Resolution 25-38

ITEM TO INCLUDE ON AGENDA

CITY OF COUNCIL BLUFFS, IOWA
February 24, 2025
7:00 P.M.

Power Drive Housing Urban Renewal Plan

- Resolution determining the necessity and setting dates of a consultation and a public hearing on a proposed Power Drive Housing 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.

February 24, 2025

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 POWER DRIVE HOUSING 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. 25-38

RESOLUTION DETERMINING THE NECESSITY AND SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED POWER DRIVE HOUSING 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 Power Drive Housing Urban Renewal Plan ("Plan" or "Urban Renewal Plan") for the Power Drive Housing 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 Power Drive Housing 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 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 March 5, 2025, in the Community Development Office, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 9:00 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 POWER DRIVE HOUSING 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 9:00 A.M. on March 5, 2025, in the Community Development Office, City Hall, 209 Pearl Street, Council Bluffs, Iowa concerning a proposed Power Drive Housing Urban Renewal Plan for a proposed Power Drive Housing 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 Power Drive Housing 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 _____, 2025.

_____

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 March 24, 2025, 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 POWER DRIVE HOUSING 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 March 24, 2025 in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, to consider adoption of a proposed Power Drive Housing Urban Renewal Plan (the "Plan") concerning a proposed Urban Renewal Area in the City of Council Bluffs, State of Iowa.

The Power Drive Housing Urban Renewal Plan is proposed to contain the land legally described as follows:

Lake Manawa Centre Subdivision Lot B

And

Lake Manawa Centre Subdivision, Lot 10 EXCEPT a tract of land located in part of Lot 10, Lake Manawa Centre Subdivision as platted and recorded in Pottawattamie County, Iowa, more particularly described as follows: Beginning at the Northwesterly corner of said Lot 10, said point being on the South Right-of-Way line of 35th Avenue; thence along said South Right-of-Way line on a curve to the right having a radius of 217.00 feet, an arc length of 85.91 feet and a long chord bearing of South 77°19’31” East for 85.35 feet; thence along a nontangent curve to the left having a radius of 525.00 feet, an arc distance of 248.15 feet and a long chord bearing of South 19°34’49” West for 245.85 feet; thence North 83°57’39” West for 2.11 feet to a point on the West line of said Lot 10; thence North 00°16’49” East for 250.14 feet along the West line of said Lot 10 to the Point of Beginning.

And

A PORTION OF UNPLATTED LANDS IN THE SOUTHEAST QUARTER OF SECTION 12 OF T74N, R44W OF THE 5TH P.M., A PORTION OF BURLINGTON NORTHERN RAIL ROAD RIGHT-OF-WAY, A PORTION OF LOT B OF LAKE MANAWA CENTER SUBDIVISION, A PORTION OF LOTS 1 AND 3 OF POWER CENTER SUBDIVISION, AND A PORTION OF LOT 10 OF LAKE MANAWA CENTER SUBDIVISION, ALL IN POTTAWATTAMIE COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS:
BEGIN AT THE NORTHWEST CORNER OF SAID LOT 10. THENCE SOUTHEASTERLY ON THE NORTH LINE OF SAID LOT 10 BEING CURVED THE RIGHT HAVING A RADIUS OF 217.00 FEET AND A CENTRAL ANGLE OF 20° 47' 47", AN ARC DISTANCE OF 78.76 FEET (CHORD=78.33', CHORD BEARING=S 53° 42' 44”E) TO THE POINT OF COMPOUND CURVATURE; THENCE SOUTHEASTERLY ON THE NORTH LINE OF SAID LOT 10 BEING CURVED THE LEFT HAVING A RADIUS OF 283.00 FEET AND A CENTRAL ANGLE OF 04° 18'

56", AN ARC DISTANCE OF 21.32 FEET (CHORD=21.31', CHORD BEARING=S 45° 28' 19”E); THENCE SOUTH 87° 53' 54” WEST, A DISTANCE OF 44.92 FEET; THENCE SOUTHERLY ON A CURVE THE LEFT HAVING A RADIUS OF 33.00 FEET AND A CENTRAL ANGLE OF 9° 55' 59", AN ARC DISTANCE OF 5.72 FEET (CHORD=5.71', CHORD BEARING=S 31° 33' 00”W) TO THE POINT OF COMPOUND CURVATURE; THENCE SOUTHERLY ON A CURVE THE LEFT HAVING A RADIUS OF 563.50 FEET AND A CENTRAL ANGLE OF 24° 26' 35", AN ARC DISTANCE OF 240.40 FEET (CHORD=238.58', CHORD BEARING=S 14° 21' 42”W) TO THE POINT OF TANGENCY; THENCE SOUTH 02° 08' 25” WEST, A DISTANCE OF 141.56 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY ON A CURVE THE RIGHT HAVING A RADIUS OF 546.50 FEET AND A CENTRAL ANGLE OF 28° 27' 01", AN ARC DISTANCE OF 271.36 FEET (CHORD=268.59', CHORD BEARING=S 16° 21' 55”W) TO A POINT ON THE WEST LINE OF SAID LOT 3; THENCE SOUTH 02° 08' 25” WEST ON THE EAST LINE OF SAID LOT 3, A DISTANCE OF 21.94 FEET TO THE SOUTH CORNER OF SAID LOT 3; THENCE NORTH 46° 47' 59” WEST ON THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 10.94 FEET; THENCE SOUTH 33° 02' 29” WEST, A DISTANCE OF 69.71 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID RAIL ROAD RIGHT-OF-WAY; THENCE SOUTH 33° 02' 29” WEST A DISTANCE OF 101.57 FEET TO SOUTH RAIL ROAD RIGHT-OF-WAY OF BURLINGTON NORTHERN RAIL ROAD; THENCE SOUTH 33° 02' 29" WEST, A DISTANCE OF 61.88 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY ON A CURVE THE LEFT HAVING A RADIUS OF 473.50 AND A CENTRAL ANGLE OF 32° 50' 16", AN ARC DISTANCE OF 271.38 FEET (CHORD=267.68', CHORD BEARING=S 16° 37' 21" W) TO A POINT ON A CURVE; THENCE SOUTHERLY ON A CURVE THE LEFT HAVING A RADIUS OF 473.50 AND A CENTRAL ANGLE OF 7° 32' 37", AN ARC DISTANCE OF 62.34 FEET (CHORD=62.30', CHORD BEARING=S 3° 34' 05" W) TO A POINT ON A CURVE; THENCE SOUTHERLY ON A CURVE THE LEFT HAVING A RADIUS OF 473.50 AND A CENTRAL ANGLE OF 13° 18' 25", AN ARC DISTANCE OF 109.97 FEET (CHORD=109.72', CHORD BEARING=S 13° 59' 36" E) TO THE POINT OF COMPLEX CURVATURE; THENCE SOUTHERLY ON A CURVE THE RIGHT HAVING A RADIUS OF 1036.50 AND A CENTRAL ANGLE OF 37° 10' 38", AN ARC DISTANCE OF 672.55 FEET (CHORD=660.81', CHORD BEARING=S 02° 03' 30" E) TO A POINT OF TANGENCY; THENCE SOUTH 16° 31' 49" WEST, A DISTANCE OF 38.95 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF VETERANS MEMORIAL HIGHWAY; THENCE NORTH 87° 19' 57" WEST ON SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 128.97 FEET; THENCE NORTH 02° 05' 19" EAST, A DISTANCE OF 765.83 FEET; THENCE NORTHERLY ON A CURVE THE RIGHT HAVING A RADIUS OF 539.50 AND A CENTRAL ANGLE OF 04° 10' 15", AN ARC DISTANCE OF 39.27 FEET (CHORD=39.26', CHORD BEARING=N 07° 52' 46" W) TO A POINT ON A CURVE; THENCE NORTHERLY ON A CURVE THE RIGHT HAVING A RADIUS OF 539.50 AND A CENTRAL ANGLE OF 03° 58' 40", AN ARC DISTANCE OF 37.45 FEET (CHORD=37.45', CHORD BEARING=N 03° 48' 19" W) TO A POINT ON A CURVE; THENCE NORTHERLY ON A CURVE THE RIGHT HAVING A RADIUS OF 539.50 AND A CENTRAL ANGLE OF 28° 51' 36", AN ARC DISTANCE OF 271.75 FEET (CHORD=268.88', CHORD BEARING=N 18°

36' 41" E); THENCE NORTH 33° 02' 29" EAST, A DISTANCE OF 73.62 FEET TO A POINT ON THE SOUTH RAIL ROAD RIGHT-OF-WAY OF BURLINGTON NORTHERN RAIL ROAD; THENCE NORTH 33° 02' 29" EAST, A DISTANCE OF 101.57 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID RAIL ROAD RIGHT-OF-WAY; THENCE NORTH 33° 02' 29" EAST, A DISTANCE OF 51.50 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ON A CURVE THE LEFT HAVING A RADIUS OF 480.50 FEET AND A CENTRAL ANGLE OF 02° 11' 25", AN ARC DISTANCE OF 18.37 FEET (CHORD=18.37', CHORD BEARING=N 31° 56' 47"E) TO A POINT ON SAID SOUTH LINE OF LOT 3; THENCE NORTHERLY ON A CURVE THE LEFT HAVING A RADIUS OF 480.50 FEET AND A CENTRAL ANGLE OF 28° 42' 39", AN ARC DISTANCE OF 240.78 FEET (CHORD=238.27', CHORD BEARING=N 16° 29' 44"E) TO A POINT ON THE EAST LINE OF SAID LOT 3; THENCE NORTH 02° 08' 25" EAST ON SAID WEST LINE, A DISTANCE OF 469.80 FEET; THENCE SOUTH 84° 17' 56" EAST ON SAID WEST LINE, A DISTANCE OF 2.20 FEET TO A POINT ON A CURVE; THENCE NORTHERLY ON SAID WEST LINE BEING CURVED THE RIGHT AND HAVING A RADIUS OF 525.00 FEET AND A CENTRAL ANGLE OF 12° 59' 27", AN ARC DISTANCE OF 119.03 FEET (CHORD=118.78', CHORD BEARING=N 14° 24' 40"E) TO A POINT ON A CURVE; THENCE NORTHERLY ON A CURVE THE RIGHT HAVING A RADIUS OF 629.50 FEET AND A CENTRAL ANGLE OF 08° 09' 53", AN ARC DISTANCE OF 89.70 FEET (CHORD=89.63', CHORD BEARING=N 23° 12' 05"E); THENCE NORTHERLY ON A CURVE THE LEFT HAVING A RADIUS OF 40.00 FEET AND A CENTRAL ANGLE OF 12° 54' 18", AN ARC DISTANCE OF 9.01 FEET (CHORD=8.99', CHORD BEARING=N 20° 49' 52"E); THENCE NORTH 27° 00' 59" WEST, A DISTANCE OF 42.79 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE SOUTHEASTERLY ON SAID NORTH LINE BEING CURVED THE RIGHT AND HAVING A RADIUS OF 217.00 FEET AND A CENTRAL ANGLE OF 11° 38' 13", AN ARC DISTANCE OF 44.07 FEET (CHORD=44.00', CHORD BEARING=S 69° 55' 45"E) TO THE NORTHWEST CORNER OF SAID LOT 10 AND THE POINT OF BEGINNING. CONTAINING 199,542 SQUARE FEET (4.5809 ACRES) MORE OR LESS.

And

All adjacent Rights-of-Way

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 stimulate, through public involvement and commitment, private investment in low and moderate income residential development 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 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 _____, 2025.

_____
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 24th day of February, 2025.

_____
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 25th day of February, 2025.

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

(SEAL)