

ORDINANCE NO. 258

AN ORDINANCE PROVIDING FOR THE DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE 2011 ADDITION TO THE CONRAD URBAN RENEWAL AREA, PURSUANT TO SECTION 403.19 OF THE CODE OF IOWA

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

WHEREAS, pursuant to that ordinance, the Conrad Urban Renewal Area in the City of Conrad was designated a “tax increment district”; and

WHEREAS, the City Council now desires to increase the size of the “tax increment district” by adding additional property;

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

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the 2011 Addition to the Conrad Urban Renewal Area of the City of Conrad, 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 Conrad to finance projects in the such area.

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

“City” shall mean the City of Conrad, Iowa.

“County” shall mean Grundy County, Iowa.

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

“2011 Urban Renewal Area Addition” shall mean the 2011 Addition to the Conrad Urban Renewal Area of the City of Conrad, Iowa, the legal description of which is set out below, approved by the City Council by resolution adopted on the 11<sup>th</sup> day of August, 2011:

Certain real property situated in the City of Conrad, County of Grundy, State of Iowa more particularly described as follows:

The property being added to the Conrad Urban Renewal Area as a result of Amendment #3 is described as follows:

N $\frac{1}{2}$  SE $\frac{1}{4}$  of Section 30, Township 86 North, Range 17, West of the 5th P.M., Grundy County, Iowa, EXCEPT beginning at the Southeast corner thereof; thence North 376 feet along the East line of said Section; thence South 89°28' West 553.5 feet to the North line of an extension of Charles Street in the Town of Conrad, Iowa; thence South 376 feet along said extension of Charles Street to the South line of said NE $\frac{1}{4}$  SE $\frac{1}{4}$ ; thence North 89°28' East 553.5 feet along said South line of said NE $\frac{1}{4}$  SE $\frac{1}{4}$  to the point of beginning; AND EXCEPT beginning at a point on the North line of Lillian Avenue which is 553.5 feet South 89°28' West of the Southeast corner of said NE $\frac{1}{4}$  SE $\frac{1}{4}$  in Conrad, Iowa; thence South 89°28' West 963.63 feet along the North line of Lillian Avenue; thence North 0°14' East 476 feet; thence North 89°28' East 963.63 feet; thence South 0°14' West 476 feet to the place of beginning; and EXCEPT the West 373 feet of the North 25 feet thereof and EXCEPT Parcel "22-B" located in the northwest quarter of the southeast quarter of Section 30, Township 86 North, Range 17 West of the 5th P.M., Grundy County, Iowa. Said Parcel "22-B" exception more particularly described as follows: Beginning at the southwest corner of the northwest quarter of the southeast quarter of said Section 30; thence, N0°20'46"E 262.39' along the west line of the northwest quarter of the southeast quarter of said Section 30; thence, N89°28'00"E 212.25'; thence, S70°58'51"E 76.33'; thence, S47°50'33"E 155.44'; thence, S22°42'57"E 38.37'; thence, S0°07'27"W 95.89' to the south line of the northwest quarter of the southeast quarter of said Section 30 and the north right of way line of East Lillian Avenue; thence, S89°28'00"W (recorded as N89°28'E) 415.85' along said south line to the point of beginning. Said Parcel "22-B" contains 2.22 acres including 0.20 acres of presently established road right of way. Subject to easements and restrictions of record, if any.

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the 2011 Urban Renewal Area Addition. After the effective date of this ordinance, the taxes levied on the taxable property in the 2011 Urban Renewal Area Addition 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 2011 Urban Renewal Area Addition 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 2011 Urban Renewal Area Addition, 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 2011 Urban Renewal Area Addition 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 2011 Urban Renewal Area Addition 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, 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 2011 Urban Renewal Area Addition 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 2011 Urban Renewal Area Addition 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 2011 Urban Renewal Area Addition 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.

Passed and approved by the Council of the City of Conrad, Iowa, on the 13th day of October, 2011.

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Mayor

Attest:

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City Clerk