consists of the Original Project Area approved by Resolution No. 96-147 on July 15, 1996, minus the "Area Deleted By Amendment No. 1", plus the "Area Added By Amendment No. 1", minus the "Area Deleted by Amendment No. 2", all as described below, to wit:

ORIGINAL PROJECT AREA

Included are the following contiguous parcels located in Sections 10, 11 and 14 of Township 79 North, Range 25 West of the 5th P.M., Johnston, Iowa.

Parcel A

Commencing at a point along the west line of Section 11, 40 feet north of the Northwest corner of Section 14; thence east along the north right-of-way line of NW 54th Avenue to a point at the southeast corner of Lot 12 Glendale Oaks Plat 1; thence south to a point on the south right-of-way line of NW 54th Avenue; thence east along said south right-of-way line of NW 54th Avenue to a point on the west line of Gould Heights Plat 1; thence 1,280.61 feet along the west line of

Gould Heights Plat 1; thence 1,305.93 feet along the south line of said Gould Heights Plat 1; thence 1,329.01 feet to the northeast corner of the SW 1/4 of the NE 1/4 of Section 14; thence south 549.94 feet to a point on the north right-of-way line of Interstate 35/80; thence west along said right-of-way line S87E59'05"W 1326.71 feet; thence S88E00'40"W 1062.45 feet; thence N68E14'18"W 1,018.28 feet; thence N83E38'25"W 523.72 feet; thence using same bearing to a point on the west line of Section 14; thence north along said west line of Section 14 to the point of beginning.

Parcel B

That part of the right-of-way of Northwest 54th Avenue that lies north of the south Section line of Section 10, east of the west Section Line of Section 10 and west of the east line of Section 10.

Parcel C

The SW 1/4 of the SW 1/4, except for the south 33 feet, and the NW 1/4 of the SW 1/4, and, the west 5 acres of the NE 1/4 of the SW 1/4, and the west 15 acres of the SE 1/4 of the SW 1/4 except the south 33 feet, all of Section 10.

Parcel D

The SE 1/4 of the SE 1/4 except for the south 33 feet of Section 10, and the west 50 feet of the SW 1/4 of the SW 1/4 except for the south 40 feet of Section 11.

AREA DELETED BY AMENDMENT NO. 1

Lots 11 and 12, Johnston Commerce Park Plat 2, an official subdivision in Johnston, Polk County, Iowa,

AND

Lots 5, 6, and 7, Johnston Commerce Park Plat 1, an official subdivision in Johnston, Polk County, Iowa,

AREA ADDED BY AMENDMENT NO. 1

Lots 3 through 8, Glendale Oaks Plat 1, an official subdivision in Johnston, Polk County, Iowa.

AND

Lot 1, Glendale Oaks Plat 2, an official subdivision in Johnston, Polk County, Iowa.

AREA DELETED BY AMENDMENT NO. 2

Parcel B

That portion of Parcel B consisting of the west 1395.87 feet of the Northwest 54th Avenue that lies North of the South section line of Section 10, East of the West Section line of Section 10 and West of the east line of Section 10.

Parcel C

The SW 1/4 of the SW 1/4, except for the south 33 feet, and the NW 1/4 of the SW 1/4, and, the west 5 acres of the NE 1/4 of the SW 1/4, and the west 15 acres of the SE 1/4 of the SW 1/4 except the south 33 feet, all of Section 10.

See Exhibit A for a map of the Beaver Creek West Economic Development Plan Area, as amended.

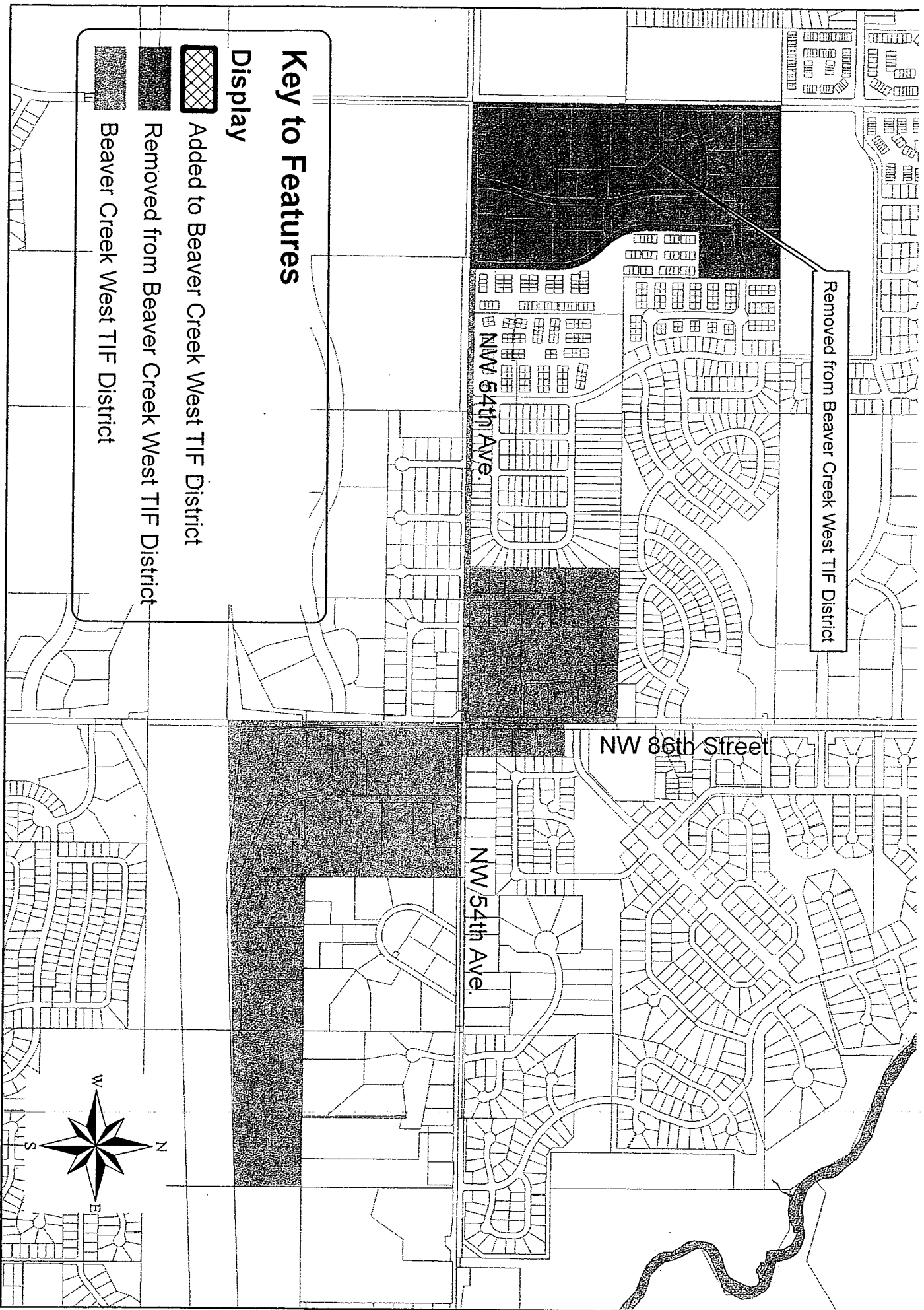
2. Section K of the Plan, entitled "DEBT", is hereby amended by adding the

following updated information:

As of August 1, 2008, the City of Johnston's outstanding general obligation indebtedness was \$38,970,000. Article XI, Section 3 of the Constitution of the State of Iowa limits the amount of City debt outstanding at any time to no more than five percent of the value, as shown by the last certified state and county tax list, of all taxable property within the City. Based upon the 2007 total actual value (collection year 2008/2009), the City currently is limited to \$81,362,961 of total general obligation indebtedness.

3. All other provisions of the Plan, as adopted by Resolution No. 96-147 on July 15, 1996, and amended by Resolution No. 05-345 on November 21, 2005, shall remain in full force and effect as provided therein.

DLILLEBO/ 587229.1 /MSWord10765.205



Removed from Beaver Creek West TIF District

NW 54th Ave.

NW 86th Street

NW 54th Ave.

### Key to Features

#### Display



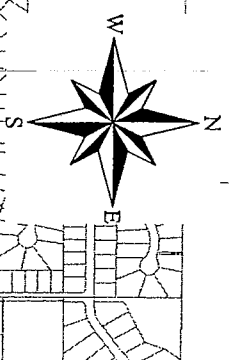
Added to Beaver Creek West TIF District



Removed from Beaver Creek West TIF District



Beaver Creek West TIF District



# Beaver Creek West TIF District Modification

