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BRANDY MACUMBER, COUNTY RECORDER
MADISON COUNTY IOWA

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Type of Document: RESOLUTION ADOPTING RUTHENIUM URBAN
RENEWAL PLAN (INCLUDING THE PLAN LABELED AS
EXHIBIT 1 AND ATTACHED TO THE RESOLUTION)

Return Document to: Ryan T. Jacobson
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GRANTORS: N/A

GRANTEES: N/A

LEGAL DESCRIPTION: See Exhibit A of Urban Renewal Plan.
02269542-1\11333-458

ITEM TO INCLUDE ON AGENDA

CITY OF WEST DES MOINES, IOWA

May 6, 2024

5:30 P.M.

Ruthenium Urban Renewal Plan

- Resolution determining an area of the City to be an 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 the Ruthenium Urban Renewal Plan

IMPORTANT INFORMATION

1. The above agenda items should be included, along with any other agenda items, in the meeting agenda. The agenda should be posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting. If no such office exists, the notice must be posted at the building in which the meeting is to be held.
2. If you do not now have a bulletin board designated as above mentioned, designate one and establish a uniform policy of posting your notices of meeting and tentative agenda.
3. Notice and tentative agenda must be posted at least 24 hours prior to the commencement of the meeting.

**NOTICE MUST BE GIVEN PURSUANT TO CHAPTER 21,
CODE OF IOWA, AND THE LOCAL RULES OF THE CITY.**

May 6, 2024

The City Council of the City of West Des Moines, State of Iowa, met in regular session, in the Council Chambers, City Hall, 4200 Mills Civic Parkway, West Des Moines, Iowa, at 5:30 P.M., on the above date. There were present Mayor Trimble, in the chair, and the following named Council Members:

Hudson, Hardman, Trevillyan, Loots, and McKinney (via
teleconference)

Absent: None

Vacant: None

* * * * *

The City Council was reminded that, after proper publication of notice, the public hearing on the matter of the proposal to approve and authorize execution of a proposed Ruthenium Urban Renewal Plan was held at the meeting of the Council on April 15, 2024, at which meeting the Council deferred action on the proposal until this date and time.

The City also was informed that the proposed Plan had been approved by the Planning and Zoning Commission as being in conformity with the general plan for development of the City as a whole, as set forth in the resolution of the Commission. The Commission's resolution was placed on file for consideration by the Council.

Council Member Hudson then introduced the following Resolution entitled "RESOLUTION DETERMINING AN AREA OF THE CITY TO BE AN 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 THE RUTHENIUM URBAN RENEWAL PLAN" and moved:

- that the Resolution be adopted.
- to defer action on the Resolution and the proposal to the meeting to be held at _____ .M. on the _____ day of _____, 2024, at this place.

Council Member Loots seconded the motion. The roll was called, and the vote was:

AYES: Hudson, Loots, Hardman, McKinney, Trevillyan

NAYS: None

Whereupon, the Mayor declared the measure duly adopted.

RESOLUTION NO. 24-05-06-18

RESOLUTION DETERMINING AN AREA OF THE CITY TO BE AN 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 THE RUTHENIUM URBAN RENEWAL PLAN

WHEREAS, it is hereby found and determined that one or more economic development areas, as defined in Chapter 403, Code of Iowa, exist within the City and the rehabilitation, conservation, redevelopment, development, or combination thereof, of the area is necessary in the interest of the public health, safety, or welfare of the residents of the City; and

WHEREAS, this Council has caused there to be prepared a proposed Ruthenium Urban Renewal Plan ("Plan" or "Urban Renewal Plan") for the Ruthenium Urban Renewal Area ("Area" or "Urban Renewal Area"), which proposed Plan is attached hereto as Exhibit 1 and which is incorporated herein by reference; and

WHEREAS, the purpose of the Plan is to form the Ruthenium Urban Renewal Area as an area suitable for economic development and to include a list of proposed projects to be undertaken within the Urban Renewal Area, and a copy of the Plan has been placed on file for public inspection in the office of the City Clerk; and

WHEREAS, the property proposed to be included in the Urban Renewal Area is legally described in the Plan and this Council has reasonable cause to believe that the Area described in the Plan satisfies the eligibility criteria for designation as an urban renewal area under Iowa law and; and

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

WHEREAS, the proposed Urban Renewal Area includes land classified as agricultural land and consequently written permission of the current owners has been obtained; and

WHEREAS, it is desirable that the Urban Renewal Area be redeveloped as described in the proposed Urban Renewal Plan to be known hereafter as the "Ruthenium Urban Renewal Plan"; and

WHEREAS, the Iowa statutes require the City Council to submit the proposed Urban Renewal Plan to the Planning and Zoning Commission for review and recommendation as to its conformity with the general plan for development of the City as a whole, prior to City Council approval thereof; and

WHEREAS, creation of the Urban Renewal Area and adoption of the Urban Renewal Plan therefore has been approved by the Planning and Zoning Commission for the City as being in conformity with the general plan for development of the City as a whole, as evidenced by its written resolution filed herewith, which report and recommendation is hereby accepted, approved in all respects and incorporated herein by this reference; and

WHEREAS, by resolution adopted on March 18, 2024, this Council directed that a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed Urban Renewal Plan and the division of revenue described therein, and that notice of the consultation and a copy of the proposed 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 Business Development Coordinator, 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 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, pursuant to notice published as required by law, this Council held a public hearing, at the April 15, 2024 Council meeting, upon the proposal to approve and authorize execution of the Plan, and all persons or organizations desiring to be heard on the proposed Urban Renewal Plan, both for and against, were 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.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, STATE OF IOWA:

Section 1. That the findings and conclusions set forth or contained in the proposed "Ruthenium Urban Renewal Plan" for the area of the City of West Des Moines, State of Iowa, legally described and depicted in the Plan and incorporated herein by reference (which area shall hereinafter be known as the "Ruthenium Urban Renewal Area"), be and the same are hereby adopted and approved 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 Urban Renewal Area into decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;

b) The Urban Renewal Plan conforms 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 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.

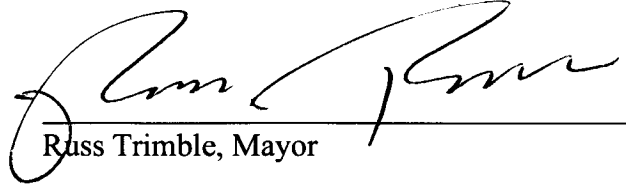
Section 3. That the Urban Renewal Area is an economic development area within the meaning of Chapter 403, Code of Iowa; that such area is eligible for designation as an urban renewal area and otherwise meets all requisites under the provisions of Chapter 403, Code of Iowa; and that the rehabilitation, 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 the Urban Renewal Plan, attached hereto as Exhibit 1 and incorporated herein by reference, be and the same is hereby approved and adopted as the "Ruthenium Urban Renewal Plan for the Ruthenium Urban Renewal Area"; the Urban Renewal Plan for such area is hereby in all respects approved; and the City Clerk is hereby directed to file a certified copy of the Urban Renewal Plan with the proceedings of this meeting.

Section 5. That, notwithstanding any resolution, ordinance, plan, amendment or any other document, the Urban Renewal Plan shall be in full force and effect from the date of this Resolution

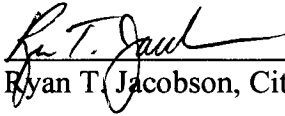
until the Council amends or repeals the Plan. Said Urban Renewal Plan shall be forthwith certified by the City Clerk, along with a copy of this Resolution, to the Recorder for Madison County, Iowa, to be filed and recorded in the manner provided by law.

PASSED AND APPROVED this 6th day of May, 2024.



Russ Trimble, Mayor

ATTEST:



Ryan T. Jacobson, City Clerk

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

**RUTHENIUM
URBAN RENEWAL PLAN**

FOR THE

**RUTHENIUM
URBAN RENEWAL AREA**

APRIL 2024

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I. INTRODUCTION

This Ruthenium Urban Renewal Plan (the "Plan") has been prepared to provide for the development of the Ruthenium Urban Renewal Area (the "Urban Renewal Area" or "Area" or "Plan Area"). The City is using its power and authority under the Plan to stimulate economic development. It is anticipated and intended that the public investment made as a result of this Plan will not only result in development of the Area, but also that such development and investment will serve as a catalyst for additional development in the surrounding area. Investment by the private sector as a result of this public action will expand the City's tax base, increase job opportunities, improve and maintain the quality of life in the community, and thereby achieve these public purposes and goals.

The proposed Urban Renewal Plan activities will serve as an economic catalyst for development within the Plan Area. The additional commercial and industrial development will provide local employment opportunities. The projects listed in the Plan provide for economic use of land, resulting in private investment that may not otherwise occur and thereby significantly increasing the taxable value of the property. It will also create a higher level of investment in the surrounding commercial and industrial properties both in the total amount of development and in the value of existing or future individual commercial and industrial structures, thus substantially increasing the tax base beyond that which would otherwise be probable for the Area.

The main impetus for the Plan is the pending decision of Microsoft Corporation ("Microsoft") to expand its presence in West Des Moines with another data center site ("Microsoft Project"), which would be located within this Area. The Microsoft Project is expected to generate increased taxable value and jobs within the City. The Microsoft Project is anticipated to include at least a \$62.5 million minimum assessment agreement for the facilities constructed as part of the Microsoft Project, meaning that the minimum valuation for property tax purposes shall be at least \$62.5 million when the Microsoft Project is completed, which will have a significant impact on the tax base. In addition, the infrastructure required for the Microsoft Project will open up surrounding property for future commercial and industrial development because the Microsoft Project is in an undeveloped part of the City.

II. AUTHORITY TO ADOPT AND IMPLEMENT PLAN-AREA DESIGNATION

Authority and powers to undertake this Plan are granted to the City of West Des Moines by Chapters 15, 15A and 403 of the 2021 Code of Iowa.

The City Council finds the Area to be suitable for designation as an economic development area, including but not limited to the following: to encourage the location and expansion of certain commercial and industrial enterprises to more conveniently provide needed employment services and facilities to the residents of the City, to alleviate and prevent conditions of unemployment by assisting and retaining local industries and commercial and industrial enterprises and to strengthen and revitalize the economy of the State and the City.

III. AREA DESCRIPTION

The property or Area included in this Plan is legally described in Exhibit "A" and depicted on the Urban Renewal Area map in Exhibit "B". Exhibits "A" and "B" are incorporated into

and made a part of this Plan.

IV. PLAN OBJECTIVES

The objectives of the Plan are to rectify the inadequacies in the infrastructure system as identified elsewhere in the Plan and promote commercial and industrial economic development and optimal growth of the tax base.

It is contemplated that urban renewal activities will include construction of new public and private infrastructure and reconstruction and improvement of existing infrastructure. In addition, economic development grants may also be used to promote commercial and industrial economic development and optimal growth of the tax base.

Generally, renewal activities are designed to provide opportunities, incentives, and sites for new and expanded commercial and industrial development. More specific objectives for development within the Urban Renewal Area are as follows:

1. To stimulate through public action and commitment, private investment in new development.
2. To provide a more marketable and attractive investment climate.
3. To achieve a diversified, well-balanced economy, improving the standard of living, creating job opportunities, and strengthening the tax base.
4. To help develop a sound economic base that will serve as the foundation for future growth and development.
5. To support and provide for currently planned and potential future commercial and industrial development in an undeveloped area of City.

The City does not currently contemplate acquisition of any land to be developed for residential use or economic development (except for the installation of public improvements), but rather anticipates that such development will be an undertaking of the private sector.

V. DESCRIPTION OF TYPES OF URBAN RENEWAL ACTIVITIES

To meet the objectives of this Urban Renewal Plan and to encourage the development of the Area, the City intends to utilize the powers conferred under Chapters 403, 15 and 15A, Code of Iowa including, but not limited to, tax increment financing. Some of the renewal activities anticipated include the following:

1. Improvement, installation, construction, relocation, and reconstruction of public infrastructure, including but not limited to roads and streets, utilities (water storage, wells, distribution lines); sanitary sewer; storm sewer; electric (installation, distribution, relocation); fiber optics, public facilities, bike/pedestrian trails, traffic signals and signage, turn lanes and activities related or associated with the foregoing.
2. To provide for the construction of site improvements including, but not limited to grading and site preparation activities, access roads, fencing, utility connections, and

related activities.

3. To provide for relocation benefits as required by law.
4. To make loans, grants, rebates, or other incentives to private persons or businesses for economic development purposes on such terms as may be determined by the City Council.
5. To borrow money and to provide security, therefore.
6. To make or have made surveys and plans necessary for the implementation of the urban renewal program or specific urban renewal projects.
7. To use tax increment financing for a variety of purposes.
8. Insure or provide for the insurance of any real or personal property or operations of the City against any risks or hazards, including payment of premiums on any such insurance.
9. To acquire property through a variety of means (purchase, lease, option, etc.) and to hold, clear, or prepare the property for development, and to dispose of said property.
10. Enter into any contracts necessary to effectuate the purposes of this Plan.
11. The use of any or all other powers granted by Chapters 15, 15A or 403, Code of Iowa to develop and provide for improved economic conditions for the City of West Des Moines and State of Iowa.

VI. LAND USE PLAN AND CONSISTENCY WITH COMPREHENSIVE PLAN

The Area is currently zoned for the following land uses: Light Industrial.

The City Council finds that the Plan is in conformity with the existing Connect 2 Create WDM adopted on October 17, 2022. The Connect 2 Create WDM is the City's general plan for the development of the City as a whole. In addition, the proposed urban renewal projects as described in this Plan conform with the Connect 2 Create WDM. This Urban Renewal Plan does not change or in any way replace the City's current land use planning or zoning regulation process.

Any urban renewal projects related to the need for improved traffic, public transportation, public utilities, recreational and community facilities, or other public improvements within the Urban Renewal Area are set forth in this Plan. As the Area develops, the need for public infrastructure extensions and upgrades will be evaluated and planned for by the City.

VII. URBAN RENEWAL FINANCING

The City of West Des Moines intends to utilize various financing tools such as those described below to successfully undertake the proposed urban renewal actions. The City of West Des Moines 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 (T.I.F.) mechanism to finance the costs of public improvements or economic development incentives associated with redevelopment 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, etc. 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 T.I.F. 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 or incenting commercial and industrial development consistent with this Plan. Such bonds are payable from the levy of unlimited ad valorem taxes on all the taxable property within the City of West Des Moines. It is the City's intent to abate 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 this Plan related to commercial or industrial development and other urban renewal projects. 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 this Urban Renewal Plan.

VIII. IMPLEMENTATION

Implementation of the activities in this Plan is at the City Council's discretion.

IX. PROPERTY ACQUISITION/DISPOSITION/RELOCATION

Any property acquisition/disposition necessary to accomplish the objectives of this Plan will be carried out, without limitation, in accordance with any required statutory procedures.

The City will comply with any required applicable State or Federal laws governing the relocation of persons displaced from the Area as a result of urban renewal projects undertaken pursuant to this Plan, although no such relocation is expected to be required at this time.

X. PROPOSED URBAN RENEWAL PROJECTS

The Microsoft Project is estimated to generate approximately \$210,000,00 of investment, 25 Full Time Equivalent Jobs, and support infrastructure to house servers and computer equipment to operate large-scale web portal services.

At this time, the urban renewal projects ("Proposed Projects" or "Proposed Urban Renewal Projects") to be undertaken within the Area are generally shown in the following section and may include other such improvements deemed appropriate and necessary by the City for furtherance of the urban renewal project.

A. Public Improvements

Description of Urban Renewal Project	Est. Time Period	Estimated cost to be reimbursed by tax increment financing	Rationale (why economic development is promoted)
Woodland Avenue – Veterans Parkway to SW 110 th Street – roadway and associated infrastructure in the right of way, including but not limited to fiber conduit and water main/appurtenances	2025-2029	\$5,400,000	Provide for the safe and orderly movement of vehicles and pedestrians and prepare Area for development.
SW 100 th Street – Woodland Avenue to SW 60 th Street - roadway and associated infrastructure in the right of way, including but not limited to fiber conduit and water main/appurtenances	2025-2029	\$8,640,000	Provide for the safe and orderly movement of vehicles and pedestrians and prepare Area for development.
Temporary Lift Station & Force Main	2025-2029	\$1,620,000	Provide the extension of sewer service to accommodate development while protecting water quality within the region.
SW 60 th St side path trail - Veterans Pkwy to SW 110 th St	2025-2029	\$270,000	Development of trail facilities enhances the multi-modal transportation network and improves quality of life of the area.
		\$15,930,000	

*Note: The Plan reflects anticipated street names for proposed streets to be located in the Area as depicted in Exhibit B.

**Note: It may be that the above costs will be reduced by the application of state and/or federal grants or programs; cost-sharing agreements with other entities; or other available sources of funds.

B. Development Agreement

The City plans to enter into a development agreement with Microsoft whereby Microsoft would agree to a minimum assessment agreement setting a minimum assessed value of the Microsoft Project of at least \$62,500,000 and the creation of at least 25 Full Time Equivalent Jobs. Subject to

the terms and conditions of the future development agreement, the City expects to construct the public improvements described above under “Public Improvements”. The Microsoft Project, Public Improvements, and related terms and conditions may vary upon completion of a development agreement.

- C. Planning, engineering fees (for urban renewal plans), attorney fees, other related costs to support urban renewal projects and planning

Project	Date	Estimated Cost
Fees and costs	Undetermined	\$20,000

XI. CITY INDEBTEDNESS AND FINANCIAL DATA

1.	July 1, 2023 constitutional debt limit:	\$506,339,850
2.	Outstanding general obligation debt:	\$362,298,046
3.	A specific amount of debt to be incurred for the Proposed Urban Renewal Projects has not yet been determined. At no time will the City exceed its constitutional debt limit. The Projects authorized in this Plan are only proposed projects at this time. The City Council will consider each Project proposal on a case-by-case basis to determine if it is consistent with the Plan and in the public’s best interest to participate in the Project. These Projects will commence and be concluded over a number of years. The City expects to issue bond indebtedness for the engineering and administration, construction of the Proposed Urban Renewal Projects, economic development grants, and possible land acquisitions related to the Proposed Projects. It is further expected that such indebtedness, including interest and costs on the same, will be financed in whole or in part with tax increment revenues from the Urban Renewal Area over the statutorily available period. Subject to the foregoing, it is estimated that the cost of the Proposed Urban Renewal Projects as described above could be up to this amount:	\$15,950,000 This amount does not include financing costs related to debt issuance, which may be incurred over the life of the Area.

XII. AGREEMENTS TO INCLUDE AGRICULTURAL LAND

Because some of the property being included in the Ruthenium Urban Renewal Area may be defined as “agricultural land” under Iowa Code Section 403.17(3), the owner of property that may qualify as agricultural land has entered into an agreement in which the property owner agrees to allow the City to include real property defined as “Agricultural Land” in the Urban Renewal Area. A copy of the agreement executed by the property owner is attached as Exhibit C. The original agreement executed by the property owner (with any exhibits) will be retained on file at the West Des Moines City Clerk’s office.

XIII. STATE AND LOCAL REQUIREMENTS

The City will comply with all provisions necessary to conform with State and local laws in implementing this Plan and its supporting documents.

XIV. AMENDMENTS

This Plan may be amended or revoked at any time by resolution of the West Des Moines City Council in accordance with the provisions of Chapter 403, Code of Iowa, 2023, and in any manner deemed appropriate to accomplish the objectives of the Plan.

XV. APPLICABILITY AND EFFECTIVE PERIOD

This Plan will become effective upon its adoption by the City Council and will remain in effect until terminated by the City Council.

With respect to any property covered by this Plan which is included in an ordinance which designates that property as a tax increment area, the use of incremental property tax revenues, or the "division of revenue" as those words are used in Chapter 403 of the Code of Iowa, currently is limited to twenty (20) years from the calendar year following the calendar year in which the City (following adoption of a TIF ordinance) first certifies to the County Auditor the amount of any loans, advances, indebtedness, or bonds which qualify for payment from the incremental property tax revenues attributable to that property. The division of revenues shall continue pursuant to the terms of each TIF ordinance for the maximum period allowed by law. However, the use of tax increment financing revenues (including the amount of loans, advances, indebtedness or bonds which qualify for payment from the division of revenue provided in Section 403.19 of the Iowa Code) by the City for activities carried out under this Plan shall be limited as deemed appropriate by the City Council and consistent with all applicable provisions of law.

XVI. SEVERABILITY

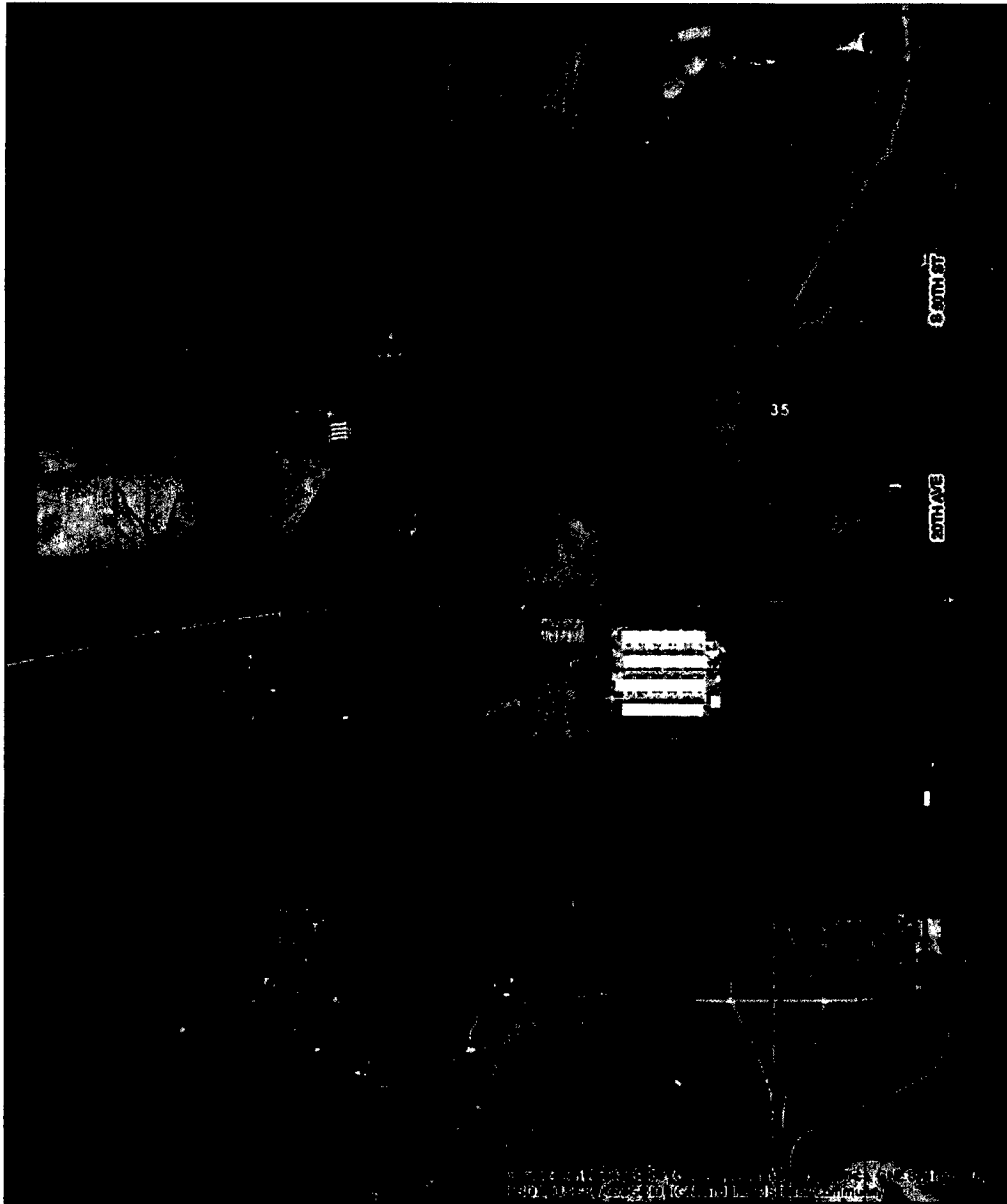
If any section, provision, or part of this Plan is adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Plan as a whole or any action, provision, or part hereof not adjudged to be invalid or unconstitutional.

EXHIBIT A

**LEGAL DESCRIPTION
RUTHENIUM URBAN RENEWAL AREA
WEST DES MOINES, IOWA**

BEGINNING AT A POINT 33.00 FEET EAST AND 33.00 FEET SOUTH OF THE SOUTHWEST CORNER OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA;
THENCE NORTH ALONG THE EAST RIGHT-OF-WAY LINE OF WOODLAND AVENUE TO THE CENTERLINE OF VETERANS PARKWAY;
THENCE EAST ALONG SAID CENTERLINE OF VETERANS PARKWAY TO THE EAST LINE OF STREET LOT 'A', OSMIUM WEST PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, MADISON COUNTY, IOWA AND ALSO BEING THE EAST LINE OF MADISON COUNTY AND WEST LINE OF WARREN COUNTY;
THENCE EAST CONTINUING ALONG SAID CENTERLINE OF VETERANS PARKWAY TO THE EAST LINE OF STREET LOT 'A', OSMIUM EAST PLAT 1, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, WARREN COUNTY, IOWA AND ALSO BEING THE WEST RIGHT-OF-WAY LINE OF INTERSTATE 35;
THENCE SOUTH CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE OF INTERSTATE 35 AND ALONG SAID EAST LINE OF STREET LOT 'A' AND ALONG THE EAST LINE OF OUTLOT 'Z' OF SAID OSMIUM EAST PLAT 1, TO THE SOUTHEAST CORNER OF SAID OUTLOT 'Z';
THENCE NORTHWESTERLY ALONG THE WESTERLY LINE OF SAID OUTLOT 'Z' TO THE NORTHWEST CORNER OF SAID OUTLOT 'Z', ALSO BEING THE SOUTH LINE OF SAID VETERANS PARKWAY RIGHT-OF-WAY;
THENCE WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF VETERANS PARKWAY TO THE WEST COUNTY LINE OF WARREN COUNTY AND THE EAST COUNTY LINE OF MADISON COUNTY;
THENCE CONTINUING WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF VETERANS PARKWAY TO THE NORTHWEST CORNER OF LOT 1 OF SAID OSMIUM WEST PLAT 1 AND ALSO THE EAST RIGHT-OF-WAY LINE OF SW 60TH STREET;
THENCE SOUTH ALONG SAID EAST RIGHT-OF-WAY LINE OF SW 60TH STREET AND THE SOUTHERLY EXTENSION THEREOF TO THE SOUTH RIGHT-OF-WAY LINE OF 110TH STREET;
THENCE WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF 110TH STREET TO A POINT OF BEGINNING.

**EXHIBIT B
BOUNDARY MAP
RUTHENIUM URBAN RENEWAL AREA**



	PROJECT Ruthenium Urban Renewal Area		Legend Ruthenium Urban Renewal Area	 0 500.000 2.000 Feet
	LOCATION Urban Renewal Area Boundary			
DRAWN BY BJM	DATE 10/6/2023	PROJECT 020-060	SHT 1 of 1	

EXHIBIT C
AGRICULTURAL LAND CONSENT

AGREEMENT TO INCLUDE AGRICULTURAL LAND IN
THE RUTHENIUM URBAN RENEWAL AREA

WHEREAS, the City Council of the City of West Des Moines, Iowa (the "City") has proposed to create an Urban Renewal Plan for the proposed Ruthenium Urban Renewal Area (the "Urban Renewal Area"), pursuant to Chapter 403 of the Code of Iowa in order to undertake activities authorized by that Chapter, including but not limited to the use of tax increment financing as provided in Section 403.19 of the Code of Iowa; and

WHEREAS, it has been proposed that the Urban Renewal Area include the following parcels:

011010168010000
011010166010000
010010180040000
010010180030000
; and

WHEREAS, the Parcels are owned by MICROSOFT CORPORATION (the "Undersigned"); and

WHEREAS, Section 403.17 of the Code of Iowa provides that no property may be included in an urban renewal area which meets the definition in that Section of "agricultural land," unless the owners of such property agree to include such property in such urban renewal area; and


WHEREAS, it has been determined that the portion of the Property owned by the Undersigned meets the definition of "agricultural land" in Section 403.17(3) of the Code of Iowa;

NOW, THEREFORE, it is hereby certified and agreed by the Undersigned as follows:

1. The Undersigned hereby certifies that it is the owner of a portion of the Property described on Exhibit A hereto.
2. The Undersigned hereby agrees that the City may include all of the Property owned by the Undersigned in the Urban Renewal Area.

DATED this 13 day of February, 2024.

MICROSOFT CORPORATION

By: 
Chris Sennott, Feb 13, 2024 10:54 PST

Title: General Manager

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF MADISON)

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

WITNESS my hand hereto affixed this 6th day of May, 2024.



City Clerk, City of West Des Moines, State of
Iowa