ORDINANCE NO. 6577

AN ORDINANCE PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE EAST MANAWA INDUSTRIAL URBAN RENEWAL AREA, IN CITY OF COUNCIL BLUFFS, COUNTY OF POTTAWATTAMIE STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF COUNCIL BLUFFS, COUNTY OF POTTAWATTAMIE, LEWIS CENTRAL COMMUNITY SCHOOL DISTRICT, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE CITY IN CONNECTION WITH THE EAST MANAWA INDUSTRIAL URBAN RENEWAL AREA (**THE EAST MANAWA INDUSTRIAL URBAN RENEWAL PLAN**)

WHEREAS, the City Council of the City of Council Bluffs, State of Iowa, after public notice and hearing as prescribed by law and pursuant to Resolution No. _____ passed and approved on the 9th day of October, 2023, adopted an Urban Renewal Plan (the "Urban Renewal Plan") for an urban renewal area known as the East Manawa Industrial Urban Renewal Area (the "Urban Renewal Area"), which Urban Renewal Area includes the lots and parcels located within the area 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.

WHEREAS, expenditures and indebtedness are anticipated to be incurred by the City of Council Bluffs, State of Iowa, in the future to finance urban renewal project activities carried out in furtherance of the objectives of the Urban Renewal Plan; and

WHEREAS, the City Council of the City of Council Bluffs, State of Iowa, desires to provide for the division of revenue from taxation in the Urban Renewal Area, as above described, in accordance with the provisions of Section 403.19, Code of Iowa, as amended.

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

Section 1. That the taxes levied on the taxable property in the Urban Renewal Area legally described in the preamble hereof, by and for the benefit of the State of Iowa, City of Council Bluffs, County of Pottawattamie, Lewis Central Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

Section 2. 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 City of Council Bluffs, State of

Iowa, certifies to the Auditor of Pottawattamie County, Iowa the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue described herein, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid.

Section 3. That portion of the taxes each year in excess of the base period taxes determined as provided in Section 2 of this Ordinance shall be allocated to and when collected be paid into a special tax increment fund of the City of Council Bluffs, State of Iowa, hereby established, to pay the principal of and interest on loans, monies advanced to, indebtedness, whether funded, refunded, assumed or otherwise, including bonds or obligations issued under the authority of Section 403.9 or 403.12, Code of Iowa, as amended, incurred by the City of Council Bluffs, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Urban Renewal Area pursuant to the Urban Renewal Plan, except that (i) taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2, Code of Iowa, and taxes for the instructional support program of a school district imposed pursuant to Section 257.19, Code of Iowa, (but in each case only to the extent required under Section 403.19(2), Code of Iowa); (ii) taxes for the payment of bonds and interest of each taxing district; (iii) taxes imposed under Section 346.27(22), Code of Iowa, related to joint county-city buildings; and (iv) any other exceptions under Section 403.19, Code of Iowa, shall be collected against all taxable property within the Urban Renewal Area without any limitation as hereinabove provided.

Section 4. Unless or until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in the Urban Renewal Area as shown by the assessment roll referred to in Section 2 of this Ordinance, 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 the taxing districts in the same manner as all other property taxes.

Section 5. At such time as the loans, advances, indebtedness, bonds and interest thereon of the City of Council Bluffs, State of Iowa, referred to in Section 3 hereof have been paid, all monies 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.

Section 6. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to fully implement the provisions of Section 403.19, Code of Iowa, as amended, with respect to the division of taxes from property within the Urban Renewal Area as described above. In the event that any provision of this Ordinance shall be determined to be contrary to law, it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19, Code of Iowa, with reference to the Urban Renewal Area and the territory contained therein.

Section 7. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 23rd day of October, 2023.

_____
Mayor

ATTEST:

_____
City Clerk

Read First Time: October 9, 2023
Read Second Time: October 23, 2023
Read Third Time: _____, 2023

PASSED AND APPROVED: _____, 2023.

I, _____, City Clerk of the City of Council Bluffs, State of Iowa, hereby certify that the above and foregoing is a true copy of Ordinance No. 6577 passed and approved by the City Council of the City at a meeting held _____, 2023, signed by the Mayor on _____, 2023, and published in The Daily Nonpareil on _____, 2023.

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

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