MINUTES PROVIDING FOR FIRST CONSIDERATION OF AN ORDINANCE ESTABLISHING A TAX INCREMENT FINANCING DISTRICT FOR THE JULY, 2017 COLLINS ROAD EXTENSION URBAN RENEWAL AREA ADDITION

419241-62

Marion, Iowa

July 20, 2017

The City Council of the City of Marion, Iowa, met on July 20, 2017, at 5:30 p.m., at the Marion City Hall, 1225 6th Avenue in the City of Marion.

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

Present: [Names of present council members]

Absent: [Names of absent council members]


It was moved by Council Member [Pazour] and seconded by Council Member [Brandt] 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: [Names of ayes]

Nays: [Names of nays]

Whereupon, the Mayor declared the motion duly carried and declared that the ordinance had been given its initial consideration.
There being no further business to come before the meeting, it was upon motion adjourned.

Mayor

Attest:

City Clerk
ORDINANCE NO. 17-17

An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the July, 2017 Collins Road Extension Urban Renewal Area Addition, Pursuant to Section 403.19 of the Code of Iowa

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

WHEREAS, pursuant to that ordinance, certain taxable property within the Collins Road Extension Urban Renewal Area in the City was designated a "tax increment district"; and

WHEREAS, the City Council now desires to establish a new "tax increment district" by designating the real property comprising the July, 2017 Collins Road Extension Urban Renewal Area Addition;

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

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the July, 2017 Collins Road Extension Urban Renewal Area Addition of the City of Marion, 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 Marion to finance projects in such area.

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

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

"County" shall mean Linn County, Iowa.

"Tax Increment District" shall mean the July, 2017 Collins Road Extension Urban Renewal Area Addition of the City of Marion, Iowa, the legal description of which is set out below, approved by the City Council by resolution adopted on July 20, 2017:

Beginning at the centerline of the intersection of 31st Street and 7th Avenue; thence west following the south boundary line of Plat of Survey number 171 to the southwest corner of Plat of Survey Number 171; thence north to the northwest corner of Plat of Survey Number 171 which is also the south right-of-way line of 8th Avenue, thence west following the south right-of-way line of 8th Avenue until reaching the northeast corner of Parcel A, Plat of Survey Number 860, thence south to the southeast corner of Parcel A, Plat of Survey Number 860,
thence south following the west boundary line for Parcel B, Plat of Survey Number 860 in a counter clockwise direction until intersecting with the north right-of-way line of 7th Avenue, thence south to the south right of way line of 7th Avenue, thence east to the northwest corner of Parcel A, Plat of Survey Number 2071, thence south to the southeast corner of Parcel B, Plat of Survey Number 2071, thence west to the southwest corner of Parcel B, Plat of Survey Number 2071, thence south to the southeast corner of Parcel A, Plat of Survey Number 2042, westerly, in a counter clockwise direction around the north and west boundary lines of Parcel A, Plat of Survey Number 1406 until intersecting with the centerline of 6th Avenue, thence west following the centerline of 6th Avenue until the intersection with 21st Street, thence south following the centerline of 21st Street until intersecting with the centerline of 5th Avenue, thence west following the centerline of 5th Avenue to the centerline of 20th Street, thence south along the Centerline of 20th Street to the intersection of the Centerline of 3rd Avenue west to the centerline of 15th Street, Thence south along the centerline of 15th Street to the intersection of the centerline of 1st Avenue, thence west along the centerline of 1st Avenue to the Centerline of 11th Street, Thence north along the centerline of 11th Street to the centerline of the intersection of 4th Avenue, thence west along the centerline of 4th Avenue to the centerline of the intersection of 9th Street, Thence north along the centerline of 9th Street to the centerline of the intersection of 5th avenue, thence west following the centerline of 5th Avenue until the intersection with the centerline of 1st Street; thence north following the centerline of 1st Street until the intersection with the centerline of 6th Avenue, thence west following the centerline of 6th Avenue until the intersection of the centerline of Marion Boulevard, thence southwesterly following the centerline of Marion Boulevard until reaching a point perpendicular to the north corner of Lot 5, Armar Subdivision, thence south to the north corner of Lot 5, Armar Subdivision, thence southeasterly and east following the north boundary line of Lots 5 and 6 of Armar Subdivision to the northeast corner of Lot 6 Armar Subdivision, thence south along the West line of Lot 6 Armar Subdivision also known as the West line of the NE
1/4 of the SW 1/4 of Section 1-T83N-R7W and continuing south to the north line of Section 12-T83-R7W; thence east following the north line of Section 12-T83-R7 extended (also Grand Avenue extended) to the east line of the SW 1/4 of the SE 1/4 of section 6-T83-R6W; thence north along the east line of said quarter quarter section line to the northeast corner of the NW 1/4 of the SE 1/4 of said Section 6; Thence easterly along the north line of the SE 1/4 of Section 6 to the Centerline of 31st Street right of way; thence north along the Centerline of 31st Street to the point of beginning

“Urban Renewal Area” shall mean the entirety of the Collins Road Extension Urban Renewal Area as amended from time to time.
Section 3. Provisions for Division of Taxes Levied on Taxable Property in the Tax Increment District. After the effective date of this ordinance, the taxes levied on the taxable property in the Tax Increment District 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 Tax Increment District 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 Tax Increment District, 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 Tax Increment District 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 Tax Increment District 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 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 Tax Increment District 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 Tax Increment District 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 Tax Increment District 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.

First consideration passed by the City Council of the City of Marion, Iowa, on July 20, 2017.

Mayor

Attest:

City Clerk

Second and final consideration passed by the City Council of the City of Marion, Iowa, the 3rd day of August, 2017.

Mayor

Attest:

City Clerk
MINUTES PROVIDING FOR FINAL CONSIDERATION AND ADOPTION OF AN ORDINANCE ESTABLISHING FINANCING DISTRICT FOR THE JULY, 2017 COLLINS ROAD EXTENSION URBAN RENEWAL AREA ADDITION

419241-62
(Final Consideration and Adoption)

Marion, Iowa

August 3, 2017

The City Council of the City of Marion, Iowa, met on the 3rd day of August, 2017, at 5:30 o’clock p.m., at the Marion City Hall, in the City.

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

Present: Droger, Spinks, Brandt, Nicholson, Pazour

Absent: Etzel

The Mayor announced that, on July 20, 2017, the Council had given its initial consideration and had adopted an ordinance entitled “Ordinance No.17-17. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the July, 2017 Collins Road Extension Urban Renewal Area Addition, Pursuant to Section 403.19 of the Code of Iowa.”

It was moved by Council Member Pazour and seconded by Council Member Spinks 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: Assaly, Droger, Spinks, Brandt, Nicholson, Pazour

Nays: None

Whereupon, the Mayor declared the motion duly carried.
It was moved by Council Member Pazour and seconded by Council Member Brandt that the ordinance entitled “Ordinance No.17-17. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the July, 2017 Collins Road Extension Urban Renewal Area Addition, 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: Abou Assaly, Droper, Spinks, Brandt, Nicholson, Pazour

Nays: None

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.

Attest:

Wesley A. Nelson
City Clerk
STATE OF IOWA
COUNTY OF LINN SS:
CITY OF MARION

I, the undersigned, City Clerk of the City of Marion, State of Iowa, do hereby certify that I caused to be published “Ordinance No.17-17. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the July, 2017 Collins Road Extension Urban Renewal Area Addition, 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 17 day of August, 2017.

City Clerk

(Watch publiser’s affidavit of publication with clipping of ordinance as published.)
STATE OF IOWA  ss.  
County of Linn }              

I, Jake Krob, being duly sworn, on my oath to do say, that I am publisher of the Marion Times, a Newspaper issued weekly at Marion, in said County of Linn; that the Notice of which the attached printed copy taken from the printed files of said Newspaper is a copy, was inserted and published in said Newspaper in the issue of 

AUG 17 2017

and the reasonable fee for publishing said Notice is $217.83

Subscribed by the above named Jake Krob in my presence, and by him sworn before me, at Mount Vernon, Linn County, Iowa.

Notary Public in and for Linn County, Iowa
each other tax would be
Increment the Taxes time along 31st easterly line. thence south along the centerline of 4th Avenue, thence west following the centerline of 6th Avenue until the intersection with the centerline of 1st Avenue, thence west following the centerline of 6th Avenue until the intersection of the centerline of Marion Boulevard, thence south the centerline of 6th Avenue until reaching a point perpendicular to the north corner of Lot 5, Armar Subdivision, thence south along the West line of Lot 5 Armar Subdivision also known as the West Line to the 1/4 of the SW 1/4 of Section 1-T83N-R7W and continuing south to the north line of Section 1-T83N-R7W; thence east following the north line of Section 1-T83N-R7W extended(also Grand Avenue extended) to the east line of the SW 1/4 of the SE 1/4 of section 6-T83N-R7W, thence north along the east line of said quarter section line to the northeast corner of the NW 1/4 of the SE 1/4 of said Section 6, thence easterly along the north line of the SE 1/4 of said Section 6 to the Centerline of 31st Street right of way; thence north along the Centerline of 31st Street; to the point of beginning.

"Urban Renewal Area" shall mean the entirety of the Collins Road Extension Urban Renewal Area as amended from time to time.

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the Tax Increment District. After the effective date of this ordinance, the taxes levied on the taxable property in the Tax Increment District 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 Tax Increment District is located, shall be divided as follows:

(a) that portion of the taxes which would have been paid by the rate at which the tax is levied each year by for each of the taxing districts upon the total amount of the assessed value of the taxable property in the Tax Increment District is 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 collected by the respective taxing districts in 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 Tax Increment District 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 area as of January 1 of the calendar year preceding the effective date of the ordinance which amended the plan for the Tax Increment District shall include the annexed area, shall be used in determining the assessed value 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 bonds, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.91 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 housing as provided in Section 403.92, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 258.2 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 Tax Increment District exceeds forty percent (40%) of the assessment value of the taxable property in the Tax Increment District 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 Tax Increment District 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 403.91 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 words "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 the 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.

First consideration passed by the City Council of the City of Marion, Iowa, on July 20, 2017.

/\ Nicolas AbouAssaly, Mayor
Attest:
/\ Wesley A Nelson, City Clerk

Second and final consideration passed by the City Council of the City of Marion, Iowa, the 17 day of August, 2017.

/\ Nicolas AbouAssaly, Mayor
Attest:
/\ Wesley A Nelson, City Clerk

Published in the Marion Times on August 17, 2017.
I, the undersigned, City Clerk of the City of Marion, 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. 17-11. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the July, 2017 Collins Road Extension Urban Renewal Area Addition, Pursuant to Section 403.19 of the Code of Iowa.”

WITNESS MY HAND this 3 day of August, 2017.

[Signature]
City Clerk
STATE OF IOWA

COUNTY OF LINN

I, the undersigned, County Auditor of Linn County, in the State of Iowa, do hereby certify that on the 25th day of September, 2017, the City Clerk of the City of Marion, 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 the 3rd day of August, 2017, entitled: “Ordinance No. 17-17. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the July, 2017 Collins Road Extension Urban Renewal Area Addition, 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 25th day of September, 2017.

[Signature]
County Auditor

[Signature]
Deputy