



City Hall, 215 Sycamore St.
Muscatine, IA 52761-3840
(563) 262-4141
Fax (563) 262-4142

PLANNING, ZONING AND BUILDING SAFETY

Public Health,
Housing Inspections &
Inspection Services

MEMORANDUM

To: Mayor and City Council Members

Cc: Gregg Mandsager, City Administrator

From: Steven Boka, Director of Community Development

Date: May 3, 2011

Re: Resolution Expanding & Consolidating Urban Renewal Areas & Plan Amendment

INTRODUCTION: The City currently has six different urban renewal plans and districts covering a large portion area of the city.

BACKGROUND: Staff has discussed the benefits of consolidating the six plans into a single document and expanding the areas intended to be covered by the plan. City staff consulted the Planning Commission on April 12, 2011 and they have recommended approval of the proposed plan amendment and consolidation; finding it consistent with the Comprehensive Plan. Staff subsequently conducted a presentation regarding the plan amendment and consolidation to City Council during their April 14th In-Depth meeting. Staff also scheduled and offered a consultation with the Muscatine School District, Muscatine Community College, and the Muscatine County Board of Supervisors. That consultation meeting was held on April 19, 2011.

RECOMMENDATION/RATIONALE: Following the public hearing scheduled for May 5th, the City Council will have the opportunity to consider a resolution approving the amended Urban Renewal Plan, consolidation and expansion. It is recommended that the City Council take action by resolution approving the urban renewal plan amendment as required by law.

BACKUP INFORMATION:

1. Resolution

2011 CONSOLIDATION AND
EXPANSION OF MUSCATINE URBAN
RENEWAL AREAS AND PLAN
AMENDMENT HEARING

421464-34

Muscatine, Iowa

May 5, 2011

The City Council of the City of Muscatine, Iowa, met on May 5, 2011, at _____ o'clock p.m., at the City Hall, in the City for the purpose of conducting a public hearing on the designation of an urban renewal area and on a proposed urban renewal plan amendment. The Mayor presided and the roll being called the following members of the Council were present and absent:

Present: _____

Absent: _____

The City Council investigated and found that notice of the intention of the Council to conduct a public hearing on the designation of the 2011 Addition to the Muscatine Urban Renewal Area and on an urban renewal plan amendment had been published according to law and as directed by the Council and that this is the time and place at which the Council shall receive oral or written objections from any resident or property owner of the City. All written objections, statements, and evidence heretofore filed were reported to the Council, and all oral objections, statements, and all other exhibits presented were considered.

The following named persons presented oral objections, statements, or evidence as summarized below; filed written objections or statements, copies of which are attached hereto; or presented other exhibits, copies of which are attached hereto:

(Here list all persons presenting written or oral statements or evidence and summarize each presentation.)

There being no further objections, comments, or evidence offered, the Mayor announced the hearing closed.

Council Member _____ moved the adoption of a resolution entitled "A Resolution to Declare Necessity and Establish an Urban Renewal Area, Pursuant to Section 403.4 of the Code of Iowa and Approve Urban Renewal Plan Amendment, seconded by Council Member _____. After due consideration, 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 resolution duly adopted and signed approval thereto.

RESOLUTION NO. _____

A resolution to declare necessity and establish an urban renewal area, pursuant to Section 403.4 of the Code of Iowa and approve urban renewal plan amendment

WHEREAS, the City Council (the "Council") of the City of Muscatine (the "City") has previously established the Original Muscatine Urban Renewal Area, the Muscatine Downtown Urban Renewal Area, the South End Urban Renewal Area, the Northeast Urban Renewal Area, the Muscatine Mall Urban Renewal Area, the Highway 38 - Northeast Urban Renewal Area, and the 2010 Industrial Urban Renewal Area (collectively hereinafter the "Urban Renewal Areas"); and

WHEREAS, studies have been conducted the results of which indicate that conditions of blight (the "Blighted Conditions"), as described in Section 403.17(5) of the Code of Iowa continue to exist on various parcels of ground (the "Blighted Properties") in the City, such properties being described on Exhibit C to the Restated Urban Renewal Plan (as hereinafter defined); and

WHEREAS, it has been proposed that the Council take action to consolidate the City's urban renewal policies, projects and initiatives under the governance a single urban renewal plan; and

WHEREAS, it has been further proposed that the Council amend the urban renewal plans for the Urban Renewal Areas to (1) update the legal description of the Urban Renewal Areas to include all real property (the "Property") in the City as set forth on Exhibit A hereto; (2) to consolidate the Urban Renewal Areas into a single Consolidated Muscatine Urban Renewal Area (the "Consolidated Area"); (3) to update and reaffirm findings of a need for economic development and slum and blight alleviation with respect to various properties within the Urban Renewal Areas; (4) to adopt a restated and updated urban renewal plan (the "Restated Plan") for the continued undertaking and operation of projects and initiatives within the Consolidated Area; and (5) to specifically identify new projects to be undertaken within the Consolidated Area; and

WHEREAS, the Council intends that this consolidating action shall not alter the original base valuations, time restrictions and debt certifications for the City's tax increment financing districts that have been established from time-to-time by ordinances with respect to the financing of projects in the Urban Renewal Areas; and

WHEREAS, this Council is desirous of obtaining as much information as possible from the residents of the City before making this decision; and

WHEREAS, an amendment (the "Amendment") to the urban renewal plans for the Urban Renewal Areas which carries out this proposal has been prepared; and

WHEREAS, notice of a public hearing by the City Council of the City on the question of establishing the area shown in Exhibit A hereto as an urban renewal area and on the proposed Amendment was heretofore given in strict compliance with the provisions of Chapter 403 of the Code of Iowa, and the City Council has conducted said hearing on May 5, 2011; and

WHEREAS, the Planning and Zoning Commission of the City has reviewed and commented on the proposed Amendment and Restated Plan; and

WHEREAS, copies of the Amendment and the Restated Plan, notice of public hearing and notice of a consultation meeting with respect to the Amendment were mailed to Muscatine County, Muscatine Community School District and Muscatine Community College; the consultation meeting was held on the _____ day of _____, 2011; and responses to any comments or recommendations received following the consultation meeting were made as required by law;

NOW, THEREFORE, It Is Resolved by the City Council of the City of Muscatine, Iowa, as follows:

Section 1. An economic development area as defined in Chapter 403 of the Code of Iowa, is found to exist in the City of Muscatine on the Property. The Council hereby acknowledges this finding to be a reaffirmation of findings made with respect to the portions of the Property previously included in the Urban Renewal Areas.

Section 2. A blighted area resulting from the Blighted Conditions as defined in Section 403 of the Code of Iowa is hereby found to exist on the Blighted Properties.

Section 3. The portion of the Property not previously contained within the Urban Renewal Areas is hereby declared to be an urban renewal area, in conformance with the requirements of Chapter 403 of the Code of Iowa, and, together with the portions of the Property previously contained within the Urban Renewal Areas is hereby designated as the Consolidated Muscatine Urban Renewal Area.

Section 4. The rehabilitation, conservation, redevelopment, development or a combination thereof, of the Consolidated Muscatine Urban Renewal Area is necessary in the interest of the public health, safety or welfare of the residents of the City.

Section 4. It is hereby determined by this Council as follows:

A. It is not anticipated that families will be displaced with respect to any urban renewal projects to be carried out on the Blighted Property, but, if the need arises, a feasible method exists for the location of families who will be displaced from the urban renewal area into decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;

B. The Restated Plan as amended covering the Property conforms to the general plan of the municipality as a whole;

C. Proposed development on the Property is necessary and appropriate to facilitate the proper growth and development of the City in accordance with sound planning standards and local community objectives.

Section 5. The Amendment and the Restated Plan, attached hereto and made a part hereof, are hereby in all respects approved. The Urban Renewal Areas are hereby consolidated into a single Consolidated Muscatine Urban Renewal Area, and the Restated Plan is hereby adopted to govern future urban renewal activity therein.

Section 6. It is hereby declared that this consolidating action shall not alter the original base valuations, time restrictions and debt certifications for the City's tax increment financing districts that have been established from time-to-time by ordinances with respect to the financing of projects in the Urban Renewal Areas. Furthermore, nothing in this consolidating action shall in any way interfere with the carrying out of ongoing urban renewal projects previously undertaken or the payment of obligations previously incurred in connection therewith.

Section 7. All resolutions or parts thereof in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved May 5, 2011.

Mayor

Attest:

City Clerk

(Attach copy of the urban renewal plan amendment to this resolution.)

EXHIBIT A-LEGAL DESCRIPTION
CONSOLIDATED MUSCATINE URBAN RENEWAL AREA

All real property contained within the incorporated boundaries of the City of Muscatine, County of Muscatine, State of Iowa as of May 1, 2011.

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Upon motion and vote, the meeting adjourned.

Mayor

Attest:

City Clerk

STATE OF IOWA
COUNTY OF MUSCATINE
CITY OF MUSCATINE

SS:

I, the undersigned, do hereby certify that I am the duly appointed, qualified and acting City Clerk of the City of Muscatine, and that as such I have in my possession or have access to the complete corporate records of the City and of its officers; and that I have carefully compared the transcript hereto attached with the aforesaid records and that the attached is a true, correct and complete copy of the corporate records relating to the action taken by the City Council preliminary to and in connection with designating an urban renewal area and approving an urban renewal plan amendment.

WITNESS MY HAND and the seal of the City hereto affixed this _____ day of
_____, 2011.

City Clerk

(Seal)

(Please attach to this certificate a copy of the minutes or a resolution of the Planning and Zoning Commission showing the action taken by that Commission to approve the urban renewal plan amendment.)