ITEM TO INCLUDE ON AGENDA

CITY OF COUNCIL BLUFFS, IOWA
May 8, 2023
7:00 P.M.

South Avenue Urban Renewal Plan

- Resolution setting dates of a consultation and a public hearing on a proposed Amendment No. 1 to the South Avenue Urban Renewal Plan 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.

May 8, 2023

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 _____, in the chair, and the following named Council Members:

_____

Absent: _____

Vacant: _____

* * * * * * * *

Council Member _____ then introduced the following proposed Resolution entitled "RESOLUTION SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED AMENDMENT NO. 1 TO THE SOUTH AVENUE URBAN RENEWAL PLAN 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. 23-130

RESOLUTION SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED AMENDMENT NO. 1 TO THE SOUTH AVENUE URBAN RENEWAL PLAN IN THE CITY OF COUNCIL BLUFFS, STATE OF IOWA

WHEREAS, by Resolution No. 21-197, adopted June 28, 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 South Avenue Urban Renewal Plan (the "Plan" or "Urban Renewal Plan") for the South Avenue Urban Renewal Area (the "Area" or "Urban Renewal Area") described therein, which Plan is on file in the office of the Recorder of Pottawattamie County; and

WHEREAS, this Urban Renewal Area currently includes and consists of:

A PARCEL OF LAND BEING ALL OF MALLETT'S SUBDIVISION, ALL OF CHILDREN'S ADDITION, A PORTION OF MALLETT'S SUBDIVISION OF LOT 5, AUDITOR'S SUBDIVISION, A PORTION OF CASADY'S ADDITION, A PORTION OF THE SOUTHWEST QUARTER (SW1/4), A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW1/4NW1/4) AND A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4SE1/4) ALL IN SECTION 06, A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4NW1/4) AND A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER ALL IN SECTION 07, ALL IN TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, A PORTION OF RICE'S SOUTH AVENUE SUBDIVISION AND A PORTION OF THE EAST HALF (E1/2) OF SECTION 01, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN ALL IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW1/4SW1/4) OF SAID SECTION 06;

THENCE WESTERLY ON THE SOUTH LINE OF SAID SECTION 06, 923 FEET MORE OR LESS TO THE EASTERLY RIGHT-OF-WAY LINE OF THE C.B.E.C. RAILROAD;

THENCE NORTHWESTERLY ON SAID EASTERLY RIGHT-OF-WAY, 556 FEET MORE OR LESS TO THE SOUTHERLY RIGHT-OF-WAY LINE OF 29TH AVENUE;

THENCE WESTERLY ON SAID SOUTHERLY RIGHT-OF-WAY LINE, 1,177 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY

PROLONGATION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 23RD AVENUE;

THENCE NORTHWESTERLY ON SAID SOUTHERLY PROLONGATION AND ON NORTHEASTERLY RIGHT-OF-WAY LINE, 2,523 FEET MORE OR LESS TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE FORMER B.N.S.F. RAILWAY COMPANY (NOW OWNED BY THE CITY OF COUNCIL BLUFFS, BOOK 2016, PAGE 15954);

THENCE NORTHERLY ON SAID EASTERLY RIGHT-OF-WAY LINE, 2,028 FEET MORE OR LESS TO A POINT ON THE WESTERLY PROLONGATION OF THE SOUTH RIGHT-OF-WAY LINE OF 18TH AVENUE;

THENCE ON SAID WESTERLY PROLONGATION AND ON SAID SOUTH RIGHT-OF-WAY LINE AND IT'S EASTERLY PROLONGATION, 1,200 FEET MORE OR LESS TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF HARRY LANGDON BOULEVARD;

THENCE SOUTHEASTERLY ON SAID NORTHEASTERLY RIGHT-OF-WAY LINE, 6,642 FEET MORE OR LESS TO A POINT ON THE EASTERLY PROLONGATION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 80 LYING WEST OF SAID HARRY LANGDON BOULEVARD;

THENCE SOUTHWESTERLY ON SAID PROLONGATION AND ON SOUTHERLY RIGHT-OF-WAY LINE, 632 FEET;

THENCE NORTHWESTERLY 339 FEET MORE OR LESS TO A POINT ON THE WEST LINE OF SAID NORTHWESTERLY QUARTER OF THE NORTHEASTERLY QUARTER (NW1/4NE1/4);
THENCE NORTHWESTERLY 1,242 FEET MORE OR LESS TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 290 ACRES, MORE OR LESS.

WHEREAS, City staff has caused there to be prepared a form of Amendment No. 1 to the Plan ("Amendment No. 1" or "Amendment"), a copy of which has been placed on file for public inspection in the office of the City Clerk and which is incorporated herein by reference, the purpose of which is to identify a new urban renewal project and to update the description of two previously approved urban renewal projects to be undertaken within the Urban Renewal Area; and

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

WHEREAS, this proposed Amendment No. 1 adds no new land to the Urban Renewal Area; and

WHEREAS, the Iowa statutes require the City Council to notify all affected taxing entities of the consideration being given to the proposed Amendment No. 1 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 Amendment No. 1 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 Amendment 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 Amendment No. 1 required by Section 403.5(2), Code of Iowa, as amended, shall be held on May 23, 2023, in the Community Development Office, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 10:00 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 Amendment No. 1, 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 AMENDMENT NO. 1 TO THE SOUTH AVENUE 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 10:00 A.M. on May 23, 2023, in the Community Development Office, City Hall, 209 Pearl Street, Council Bluffs, Iowa concerning a proposed Amendment No. 1 to the South Avenue Urban Renewal Plan for the South Avenue 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 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 Urban Renewal Area, and the duration of any bond issuance included in the Amendment.

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 Amendment No. 1 to the South Avenue 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 _____, 2023.

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

(End of Notice)

Section 3. That a public hearing shall be held on the proposed Amendment No. 1 before the City Council at its meeting which commences at 7:00 P.M. on June 12, 2023, 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 AMENDMENT NO. 1 TO THE SOUTH AVENUE URBAN RENEWAL PLAN FOR AN 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 June 12, 2023 in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, to consider adoption of a proposed Amendment No. 1 to the South Avenue Urban Renewal Plan (the "Amendment") concerning an Urban Renewal Area in the City of Council Bluffs, State of Iowa.

The Urban Renewal Area contains the land legally described as follows:

A PARCEL OF LAND BEING ALL OF MALLETT'S SUBDIVISION, ALL OF CHILDREN'S ADDITION, A PORTION OF MALLETT'S SUBDIVISION OF LOT 5, AUDITOR'S SUBDIVISION, A PORTION OF CASADY'S ADDITION, A PORTION OF THE SOUTHWEST QUARTER (SW1/4), A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW1/4NW1/4) AND A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4SE1/4) ALL IN SECTION 06, A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4NW1/4) AND A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER ALL IN SECTION 07, ALL IN TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, A PORTION OF RICE'S SOUTH AVENUE SUBDIVISION AND A PORTION OF THE EAST HALF (E1/2) OF SECTION 01, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN ALL IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW1/4SW1/4) OF SAID SECTION 06;

THENCE WESTERLY ON THE SOUTH LINE OF SAID SECTION 06, 923 FEET MORE OR LESS TO THE EASTERLY RIGHT-OF-WAY LINE OF THE C.B.E.C. RAILROAD;

THENCE NORTHWESTERLY ON SAID EASTERLY RIGHT-OF-WAY, 556 FEET MORE OR LESS TO THE SOUTHERLY RIGHT-OF-WAY LINE OF 29TH AVENUE;

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THENCE NORTHWESTERLY 1,242 FEET MORE OR LESS TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 290 ACRES, MORE OR LESS.

A copy of the Amendment 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 Amendment is approved, shall undertake the urban renewal activities described in such Amendment.

The general scope of the urban renewal activities under consideration in the Amendment is to promote the growth and retention of qualified industries and businesses in the Urban Renewal Area through various public purpose and special financing activities outlined in the Amendment. To accomplish the objectives of the Amendment, and to encourage the further economic development of the Urban Renewal Area, the Amendment 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 Amendment 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 Amendment initially proposes specific public infrastructure or site improvements to be undertaken by the City, and provides that the Amendment may be amended from time to time.

The proposed Amendment No. 1 would identify a new urban renewal project and update the description of two previously approved urban renewal projects to be undertaken within the Urban Renewal Area. The proposed Amendment adds no new land to the Urban Renewal Area.

Other provisions of the Plan not affected by the Amendment would remain in full force and effect.

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 _____, 2023.

_____

City Clerk, City of Council Bluffs, State of Iowa

(End of Notice)

Section 5. That the proposed Amendment No. 1, attached hereto as Exhibit 1, for the Urban Renewal Area described therein is hereby officially declared to be the proposed Amendment No. 1 referred to in the notices for purposes of such consultation and hearing and that a copy of the Amendment shall be placed on file in the office of the City Clerk.

PASSED AND APPROVED this 8th day of May, 2023.

_____
Mayor

ATTEST:

_____
City Clerk

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

ATTACH THE AMENDMENT 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 _____ day of _____, 2023.

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

(SEAL)

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