

**WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM**

#14a

Date: 5/11/17 Weekly Agenda Date: 5/16/17

**ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN:** David Gleiser, RED Director

**WORDING FOR AGENDA ITEM:**

Public Hearing on Ordinance Establishing an Urban Renewal Tax Increment Area

**ACTION REQUIRED:**

- |                                                       |                                               |                                                    |
|-------------------------------------------------------|-----------------------------------------------|----------------------------------------------------|
| Approve Ordinance <input checked="" type="checkbox"/> | Approve Resolution <input type="checkbox"/>   | Approve Motion <input checked="" type="checkbox"/> |
| Public Hearing <input checked="" type="checkbox"/>    | Other: Informational <input type="checkbox"/> | Attachments <input checked="" type="checkbox"/>    |

**EXECUTIVE SUMMARY:**

The Board will hold a public hearing on Tuesday, May 16th, 2017 at 4:40PM, to discuss the passage of an ordinance establishing an urban renewal tax increment area.

**BACKGROUND:**

This ordinance is required to provide for the division of taxes levied on taxable property in the 2017 amendment to the Grow Woodbury County Urban Renewal Area.

**FINANCIAL IMPACT:**

**IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?**

Yes  No

**RECOMMENDATION:**

Hold a public hearing to discuss the passage of an ordinance establishing an urban renewal tax increment area on Tuesday, May 16th, 2017 at 4:40PM. Close the public hearing and approve the ordinance as proposed.

**ACTION REQUIRED / PROPOSED MOTION:**

Motion to take final action and approve the Ordinance Providing for the Division of Taxes Levied on Taxable Property in the 2017 Amendment to the Grow Woodbury County Urban Renewal Area by waiving the statutory rule that an ordinance be considered at two meetings prior to the meeting at which it is finally adopted.

MINUTES PROVIDING FOR PASSAGE  
OF AN ORDINANCE ESTABLISHING  
AN URBAN RENEWAL TAX  
INCREMENT AREA

Grow Woodbury County Urban Renewal  
Area 2017 Amendment

424093-17

Sioux City, Iowa

May 16, 2017

The Board of Supervisors of Woodbury County, Iowa, met on May 16, 2017 at \_\_\_\_\_  
o'clock p.m., at the Woodbury County Courthouse.

The Chairperson presided and the roll was called showing Supervisors present and  
absent, as follows:

Present: \_\_\_\_\_

Absent: \_\_\_\_\_.

Supervisor \_\_\_\_\_ introduced an ordinance entitled "Ordinance  
No. \_\_\_\_\_. An Ordinance Providing for the Division of Taxes Levied on Taxable Property  
in the 2017 Amendment to the Grow Woodbury County Urban Renewal Area, Pursuant to  
Section 403.19 of the Code of Iowa."

It was moved by Supervisor \_\_\_\_\_ and seconded by Supervisor  
\_\_\_\_\_ that the ordinance be adopted. The Chairperson put the question on  
the motion and the roll being called, the following named Supervisors voted:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_.

Whereupon, the Chairperson declared the motion duly carried and declared that the  
ordinance had been given its initial consideration.

It was moved by Supervisor \_\_\_\_\_ and seconded by Supervisor \_\_\_\_\_ that the statutory rule requiring an ordinance to be considered and voted on for passage at two Board meetings prior to the meeting at which it is to be finally passed be suspended. The Chairperson put the question on the motion and the roll being called, the following named Supervisors voted:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_.

Whereupon, the Chairperson declared the motion duly carried.

It was moved by Supervisor \_\_\_\_\_ and seconded by Supervisor \_\_\_\_\_ that the ordinance entitled "Ordinance No. \_\_\_\_\_. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the 2017 Amendment to the Grow Woodbury County Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa," now be put upon its final consideration and adoption. The Chairperson put the question on the final consideration and adoption of the ordinance and the roll being called, the following named Supervisors voted:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_.

Whereupon, the Chairperson declared the motion duly carried and the ordinance duly adopted, as follows:

ORDINANCE NO. \_\_\_\_\_

An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the 2017 Amendment to the Grow Woodbury County Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa

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

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the 2017 Amendment to the Grow Woodbury County Urban Renewal Area, each year by and for the benefit of the state, 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, including bonds proposed to be issued by Woodbury County to finance projects in the Grow Woodbury County Urban Renewal Area.

Section 2. Definitions. For use within this ordinance the following terms shall have the following meanings:

“County” shall mean Woodbury County, Iowa.

“Urban Renewal Area Amendment” shall mean the taxable property included in the 2017 Amendment to the Grow Woodbury County Urban Renewal Area, which is identified below, such property having been identified in the Urban Renewal Plan Amendment approved by the Board of Supervisors of the County by resolution adopted on May 9, 2017:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION EIGHTEEN (18), TOWNSHIP EIGHTY-SEVEN (87) NORTH, RANGE FORTY-SEVEN (47) WEST OF THE 5<sup>TH</sup> P.M., WOODBURY COUNTY, IOWA, THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION EIGHTEEN (18), 1,344.6 FEET, THENCE WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE ¼ SE ¼) OF SAID SECTION EIGHTEEN (18), FOR 1,133 FEET TO THE WEST RIGHT OF WAY LINE OF THE CHICAGO AND NORTH WESTERN RAILROAD, THENCE SOUTHEASTERLY AND SOUTH ALONG THE WEST LINE OF THE CHICAGO AND NORTH WESTERN RAILROAD THRU THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE ¼ SE ¼) OF SAID SECTION EIGHTEEN (18) AND THE EAST HALF (E ½) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION NINETEEN (19), SAID TOWNSHIP AND RANGE, TO A POINT 800 FEET SOUTH AND 611 FEET WEST OF THE NORTHEAST CORNER OF SAID SECTION NINETEEN (19), THENCE SOUTHWESTERLY PARALLEL TO AND APPROXIMATELY 10 FEET EASTERLY AND SOUTHERLY FROM THE HIGH BANK OF THE OLD LAKE SHORE TO A POINT 1,841 FEET WEST AND 200 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION NINETEEN (19), THENCE WEST PARALLEL TO AND 200 FEET NORTH FROM THE SOUTH LINE OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION NINETEEN (19), 865.7 FEET TO A POINT 200 FEET NORTH FROM THE SOUTHWEST CORNER OF THE NORTHEAST

QUARTER (NE ¼) OF SAID SECTION NINETEEN (19), THENCE NORTH ALONG THE WEST LINE OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION NINETEEN (19) AND SOUTHEAST QUARTER (SE ¼) OF SECTION EIGHTEEN (18), SAID TOWNSHIP AND RANGE, TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION EIGHTEEN (18), THENCE EAST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION EIGHTEEN (18) TO THE POINT OF BEGINNING. THE RIGHT OF WAY OF THE CHICAGO AND NORTH WESTERN RAILROAD IS EXCLUDED FROM THE ABOVE DESCRIBED TRACT.

EXCEPT

BEGINNING AT A POINT 800 FEET SOUTH AND 611 FEET WEST OF THE NORTHEAST CORNER OF SECTION 19, TOWNSHIP 87 NORTH, RANGE 47, WEST OF THE 5<sup>TH</sup> P.M., WOODBURY COUNTY, IOWA; THENCE SOUTHWESTERLY PARALLEL TO AND APPROXIMATELY 10 FEET EASTERLY AND SOUTHERLY FROM THE HIGH BANK OF THE OLD LAKE SHORE TO A POINT 1,841 FEET WEST AND 200 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 19; THENCE WEST PARALLEL TO AND 200 FEET NORTH FROM THE SOUTH LINE OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 19, 865.7 FEET TO A POINT 200 FEET NORTH FROM THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 19; THENCE NORTH ALONG THE WEST LINE OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 19 TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 19; THENCE SOUTHEASTERLY ON A STRAIGHT LINE TO THE POINT OF BEGINNING.

AND EXCEPT

THE WEST 150 FEET OF THE NORTH 75 FEET OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 18, TOWNSHIP 87 NORTH, RANGE 47 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, TOGETHER WITH A NON-EXCLUSIVE RIGHT IN PERPETUITY OF INGRESS TO AND EGRESS FROM SAID PREMISES OVER A PRESENTLY EXISTING ROAD OR A FUTURE SUBSTITUTED ROAD ACROSS ADJACENT LANDS OF THE GRANTOR. PARCEL BEING 0.26 ACRES.

ALSO INCLUDES

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE ¼, SE ¼) OF SECTION EIGHTEEN (SEC. 18), TOWNSHIP EIGHTY-SEVEN NORTH (T87N), RANGE FORTY-SEVEN WEST (R47W) OF THE 5<sup>TH</sup> P.M., WOODBURY COUNTY, IOWA, LYING EAST OF THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT-OF-WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SEC. 18; THENCE SOUTH 79°56'36" WEST ON THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SEC. 18, FOR A DISTANCE OF 521.99 FEET TO THE INTERSECTION WITH THE EAST LINE OF SAID RAILROAD RIGHT-OF-WAY; THENCE NORTHWESTERLY

ALONG SAID RIGHT-OF-WAY, ON A NON-TANGENT CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 2292.38 FEET FOR A DISTANCE OF 1373.05 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 21°12'31" WEST WITH A DISTANCE OF 1352.62 FEET TO THE INTERSECTION OF THE NORTH LINE OF THE SE ¼, SE ¼ OF SAID SEC. 18; THENCE NORTH 80°08'11" EAST ON SAID NORTH LINE FOR A DISTANCE OF 1018.36 FEET TO THE NORTHEAST CORNER OF THE SE ¼, SE ¼ OF SAID SEC. 18; THENCE SOUTH 00°00'00" WEST ON THE EAST LINE OF THE SE ¼ OF SAID SEC. 18 FOR A DISTANCE OF 1344.30 FEET TO THE POINT OF BEGINNING, CONTAINING 21.31 ACRES, 1.02 OF WHICH ARE RESERVED AS PUBLIC RIGHT-OF-WAY FOR PORT NEAL ROAD. ALSO SUBJECT TO ANY EASEMENTS OF RECORD.

THE EAST LINE OF THE SE ¼ OF SAID SEC. 18 IS ASSUMED TO BEAR SOUTH 00°00'00" WEST TO CONFORM TO PREVIOUS SURVEY BY OTHERS.

AND INCLUDES

THE E ½ OF THE SW ¼ OF SECTION 18, TOWNSHIP 87 NORTH, RANGE 47, WEST OF THE 5<sup>TH</sup> P.M.

AND ALL OF PORT NEAL ROAD RIGHT OF WAY BEGINNING AT THE NE CORNER OF THE SE ¼ OF 18-87-47 THENCE SOUTH TO A POINT THAT IS 200 FEET NORTH OF THE SE CORNER OF THE NE ¼ OF 19-87-47.

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area Amendment. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area Amendment each year by and for the benefit of the State of Iowa, the County and any school district or other taxing district in which taxable property in the Urban Renewal Area Amendment 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 Amendment, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which there is certified 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 Amendment 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 Amendment 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 Grow Woodbury County 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 in Section 403.19 (2) of the Code of Iowa, taxes for the instructional support program levy of a school district imposed pursuant to Section 257.19 of the Code of Iowa, to the extent authorized in 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 Amendment 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 Amendment 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 Amendment 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 Grow Woodbury County 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 Woodbury County, Iowa, on May 16, 2017.

\_\_\_\_\_  
Chairperson

Attest:

\_\_\_\_\_  
County Auditor

\* \* \* \* \*

Upon motion and vote, the meeting adjourned.

\_\_\_\_\_  
Chairperson

Attest:

\_\_\_\_\_  
County Auditor



STATE OF IOWA  
WOODBURY COUNTY

SS:

I, the undersigned, do hereby certify that I am the duly elected, qualified and acting County Auditor of Woodbury County, and that as such I have in my possession or have access to the complete records of the County and of its officers; and that I have carefully compared the transcript hereto attached with those records and that the attached is a true, correct and complete copy of the records relating to the action taken by the Board of Supervisors preliminary to and in connection with approving the 2017 Amendment to the tax increment ordinance for the Grow Woodbury County Urban Renewal Area.

I also certify that the ordinance that is part of these records was published as required by law, and a publisher's affidavit with respect to such publication is attached to this certificate.

WITNESS MY HAND this \_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
County Auditor