RESOLUTION NO. 22-02

RESOLUTION FIXING DATE FOR A PUBLIC HEARING ON THE PROPOSAL TO ENTER INTO A DEVELOPMENT AGREEMENT WITH ARBOR CREEK, LLC, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF

WHEREAS, by Resolution No. 21-222, adopted July 26, 2021, this Council found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the Arbor Creek Urban Renewal Plan (the "Urban Renewal Plan" or "Plan") for the Arbor Creek Urban Renewal Area (the "Urban Renewal Area" or "Area") described therein, which Plan is on file in the office of the Recorder of Pottawattamie County; and

WHEREAS, it is desirable that properties within the Area be redeveloped as part of the overall redevelopment area covered by said Plan; and

WHEREAS, the City has received a proposal from Arbor Creek, LLC (the "Developer"), in the form of a proposed Development Agreement (the "Agreement") by and between the City and the Developer, pursuant to which, among other things, the Developer would agree to prepare lots for single-family residential development and to construct certain Minimum Improvements (as defined in the Agreement) consisting of 26 Housing Units; certain Infrastructure Improvements to serve the Housing Units including streets, sanitary sewer, and storm sewer; and all related site improvements, on certain real property located within the Urban Renewal Area as defined and legally described in the Agreement (the "Development Property"), all as outlined in the proposed Agreement; and

WHEREAS, the Agreement further proposes that, under the terms and following Developer's satisfaction of the conditions set forth in the Agreement, the City will make up to ten (10) annual payments of Economic Development Grants to Developer, in the amount of 100% of the Tax Increment generated by the construction of the Minimum Improvements and collected pursuant to Iowa Code Section 403.19, less the required LMI set-aside; starting the first fiscal year in which Tax Increment generated by the construction of the Minimum Improvements is collected pursuant to Iowa Code Section 403.19 and ending after ten (10) annual Economic Development Grants have been paid, the maximum cumulative total of the Grants has been paid, or the Agreement is terminated pursuant to its terms, whichever is sooner; the maximum cumulative total for all Economic Development Grants not to exceed the lesser of (i) the amount of the Developer's "Aggregate Qualified Costs" (as defined in the Agreement) for constructing the Infrastructure Improvements, (ii) $900,000, or (iii) the amount of Tax Increment available under the schedule and formula set forth in the Agreement during the 10-year period; and

WHEREAS, the Agreement also proposes that the City may make up to ten (10) annual payments of LMI Grants to the Developer if qualifying "LMI Housing Units" (Housing Units sold to LMI Families who are income qualified through the City' s down payment assistance program) are constructed on the Development Property, which LMI Grants would be equal to 100% of the funds deposited into the City's LMI Fund in the 12-month period preceding each LMI Grant, and could be paid with any Tax Increment funds remaining after the maximum amount of Economic

Development Grants has been paid ("Supplemental Funds") subject to the terms and conditions of the Agreement; the maximum cumulative total for all LMI Grants not to exceed the lesser of (i) the amount of available funds placed into the LMI Fund during the 10-year period plus any Supplemental Funds; or (ii) $1,610,000 minus the lesser of $900,000 or the Developer's Aggregate Qualified Costs for constructing the Infrastructure Improvements; and

WHEREAS, Chapters 15A and 403, Code of Iowa, (the "Urban Renewal Law") authorize cities to make grants for economic development in furtherance of the objectives of an urban renewal project and to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of said Chapter, and to levy taxes and assessments for such purposes; and

WHEREAS, the Council has determined that the Agreement is in the best interests of the City and the residents thereof and that the performance by the City of its obligations thereunder is a public undertaking and purpose and in furtherance of the Plan and the Urban Renewal Law and, further, that the Agreement and the City's performance thereunder is in furtherance of appropriate economic development activities and objectives of the City within the meaning of Chapters 15A and 403, Code of Iowa, taking into account the factors set forth therein; and

WHEREAS, neither the Urban Renewal Law nor any other Code provision sets forth any procedural action required to be taken before said economic development activities can occur under the Agreement, and pursuant to Section 364.6,Code of Iowa, it is deemed sufficient if the action hereinafter described be taken and the City Clerk publish notice of the proposal and of the time and place of the meeting at which the Council proposes to take action thereon and to receive oral and/or written objections from any resident or property owner of said City to such action.

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

Section 1. That this Council meet in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7:00 P.M. on January 24, 2022, for the purpose of taking action on the matter of the proposal to enter into a Development Agreement with Arbor Creek, LLC.

Section 2. That the City Clerk is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said City, said publication to be not less than four (4) clear days nor more than twenty (20) days before the date of said public meeting.

Section 3. The notice of the proposed action shall be in substantially the following form:

(One publication required)

NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS IN THE STATE OF IOWA, ON THE MATTER OF THE PROPOSAL TO ENTER INTO A DEVELOPMENT AGREEMENT WITH ARBOR CREEK, LLC, AND THE HEARING THEREON

PUBLIC NOTICE is hereby given that the Council of the City of Council Bluffs in the State of Iowa, will hold a public hearing on January 24, 2022, at 7:00 P.M. in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at which meeting the Council proposes to take action on the proposal to enter into a Development Agreement (the "Agreement") with Arbor Creek, LLC (the "Developer").

The Agreement would obligate the Developer to construct certain Minimum Improvements (as defined in the Agreement) consisting of 26 Housing Units; the Infrastructure Improvements to serve the Housing Units including streets, sanitary sewer, and storm sewer; and all related site improvements, on certain real property located within the Arbor Creek Urban Renewal Area as defined and legally described in the Agreement (the "Development Property"), under the terms and following satisfaction of the conditions set forth in the Agreement.

The Agreement would further obligate the City to make up to 10 annual payments of Economic Development Grants to Developer in the amount of 100% of the Tax Increment generated by the construction of the Minimum Improvements and collected pursuant to Iowa Code Section 403.19, less the required LMI set-aside, under the terms and following satisfaction of the conditions set forth in the Agreement. The Economic Development Grants would start the first fiscal year in which Tax Increment generated by the construction of the Minimum Improvements is collected pursuant to Iowa Code Section 403.19 and would end after 10 Economic Development Grants have been paid, the maximum cumulative total of the Economic Development Grants has been paid, or the Agreement terminates pursuant to its terms, whichever is sooner. The maximum cumulative total for all Economic Development Grants is not to exceed the lesser of (i) the amount of the Developer's "Aggregate Qualified Costs" (as defined in the Agreement) for constructing the Infrastructure Improvements, (ii) $900,000, or (iii) the amount of Tax Increment available under the schedule and formula set forth in the Agreement during the 10-year period.

The Agreement also proposes that the City may make up to 10 annual LMI Grants to the Developer if qualifying LMI Housing Units (as defined in the Agreement) are constructed on the Development Property, which LMI Grants would be equal to LMI 100% of the funds deposited into the City's LMI Fund in the 12-month period preceding each LMI Grant, and could be paid with any Tax Increment funds remaining after the maximum amount of Economic Development Grants has been paid ("Supplemental Funds"), subject to the terms and conditions of the Agreement. The maximum cumulative total for all LMI Grants is not to exceed the lesser of (i) the amount of available funds placed into the LMI Fund during the 10-year period plus any Supplemental Funds; or (ii) $1,610,000 minus the lesser of $900,000 or the Developer's Aggregate Qualified Costs for constructing the Infrastructure Improvements.

A copy of the Agreement is on file for public inspection during regular business hours in the office of the City Clerk, City Hall, City of Council Bluffs, Iowa.

At the above meeting the Council shall receive oral or written objections from any resident or property owner of said City, to the proposal to enter into the Agreement with the Developer. After all objections have been received and considered, the Council will at this meeting or at any adjournment thereof, take additional action on the proposal or will abandon the proposal to authorize said Agreement.

This notice is given by order of the City Council of the City of Council Bluffs in the State of Iowa, as provided by Section 364.6, Code of Iowa.

Dated this _____ day of _____, 2022.

_____

City Clerk, City of Council Bluffs in the State of Iowa

(End of Notice)

PASSED AND APPROVED this 10th day of January, 2022.

_____
Mayor

ATTEST:

_____
City Clerk