

ORDINANCE NO. 7

AN ORDINANCE PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE URBAN RENEWAL AREA NO. 3, IN THE CITY OF PAULLINA, COUNTY OF O'BRIEN, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF PAULLINA, COUNTY OF O'BRIEN, SOUTH O'BRIEN COMMUNITY SCHOOL DISTRICT, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE CITY IN CONNECTION WITH THE URBAN RENEWAL AREA NO. 3 (THE PAULLINA BUSINESS PARK WEST URBAN RENEWAL PLAN)

WHEREAS, the City Council of the City of Paullina, State of Iowa, after public notice and hearing as prescribed by law and pursuant to Resolution No. 17-18 passed and approved on the 17<sup>th</sup> day of July, 2017, adopted an Urban Renewal Plan (the "Urban Renewal Plan") for an urban renewal area known as the Urban Renewal Area No. 3 (the "Urban Renewal Area"), which Urban Renewal Area includes the lots and parcels located within the area legally described as follows:

A tract of land in the Southwest Quarter (SW 1/4) of Section Four (4) in Township Ninety-four (94) North of Range Forty-one (41) West of the Fifth Principal Meridian (5th P.M.), described as follows, to-wit: Commencing at a point 752.1 feet West of the Southeast corner of the Southwest Quarter (SW 1/4) of Section Four (4) aforesaid as a point of beginning; running thence North 254 feet; thence West 537 feet to a point 246 feet North of the South line of Section Four (4) aforesaid; thence South 246 feet; thence East 544 feet to the point of beginning; subject to established highway

and

The South 390.00 feet of the East 221.50 feet of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section Four (4), Township Ninety-four (94) North, Range Forty-one (41) West of the 5th P.M., O'Brien County, Iowa.

and

All of my right, title and interest in Parcel 'E', that being a part of the Southeast Quarter of the Southwest Quarter of Section Four (4), Township Ninety-four (94) North, Range Forty-one (41) West of the 5th P.M., O'Brien County, Iowa, more particularly described as follows: Commencing at the Southwest corner of said Section 4; thence South 89°23'04" East 1362.92 feet along the South line of the Southwest Quarter of said Section 4 to the Southwest corner of a tract of land described in Instrument No. 2015-0206, located in the O'Brien County Recorder's Office; thence North 02°09'00" East 246.00 feet along the West line of said tract

to the Northwest corner of said tract of land, said point being the Point of Beginning; thence continuing North 02°09'00" East 54.52 feet; thence South 89°23'04" East 42.79 feet; thence North 02°09'00" East 169.93 feet; thence North 38°44'05" East 386.72 feet; thence South 88°11'35" East 691.85 feet; thence South 01°48'25" West 500.21 feet to the North line of a tract of land described in Instrument No. 2011 -0095, located in the O'Brien County Recorder's Office; thence North 89°21'08" West 96.74 feet along the North line of said tract to the Northwest corner of said tract of land; thence North 89°23'57" West 335.14 feet along the North line of a tract of land described in Land Deed Book 84, Page 218, located in the O'Brien County Recorder's Office, to the Northwest corner of said tract of land; thence South 00°30'34" West 6.00 feet along the West line of said tract to the Northwest corner of a tract of land described in Instrument No. 2015-0206, located in the O'Brien County Recorder's Office; thence South 89°45'09" West 537.00 feet along the North line of said tract of land to the Point of Beginning, containing 10.16 acres and being subject to easements and encumbrances both apparent or of record.

and

That portion of the right-of-way of Iowa Highway No. 10 running from the western border of the Extended Detention Wetland Easement east to the existing Paullina corporate city limits.

WHEREAS, expenditures and indebtedness are anticipated to be incurred by the City of Paullina, State of Iowa, in the future to finance urban renewal project activities carried out in furtherance of the objectives of the Urban Renewal Plan; and

WHEREAS, the City Council of the City of Paullina, State of Iowa, desires to provide for the division of revenue from taxation in the Urban Renewal Area, as above described, in accordance with the provisions of Section 403.19 of the Code of Iowa, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PAULLINA, STATE OF IOWA:

Section 1. That the taxes levied on the taxable property in the Urban Renewal Area legally described in the preamble hereof, by and for the benefit of the State of Iowa, City of Paullina, County of O'Brien, South O'Brien Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

Section 2. 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, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City of Paullina, State of Iowa, certifies to the Auditor of O'Brien County, Iowa the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue described herein, shall

be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid.

Section 3. That portion of the taxes each year in excess of the base period taxes determined as provided in Section 2 of this Ordinance shall be allocated to and when collected be paid into a special tax increment fund of the City of Paullina, State of Iowa, hereby established, to pay the principal of and interest on loans, monies advanced to, indebtedness, whether funded, refunded, assumed or otherwise, including bonds or obligations issued under the authority of Section 403.9 or 403.12 of the Code of Iowa, as amended, incurred by the City of Paullina, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Urban Renewal Area pursuant to the Urban Renewal Plan, except that (i) taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Iowa Code Section 298.2 and taxes for the instructional support program of a school district imposed pursuant to Iowa Code Section 257.19 (but in each case only to the extent required under Iowa Code Section 403.19(2)); (ii) taxes for the payment of bonds and interest of each taxing district; (iii) taxes imposed under Iowa Code Section 346.27(22) related to joint county-city buildings; and (iv) any other exceptions under Iowa Code Section 403.19 shall be collected against all taxable property within the Urban Renewal Area without any limitation as hereinabove provided.

Section 4. Unless or until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in the Urban Renewal Area as shown by the assessment roll referred to in Section 2 of this Ordinance, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes.

Section 5. At such time as the loans, advances, indebtedness, bonds and interest thereon of the City of Paullina, State of Iowa, referred to in Section 3 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

Section 6. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to fully implement the provisions of Section 403.19 of the Code of Iowa, as amended, with respect to the division of taxes from property within the Urban Renewal Area as described above. In the event that any provision of this Ordinance shall be determined to be contrary to law, it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to the Urban Renewal Area and the territory contained therein.

Section 7. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 7<sup>th</sup> day of August, 2017

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Mayor

ATTEST:

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City Clerk

I, Sandy Fritz, City Clerk of the City of Paullina, State of Iowa, hereby certify that the above and foregoing is a true copy of Ordinance No. 7 passed and approved by the City Council fo the City at a meeting held August 7, 2017 signed by the Mayor on August 7, 2017 and published in the Paullina Times on August 17, 2017.

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City Clerk, City of Paullina, State of Iowa

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