

MINUTES PROVIDING FOR PASSAGE
OF AN ORDINANCE ESTABLISHING A
TAX INCREMENT FINANCING
DISTRICT FOR CERTAIN TAXABLE
PARCELS IN THE CONSOLIDATED
MUSCATINE URBAN RENEWAL AREA

421464-39

(Ord.-Second and Final Consideration and
Adoption)

Muscatine, Iowa

December 18, 2014

The City Council of the City of Muscatine, in Muscatine County, Iowa, met on the 18th day of December, 2014, at _____ o'clock __.m., at the _____, in the City.

The Mayor presided and the roll was called showing members present and absent, as follows:

Present: _____

Absent: _____.

The Mayor announced that, on December 4, 2014, the City Council had given its initial consideration to an ordinance entitled "Ordinance No. _____. An Ordinance providing for the division of taxes levied on certain taxable parcels in the Consolidated Muscatine Urban Renewal Area of the City of Muscatine, Iowa, Pursuant to Section 403.19 of the Code of Iowa."

It was moved by Council Member _____ and seconded by Council Member _____ that the statutory rule requiring said ordinance to be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended. The Mayor put the question on the motion and the roll being called, the following named Council Members voted:

Ayes: _____

Nays: _____.

Whereupon, the Mayor declared the motion duly carried.

It was moved by Council Member _____ and seconded by Council Member _____ that the ordinance entitled "Ordinance No. _____. An Ordinance providing for the division of taxes levied on certain taxable parcels in the Consolidated Muscatine Urban Renewal Area of the City of Muscatine, Iowa, pursuant to Section 403.19 of the Code of Iowa," now be put upon its final passage and adoption. The Mayor put the question on the final passage and adoption of said ordinance and the roll being called, the following named Council Members voted:

Ayes: _____

Nays: _____.

Whereupon, the Mayor declared the motion duly carried and declared that said ordinance had been duly adopted.

* * * *

There being no further business to come before the meeting, it was upon motion adjourned.

Mayor

Attest:

City Clerk

STATE OF IOWA
COUNTY OF MUSCATINE

SS:

I, the undersigned, County Auditor of Muscatine County, in the State of Iowa, do hereby certify that on the _____ day of _____, 2014, the City Clerk of the City of Muscatine, Iowa, filed in my office a copy of an ordinance of such City shown to have been adopted by the City Council and approved by the Mayor thereof on the 18th day of December, 2014, entitled: "Ordinance No. _____. An Ordinance providing for the division of taxes levied on certain taxable parcels in the Consolidated Muscatine Urban Renewal Area of the City of Muscatine, Iowa, pursuant to Section 403.19 of the Code of Iowa", and that I have duly placed a copy of the ordinance on file in my records.

WITNESS MY HAND this _____ day of _____, 2014.

County Auditor

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE DIVISION OF TAXES LEVIED ON CERTAIN TAXABLE PARCELS IN THE CONSOLIDATED MUSCATINE URBAN RENEWAL AREA, PURSUANT TO SECTION 403.19 OF THE CODE OF IOWA

WHEREAS, the City Council of the City of Muscatine, Iowa (the "City") previously enacted an ordinance entitled "An Ordinance Providing For The Division Of Taxes Levied On Taxable Property In Consolidated Muscatine Urban Renewal Area, Pursuant To Section 403.19 of the Code of Iowa"; and

WHEREAS, pursuant to prior ordinance the Consolidated Muscatine Urban Renewal Area in the City of Muscatine was designated a "tax increment district"; and

WHEREAS, the City Council now desires to increase the size of the "tax increment district" by designating additional property;

BE IT ENACTED by the Council of the City of Muscatine, Iowa:

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on certain taxable property in the Consolidated Muscatine Urban Renewal Area of the City of Muscatine, Iowa, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Muscatine to finance projects in such area.

Section 2. Definitions. For use within this ordinance the following terms shall have the following meanings:

"City" shall mean the City of Muscatine, Iowa.

"County" shall mean Muscatine County, Iowa.

"Urban Renewal Area Amendment" shall mean the real property situated in the City of Muscatine, County of Muscatine, State of Iowa and in the Consolidated Muscatine Urban Renewal Area, the legal description of which is set out below:

(1) North University Property: Beginning at the intersection of the west right-of-way line of University Drive and the north line of the Colorado Park Addition, Phase 2 Subdivision; thence westerly along the north line of the Colorado Park Addition, Phase 2 Subdivision to an intersection with the east line of the Cobblestone Ridge Condo Subdivision; thence northerly along the east line of the Cobblestone Ridge Condo Subdivision to an intersection the south line of the Cobblestone Ridge Phase III Subdivision; thence northerly along the east line of the Cobblestone Ridge Phase III Subdivision; thence continuing northerly along an extension of the east line of the Cobblestone Ridge Phase III Subdivision to and intersection with the south line of a trail easement granted to City of Muscatine as recorded in Document No. 2010-04567; thence westerly along said trail easement to an intersection with the east line of the Park Plaza Addition Number 5 Subdivision; thence northerly along the east line of the Park Plaza Addition Number 5 Subdivision to an intersection with the southeast corner of the North Point Subdivision; thence

northerly along the east line of the North Point Subdivision to an intersection with south right-of-way line of United States Highway #61; thence northwesterly along the south right-of-way line of United States Highway #61 to the east line of Bloomington Township; thence southerly along the east line of Bloomington Township to an intersection with the southwest corner of the of Lot 2 of the Northland Subdivision; thence easterly along the south line of Lot 2 of the Northland Subdivision to an intersection with the west right-of-way line of University Drive; thence southerly along the west right-of-way line of University Drive to the point of beginning. All referenced documents have been recorded in the Office of the Muscatine County Recorder.

(2) Downtown Hotel/Conference Facility Property. Property bearing Muscatine County Property ID Numbers:

1302226031
1302226001
1302226002
1302226003
1302226004
1302226005
1302226006
1302226009
1302226012
1302226014
1302226000
1302226018

The area comprised of Block 11 of Original Town and the Mississippi Drive right-of-way adjoining Block 11.

“Urban Renewal Area” shall mean the entirety of the Consolidated Muscatine Urban Renewal Area as amended from time to time.

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area Amendment. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area Amendment each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Area Amendment is located, shall be divided as follows:

(a) that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area Amendment, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area Amendment on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area Amendment to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

(b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, taxes for the instructional support program of a school district imposed pursuant to Section 257.19 of the Code of Iowa and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area Amendment exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area Amendment shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area Amendment shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(c) the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

(d) as used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Saving Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. Effective Date. This ordinance shall be effective after its final passage, approval and publication as provided by law.

Finally passed by the Council of the City of Muscatine, Iowa, the 18th day of December, 2014.

Mayor

Attest:

City Clerk

STATE OF IOWA
COUNTY OF MUSCATINE
CITY OF MUSCATINE

SS:

I, the undersigned, City Clerk of the City of Muscatine, do hereby certify that I caused to be published "Ordinance No. _____". An Ordinance providing for the division of taxes levied on certain taxable parcels in the Consolidated Muscatine Urban Renewal Area of the City of Muscatine, Iowa, pursuant to Section 403.19 of the Code of Iowa," of which the printed slip attached to the publisher's original affidavit hereto attached is a true and complete copy, on the date and in the newspaper specified in such affidavit, and that such newspaper has a general circulation in said City.

WITNESS MY HAND this _____ day of _____, 2014.

City Clerk

(Attach hereto publisher's affidavit of publication with clipping of ordinance as published.)

(PLEASE NOTE: Do not sign and date this certificate until you have checked a copy of the published ordinance and have verified that it was published on the date indicated in the publisher's affidavit.)

STATE OF IOWA
COUNTY OF MUSCATINE
CITY OF MUSCATINE

SS:

I, the undersigned, City Clerk of the City of Muscatine, do hereby certify that the attached is a true, correct and complete copy of all the records of the Council of such City relating to the adoption of an ordinance entitled "Ordinance No. _____. An Ordinance providing for the division of taxes levied on certain taxable parcels in the Consolidated Muscatine Urban Renewal Area of the City of Muscatine, Iowa, pursuant to Section 403.19 of the Code of Iowa."

WITNESS MY HAND this ____ day of _____, 2014.

City Clerk

November 26, 2014

VIA EMAIL

Gregg Mandsager
City Clerk/City Hall
Muscatine, IA

Re: Consolidated Muscatine Urban Renewal Area
Our File No. 421464-39

Dear Gregg:

Attached are proceedings for use by your City Council on December 4, 2014 covering the adoption of the tax increment ordinance for the additional project territory in the urban renewal area. As requested, we have prepared the proceedings on the presumption that the City Council will consider the ordinance at two separate meetings and waive the third consideration. If the Council does not choose to follow this procedure, we will provide substitute proceedings.

Once the ordinance has been finally adopted, it must be published and copies must be filed with the County Auditor of Muscatine County. Please print extra copies of the ordinance for publishing and filing, and certificates are included in the proceedings to attest to each of those acts.

We will appreciate receiving executed copies of these proceedings as soon as they are available. Please contact me if you have any questions.

Best regards,

John P. Danos

Attachments

cc: Nancy Lueck