Resolution 25-105

ITEM TO INCLUDE ON AGENDA

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

Kanesville Urban Renewal Plan

- Resolution Nunc Pro Tunc modifying the legal description for the Kanesville Urban Renewal Area.

- Consideration of Ordinance for the division of revenues under Section 403.19, Code of Iowa, for the Kanesville Urban Renewal Plan

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.

April 7, 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:

Disalvo, Peterson, Sandau and Shudak.

Absent: Gorman

Vacant: _____

* * * * * * * * *

Council Member _____ then introduced the following Resolution entitled "RESOLUTION NUNC PRO TUNC CORRECTING AND MODIFYING THE LEGAL DESCRIPTION OF THE KANESVILLE URBAN RENEWAL AREA FOR THE KANESVILLE URBAN RENEWAL PLAN " 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 _____, 2025, at this place.

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. 25-105

RESOLUTION NUNC PRO TUNC CORRECTING AND MODIFYING THE LEGAL DESCRIPTION OF THE KANESVILLE URBAN RENEWAL AREA FOR THE KANESVILLE URBAN RENEWAL PLAN

WHEREAS, by Resolution No. 25-78 adopted March 24, 2025 (the "Authorizing Resolution"), this Council adopted the Kanesville Urban Renewal Plan (the "Plan" or "Urban Renewal Plan") for the Kanesville Urban Renewal Area (the "Area" or "Urban Renewal Area") described therein; and

WHEREAS, the City was unable to obtain written permission to include in the Area one parcel of land qualifying as “agricultural land” under Iowa Code Section 403.17(3) and, accordingly, that property must be excluded from the Area; and

WHEREAS, the legal description of the Urban Renewal Area that was presented to this Council on March 24, 2025 did not reflect the exclusion of the above-described agricultural land; and

WHEREAS, the Council has determined to adopt this resolution nunc pro tunc, modifying the legal description of the land to be included in the Urban Renewal Area under the Plan.

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

Section 1. That the legal description for the Urban Renewal Area contained in the Urban Renewal Plan approved and adopted by the Authorizing Resolution on March 24, 2025, is hereby corrected, nunc pro tunc, and the following legal description shall be substituted in lieu thereof, as the legal description of the Urban Renewal Area:

A PARCEL OF LAND BEING A PORTION OF THE AUDITOR'S SUBDIVISION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE1/4SE1/4) OF SECTION 20, A PORTION OF THE AUDITOR'S SUBDIVISION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW1/4SW1/4) OF SECTION 21, A PORTION OF THE AUDITOR'S SUBDIVISION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE1/4SW1/4) OF SECTION 21, A PORTION OF THE AUDITOR'S SUBDIVISION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE1/4NW1/4) OF SECTION 21, A PORTION OF THE AUDITOR'S SUBDIVISION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4NE1/4) OF SECTION 21, A PORTION OF THE AUDITOR'S SUBDIVISION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4NE1/4) OF SECTION 21, A PORTION OF THE AUDITOR'S SUBDIVISION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NW1/4SE1/4) OF SECTION 21, A PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER (N1/2SW1/4) OF

SECTION 21, A PORTION OF THE AUDITOR'S SUBDIVISION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4SE1/4) OF SECTION 21, A PORTION OF THE AUDITOR'S SUBDIVISION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE1/4NE1/4) OF SECTION 21, ALL OF THE AUDITOR'S SUBDIVISION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4NE1/4) OF SECTION 21, A PORTION OF THE AUDITOR'S SUBDIVISION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE1/4SE1/4) OF SECTION 21, A PORTION OF THE AUDITOR'S SUBDIVISION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4SE1/4) OF SECTION 21, A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW1/4NW1/4) OF SECTION 22, ALL OF THE AUDITOR'S SUBDIVISION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW1/4NW1/4) OF SECTION 22, A PORTION OF THE AUDITOR'S SUBDIVISION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW1/4SW1/4) O SECTION 22, A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4NW1/4) OF SECTION 22, ALL OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE1/4NW1/4) OF SECTION 22, A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE1/4SW1/4) OF SECTION 22, A PORTION OF THE AUDITOR'S SUBDIVISION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4NE1/4) OF SECTION 28 AND A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE1/4NE1/4) OF SECTION 28, ALL IN TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE1/4NW1/4) OF SECTION 22;

THENCE SOUTH ON THE EAST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE1/4NW1/4) AND ON IT'S SOUTHERLY PROLONGATION, 2,220 FEET MORE OR LESS TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF HIGHWAY 6;

THENCE WEST ON SAID SOUTH RIGHT-OF-WAY LINE AND ON IT'S WESTERLY PROLONGATION, 3,267 FEET MORE OR LESS TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 80;

THENCE SOUTHWESTERLY ON SAID WESTERLY RIGHT-OF-WAY LINE, 2,806 FEET MORE OR LESS TO THE NORTHEAST CORNER OF LOT 1, BLACK HILLS SUBDIVISION IN SAID CITY OF COUNCIL BLUFFS;

THENCE WEST ON THE NORTH LINE OF SAID LOT 1, 876 FEET MORE OR LESS TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COLLEGE ROAD;

THENCE NORTH ON SAID EAST RIGHT-OF-WAY LINE, 2,371 FEET MORE OR LESS TO A POINT ON THE EASTERLY PROLONGATION OF THE SOUTH RIGHT-OF-WAY LINE OF HIGHWAY 6;

THENCE WEST ON SAID EASTERLY PROLONGATION AND ON SAID SOUTH RIGHT-OF-WAY LINE, 4,161 FEET MORE OR LESS TO A POINT ON THE WEST LINE OF SAID AUDITOR'S SUBDIVISION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE1/4SE1/4) OF SECTION 20;

THENCE NORTH ON SAID WEST LINE, 286 FEET MORE OR LESS TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID HIGHWAY 6;

THENCE EAST ON SAID NORTH RIGHT-OF-WAY LINE, 4,087 FEET MORE OR LESS TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF WASHBOARD ROAD;

THENCE NORTH ON SAID WEST RIGHT-OF-WAY LINE, 2,100 FEET MORE OR LESS TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID WASHBOARD ROAD;

THENCE NORTHEASTERLY ON SAID NORTHWESTERLY RIGHT-OF-WAY LINE AND ON IT'S NORTHEASTERLY PROLONGATION 1,370 FEET MORE OR LESS TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF YELLOW POLE ROAD;

THENCE EASTERLY ON SAID NORTHERLY RIGHT-OF-WAY LINE AND ON IT'S EASTERLY PROLONGATION 4,467 FEET MORE OR LESS TO A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4NW1/4) OF SECTION 22;

THENCE SOUTH ON SAID EAST LINE, 86 FEET MORE OR LESS TO THE POINT OF BEGINNING.

EXCEPT:
A TRACT OF LAND IN PART OF THE NW1/4 SE1/4 S21, T75, R43, POTTAWATTAMIE COUNTY, IOWA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF THE NE 1/4 SE 1/4 SEC. 21; THENCE NORTHLY ALONG THE EAST LINE OF THE SE 1/4 OF SAID SEC. 21 A DISTANCE OF 375.54 FEET; THENCE WESTERLY A DISTANCE OF 1419.00 FEET; THENCE NORTH 0°20’57” W (ASSUMED BEARING) TO A POINT 160 FEET NORTHERLY OF MEASURED AT RIGHT ANGLES FROM

THE CENTERLINE OF RELOCATED U.S. HIGHWAY 6, A DISTANCE OF 93.43 FEET TO THE POINT OF BEGINNING; THENCE S 78°55'33"W ALONG THE U.S. HIGHWAY 6 RIGHT-OF-WAY A DISTANCE OF 321.70 FEET; THENCE NORTH 81°30'19"W A DISTANCE OF 256.35 FEET; THENCE S83°10'41"W A DISTANCE OF 299.70 FEET; THENCE S77°02'41"W A DISTANCE OF 151.24 FT; THENCE S89°23'04"W A DISTANCE OF 49.42 FT; THENCE N40°21'33"W A DISTANCE OF 134.24 FT; THENCE N7°10'26"W A DISTANCE OF 215.74 FT. TO A POINT 2013.01 FEET NORTHERLY OF AND 31.62 FT. EASTERLY OF THE S1/4 CORNER OF SAID SEC. 21; THENCE N90°00'00"E A DISTANCE OF 1176.15 FEET; THENCE S0°20'57"E A DISTANCE OF 222.38 FT. TO THE POINT OF BEGINNING, CONTAINING 7.145 ACRES MORE OR LESS

SAID PARCEL CONTAINS AN AREA OF 434.6 ACRES, MORE OR LESS.

Section 2. That the revised Urban Renewal Plan, attached hereto as Exhibit 1 and incorporated herein by reference, be and the same is hereby approved and adopted as the "Kanesville Urban Renewal Plan for the Kanesville Urban Renewal Area"; the City Clerk is hereby directed to file a certified copy of the revised Urban Renewal Plan with the proceedings of this meeting.

Section 3. That the findings and conclusions set forth or contained in the revised Urban Renewal Plan and the Authorizing Resolution concerning the area of the City of Council Bluffs, State of Iowa, as corrected hereby, be and the same are hereby ratified and confirmed in all respects as the findings of this Council for this area.

Section 4. That all other provisions of the Authorizing Resolution and the Urban Renewal Plan not affected or otherwise revised by this resolution, be and the same are hereby ratified, confirmed and approved in all respects.

PASSED AND APPROVED this 7th day of April, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

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

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 8th day of April, 2025.

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

(SEAL)