ITEM TO INCLUDE ON AGENDA

CITY OF COUNCIL BLUFFS, IOWA
August 26, 2024
7:00 P.M.

- Resolution approving and authorizing execution of a First Amendment to Minimum Assessment Agreement by and between the City of Council Bluffs and Opus Development Company, L.L.C.

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 IOWA CODE CHAPTER 21 AND THE LOCAL RULES OF THE CITY.

August 26, 2024

The City Council of the City of Council Bluffs, State of Iowa, met in _____ 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 _____, in the chair, and the following named Council Members:

_____

_____

Absent: _____

Vacant: _____

* * * * * * *

Whereupon, Council Member _____ introduced and delivered to the Clerk the Resolution hereinafter set out entitled "RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO MINIMUM ASSESSMENT AGREEMENT BY AND BETWEEN THE CITY OF COUNCIL BLUFFS AND OPUS DEVELOPMENT COMPANY, L.L.C.", 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 _____.

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

AYES: _____

_____

NAYS: _____

Whereupon, the Mayor declared the measure duly adopted.

RESOLUTION NO. _____

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO MINIMUM ASSESSMENT AGREEMENT BY AND BETWEEN THE CITY OF COUNCIL BLUFFS AND OPUS DEVELOPMENT COMPANY, L.L.C.

WHEREAS, the City of Council Bluffs, Iowa ("City") and Opus Development Company, L.L.C. ("Owner") have previously entered into a Minimum Assessment Agreement dated February 26, 2024 ("Agreement"), which was recorded with the County Recorder of Pottawattamie County, Iowa as Document No. 2024-07654; and

WHEREAS, consistent with the provisions of the City's Urban Revitalization Plan (the "Plan"), the Owner has submitted an Application for Tax Abatement dated as of December 31, 2023 (the "Application") regarding certain commercial real estate owned by Owner and located in the River Road Urban Revitalization Area, which real estate is legally described as follows:

Lot 1 and Lot 2, River Road Subdivision, Replat 1, an Official Plat in the City of Council Bluffs, Pottawattamie County, Iowa.

(the "Property");

WHEREAS, the City and Owner desire to amend the Minimum Assessment Agreement pursuant to a proposed First Amendment (the "Amendment") to split the minimum actual value fixed for assessment purposes for the Eligible Improvements and the Property between the two lots, as described in the Amendment.

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

Section 1. That the form and content of the Amendment, the provisions of which are incorporated herein by reference, be and the same hereby are in all respects authorized, approved and confirmed, and the Mayor and the City Clerk be and they hereby are authorized, empowered and directed to execute, attest, seal and deliver the Amendment for and on behalf of the City in substantially the form and content now before this meeting, but with such changes, modifications, additions or deletions therein as shall be approved by such officers, and that from and after the execution and delivery of the Amendment, the Mayor and the City Clerk are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Agreement, as amended by the Amendment, as executed.

PASSED AND APPROVED this 26th day of August, 2024.

Mayor

ATTEST:

City Clerk

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 corporate records of the City showing proceedings of the City 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 (a copy of the face sheet of the agenda being attached hereto) 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 City hereto affixed this _____ day of _____, 2024.

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

(SEAL)

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