

RESOLUTION NO. 2020-08

A resolution to declare necessity and establish an urban renewal area, pursuant to Section 403.4 of the Code of Iowa and approve urban renewal plan and project for the Clay County Urban Renewal Area

WHEREAS, as a preliminary step to exercising the authority conferred upon Iowa counties by Chapter 403 of the Code of Iowa, the “Urban Renewal Law”, a county must adopt a resolution finding that one or more economic development areas exist in the county and that the development of such area or areas is necessary in the interest of the public health, safety or welfare of the residents of the county; and

WHEREAS, it has been recommended that an urban renewal area be established within the property described in Exhibit A to this Resolution; and

WHEREAS, notice of a public hearing by the Board of Supervisors on the question of establishing the area identified above as an urban renewal area and on a proposed urban renewal plan and project for the area was heretofore given in strict compliance with the provisions of Chapter 403 of the Code of Iowa, and the Board has conducted said hearing; and

WHEREAS, the proposed urban renewal plan and project were found by the Plan and Zoning Commission of the County to be consistent with the County’s general plan; and

WHEREAS, copies of the urban renewal plan, notice of public hearing and notice of a consultation meeting with respect to the urban renewal plan were mailed to the Clay Central Everly School District; the consultation meeting was held; and responses to any comments or recommendations received following the consultation meeting were made as required by law;

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Clay County, Iowa, as follows:

Section 1. An economic development area as defined in Chapter 403 of the Code of Iowa is found to exist within the property described in Exhibit A.

Section 2. The area identified in Section 1 hereof is hereby declared to be an urban renewal area, in conformance with the requirements of Chapter 403 of the Code of Iowa, and is hereby designated the Clay County Urban Renewal Area.

Section 3. The development of this area is necessary in the interest of the public health, safety or welfare of the residents of Clay County, Iowa.

Section 4. It is hereby determined by this Board of Supervisors as follows:

A. The proposed urban renewal plan conforms to the general plan of the County as a whole;

B. Proposed economic development in the urban renewal area is necessary and appropriate to facilitate the proper growth and development of the County in accordance with sound planning standards and local community objectives.

Section 5. The urban renewal plan for the Clay County Urban Renewal Area is made a part hereof and is hereby in all respects approved in the form presented to this Board, and the proposed project for such area based upon such plan is hereby in all respects approved.

Section 6. All resolutions or parts thereof in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved January 28, 2020.

/s/Dan Skelton, Chairperson, Board of Supervisors

Attest: /s/Marjorie A. Pitts, County Auditor

## EXHIBIT A

### Property Description

#### Clay County Urban Renewal Area

The right-of-way of certain County roads and bridges, as more specifically shown on attachment to the Urban Renewal Plan

All property on which a wind turbine has been constructed in the County, as more specifically shown on the attachment to the Urban Renewal Plan

Supervisor Anderson introduced the ordinance set out on the following pages, entitled “Ordinance No. Supplemental 1 An Ordinance providing for the division of taxes levied on taxable property in the Clay County Urban Renewal Area, pursuant to Section 403.19 of the Code of Iowa.”

### ORDINANCE NO. 2.8

An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Clay County Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa

BE IT ENACTED by the Board of Supervisors of Clay County, Iowa:

**Purpose.** The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the Clay County Urban Renewal Area, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness to finance projects in such area.

**Definitions.** For use within this ordinance the following terms shall have the following meanings:

“County” shall mean Clay County, Iowa.

“Urban Renewal Area” shall mean the taxable property in the Clay County Urban Renewal Area described below, such property having been identified in the Urban Renewal Plan approved by the Board of Supervisors by resolution adopted on January 28, 2020:

### Windtower Listing by Tower #

<u>Tax District</u>	<u>Tower Parcel</u>	<u>Land Parcel</u>	<u>Property Address</u>	<u>Township</u>	<u>Tower #</u>	<u>Landowner Name</u>
100	973820200903	973820200008	120th Ave	Waterford	Substation	Mid American Energy Company
100		973820200007	120th Ave	Waterford		Interstate Power & Light Company
120	963836100901	963836100005	3826 150th Ave	Lone Tree	T001	Breezy Acres LLC
120	963825300901	963825300004	1540 380th St	Lone Tree	T002	Thomas W & Peggy L Muhlbauer
120	963826200901	963826200003	3735 150th Ave	Lone Tree	T003	Dianne Alber Revocable Trust
120	963826200902	963826200004	3737 150th Ave	Lone Tree	T004	Dianne Alber Revocable Trust
120	963826100901	963826100004	3730 140th Ave	Lone Tree	T005	Mills Residuary Trust f/b/o Susan Ireland
120	963827100901	963827100005	3744 130th Ave	Lone Tree	T007	Roger Haberman
120	963828200901	963828200010	3745 130th Ave	Lone Tree	T008	David L Fell Trust & Barbara G Fell Trust
120	963828100901	963828100003	3740 120th Ave	Lone Tree	T009	Audrey Thiessen
120	963828100902	963828100004	3742 120th Ave	Lone Tree	T010	Audrey Thiessen
120	963829400902	963829400003	3755 120th Ave	Lone Tree	T011	Hobbs Family Trust
120	963829400901	963829400002	1160 380th St	Lone Tree	T012	Dianne Holt Revocable Trust
120	963823100901	963823100006	1450 370th St	Lone Tree	T013	Mills Residuary Trust f/b/o David P Mills
120	963823300901	963823300007	1452 370th St	Lone Tree	T014	Mills Residuary Trust f/b/o David P Mills
120	963820100901	963820100003	3640 110th Ave	Lone Tree	T017	Renee C Nath
120	963820200902	963820200002	1165 120th St	Lone Tree	T016	Linda D Raid, Bradley S Schmidt, Kimberly J Webb, & Nancy A Sills
120	963820200901	963820200001	3615 120th Ave	Lone Tree	T015	Linda D Raid, Bradley S Schmidt, Kimberly J Webb, & Nancy A Sills
120	963815200902	963815200011	3547 140th Ave	Lone Tree	T018	Elizabeth A Vermeer
120	963817300902	963817300006	1140 360th St	Lone Tree	T020	Bradley Schmidt
120	963817300901	963817300003	1116 360th St	Lone Tree	T021	Linda D Raid, Bradley S Schmidt, Kimberly J Webb, & Nancy A Sills
120	963818300901	963818300002	1060 360th St	Lone Tree	T022	Stanley Jongma Rev Tr & Jodene Jongma Rev Tr
120	963818400901	963818400001	1062 360th St	Lone Tree	T023	Stanley Jongma Rev Tr & Jodene Jongma Rev Tr
120	963818200901	963818200003	3527 110th Ave	Lone Tree	T024	Bradley Schmidt
100	973835200901	973835200008	1455 Hwy 18	Waterford	T025	Elizabeth A Vermeer
100	973835100901	973835100003	3250 140th Ave	Waterford	T026	David J Groenewold
100	973834400901	973834400002	3255 140th Ave	Waterford	T027	Mark Scharnberg
100	973834400902	973834400005	1370 330th St	Waterford	T028	Mark Scharnberg & Cathi Rae Scharnberg
100	973834100902	973834100010	3240 130th Ave	Waterford	T029	Rebecca Kirksey, Patricia D Halverson-Adhav Revocable Trust, & Barbara Anderson
100	973833200901	973833200002	3247 130th Ave	Waterford	T030	Lester L & Kimberly A Tessum
100	973826300901	973826300004	3140 140th Ave	Waterford	T032	Robert L Scharnberg Rev Tr & Mildred M Scharnberg Rev Tr
100	973826400901	973826400001	3142 140th Ave	Waterford	T033	Robert L Scharnberg Rev Tr & Mildred M Scharnberg Rev Tr
100	973826100901	973826100003	1435 310th St	Waterford	T034	Jensen Farms Inc
100	973827400901	973827400007	3173 140th Ave	Waterford	T035	Jeffry E & Cynthia L Pearson

### Windtower Listing by Tower #

<u>Tax District</u>	<u>Tower Parcel</u>	<u>Land Parcel</u>	<u>Property Address</u>	<u>Township</u>	<u>Tower #</u>	<u>Landowner Name</u>
100	973827200901	973827200002	1351 310th St	Waterford	T037	Jeffry Pearson, Patricia Monnahan, & Nancy Harmon
100	973828400901	973828400001	1260 Hwy 18	Waterford	T038	Steven D & Elizabeth J Berends
100	973829300902	973829300010	3150 110th Ave	Waterford	T039	Juno Capital LLC
100	973829300901	973829300001	3152 110th Ave	Waterford	T040	Kirby L & Sandra K Schmidt
100	973829100901	973829100001	3120 110th Ave	Waterford	T041	Juno Capital LLC
100	973822300901	973822300002	3060 130th Ave	Waterford	T042	Elizabeth A Vermeer
100	973821400901	973821400004	1270 310th St	Waterford	T043	Harms Implement Co
100	973821300902	973821300004	1240 310th St	Waterford	T044	Harms Implement Co
100	973821300901	973821300003	1212 310th St	Waterford	T045	Steven D & Elizabeth J Berends
100	973820400901	973820400004	3085 120th Ave	Waterford	T046	Lester W & Barbara L Dykstra Rev Tr
100	973820300902	973820300002	3072 110th Ave	Waterford	T047	Linda DeMuth
100	973820300901	973820300001	3070 110th Ave	Waterford	T048	Linda DeMuth
100	973821200901	973821200004	3035 130th Ave	Waterford	T049	Steven D & Elizabeth J Berends
100	973820200902	973820200002	1185 300th St	Waterford	T051	Rebecca S Kirksey, Barbara J Anderson, & Patricia D Halverson-Adhav Rev Tr
100	973820200901	973820200001	1155 300th St	Waterford	T052	Rebecca S Kirksey, Barbara J Anderson, & Patricia D Halverson-Adhav Rev Tr
100	973820100901	973820100002	1135 300th St	Waterford	T053	Alma H Olson-Life Est, Jeanette Olson Leitz, & LeOraLee Lageschulte
100	973816400901	973816400002	2965 130th Ave	Waterford	T054	Ronald L Harris
100	973816200902	973816200003	1255 130th Ave	Waterford	T055	Bernard J Hildreth & Jeffrey J Hildreth
100	973816300901	973816300001	2960 120th Ave	Waterford	T056	Gloria J Harris
100	973817400901	973817400001	2974 110th Ave	Waterford	T057	Alma H Olson Revocable Trust
100	973817300902	973817300002	2972 110th Ave	Waterford	T058	Alma H Olson Revocable Trust
100	973817300901	973817300001	2970 110th Ave	Waterford	T059	Alma H Olson Revocable Trust
100	973809300901	973809300004	1250 290th St	Waterford	T060	Jerome G & Beverly J Kimball Revocable Trust
100	973809300902	973809300004	1224 290th St	Waterford	T061	Jerome G & Beverly J Kimball Revocable Trust
100	973808400902	973808400004	2885 120th Ave	Waterford	T062	Bernard J Hildreth
100	973808400901	973808400003	1170 290th St	Waterford	T063	Bernard J Hildreth
100	973808300901	973808300004	1140 290th St	Waterford	T064	Kent Kimball
100	973808300902	973808300001	2874 110th Ave	Waterford	T065	Kent Kimball
100	973807200901	973807200002	2837 110th Ave	Waterford	T067	Rodney Boersen
100	973807200902	973807200005	2839 110th Ave	Waterford	T068	Rodney Boersen
100	973805400902	973805400002	2765 120th Ave	Waterford	T071	Mark A & Susan K Nothwehr
100	973805400901	973805400003	2775 120th Ave	Waterford	T072	Darrell E & Connie R Stave
100	973805300901	973805300004	1140 280th St	Waterford	T073	Darrell E & Connie R Stave
100	973806400901	973806400001	2773 110th Ave	Waterford	T075	Jerome G & Beverly J Kimball Revocable Trust
80	973706100901	973706100001	2700 160th Ave	Summit	T076	Harold D & Joyce A Prior
100	973804200902	973804200004	1279 270th St	Waterford	T077	Verland J & Arlene E Meyer
100	973804200901	973804200003	1263 270th St	Waterford	T078	Verland J & Arlene E Meyer
100	973804100901	973804100005	1235 270th St	Waterford	T079	Barbara L Dykstra

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100	973805200901	973805200001	1175 270th St	Waterford	T080	Rita R Schacherer Rev Tr Agrmt & Diane Nitz
100	973805100902	973805100002	1149 270th St	Waterford	T081	Bernard J Hildreth
100	973805100901	973805100001	1123 270th St	Waterford	T082	Bernard J Hildreth
100	973806200901	973806200006	2725 110th Ave	Waterford	T083	Peter J Stallman
100	973829300903	973829300903	3170 110th Ave	Waterford	Met 1	Schmidt, Kirby L & Sandra K
80	973706100902	973706100001	2702 160th Ave	Summit	Met 2	Harold D & Joyce A Prior

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the County and any city, school district or other taxing district in which the Urban Renewal Area is located, shall be divided as follows:

(a) 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 upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the County Board of Supervisors certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

(b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the County to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the County to finance or refinance, in whole or in part, projects in the Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, to the extent authorized by Section 403.19(2) of the Code of Iowa, taxes for the instructional support program of a school district imposed pursuant to Section 257.19 of the Code of Iowa, to the extent authorized by Section 403.19(2) of the Code of Iowa, and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts

in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(c) the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the County for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the County to finance or refinance in whole or in part projects in the Urban Renewal Area.

(d) as used in this section, the word “taxes” includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Saving Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. Effective Date. This ordinance shall be effective after its final passage, approval and publication, as provided by law.

Passed and approved by the Board of Supervisors of Clay County, Iowa, on the 28th day of January 2020.

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Chairperson, Board of Supervisors

Attest:

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County Auditor