Resolution 23-242

ITEM TO INCLUDE ON AGENDA

CITY OF COUNCIL BLUFFS, IOWA
September 11, 2023
7:00 P.M.

East Manawa Industrial Urban Renewal Plan

- Resolution determining the necessity and setting dates of a consultation and a public hearing on a proposed East Manawa Industrial Urban Renewal Plan for a proposed Urban Renewal Area in the City of Council Bluffs, State of Iowa.

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.

September 11, 2023

The City Council of the City of Council Bluffs, State of Iowa, met in Regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7:00 P.M., on the above date. There were present Mayor Walsh, in the chair, and the following named Council Members:

_____

Absent: _____

Vacant: _____

* * * * * * * *

Council Member _____ then introduced the following proposed Resolution entitled "RESOLUTION DETERMINING THE NECESSITY AND SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED EAST MANAWA INDUSTRIAL URBAN RENEWAL PLAN FOR A PROPOSED URBAN RENEWAL AREA IN THE CITY OF COUNCIL BLUFFS, STATE OF IOWA", and moved that the same be adopted. Council Member _____ seconded the motion to adopt. The roll was called, and the vote was:

AYES: _____

_____

NAYS: _____

Whereupon, the Mayor declared the Resolution duly adopted as follows:

RESOLUTION NO. 23-242

RESOLUTION DETERMINING THE NECESSITY AND SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED EAST MANAWA INDUSTRIAL URBAN RENEWAL PLAN FOR A PROPOSED URBAN RENEWAL AREA IN THE CITY OF COUNCIL BLUFFS, STATE OF IOWA

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 East Manawa Industrial Urban Renewal Plan ("Plan" or "Urban Renewal Plan") for the East Manawa Industrial 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 East Manawa Industrial Urban Renewal 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 written permission of the current owner will be obtained; 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 Council approval of such Plan, and further provides that the Planning and Zoning Commission shall submit its written recommendations thereon to this Council within thirty (30) days of its receipt of such proposed Urban Renewal Plan; and

WHEREAS, the Iowa statutes require the City Council to notify all affected taxing entities of the consideration being given to the proposed Urban Renewal Plan and to hold a consultation with such taxing entities with respect thereto, and further provides that the designated representative of each affected taxing entity may attend the consultation and make written recommendations for modifications to the proposed division of revenue included as a part thereof,

to which the City shall submit written responses as provided in Section 403.5, Code of Iowa, as amended; and

WHEREAS, the Iowa statutes further require the City Council to hold a public hearing on the proposed Urban Renewal Plan subsequent to notice thereof by publication in a newspaper having general circulation within the City, which notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the Plan and shall outline the general scope of the urban renewal project under consideration, with a copy of the notice also being mailed to each affected taxing entity.

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

Section 1. That the consultation on the proposed Urban Renewal Plan required by Section 403.5(2), Code of Iowa, as amended, shall be held on September 19, 2023, in the Community Development Office, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 11:00 A.M., and the Director of Community Development, or her delegate, is hereby appointed to serve as the designated representative of the City for purposes of conducting the consultation, receiving any recommendations that may be made with respect thereto and responding to the same in accordance with Section 403.5(2), Code of Iowa.

Section 2. That the City Clerk is authorized and directed to cause a notice of such consultation to be sent by regular mail to all affected taxing entities, as defined in Section 403.17(1), Code of Iowa, along with a copy of this Resolution and the proposed Urban Renewal Plan, the notice to be in substantially the following form:

NOTICE OF A CONSULTATION TO BE HELD BETWEEN THE CITY OF COUNCIL BLUFFS, STATE OF IOWA AND ALL AFFECTED TAXING ENTITIES CONCERNING THE PROPOSED EAST MANAWA INDUSTRIAL URBAN RENEWAL PLAN FOR THE CITY OF COUNCIL BLUFFS, STATE OF IOWA

The City of Council Bluffs, State of Iowa will hold a consultation with all affected taxing entities, as defined in Section 403.17(1), Code of Iowa, as amended, commencing at 11:00 A.M. on September 19, 2023, in the Community Development Office, City Hall, 209 Pearl Street, Council Bluffs, Iowa concerning a proposed East Manawa Industrial Urban Renewal Plan for the East Manawa Industrial Urban Renewal Area, a copy of which is attached hereto.

Each affected taxing entity may appoint a representative to attend the consultation. The consultation may include a discussion of the estimated growth in valuation of taxable property included in the proposed Urban Renewal Area, the fiscal impact of the division of revenue on the affected taxing entities, the estimated impact on the provision of services by each of the affected taxing entities in the proposed Urban Renewal Area, and the duration of any bond issuance included in the Plan.

The designated representative of any affected taxing entity may make written recommendations for modifications to the proposed division of revenue no later than seven days following the date of the consultation. The Director of Community Development, or her delegate, as the designated representative of the City of Council Bluffs, State of Iowa, shall submit a written response to the affected taxing entity, no later than seven days prior to the public hearing on the proposed East Manawa Industrial Urban Renewal Plan, addressing any recommendations made by that entity for modification to the proposed division of revenue.

This notice is given by order of the City Council of the City of Council Bluffs, State of Iowa, as provided by Section 403.5, Code of Iowa, as amended.

Dated this _____ day of _____, 2023.

_____
City Clerk, City of Council Bluffs, State of Iowa

(End of Notice)

Section 3. That a public hearing shall be held on the proposed Urban Renewal Plan before the City Council at its meeting which commences at 7:00 P.M. on October 9, 2023, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa.

Section 4. That the City Clerk is authorized and directed to publish notice of this public hearing in The Daily Nonpareil, once on a date not less than four (4) nor more than twenty (20) days before the date of the public hearing, and to mail a copy of the notice by ordinary mail to each affected taxing entity, such notice in each case to be in substantially the following form:

(One publication required)

NOTICE OF PUBLIC HEARING TO CONSIDER APPROVAL OF A PROPOSED EAST MANAWA INDUSTRIAL URBAN RENEWAL PLAN FOR A PROPOSED URBAN RENEWAL AREA IN THE CITY OF COUNCIL BLUFFS, STATE OF IOWA

The City Council of the City of Council Bluffs, State of Iowa, will hold a public hearing before itself at its meeting which commences at 7:00 P.M. on October 9, 2023 in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, to consider adoption of a proposed East Manawa Industrial Urban Renewal Plan (the "Plan") concerning a proposed Urban Renewal Area in the City of Council Bluffs, State of Iowa.

The Urban Renewal Area contains the land legally described as follows:

LEGALLY DESCRIBED AS ALL OF LOT 22 OF GETHSEMANE GARDENS IN THE SOUTHWEST QUARTER AND A PART OF THE WEST HALF OF THE SOUTHEAST QUARTER ALL IN SECTION 18, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH P.M., COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA AND DESCRIBED AS FOLLOWS: BEGINNING AT THE CENTER OF SAID SECTION 18; THENCE SOUTH 89°50'45" EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, 757.49 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF CBEC RAILWAY; THENCE SOUTH 44°04'53" EAST ON SAID WESTERLY RIGHT-OF-WAY LINE, 73.72 FEET; THENCE SOUTH 3°58'49" EAST, 276.65 FEET; THENCE SOUTHERLY ALONG A CURVE CONCAVE WESTERLY, WHOSE RADIUS IS 1815.00 FEET, WHOSE ARC LENGTH IS 600.62 FEET,, AND WHOSE CHORD BEARING IS SOUTH 6°19'57" WEST, 597.88 FEET; THENCE SOUTH 16°23'50" WEST, 39.82 FEET; THENCE NORTH 74°32'14" WEST, 65.00 FEET; THENCE SOUTH 16°23'50" WEST, 171.35 FEET; THENCE SOUTH 1°41'50" WEST, 266.88 FEET; THENCE SOUTH 16°41'02" WEST, 686.69 FEET; THENCE SOUTH 52°05'43" EAST, 9.93 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF CBEC RAILWAY; THENCE SOUTH 31°05'32" WEST ON SAID WESTERLY RIGHT-OF-WAY LINE, 683.73 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89°51'51" WEST ON SAID SOUTH LINE, 107.16 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 18; THENCE CONTINUING SOUTH 89°51'51" WEST ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 68.45 FEET; THENCE NORTH 59°12'19" WEST, 71.22 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE SOUTHWESTERLY, WHOSE RADIUS IS 200.00 FEET, WHOSE ARC LENGTH IS 108.16 FEET, AND WHOSE CHORD BEARING IS NORTH 74°35'43" WEST, 106.85 FEET; THENCE SOUTH 89°50'53" WEST, 1127.76 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE NORTHEASTERLY, WHOSE RADIUS IS 200.00 FEET, WHOSE ARC LENGTH IS 340.43 FEET, AND WHOSE CHORD BEARING IS NORTH 41°23'32" WEST, 300.80 FEET; THENCE NORTH 7°19'50" EAST, 218.90 FEET; THENCE NORTHERLY ALONG A CURVE CONCAVE WESTERLY, WHOSE RADIUS IS 700.00 FEET, WHOSE ARC LENGTH IS 85.95 FEET, AND WHOSE CHORD BEARING IS NORTH 3°52'19" EAST, 85.89 FEET; THENCE NORTH 0°19'39" EAST, 276.39 FEET; THENCE NORTHERLY ALONG A CURVE CONCAVE EASTERLY, WHOSE RADIUS IS 500.00 FEET, WHOSE ARC LENGTH IS 86.15 FEET, AND WHOSE CHORD BEARING IS NORTH 5°15'17" EAST, 86.04 FEET; THENCE NORTH 10°11'17" EAST, 1707.04 FEET TO A POINT

ON THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 89°44'40" EAST ON SAID NORTH LINE, 1231.86 FEET TO THE POINT OF BEGINNING AND CONTAINING 120.74 ACRES (5,259,268 S.F.) MORE OR LESS. AND ALL OF THE EAST MANAWA DRIVE AND LATERAL 5 RIGHT-OF-WAY LYING ADJACENT TO LOT 22 OF GETHSEMANE GARDENS, COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

A copy of the Plan is on file for public inspection in the office of the City Clerk, City Hall, City of Council Bluffs, Iowa.

The City of Council Bluffs, State of Iowa is the local public agency which, if such Plan is approved, shall undertake the urban renewal activities described in such Plan.

The general scope of the urban renewal activities under consideration in the Plan is to promote the growth and retention of qualified industries and businesses in the Urban Renewal Area through various public purpose and special financing activities outlined in the Plan. To accomplish the objectives of the Plan, and to encourage the further economic development of the Urban Renewal Area, the Plan provides that such special financing activities may include, but not be limited to, the making of loans or grants of public funds to private entities under Chapter 15A, Code of Iowa. The City also may reimburse or directly undertake the installation, construction and reconstruction of substantial public improvements, including, but not limited to, street, water, sanitary sewer, storm sewer or other public improvements. The City also may acquire and make land available for development or redevelopment by private enterprise as authorized by law. The Plan provides that the City may issue bonds or use available funds for purposes allowed by the Plan and that tax increment reimbursement of the costs of urban renewal projects may be sought if and to the extent incurred by the City. The Plan initially proposes no specific public infrastructure or site improvements to be undertaken by the City, and provides that the Plan may be amended from time to time.

Any person or organization desiring to be heard shall be afforded an opportunity to be heard at such hearing.

This notice is given by order of the City Council of the City of Council Bluffs, State of Iowa, as provided by Section 403.5, Code of Iowa.

Dated this _____ day of _____, 2023.

_____
City Clerk, City of Council Bluffs, State of Iowa

(End of Notice)

Section 5. That the proposed Urban Renewal Plan, attached hereto as Exhibit 1, for the proposed Urban Renewal Area described therein is hereby officially declared to be the proposed Urban Renewal Plan referred to in the notices for purposes of such consultation and hearing and that a copy of the Plan shall be placed on file in the office of the City Clerk.

Section 6. That the proposed Urban Renewal Plan be submitted to the Planning and Zoning Commission for review and recommendation as to its conformity with the general plan for the development of the City as a whole, with such recommendation to be submitted in writing to this Council within thirty (30) days of the date hereof.

PASSED AND APPROVED this 11th day of September, 2023.

_____
Mayor

ATTEST:

_____
City Clerk

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

ATTACH THE PLAN LABELED AS EXHIBIT 1 HERE

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned City Clerk of the City of Council Bluffs, 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 and the seal of the Council hereto affixed this 12th day of September, 2023.

_____
City Clerk, City of Council Bluffs, State of Iowa

(SEAL)

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