

ADDITION TO THE URBAN RENEWAL
AREA DESIGNATION AND PLAN
HEARING

427116-27

Hartley, Iowa

February 10, 2020

The City Council of the City of Hartley, Iowa, met on February 10, 2020, at 5:30 o'clock, p.m., at the City Hall, in the City for the purpose of conducting a public hearing on the designation of the expanded Hartley Urban Renewal Area and on 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 an urban renewal area and on a proposed 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 City 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 “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 for the Hartley Urban Renewal Area,” 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. 2020-11

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 for the Hartley Urban Renewal Area

WHEREAS, as a preliminary step to exercising the authority conferred upon Iowa cities by Chapter 403 of the Code of Iowa (the “Urban Renewal Law”), a municipality must adopt a resolution finding that one or more slums, blighted or economic development areas exist in the municipality and that the development of such area or areas is necessary in the interest of the public health, safety or welfare of the residents of the municipality; and

WHEREAS, the City Council of the City of Hartley (the “City”) has previously created the Hartley Urban Renewal Area (the “Urban Renewal Area”) and adopted an urban renewal plan (the “Plan”) for the governance of projects and initiatives therein; and

WHEREAS, a proposal has been made which shows the desirability of expanding the Urban Renewal Area to add and include all the property (the “Property”) lying within the description set out in Exhibit A hereto; and

WHEREAS, the proposal demonstrates that sufficient need exists to warrant finding the Property to be an economic development area; and

WHEREAS, an amendment (the “Amendment”) to the Plan has been prepared which (1) covers the addition of the Property to the Urban Renewal Area; and (2) authorizes the undertaking of a new urban renewal project in the Urban Renewal Area consisting of using tax increment financing to pay the costs of constructing public infrastructure improvements necessary for the development of the Highway 18 West Industrial Park; and

WHEREAS, notice of a public hearing by the City Council on the question of establishing the Property 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 Council has conducted said hearing on February 10, 2020; and

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

WHEREAS, copies of the Amendment, notice of public hearing and notice of a consultation meeting with respect to the Amendment were mailed to O’Brien County and the Hartley-Melvin-Sanborn Community School District; the consultation meeting was held on the 31st day of January, 2020; and responses to any comments or recommendations received following the consultation meeting were made as required by law; and

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

Section 1. An economic development area as defined in Chapter 403 of the Code of Iowa, is found to exist on the Property.

Section 2. The Property is hereby declared to be an urban renewal area, in conformance with the requirements of Chapter 403 of the Code of Iowa, and is hereby designated the February, 2020 Addition to the Hartley Urban Renewal Area.

Section 3. The development of the Property 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 City Council as follows:

A. The proposed Amendment and the projects and initiatives described therein conform to the general plan of the municipality as a whole;

B. The proposed economic development projects described in the Amendment are necessary and appropriate to facilitate the proper growth and development of the City in accordance with sound planning standards and local community objectives.

C. It is not intended that families will be displaced as a result of the City's undertaking under the Amendment. Should such issues arise with future projects, then the City will ensure that a feasible method exists to carry out any relocations without undue hardship to the displaced and into safe, decent, affordable and sanitary housing.

Section 5. The Amendment attached hereto and made a part hereof, is hereby in all respects approved.

Section 6. All resolutions or parts thereof in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved February 10, 2020.

Mayor

Attest:

City Clerk

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

EXHIBIT A
Legal Description
February, 2020 Addition to the Hartley Urban Renewal Area

DESCRIPTION (PARCEL H):

That part of Parcel G located in the Fractional North Half of Section 31, Township 97 North, Range 39 West of the Fifth Principal Meridian, O'Brien County, Iowa described as follows to wit: Commencing at the northeast corner of Section 31, Township 97 North, Range 39 West of the Fifth Principal Meridian, O'Brien County, Iowa and running from this point south 00° 00' 00" east (south 00 degrees 00 minutes 00 seconds east) along the east line of the Northeast Quarter of said Section 31 a distance of 880.80 feet to the point of beginning (said point also being the southeast corner of the parcel described in the deed recorded in the Land Deeds Book 71, Page 11, O'Brien County Recorder's Office) and running from this point of beginning south 89° 51' 52" west a distance of 574.00 feet (574.65 feet as measured) to the southeast corner of Parcel A as recorded in Plat or Survey Book PS 5, Page 289; thence south 89° 58' 12" west a distance of 134.36 feet to the southwest corner of said Parcel A; thence north 00° 00' 00" east a distance of 272.08 feet to the northwest corner of said Parcel A located on the south line of the parcel described in the deed recorded in Land Deeds Book 78, Page 288; thence north 89° 56' 06" west along said south line a distance of 165.00 feet to the southwest corner of said recorded parcel; thence north 00° 00' 00" east a distance of 554.71 feet to the northwest corner of said recorded parcel (said corner being located on the south line of US Highway 18 right-of-way acquired by Deed); thence north 89° 41' 12" west along said south line of US Highway 18 a distance of 861.26 feet; thence south 00° 00' 00" east a distance of 896.40 feet; thence south 90° 00' 00" east a distance of 1552.24 feet to the northeast corner of the parcel described in the 4th exception to the parcel described in Land Deeds Book 68, Page 410; thence continuing south 90° 00' 00" east a distance of 183.00 feet to the northeast corner of said exception parcel; thence north 00° 00' 00" east a distance of 66.00 feet to the point of beginning. All bearings stated in this description are based on the assumption that the east line of the Northeast Quarter of Section 31 has a bearing of south 00° 00' 00" east. The area of the above parcel of land is 20.013 acres, which includes 0.050 acres of highway right of way 33 feet in width along the east line of the above described parcel of land.

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Upon motion and vote, the meeting adjourned.

Mayor

Attest:

City Clerk

STATE OF IOWA
COUNTY OF O'BRIEN SS:
CITY OF HARTLEY

I, the undersigned, do hereby certify that I am the duly appointed, qualified and acting City Clerk of the City of Hartley, 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 the urban renewal plan amendment for the Hartley Urban Renewal Area in the City.

WITNESS MY HAND this ___ day of _____, 2020.

City Clerk

(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 with respect to the urban renewal plan amendment.)

MINUTES PROVIDING FOR PASSAGE
OF AN ORDINANCE ESTABLISHING A
TAX INCREMENT FINANCING
DISTRICT FOR THE FEBRUARY, 2020
ADDITION TO THE HARTLEY URBAN
RENEWAL AREA

427116-27

Hartley, Iowa

February 10, 2020

The City Council of the City of Hartley, Iowa, met on February 10, 2020, at 5:30 o'clock p.m., at the City Hall in the City.

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

Present: _____

Absent: _____.

Council Member _____ introduced an ordinance entitled "Ordinance No. _____. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the February, 2020 Addition to the Hartley Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa."

It was moved by Council Member _____ and seconded by Council Member _____ that the ordinance be adopted. 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 and declared that the ordinance had been given its initial consideration.

It was moved by Council Member _____ and seconded by Council Member _____ that the statutory rule requiring an 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 Taxable Property in the February, 2020 Addition to the Hartley Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa," now be put upon its final consideration and adoption. The Mayor put the question on the final consideration and adoption of the ordinance and the roll being called, the following named Council Members voted:

Ayes: _____

Nays: _____.

Whereupon, the Mayor declared the motion duly carried and the ordinance duly adopted, as follows:

ORDINANCE NO. 361

An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the February, 2020 Addition to the Hartley Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa

WHEREAS, the City Council of the City of Hartley, Iowa (the “City”) previously enacted an ordinance entitled “An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Hartley Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa”; and

WHEREAS, pursuant to that ordinance, certain taxable property within the Hartley Urban Renewal Area in the City 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 Hartley, Iowa:

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the February, 2020 Addition to the Hartley Urban Renewal Area of the City of Hartley, 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 Hartley 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 Hartley, Iowa.

“County” shall mean O’Brien County, Iowa.

“2020 Urban Renewal Area Addition” shall mean the February, 2020 Addition to the Hartley Urban Renewal Area of the City, the legal description of which is set out below, approved by the City Council by resolution adopted on February 10, 2020:

DESCRIPTION (PARCEL H):

That part of Parcel G located in the Fractional North Half of Section 31, Township 97 North, Range 39 West of the Fifth Principal Meridian, O’Brien County, Iowa described as follows to wit: Commencing at the northeast corner of Section 31, Township 97 North, Range 39 West of the Fifth Principal Meridian, O’Brien County, Iowa and running from this point south 00° 00’ 00” east (south 00 degrees 00 minutes 00 seconds east) along the east line of the Northeast Quarter of said Section 31 a distance of 880.80 feet to the point of beginning (said point also being the southeast corner of the parcel described in the deed recorded in the Land Deeds

Book 71, Page 11, O'Brien County Recorder's Office) and running from this point of beginning south 89° 51' 52" west a distance of 574.00 feet (574.65 feet as measured) to the southeast corner of Parcel A as recorded in Plat or Survey Book PS 5, Page 289; thence south 89° 58' 12" west a distance of 134.36 feet to the southwest corner of said Parcel A; thence north 00° 00' 00" east a distance of 272.08 feet to the northwest corner of said Parcel A located on the south line of the parcel described in the deed recorded in Land Deeds Book 78, Page 288; thence north 89° 56' 06" west along said south line a distance of 165.00 feet to the southwest corner of said recorded parcel; thence north 00° 00' 00" east a distance of 554.71 feet to the northwest corner of said recorded parcel (said corner being located on the south line of US Highway 18 right-of-way acquired by Deed); thence north 89° 41' 12" west along said south line of US Highway 18 a distance of 861.26 feet; thence south 00° 00' 00" east a distance of 896.40 feet; thence south 90° 00' 00" east a distance of 1552.24 feet to the northeast corner of the parcel described in the 4th exception to the parcel described in Land Deeds Book 68, Page 410; thence continuing south 90° 00' 00" east a distance of 183.00 feet to the northeast corner of said exception parcel; thence north 00° 00' 00" east a distance of 66.00 feet to the point of beginning. All bearings stated in this description are based on the assumption that the east line of the Northeast Quarter of Section 31 has a bearing of south 00° 00' 00" east. The area of the above parcel of land is 20.013 acres, which includes 0.050 acres of highway right of way 33 feet in width along the east line of the above described parcel of land.

"Urban Renewal Area" shall mean the entirety of the Hartley Urban Renewal Area as amended from time to time.

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the 2020 Urban Renewal Area Addition. After the effective date of this ordinance, the taxes levied on the taxable property in the 2020 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 2020 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 2020 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 2020 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 2020 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, taxes for the instructional support program levy 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 2020 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 2020 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 2020 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 by the Council of the City of Hartley, Iowa, on February 10, 2020.

Mayor

Attest:

City Clerk

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

Mayor

Attest:

City Clerk

STATE OF IOWA

SS:

COUNTY OF O'BRIEN

I, the undersigned, County Auditor of O'Brien County, in the State of Iowa, do hereby certify that on the ____ day of _____, 2020, the City Clerk of the City of Hartley, Iowa, filed in my office a copy of an ordinance of such City shown to have been adopted by the Council and approved by the Mayor thereof on February 10, 2020, entitled: "Ordinance No. _____. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the February, 2020 Addition to the Hartley Urban Renewal Area, 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 _____, 2020.

County Auditor

STATE OF IOWA
COUNTY OF O'BRIEN
CITY OF HARTLEY

SS:

I, the undersigned, City Clerk of the City of Hartley, State of Iowa, do hereby certify that I caused to be published "Ordinance No. _____. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the February, 2020 Addition to the Hartley Urban Renewal Area, 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 _____, 2020.

City Clerk

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

STATE OF IOWA
COUNTY OF O'BRIEN
CITY OF HARTLEY

SS:

I, the undersigned, City Clerk of the City of Hartley, State of Iowa, 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 Taxable Property in the February, 2020 Addition to the Hartley Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa."

WITNESS MY HAND this ____ day of _____, 2020.

City Clerk



February 4, 2020

VIA EMAIL

Erica J. Haack
City Administrator/City Hall
Hartley, IA

Re: Hartley Urban Renewal Area
Our File No. 427116-27

Dear Erica:

Attached please find two sets of proceedings for use by the City Council at their February 10, 2020 meeting.

The first set of proceedings covers the City Council's action in holding a public hearing on the designation of the expanded urban renewal area and adopting a resolution to approve the amended urban renewal plan for that area. The resolution states that the Planning and Zoning Commission has considered the amended urban renewal plan, and that the required consultation session has been held with O'Brien County and the Hartley-Melvin-Sanborn Community School District. If either of these actions has not been taken, please call me immediately.

The second set of proceedings covers the adoption of the tax increment ordinance for the expanded urban renewal area. We have prepared the proceedings on the presumption that the City Council will waive the statutory requirement that an ordinance be considered at two meetings prior to the meeting at which it is finally adopted. This waiver requires the affirmative vote of not less than four of the five City Council members. If the Council does not choose to follow this procedure, we will provide substitute proceedings covering the separate considerations of the ordinance. This ordinance may be adopted immediately after the amended urban renewal plan has been approved by resolution.

Once the ordinance has been finally adopted, it must be published and a copy must be filed with the County Auditor of O'Brien County. Please print extra copies of the ordinance for publishing and filing. 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 John Danos or me if you have any questions.

Kind regards,

Amy Bjork

Attachments