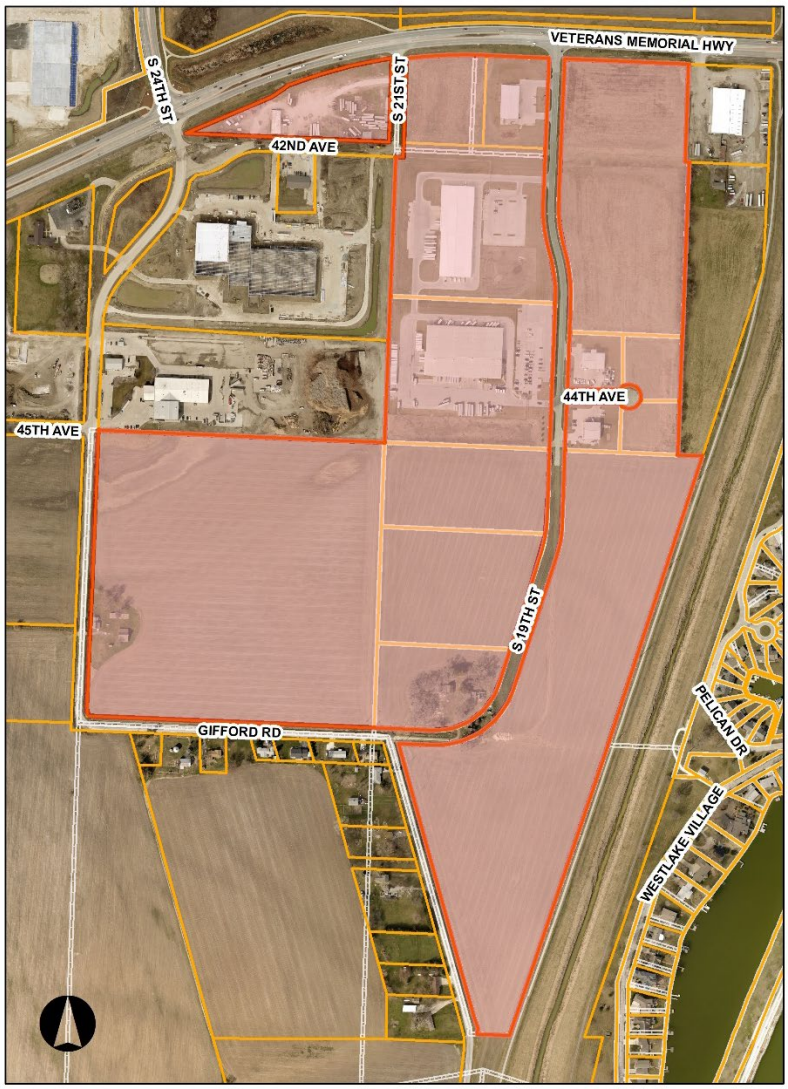
2020 Amendment

to the

South Pointe
Urban Revitalization Plan



Prepared by

Community Development Department
City of Council Bluffs, Iowa

Original Area Adopted by
City Council on December 27, 2018
Amended _____, 2020

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INTRODUCTION

On November 22, 2004, the Council Bluffs City Council adopted Ordinance No. 5823, which established the South 19th Urban Revitalization Area. This revitalization area consisted of eight parcels of land that were located west of Indian Creek, south of Veterans Memorial Highway (US 275/92) and east of Gifford Road and totaled 80.09 acres in size. The plan was valid was 10 years from the date of City Council adoption and helped attract new economic development projects in the South Pointe Industrial Park and along Gifford Road. In 2018, the Industrial Foundation expressed the need for additional assistance to attract new businesses to the industrial park and the South Pointe Urban Revitalization Plan was adopted (Ordinance 6375).

The proposed amendment will add an additional parcel to the existing South Pointe Urban Revitalization Plan to attract new development directly adjacent to Veterans Memorial Highway.

The Urban Revitalization Act empowers a municipality to designate an area appropriate for commercial and industrial enterprises, public improvements related to housing and residential development, or construction of housing and residential development for low and moderate income families, including single or multifamily housing.

The City of Council Bluffs wishes to utilize property tax abatement incentives under the Urban Revitalization act to facilitate the development of new commercial and industrial land uses. The preparation and subsequent adoption of an Urban Revitalization Plan is required by the Iowa Code prior to the provision of property tax abatement.

Section 404.1 of the Iowa Code stipulates that the Council may, by ordinance, designate an area of the City as the revitalization area, if that area is classified as any of the following:

1. An area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire and other causes or a combination of such factors, is conductive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime and which is detrimental to the public health, safety or welfare.

2. An area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards

the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety or welfare in its present condition and use.

3. An area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.

4. An area which is appropriate as an economic development area as defined in Section 403.17(10) of the Iowa Code which states “an area of a municipality designated by the local governing body as appropriate for commercial and industrial enterprises, public improvements related to housing and residential development, or construction of housing and residential development for low and moderate income families, including single or multifamily housing.”
5. An area designated as appropriate for public improvements related to housing and residential development, or construction of housing and residential development, including single or multifamily housing.

In December 2018, the City of Council Bluffs adopted the South Pointe Urban Revitalization Plan and established the South Pointe Urban Revitalization Area under the criteria of element 4. The City now desires to amend the Plan and Area to include additional commercial property (herein referred to as the “Amended Plan” and “Amended Area.”

Illustration 1 – Original Resolution

RESOLUTION NO. 18-282

A RESOLUTION OF NECESSITY AND INTENT TO ESTABLISH THE SOUTH POINTE REVITALIZATION AREA LEGALLY DESCRIBED AS LOTS 1, 2, 4 AND 5, SOUTH POINTE SUBDIVISION; LOTS 2-5, SOUTH POINTE SUBDIVISION, REPLAT 1; LOT 1, SOUTH POINTE SUBDIVISION, REPLAT 2; AND ALL OF SOUTH POINTE SUBDIVISION, PHASE 2), CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the subject area is an appropriate area as defined in Section 404.1.4 of the Iowa Code; and

WHEREAS, the Council Bluffs Industrial Foundation and others have properties available for economic development in this area; and

WHEREAS, a plan for the area must be developed in accordance with Section 404.2 of the Iowa Code; and

WHEREAS, thirty days notice of public hearing is required to be sent to all property owners and occupants within the area; and

WHEREAS, notice of public hearing is also required in accordance with Section 362.3 of the Iowa Code.

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

That the development of the area is necessary in the interest of the City and the area substantially meets the criteria of Section 404.1.4.

BE IT FURTHER RESOLVED

That the City Council directs staff to prepare a final plan pursuant to Section 404.2 of the Iowa Code by October 25, 2018.

BE IT FURTHER RESOLVED

That the City Council directs the City Clerk to set this matter for public hearing on November 26, 2018.

ADOPTED
AND
APPROVED: October 8, 2018

Matthew J. Walsh — Mayor

ATTEST: Jodi Quakenbush — City Clerk

Illustration 2 – Amended Plan Resolution

RESOLUTION NO. 20-126

A RESOLUTION OF NECESSITY AND INTENT TO AMEND THE SOUTH POINTE URBAN REVITALIZATION AREA.

WHEREAS, the subject area is an appropriate area as defined in Section 404.1.4 of the Iowa Code; and

WHEREAS, on November 26, 2018, City Council adopted Resolution No. 18-325 approving the South Pointe Urban Revitalization Plan; and

WHEREAS, the Community Development Department recommends amending the plan to add an additional parcel to the revitalization area; and

WHEREAS, an amended plan must be developed in accordance with Section 404.2 of the Iowa Code; and

WHEREAS, thirty days' notice of public hearing is required to be sent to all property owners and occupants within the area; and

WHEREAS, notice of public hearing is also required in accordance with Section 362.3 of the Iowa Code.

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

That the development of the area is necessary in the interest of the City and the area substantially meets the criteria of Section 404.1.4.

BE IT FURTHER RESOLVED

That the City Council directs staff to prepare a final plan pursuant to Section 404.2 of the Iowa Code by May 22, 2020.

BE IT FURTHER RESOLVED

That the City Council directs the City Clerk to set this matter for public hearing on June 22, 2020.

ADOPTED
AND
APPROVED: May 18 2020

Matthew J. Walsh Mayor

ATTEST:
Jodi Quakenbush City Clerk

LEGAL DESCRIPTION

The original South Pointe Urban Revitalization Area is a tract of land containing the following legally described parcels:

Lots 1, 2, 4, and 5, South Pointe Subdivision; Lots 2 through 5, South Pointe Subdivision, Replat 1; Lot 1, South Pointe Subdivision, Replat 2; and of proposed South Pointe Subdivision, Phase 2, all in the City of Council Bluffs, Pottawattamie County, Iowa.

The Added Area includes the following legally described parcel:

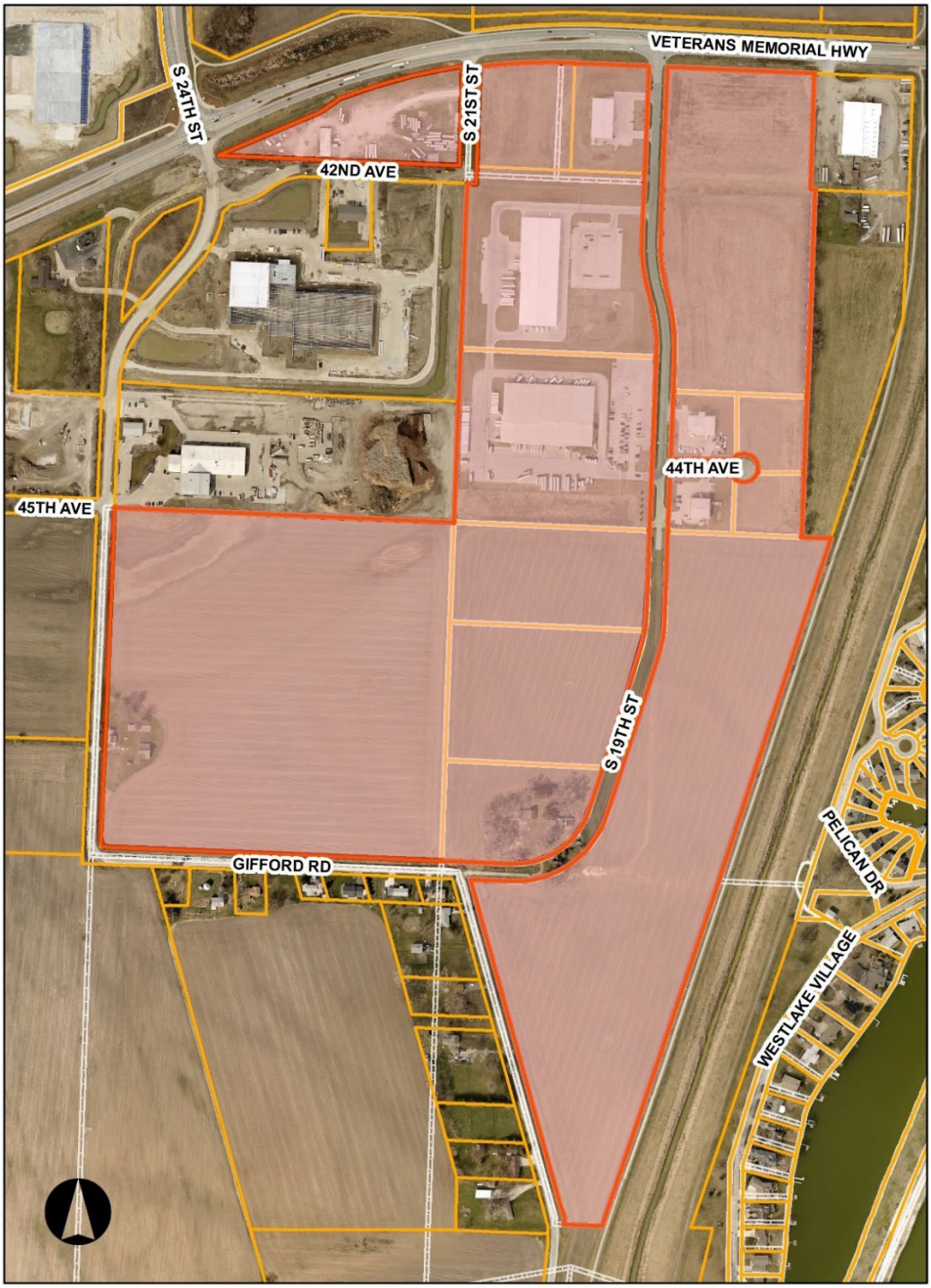
A parcel of land located in part of the Southwest Quarter of the Southwest Quarter of Section 11, Township 74, Range 44, Pottawattamie County, Council Bluffs, Iowa, more particularly described as follows:

Commencing at the Southwest corner of said Section 11; thence North 93° 31' 40" East, along the South line of said Southwest Quarter of the Southwest Quarter, a distance of 252.18 feet to a point on the Southeasterly right of way line of U.S. Highway No. 275 and Point of Beginning; thence North 63° 02' 45n East, along said Southeasterly right of way line, a distance of 76.70 feet to a point on the North right of way line of 42nd Avenue, said point being 33.00 feet normally distant Northerly from the centerline of said 42nd Avenue; thence North 88° 31' 40" East, along said North right of way line and parallel with said centerline of 42nd Avenue, a distance of 46.49 feet to a point on the Southeasterly right of way line of said U.S Highway No. 275, said point being 70.00 feet normally distant Southeasterly from the centerline of said U.S. Highway No. 275; thence North 63° 02' 45" East, along said Southeasterly right of way line and parallel with said centerline of U.S. Highway No. 275, a distance of 428.10 feet; thence North 51° 05' 43" East, along said Southeasterly right of way line, a distance of 87.35 feet to a point being 50.00 feet normally distant Southeasterly from said centerline of U.S. Highway No. 275 at Stat on 169+00.00, said point being on a non-tangent curve concave Southeasterly and having a radius of 2241.83 feet, a radial line of said curve through said point bearing North 24° 35' 14" West; thence Northeasterly along said Southeasterly right of way line, and parallel with said centerline of U.S. Highway No. 275 and along said curve an arc length of 513.65 feet and having a chord bearing and distance of North 71° 58' 36" East, 512.52 feet to a point on the East line of said Southwest Quart r of the Southwest Quarter, said point being on the centerline of a city street and 50.00 feet normally distant Southeasterly from said centerline of U.S. Highway No. 275; thence South 2° 01 19n East, along the East line of said Southwest Quarter of the Southwest Quarter and along the centerline of said city street, a distance of 416.30 feet to the Southeast corner of said Southwest Quarter of the Southwest Quarter; thence South 88° 31' 40" West, along the South line of said Southwest Quarter of the Southwest Quarter and along the centerline of 42nd Avenue, a distance of 1066.83 feet to the Point of Beginning. The East 33.00 feet of said parcel is subject to an easement for city street right of way, and the South 33.00 feet of said parcel is subject to an easement for 42nd Avenue right of way.
NOTE: The South line of the Southwest Quarter of the Southwest Quarter of said Section 11 is assumed to bear North 88° 31' 40" East for this description.

The original area is approximately 136.90 acres in size. The Added Area consists of 5.10 acres, for a total Amended Area of 142.00 acres.

Amended South Pointe Road Urban Revitalization Area

Illustration 3 – Amended Boundary



PROPERTY OWNERS AND ASSESSED VALUES

The Amended South Pointe Urban Revitalization Area contains 14 parcels of land that total 142.00 acres in size. The total valuation ($) for all land, dwellings, and buildings in this urban revitalization area are as follows:

Land Valuation: $5,498,100.00
Dwelling Valuation: $0
Building Valuation: $9,560,200.00
Total Valuation: $15,058,300.00

A listing of the original parcels, ownership, land/dwelling/building valuation, and acreage information is outlined in the attachment titled *Attachment A – South Pointe Urban Revitalization Area Plan – Property Owners List*. The Added Area's parcel, ownership, land/dwelling/building valuation, and acreage information is outlined in the attachment titled *Attachment B – Amended South Pointe Urban Revitalization Area Plan – Added Property Owners List*. The information stated in these attachments was obtained from records in the Pottawattamie County Assessor's Office.

On November 22, 2004, the Council Bluffs City Council adopted Ordinance No. 5823, which established the South 19th Urban Revitalization Area. This revitalization area consisted of eight parcels of land that were located west of Indian Creek, south of Veterans Memorial Highway (US 275/92) and east of Gifford Road and totaled 80.09 acres in size. The plan was valid was 10 years from the date of City Council adoption and helped attract new economic development projects in the South Pointe Industrial Park and along Gifford Road. The Amended South Pointe Urban Revitalization Area will include land that was located in the former South 19th Street Urban Revitalization Area.

EXISTING ZONING AND PROPOSED LAND USE

The Amended South Pointe Urban Revitalization Area is currently zoned I-2/General Industrial District and is partially located within a designated Recreational-Tourism Overlay (RO) (see Illustrations 3 and 4). The I-2/General Industrial District is intended to provide for the development of general manufacturing and industrial areas. This district is designed to accommodate industrial uses with moderate external effects. The Recreation-Tourism Overlay (RO) is intended to maintain and enhance the aesthetic quality of areas around the National Historic Trails Center and land based and riverboat gaming facilities. This Overlay is intended to mitigate and negative impact associated with these facilities.

Surrounding zoning in the general vicinity of the Amended South Pointe Urban Revitalization area includes: I-2/General Industrial District and I-1/Light Industrial District to the north; I-2/General Industrial District, A-2/Parks, Estates, and Agricultural District, C-2/Commercial District, R-1/Single Family Residential District, and R-3/Low Density Multi-Family Residential District to the east; A-2/Parks, Estates, and Agricultural District

to the south; along with I-2/General Industrial District and A-2/Parks, Estates, and Agricultural District to the west.

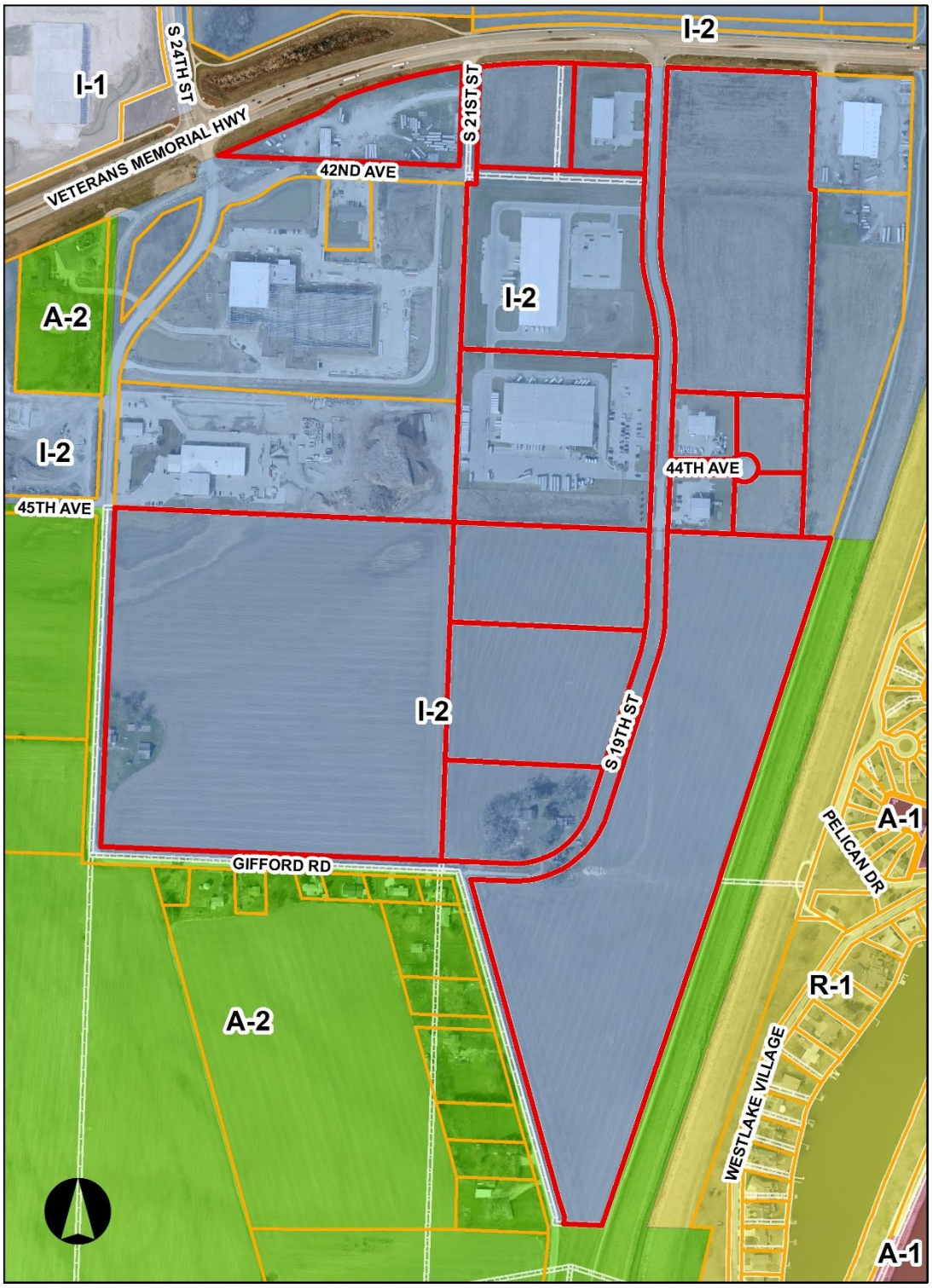
The Amended South Pointe Urban Revitalization Area contains a mixture of industrial, undeveloped, and agricultural land uses. Existing businesses within this urban revitalization area include the following:

1. Matheson Tri-Gas – 4106 South 19th Street (PIN #744411377004)
2. Fremont Contract Carriers (FCC) – 4303 South 19th Street (PIN #744411379001)
3. FedEx Freight – 4306 South 19th Street (PIN #744414126003)
4. FedEx Freight – 4406 South 19th Street (PIN #744414126002)
5. Pro-Tech Sales – 4343 South 19th Street (PIN #74414127003)
6. TEQ Supply Inc. – 4405 South 19th Street (PIN #744414127005)
7. Rogers Auto – 2105 Veterans Memorial Hwy (PIN # 744411352002) (Added Area)

The remaining properties in the proposed South Pointe Urban Revitalization Area are undeveloped. The Council Bluffs Industrial Foundation replatted 95.83 acres of said urban revitalization area into a new five-lot industrial subdivision to be known as South Pointe Subdivision, Phase 2 in 2018 (see Illustration 5). This subdivision is located immediately south of the South Pointe Subdivision and includes an extension of South 19th Street and improvements to Gifford Road. The Council Bluffs Industrial Foundation and the Advance Southwest Iowa Corporation intend to market and sell each lot in the subdivision for new economic development projects in the City.

All land uses in the proposed Amended South Pointe Urban Revitalization Area will be commercial or industrial.

Amended South Pointe Urban Revitalization Plan
Illustration 4 – Amended Zoning Map



Amended South Pointe Urban Revitalization Plan
Illustration 5 – Recreation-Tourism Overlay

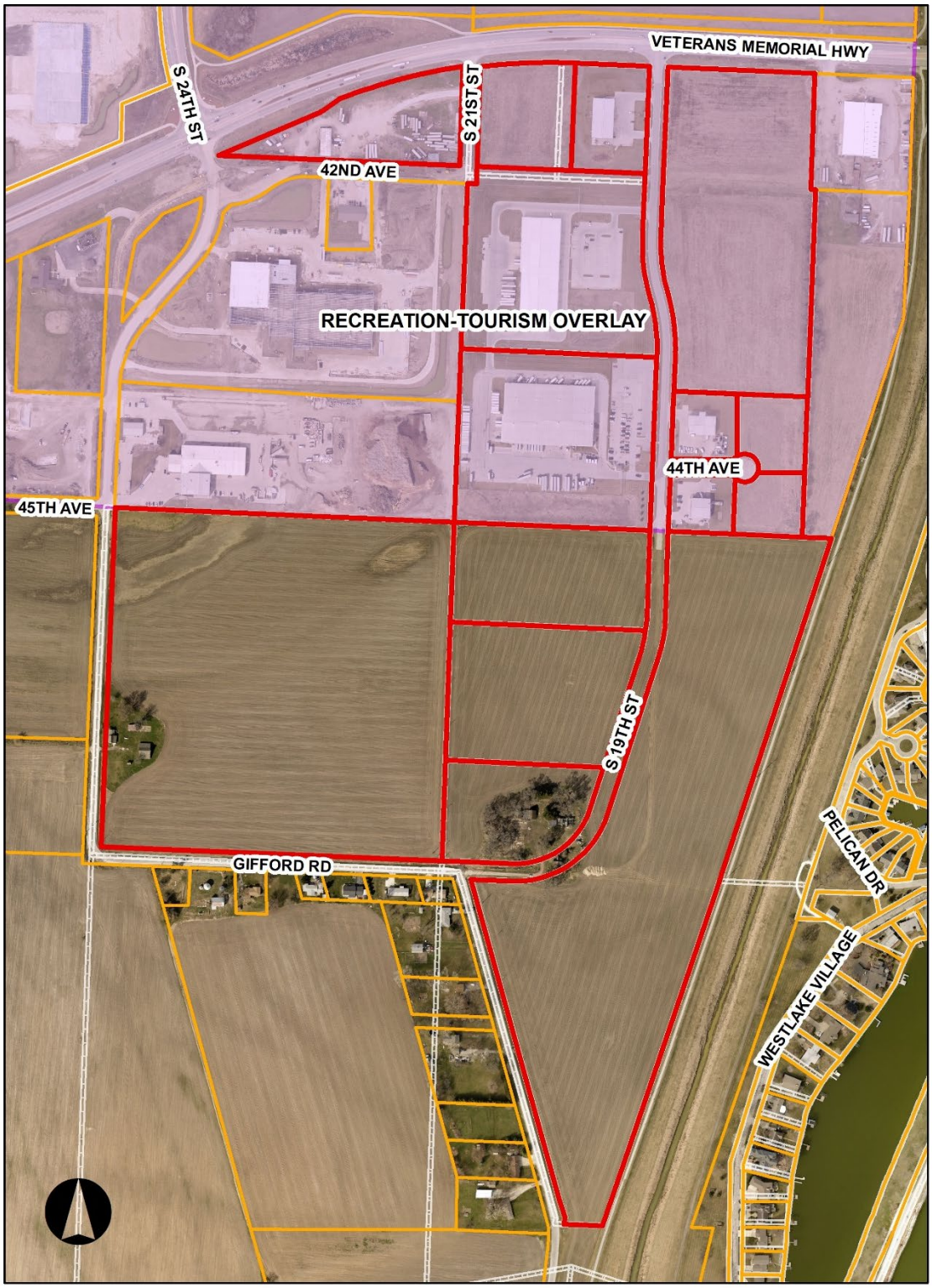
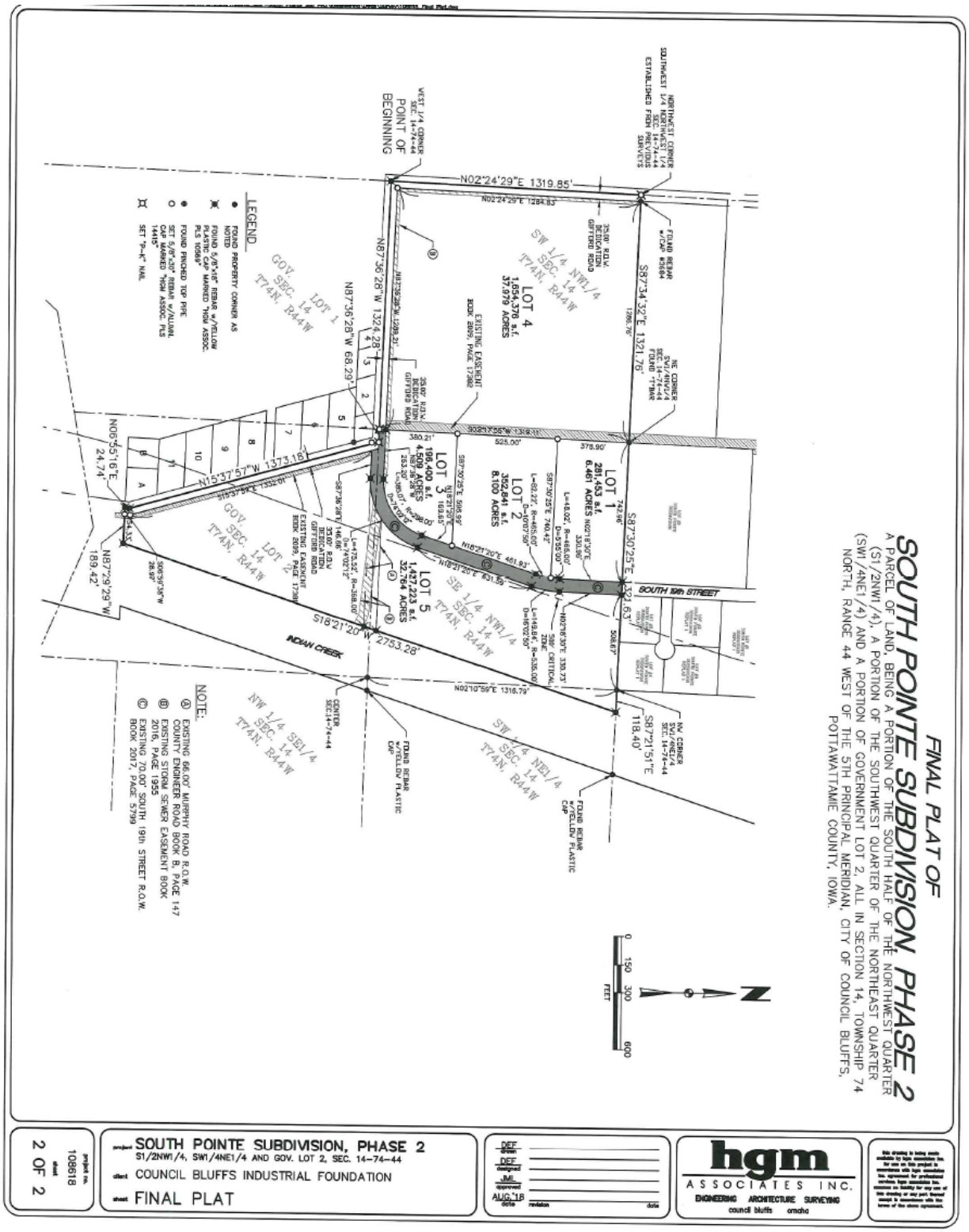


Illustration 6 – South Pointe Subdivision, Phase 2 Final Plat



PROPOSALS FOR IMPROVING OR EXPANDING CITY SERVICES

The proposed Amended South Pointe Urban Revitalization Area is served with all municipal utilities (sanitary sewer, water and storm sewer) as well as electricity and gas. The area is accessible by five public roadways, as follows: Veterans Memorial Highway (US 275/92), South 21st Street, South 19th Street, 44th Avenue, and Gifford Road. In the last five years the City and/or other private entities have reconstructed portions of Gifford Road, South 21st Street, and South 19th Street to meet current City standards. All said roadways operate at a level of service (LOS) that can adequately handle additional traffic generated by new projects in this proposed urban revitalization area. There are no proposals to expand City services at this time.

RELOCATION PROVISIONS

Relocation is not anticipated with the implementation of this plan. However, if either a residential or non-residential tenant relocation occurs as a result of actions taken by a developer qualifying for the benefits under the Urban Revitalization Act, the tenant shall receive compensation from the developer of one month's rent and actual moving expenses, provided that the tenant has occupied the same unit continuously for a one year period prior to the adoption of this plan.

OTHER PUBLIC ASSISTANCE

The City anticipates the use of other public assistance may be necessary for development of this area. This assistance may include:

1. Property tax exemption

2. Continued use of Capital Improvement Program funds for the improvement or reconstruction of streets, sanitary sewer, storm sewer systems, and railroad crossings.

3. Funding from the State of Iowa (Economic Development Authority, Finance Authority, and Department of Transportation) to provide assistance to qualified businesses locating or expanding in the area or to cause the construction of infrastructure to support economic development projects.

4. Funding from the U.S. Government (Department of Housing and Urban Development, Economic Development Administration, and Federal Highway Administration) to acquire and prepare for private redevelopment or to cause the construction of infrastructure to support economic development projects.

APPLICABILITY AND TAX EXEMPTION SCHEDULE

1. Eligibility - The Amended South Pointe Urban Revitalization Plan will apply to commercial and industrial land uses.

Both new construction and rehabilitation of existing structures will be eligible for tax abatement under the plan. Rehabilitation may include renovation of a structure to bring it to code standards, remodeling and expansion.

2. Term - The term of this Plan shall be until December 31, 2038 or as amended by City Council.

3. Commercial and Industrial

Ten Year - All eligible commercial and industrial real estate is eligible to receive a partial exemption from taxation on the actual value added by the improvements. The exemption is for a period of ten years. The amount of the partial exemption is equal to a percent of the actual value added by the improvements, determined as follows:

a. For the first year, eighty percent.
b. For the second year, seventy percent.
c. For the third year, sixty percent.
d. For the fourth year, fifty percent.
e. For the fifth year, forty percent.
f. For the sixth year, forty percent.
g. For the seventh year, thirty percent.
h. For the eighth year, thirty percent.
i. For the ninth year, twenty percent.
j. For the tenth year, twenty percent.

-OR-

Three Year - All eligible commercial and industrial real estate is eligible to receive a one hundred percent exemption from taxation on the actual value added by the improvements. The exemption is for a period of three years.

6. Improvements - Improvements shall include commercial and industrial rehabilitation and additions to existing structures as well as new construction on vacant land or on land with existing structures

- For non-residential property, improvements must increase the actual value of the structure by at least 15%. If more than one building is located on the property, the 15% increase requirement applies only to the structure or structures upon which the improvements were made.
- If no structures were located on the property prior to the improvements, any improvements may qualify.

7. Actual Value - Actual value added by the improvements means the actual value added as of the first year for which the exemption was received. However, if such construction was begun one year prior to the adoption by the City of a Plan of Urban Revitalization pursuant to Chapter 404 of the Iowa Code, the value added by such construction, shall not constitute an increase in value for purposes of qualifying for the exemptions listed in this section.

APPLICATION AND REVIEW PROCESS

Upon completion of all improvements made within the assessment year for which the exemption is first claimed, the owner shall use the following procedure to secure the tax exemption.

1. The applicant requests a conference with the Community Development Department to discuss applicability of the request to established policy and review the application process.

2. The applicant completes the required forms and submits them along with all required data by February 1st to the Community Development Department. As part of the acceptance procedure, the Community Development Department shall review the submission for completeness. If there is a deficiency, the Department shall notify the applicant within seven (7) days.

3. The Department shall review the application according to the following criteria: 1) conformance with the Urban Revitalization Plan; 2) a finding that the site is within a designated area; 3) a finding that the work has been completed within the time required to qualify for abatement in the assessment year; 4) a finding that the application is consistent with Chapter 404 of the Iowa Code; and 5) a finding that the application is consistent with all applicable city codes and ordinances.

4. Upon review of the application, the Community Development Department will prepare a recommendation and schedule the proposal for City Council consideration.

5. By resolution, the City Council will accept the application and improvements as consistent with the intent of this plan and state law.

6. The City Council will then direct the Community Development Department to transmit a copy of the case file to the Assessor's Office by March 1st as required by Chapter 404 of the Iowa Code.

Attachment A - South Pointe Urban Revitalization Area Plan - Property Owners List

Parcel Number	Owner & Tax Address	Land Valuation	Dwelling Valuation	Building Valuation	Total Valuation	Acreage
744411377007	Council Bluffs Industrial Foundation PO Box 1565, Council Bluffs, IA 51502	$290,200.00	$0	$0	$290,200.00	3.28
744411377004	R A H Council Bluffs LLC c/o Matheson Tri Gas Inc. 155 Allen Road, Suite 302 Basking Ridge, NJ 07920	$263,000.00	$0	$489,200.00	$752,200.00	2.63
744411379001	J A K K Investments LLC 865 Bud Boulevard Fremont, NE 68025	$1,474,000.00	$0	$3,704,600.00	$5,178,600.00	14.74
744414126003	ARC Fecnbia001 LLC c/o American Realty Capital 200 Dryden Road, Suite 1100 Dresher, PA 19025	$1,101,000.00	$0	$1,394,800.00	$2,495,800.00	11.01
744414126002	ARC Fecnbia001 LLC 38 Washington Square Newport, RI 02840 McAllen Properties Omaha 3950 Commercial Avenue Madison, WI 53714	(address updated 10-25-18 from original plan draft) $1,123,000.00	$0	$2,905,400.00	$4,028,400.00	11.23
744414127003	Glenn, Bernard L Trust 18045 Bent Tree Ridge Council Bluffs, IA 51503	$150,000.00	$0	$420,800.00	$570,800.00	1.50
744414127004	Glenn, Ross B-Patricia E 4343 S 19th Street Council Bluffs, IA 51501	$144,000.00	$0	$0.00	$144,000.00	1.60
744414127005	TEQ Properties, LLC c/o Greg Petersen 11664 Pierce Street Omaha, NE 68144	$124,000.00	$0	$403,700.00	$527,700.00	1.24
744414127006	Council Bluffs Industrial Foundation PO Box 1565, Council Bluffs, IA 51502	$121,500.00	$0	$0	$121,500.00	1.35
744414176001	Council Bluffs Industrial Foundation PO Box 1565, Council Bluffs, IA 51502	$75,700.00	$0	$0	$75,700.00	34.42
744414151002	Council Bluffs Industrial Foundation PO Box 1565, Council Bluffs, IA 51502	$70,100.00	$0	$0	$70,100.00	36.24
744414151001	Council Bluffs Industrial Foundation PO Box 1565, Council Bluffs, IA 51502	$15,800.00	$0	$0	$15,800.00	1.66
	Council Bluffs Industrial Foundation PO Box 1565, Council Bluffs, IA 51502	$35,800.00	$0	$0	$35,800.00	16.00
		$4,988,100.00	$0	$9,318,500	$14,306,600.00	136.90

Attachment B - Amended South Pointe Urban Revitalization Area Plan - Added Property Owners List

Parcel Number	Owner & Tax Address	Land Valuation	Dwelling Valuation	Building Valuation	Total Valuation	Acreage
744411352002	Rogers, Terry W Rogers Auto 2301 Veterans Memorial Hwy Council Bluffs, IA 51503	$510,000.00	$0	$241,700.00	$751,700.00	5.10
	Original Area	$4,988,100.00	$0	$9,318,500.00	$14,306,600.00	136.90
	Amended Area Total	$5,498,100.00	$0	$9,560,200.00	$15,058,300.00	142.00

Attachment B