

ORIGINAL

Pottawattamie County, IA 2011-014845  
Recorder John Sciortino  
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R Fee 130.00

A Fee \_\_\_\_\_

T Tax **COMPARED**

**Type of Document:** RESOLUTION ADOPTING AMENDMENT NO. 2 TO THE  
OAKLAND URBAN RENEWAL AREA SOUTH PLAN  
(including Amendment No. 2 attached to the Resolution and  
labeled as Exhibit 1)

**Return Document to:** Marissa Lockwood  
City Clerk  
City of Oakland  
101 North Main  
Oakland, IA 51560

RETURN ENVELOPE

**Preparer Information:** Patricia J. Martin  
Ahlers & Cooney, P.C.  
100 Court Ave., Ste. #600  
Des Moines, IA 50309  
(515) 243-7611

**Taxpayer Information:** N/A

GRANTORS: N/A

GRANTEES: N/A

**LEGAL DESCRIPTION:** See Resolution, beginning on page 4

Book & Page of previously recorded documents:

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

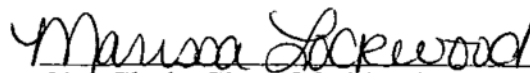
Governmental Body: The City Council of the City of Oakland, State of Iowa.  
Date of Meeting: August 8, 2011.  
Time of Meeting: 7:00 o'clock P.M.  
Place of Meeting: Council Chambers, 101 North Main, Oakland, Iowa 51560.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for the meeting is as follows:

- Public hearing on the proposed Amendment No. 2 to the Oakland Urban Renewal Area South Plan.
- Resolution determining an area of the City to be a blighted and economic development area, and that the rehabilitation, conservation, redevelopment, development or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for urban renewal projects; and adopting the Amendment No. 2 to the Oakland Urban Renewal Area South Plan.
- Consideration of Ordinance relating to the division of revenues under Iowa Code Section 403.19 for Amendment No. 2 to the Oakland Urban Renewal Area South Plan.

Such additional matters as are set forth on the additional   1   page(s) attached hereto.  
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of the governmental body.

  
City Clerk, City of Oakland, State of Iowa

August 8, 2011

The City Council of the City of Oakland, State of Iowa, met in regular session, in the Council Chambers, 101 North Main, Oakland, Iowa 51560, at 7:00 o'clock P.M., on the above date. There were present Mayor O'Brien, in the chair, and the following named Council Members:

Hackett, Miller, Rollins

Absent: Wede, Newberg

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This being the time and place fixed for a public hearing on the matter of the adoption of the proposed Amendment No. 2 to the Oakland Urban Renewal Area South Plan, the Mayor first asked for the report of the Designated Representative with respect to the consultation held with the affected taxing entities to discuss the proposed Amendment. The Council was informed that the consultation was duly held as ordered by the Council, and that no written recommendations were received from affected taxing entities. The report of the Designated Representative with respect to the consultation was placed on file for consideration by the Council.

The Council also was informed that the proposed Amendment had been approved by the Planning and Zoning Commission as being in conformity with the general plan for development of the City as a whole, as set forth in the minutes or report of the Commission previously placed on file for consideration by the Council.

The Mayor then asked the City Clerk whether any written objections had been filed with respect to the proposed Amendment, and the City Clerk reported that no written objections thereto had been filed. The Mayor then called for any oral objections to the adoption of the Amendment No. 2 to the Oakland Urban Renewal Area South Plan and none were made. The public hearing was then closed.

{Attach summary of objections here}

Council Member Rollins then introduced the following Resolution entitled "RESOLUTION DETERMINING AN AREA OF THE CITY TO BE A BLIGHTED AND ECONOMIC DEVELOPMENT AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE RESIDENTS OF THE CITY; DESIGNATING SUCH AREA AS APPROPRIATE FOR URBAN RENEWAL PROJECTS; AND ADOPTING AMENDMENT NO. 2 TO THE OAKLAND URBAN RENEWAL AREA SOUTH PLAN" and moved that the same be adopted. Council Member Hackett seconded the motion to adopt. The roll was called and the vote was,

AYES: Rollins, Hackett, Miller

Absent: Wade, Newberg

NAYS: \_\_\_\_\_

Whereupon, the Mayor declared the resolution duly adopted as follows:

RESOLUTION NO. 2011-08-02

RESOLUTION DETERMINING AN AREA OF THE CITY TO BE A BLIGHTED AND ECONOMIC DEVELOPMENT AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE RESIDENTS OF THE CITY; DESIGNATING SUCH AREA AS APPROPRIATE FOR URBAN RENEWAL PROJECTS; AND ADOPTING AMENDMENT NO. 2 TO THE OAKLAND URBAN RENEWAL AREA SOUTH PLAN

WHEREAS, the City previously adopted the Oakland Urban Renewal Plan Area by Resolution No. 98-8A on May 11, 1998 and Ordinance No. 98-5-11 on May 11, 1998 regarding the division of revenues of that area, which area has terminated and is no longer in effect; and

WHEREAS, Amendment No. 1 to the Oakland Urban Renewal Plan Area was adopted by Resolution No. 2008-05-02 on May 12, 2008 and Ordinance No. 35 dated May 28, 2008 was adopted regarding the division of revenues of the amended area; which area has no tax increment debt against it and which area the Council now wishes to terminate so that both the original Oakland Urban Renewal Plan Area and the Amendment No. 1 Oakland Urban Renewal Plan Area are now terminated; and

WHEREAS, the Council adopted Resolution 2011-01-05 on January 10, 2011 in regard to a Resolution of Necessity concerning the area called the "Walnut Street Urban Renewal District"; and the Council now desires to revoke such resolution because the Council intends to proceed with the alternate urban renewal action that is the subject of this resolution; and

WHEREAS, by Resolution No. 99-44, adopted January 10, 2000, this Council found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the Oakland Urban Renewal Area South Plan (the "Plan") for the Oakland Urban Renewal Area South (the "Area" or "Urban Renewal Area") described therein, which Plan is on file in the office of the Recorder of Pottawattamie County; and

WHEREAS, by Resolution No. 2008-05-01, adopted May 12, 2008, this City Council approved and adopted an Amendment No. 1 to the Plan; and

WHEREAS, this Urban Renewal Area currently includes and consists of:

ORIGINAL AREA

A PART OF THE SOUTHWEST ¼ OF THE SOUTHWEST 1/4 OF SECTION 12, AND A PART OF INDUSTRIAL ADDITION, K-B ADDITION, AND PART OF THE EAST ¼ OF SECTION 14 AND THE WEST 1/2 OF SECTION 13, ALL IN TOWNSHIP 75 NORTH, RANGE 40 WEST OF THE 5th P.M., CITY OF OAKLAND, POTTAWATTAMIE COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF OUTLOT "B" OF SAID INDUSTRIAL ADDITION; THENCE WEST ALONG THE NORTH LINE OF SAID OUTLOT "B" TO THE NORTHWEST CORNER THEREOF; THENCE SOUTHWESTERLY ALONG THE WESTERLY LINE OF SAID INDUSTRIAL ADDITION TO THE EASTERLY CORNER OF A 344 FEET X 500 FEET TRACT IN SAID SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 12; THENCE

NORTHWESTERLY 500 FEET; THENCE SOUTHWESTERLY 344 FEET; THENCE SOUTHEASTERLY 500 FEET TO A POINT ON SAID WESTERLY LINE OF INDUSTRIAL ADDITION; THENCE SOUTHWESTERLY ALONG SAID LINE TO THE SOUTHWEST CORNER OF SAID INDUSTRIAL ADDITION; THENCE SOUTHEASTERLY ALONG THE SOUTHERLY LINE OF SAID INDUSTRIAL ADDITION TO A POINT ON THE NORTH LINE OF SAID K-B ADDITION; THENCE WEST ALONG SAID NORTH LINE TO THE NORTHWEST CORNER OF SAID K-B ADDITION; THENCE SOUTHWESTERLY ALONG THE WESTERLY LINE OF SAID K-B ADDITION TO THE SOUTHWEST CORNER THEREOF; THENCE EAST ALONG THE SOUTH LINE OF SAID K-B ADDITION TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 6/59; THENCE NORTHEASTERLY ALONG SAID LINE TO A POINT ON THE WEST RIGHT OF WAY LINE OF CHAUTAUQUA AVENUE; THENCE NORTH ALONG SAID WEST LINE TO THE POINT OF BEGINNING

AND

A TRACT OF LAND LOCATED IN THE EAST 1/2 OF SECTION 14, AND IN THE WEST 1/2 OF SECTION 13, BOTH IN TOWNSHIP 75, RANGE 40, POTTAWATTAMIE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 14, THENCE DUE NORTH (ASSUMED BEARING) ALONG THE EASTERLY SECTION LINE OF SAID SECTION 14, AND THE CENTER LINE OF U.S. HIGHWAYS NO. 6 AND 59, DISTANT 2203.71 FEET, THENCE DUE WEST DISTANT 40.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAYS NO. 6 AND 59, THENCE DUE NORTH DISTANT 872.89 FEET TO THE POINT OF BEGINNING; THENCE NORTH 80°05'39" WEST DISTANT 16.47 FEET, THENCE NORTH 55°42'25" WEST DISTANT 73.20 FEET, THENCE NORTH 34°27'06" WEST DISTANT 51.81 FEET, THENCE NORTH 57°48'10" WEST DISTANCE 47.15 FEET, THENCE SOUTH 78°39'27" WEST DISTANT 43.05 FEET, THENCE NORTH 14°57'07" EAST DISTANT 54.10 FEET, THENCE NORTH 69°06'13" WEST DISTANT 18.77 FEET, THENCE NORTH 12°14'32" EAST DISTANT 280.27 FEET, THENCE NORTH 85°56'10" WEST DISTANT 256.75 FEET, THENCE NORTH 12°22'22" WEST DISTANT 442.82 FEET,

THENCE DUE EAST DISTANT 615.21 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAYS NO. 6 AND 59, THENCE SOUTH 15°34'00" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, DISTANT 81.10 FEET, THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE ALONG A CIRCULAR CURVE TO THE LEFT WITH A RADIUS OF 2905.00 FEET, AN ARC DISTANCE OF 789.26 FEET, SUBTENDED BY A CHORD 786.83 FEET IN LENGTH AND BEARING SOUTH 07°47'00" WEST, THENCE DUE SOUTH, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE DISTANT 20.40 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 7.07 ACRES, MORE OR LESS.

AMENDMENT NO. 1 AREA

A PART OF THE SW1/4-SW1/4, NW1/4-SW1/4, NE1/4-SW1/4, SE1/4-NW1/4 AND THE SW1/4-NE1/4, ALL IN SECTION 12, TOWNSHIP 75 NORTH, RANGE 40 WEST OF THE 5TH P.M. CITY OF OAKLAND, POTTAWATTAMIE COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 OF INDUSTRIAL ADDITION TO THE CITY OF OAKLAND; THENCE NORTHERLY, ALONG THE WEST LINE OF CHAUTAUQUA AVENUE TO A POINT 170 FEET SOUTH OF THE SOUTH LINE OF OAKLAND AVENUE; THENCE S74°57'37"W, 450 FEET; THENCE NORTHERLY, 320 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF OAKLAND AVENUE; THENCE EASTERLY, ALONG SAID RIGHT OF WAY LINE, TO A POINT ON THE WEST LINE OF CHAUTAUQUA AVENUE; THENCE NORTHERLY, ALONG THE EXTENSION OF THE WEST LINE OF CHAUTAUQUA AVENUE TO THE NORTHWEST CORNER OF BLOCK 1, BIG GROVES ADDITION, CITY OF OAKLAND; THENCE EASTERLY, ALONG THE NORTH LINE OF SAID BLOCK 1, TO A POINT ON THE EAST LINE OF ADDISON AVENUE; THENCE NORTHERLY, ALONG SAID EAST LINE OF ADDISON AVENUE, TO A POINT ON THE NORTH LINE OF THE SW1/4 OF SEC 12-75-40; THENCE EASTERLY, ALONG THE NORTH LINE OF SAID SW1/4, TO A POINT ON THE WESTERLY LINE OF BLOCK 1, ORIGINAL PLAT, CITY OF OAKLAND; THENCE NORTHEASTERLY ALONG THE



WESTERLY LINE OF SAID BLOCK 1, TO A POINT ON THE NORTHEASTERLY LINE OF LOT 7 AUDITOR'S SUBDIVISION OF THE SE1/4-NW1/4 OF SAID SECTION 12; THENCE SOUTHEASTERLY, ALONG THE NORTHEASTERLY LINE OF SAID LOT 7, 120 FEET TO A POINT ON THE WESTERLY LINE OF BLOCK 15, ORIGINAL PLAT, CITY OF OAKLAND; THENCE NORTHEASTERLY, ALONG THE WESTERLY LINE OF SAID BLOCK 15 TO A POINT ON THE EXTENDED NORTHERLY RIGHT OF WAY LINE OF VINE STREET; THENCE SOUTHEASTERLY, ALONG THE EXTENDED NORTH RIGHT OF WAY LINE OF VINE STREET, 148 FEET TO THE WESTERLY LINE OF THE ABANDONED RAILROAD RIGHT OF WAY; THENCE NORTHEASTERLY, ALONG SAID ABANDONED RAILROAD RIGHT OF WAY LINE, TO A POINT ON THE SOUTH LINE OF LOT 4, AUDITOR'S SUBDIVISION OF THE SW1/4-NE1/4, SEC 12-75-40, PROJECTED WEST; THENCE EAST, ALONG THE PROJECTION OF THE SOUTH LINE OF SAID LOT 4, TO A POINT ON THE WEST LINE OF THE EAST 107.25 FEET OF THE NORTH 330 FEET OF LOT 5, AUDITOR'S SUBDIVISION SW1/4-NE1/4 OF SEC 12-75-40; THENCE NORTHERLY, ALONG SAID WEST LINE, 100 FEET; THENCE EASTERLY, ALONG THE NORTH LINE OF THE SOUTH 100 FEET OF LOT 4 OF SAID AUDITOR'S SUBDIVISION, 198 FEET TO A POINT ON THE EAST LINE OF SAID LOT 4; THENCE SOUTHERLY, ALONG THE EAST LINE OF SAID LOT 4, 100 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE EASTERLY, ALONG A PROJECTION OF THE SOUTH LINE OF SAID LOT 4, 198 FEET TO A POINT ON THE EAST LINE OF LOT 3 OF AUDITOR'S SUBDIVISION OF THE SW1/4-NE1/4 OF SEC 12-75-40; THENCE SOUTHERLY, ALONG THE EAST LINE OF SAID LOT 3, TO A POINT ON THE NORTH LINE OF WILLOW STREET; THENCE WESTERLY, ALONG THE NORTH LINE OF WILLOW STREET, TO A POINT NORTH OF THE NORTHEAST CORNER OF LOT 6, BLOCK 14 OF THE ORIGINAL PLAT, CITY OF OAKLAND; THENCE SOUTH, 60 FEET TO THE NE CORNER OF SAID LOT 6; THENCE SOUTHWESTERLY, ALONG THE WESTERLY LINE OF THE ALLEY IN BLOCK 14 & BLOCK 13 IN SAID ORIGINAL PLAT, TO THE NORTHEAST CORNER OF LOT 9, BLOCK 7 OF SAID ORIGINAL PLAT; THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 9, TO THE WESTERLY RIGHT OF WAY LINE OF US HIGHWAY 6; THENCE SOUTHWESTERLY, ALONG THE

WESTERLY RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 6,  
TO THE POINT OF BEGINNING. CONTAINING 45.32 ACRES,  
MORE OF LESS.

THE AREA ALSO INCLUDES THE FULL RIGHT-OF-WAY OF  
ALL STREETS FORMING THE BOUNDARY.

WHEREAS, a proposed Amendment No. 2 to the Oakland Urban Renewal Area South Plan for the area described below has been prepared, which proposed Amendment is on file in the office of the City Clerk and which is incorporated herein by reference, the purpose of which is to add additional land, add a blight finding to the original area designation, and expand the list of urban renewal activities which may be undertaken by the City; and

WHEREAS, this proposed Amendment No. 2 to the Urban Renewal Area adds land, as follows:

Legal Description: Oakland Urban Renewal Area South - Amendment No. 2

A tract of land located in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  and NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , all in Section 12, Township 75 North, Range 40 West of the 5<sup>th</sup> P.M., City of Oakland, Pottawattamie County, Iowa. Described as follows:

Beginning at the intersection of the south right of way line of Linden Street and east right of way line of Mulberry Street, said point also being the NE corner of Lot 1, Block 4, Arnolds First Addition to the City of Oakland; thence south along the east right of way line of Mulberry Street to its intersection with a point on the north line of a parcel being described as the West 105 feet of the North 190 feet of Lot 7, Auditors Subdivision of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 12-75-40, said point also lying along the south right of way line of Oakland Avenue; thence west along said south right of way line of Oakland Avenue to the NW corner of said Lot 7; thence south along the west line of said Lot 7, 190 feet; thence east 165 feet along the north line of the south 470 feet of said Lot 7 to a point on the east line of said Lot 7; thence south along the east line of said Lot 7, 288 feet; thence east 159.3 feet along the north line of the south 189 feet of Lot 6 of the Auditors Subdivision of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 12-75-40 to a point on the east line of said Lot 6; thence south along the east line of said Lot 6, 21.5 feet; thence east-southeast 659.3 feet to a point on the east line of the W  $\frac{1}{2}$  of the SE  $\frac{1}{4}$ , Section 12-75-40; thence south along said east line 155.5 feet to a point on the north right of way line of Walnut Street; thence westerly along the north right of way line of Walnut Street to its intersection with the west right of way line of Grove Street said point also

being the SE corner of Lot 8, Block 9 of the Original Plat of the City of Oakland; thence north along the west right of way line of Grove Street to its intersection with the south right of way line of Elm Street said point also being the NE corner of Lot 12, Block 9 of the Original Plat of the City of Oakland; thence west along south right of way line of Elm Street to its intersection with the west right of way line of U. S. Highway 6; thence northeasterly along the west right of way line of U. S. Highway 6 to its intersection with the north right of way line of Oakland Avenue, said point also being the SE corner of Lot 1, Block 6 of the Original Plat of the City of Oakland; thence northeasterly along the east line of said Block 6 to NE corner of Lot 21, Block 6 of the Original Plat of the City of Oakland; thence from said NE corner of Lot 21 along an extended line of the eastern boundary of said Block 6, a distance of 90.0 feet to the south right of way line of Linden Street; thence easterly along the south right of way line of Linden Street to the point of beginning.

Containing 36.1 acres more or less.

WHEREAS, the proposed urban renewal area may include land classified as agricultural land and, if so, written permission of the current owners has been obtained; and

WHEREAS, it is desirable that these areas be redeveloped as part of the overall redevelopment area covered by the proposed Amendment No. 2 to the Oakland Urban Renewal Area South Plan to be known hereafter as the "Oakland Urban Renewal Area South Plan"; and

WHEREAS, the Iowa statutes require the City Council to submit the proposed Amendment No. 2 to the Oakland Urban Renewal Area South Plan to the Planning and Zoning Commission for review and recommendation as to its conformity with the general plan for development of the City as a whole, prior to City Council approval thereof; and

WHEREAS, adoption of Amendment No. 2 to the Oakland Urban Renewal Area South Plan has been approved by the Planning and Zoning Commission for the City as being in conformity with the general plan for development of the City as a whole, as evidenced by its written report and recommendation filed herewith, which report and recommendation is hereby accepted, approved in all respects and incorporated herein by this reference; and

WHEREAS, by resolution adopted on July 11, 2011, this Council directed that a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed Amendment No. 2 to the Oakland Urban Renewal Area South Plan and the division of revenue described therein, and that notice of the consultation and a

copy of the proposed Amendment No. 2 to the Oakland Urban Renewal Area South Plan be sent to all affected taxing entities; and

WHEREAS, pursuant to such notice, the consultation was duly held as ordered by the City Council and all required responses to the recommendations made by the affected taxing entities, if any, have been timely made as set forth in the report of the Designated Representative filed herewith and incorporated herein by this reference, which report is in all respects approved; and

WHEREAS, by resolution this Council also set a public hearing on the adoption of the proposed Amendment No. 2 to the Oakland Urban Renewal Area South Plan for this meeting of the Council, and due and proper notice of the public hearing was given, as provided by law, by timely publication in The Oakland Herald, which notice set forth the time and place for this hearing and the nature and purpose thereof; and

WHEREAS, in accordance with the notice, all persons or organizations desiring to be heard on the proposed Amendment No. 2 to the Oakland Urban Renewal Area South Plan, both for and against, have been given an opportunity to be heard with respect thereto and due consideration has been given to all comments and views expressed to this Council in connection therewith and the public hearing has been closed.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF OAKLAND, STATE OF IOWA:

Section 1. That the findings and conclusions set forth or contained in Amendment No. 2 concerning the area of the City of Oakland, State of Iowa, described in the preamble hereof, be and the same are hereby ratified and confirmed in all respects as the findings of this Council for this area.

Section 2. This Council further finds:

A. Although relocation is not expected, a feasible method exists for the relocation of any families who will be displaced from the Oakland Urban Renewal Area South into decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;

B. The Plan, as amended, and Amendment No. 2 to the Oakland Urban Renewal Area South Plan conform to the general plan for the development of the City as a whole; and

C. Acquisition by the City is not expected, however, as to any areas of open land to be acquired by the City included within the Oakland Urban Renewal Area South:

1. Residential use is expected and with reference to those portions thereof which are to be developed for residential uses, this City Council hereby determines that a shortage of housing of sound standards and design with decency, safety and sanitation exists within the City; that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; and that one or more of the following conditions exist:

A. That the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas, including other portions of the urban renewal area.

B. That conditions of blight in the municipality and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime, so as to constitute a menace to the public health, safety, morals, or welfare.

C. That the provision of public improvements related to housing and residential development will encourage housing and residential development which is necessary to encourage the retention or relocation of industrial and commercial enterprises in this state and its municipalities.

D. The acquisition of the area is necessary to provide for the construction of housing for low and moderate income families.

2. Non-residential use is not expected, however, with reference to any portions thereof which are to be developed for non-residential uses, such non-residential uses are necessary and appropriate to facilitate the proper growth and development of the City in accordance with sound planning standards and local community objectives.

Section 3. That the Oakland Urban Renewal Area South, as amended, is a blighted and economic development area within the meaning of Iowa Code Chapter 403; that such area is eligible for designation as an urban renewal area and otherwise meets all requisites under the provisions of Chapter 403 of the Code of Iowa; and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of this City.

Section 4. That Amendment No. 2 to the Oakland Urban Renewal Area South Plan of the City of Oakland, State of Iowa, attached hereto as Exhibit 1 and incorporated

herein by reference, be and the same is hereby approved and adopted as "Amendment No. 2 to the Oakland Urban Renewal Area South Plan for the City of Oakland, State of Iowa"; Amendment No. 2 to the Oakland Urban Renewal Area South Plan of the City of Oakland, State of Iowa, is hereby in all respects approved; and the City Clerk is hereby directed to file a certified copy of Amendment No. 2 with the proceedings of this meeting.

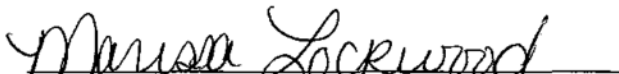
Section 5. That the original Oakland Urban Renewal Area South Plan, and the Plan as amended, shall be in full force and effect from the date of this Resolution until the Council amends or repeals the Amendment. The proposed Amendment No. 2 to the Oakland Urban Renewal Area South Plan shall be forthwith certified by the City Clerk, along with a copy of this Resolution, to the Recorder for Pottawattamie County, Iowa, to be filed and recorded in the manner provided by law.

Section 6. That all other provisions of the Plan not affected or otherwise revised by the terms of Amendment No. 2, as well as all resolutions previously adopted by this City Council related to the Plan be and the same are hereby ratified, confirmed and approved in all respects.

PASSED AND APPROVED this 8th day of August, 2011.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

[Attach Amendment No. 2 labeled as Exhibit 1 to this Resolution]

**URBAN RENEWAL PLAN**  
**OAKLAND URBAN RENEWAL SOUTH**  
**AMENDMENT NO. 2**  
**OAKLAND, IOWA**

**AUGUST, 2011**

**Adopted – January 2000**  
**Amendment No. 1 – May 2008**  
**Amendment No. 2 – August 2011**

**Prepared By:**

**Snyder & Associates, Inc.**  
**1800 W. 22<sup>nd</sup> Street, Suite 200**  
**Atlantic, Iowa 50022**

**AMENDMENT NO. 2  
URBAN RENEWAL PLAN  
OAKLAND URBAN RENEWAL AREA SOUTH  
CITY OF OAKLAND, IOWA**

The Urban Renewal Plan (“Urban Renewal Plan”) for the Oakland Urban Renewal Area South (“Urban Renewal Area”), adopted in 2000, and amended in 2008 (“Amendment No. 1”) is being further amended. Objectives of this Amendment No. 2 (“Amendment”) include: 1) adding new area to the area, as amended, 2) adding a blight finding to the original area designation, and 3) expanding the list of urban renewal activities which may be undertaken by the City.

The Original Area, Amendment No. 1 Area, and Amendment No. 2 Area are combined to form the Oakland Urban Renewal Area South.

Except as modified by this Amendment, the provisions of the original Urban Renewal Plan and Amendment No. 1 are hereby ratified, confirmed and approved and shall remain in full force and effect as provided herein.

**TAX INCREMENT DISTRICT**

One of the most significant and widely-used powers given to city councils under the Urban Renewal Law is the authority to utilize “tax increment financing (TIF).” TIF enables a city to use the property tax dollars produced from new private development to pay for certain public improvements and to provide assistance for private development within an urban renewal area.

After a city incurs tax increment debt to finance improvements within the district, property taxes levied by all local jurisdictions (city, county, school, area colleges) against the “increment” are allocated to the city’s tax increment fund rather than to each jurisdiction. These new tax dollars are then used to retire the debt.

Revenues generated from this district can be used to finance a variety of activities. For example, revenue could be used to provide for necessary physical improvements in the urban renewal area where, in the opinion of the city council, it is in the best interest of the city to do so. Revenue could be used by the city to provide direct assistance to private persons or businesses for economic development purposes on such terms as may be determined by the city council.

Revenues from the district could be used to purchase real estate on the city’s own initiative or at the request of a developer for disposition for the provision of sites for private development.



This type of financing tool delays a local government's ability to immediately realize the direct tax benefits from new construction until public debt in the district is retired. On the other hand, tax increment financing may be used to promote development which would not have otherwise occurred. If new development does not take place, property values could stagnate or decrease, and the city, county, and school district may receive less than they would have if the plan were not implemented.

The idea behind tax increment financing is that public investment generates private investment, which increases the taxable value of an area, and over time strengthens the tax base. This increased tax base is the long-term payback for the public's investment.

### **DESCRIPTION OF URBAN RENEWAL AREA**

The area being added as a result of Amendment No. 2 is described in Exhibit A and illustrated on Exhibit B.

### **BASE VALUES**

The original Urban Renewal Area was adopted in 2000 and debt was first certified in March 2000. The base value of that area is at the January 1, 1999 level. This area will retain its existing base value.

Amendment No. 1 was adopted in 2008 and the ordinance related to the division of taxes for the Amendment No. 1 Area was adopted in 2008; therefore the base value of that area is at the January 1, 2007 level. This area will retain its existing base value.

If Amendment No. 2 is adopted and an ordinance related to the division of taxes for the amendment area is adopted prior to December 1, 2011, Amendment No. 2 Area will have a base value at the January 1, 2010 level.

### **DISTRICT DESIGNATION**

#### **Original Area**

The Original Area is currently designated as appropriate for economic development (commercial and individual). This designation shall continue. In addition, the Original Area is designated as blighted for the following reasons:

- Unforeseen environmental factors due to floodplain adjustment, underground storage tank rule revisions and storm water run-off will substantially increase the costs of development of new or expanding business in the area;
- Existing lot layout of the area in relation to size, adequacy, accessibility or usefulness is inadequate to meet the needs of newly proposed development;
- Street layout and parking in relation to size, adequacy, accessibility or usefulness is inadequate to meet the needs of newly proposed development; and,
- A number of existing structures have deteriorated, become vacated and no longer serve the purpose of their intended use due to obsolete building systems and structures, abandoned operation and maintenance and an inability to meet minimum sanitary standards.

In its current state the area is not conducive to sound commercial or industrial development without the implementation of environmental remediation, improved lot layout, improved traffic design, sound storm water system reconstruction, general grade modification, building code compliance, nuisance abatement and other reasonable commercial or industrial development planning.

#### **Amendment No. 1 Area**

The Amendment No. 1 Area, adopted in 2008 was designated as both an economic development area and as a blighted area which exhibits conditions that constitute a serious economic and social liability and which impacts the sound growth of the City.

In designating the Amendment No. 1 Area it was found there were a number of deteriorated or deteriorating structures in and around the downtown area. Typical problems included environmental hazards associated with previous site usage and historic flooding, unstable or cracked foundations, obsolete mechanical and wiring systems, leaning or bowing walls, broken windows, and deteriorated roofs. This situation has recently led to building collapse.

These blighting influences impose burdens on the City which include a declining tax base. It was found these conditions constituted a serious liability and was a menace to the public health, safety and welfare of the City.

#### **Amendment No. 2 Area**

The City is designating the area added as a result of Amendment No. 2 on the basis of blight and economic development (commercial).

Amendment No. 2 Area proposes an area of the community abutting the Amendment No. 1 Area, which is primarily residential and includes the Riverside Community School District's Oakland campus. The area contains a number of deteriorated or deteriorating structures, defective or inadequate street layout due to topographic anomalies of the area and faulty lot lay out due to underdeveloped infrastructure, primarily storm sewer systems. Typical problems associated with a substantial number of housing or accessory structures in this area include unstable or cracked foundations, obsolete mechanical and wiring systems, leaning or bowing walls, broken windows, deteriorated roofs and vacancy. The reason for such conditions relate primarily to the structural age of the housing in this area.

A junior and senior high school is located within the area. The school district is currently in the process of deciding a bond issuance to consolidate the entire Riverside Community School District into a single campus located on a new site south of Oakland. No provisions have been made by the school district regarding the existing complex structures other than abandonment or demolition once the campus is vacated.

Along Walnut and Grove Streets, there is an area that was most recently occupied by housing that had fallen into a state of disinvestment due to age, size and condition, or was part of a farmstead that no longer serves an agricultural purpose. The topography of the area includes gullies and ravines, a result of years of erosion, improper or non-existing storm water systems. In its current state, the area is not conducive to sound residential construction or occupancy without the implementation of a sound storm sewer system, general re-grading of the area and other reasonable neighborhood housing development planning.

Portions of Walnut and Grove Street lying along the southern and western boundaries of the area have recently been redefined and reconstructed, including PCC pavement, curb and gutter, storm water structures, and utility upgrade and replacement.

These blighting influences impose burdens on the City which include a declining tax base and reduction of tax revenues. These conditions substantially impair or arrest the sound growth of the community, retard housing accommodation and development, constitute a serious economic and social liability to the City and are a menace to the public health, safety and welfare.

## DEVELOPMENT PLAN

Oakland has a general plan for the physical development of the City outlined in the Oakland Zoning Ordinance and more recently in the *"Infrastructure Needs Study and Strategic Plan"*, revised, June 2010. The goals and objectives of this Urban Renewal Amendment are consistent with those Plans and the community needs and land use policy, adopted as part of these planning processes. The area being added as a result of Amendment No. 2 includes the following zoning districts:

R-1 – Residential

## PROJECT AREA OBJECTIVES

Renewal activities are designed to provide opportunities, incentives, and sites for new and expanded residential development or redevelopment.

More specific objectives for development within the Urban Renewal Area are as follows:

1. To eliminate blighting influences and to promote revitalization.
2. To stimulate through public action and commitment, private investment in new residential development or redevelopment in areas appropriate for blight remediation.
3. To provide incentives that will encourage new private investment, stabilize neighborhood values and increase employment opportunities.
4. To plan for and provide sufficient land for new development in a manner that is efficient from the standpoint of providing municipal services.
5. To provide for the installation of public works and facilities which contribute to the sound development of the City.
6. To provide a more marketable and attractive investment climate.
7. To achieve a diversified, well-balanced economy providing a desirable standard of living, creating job opportunities, and strengthening the tax base.

## TYPE OF RENEWAL ACTIVITIES

To meet the objectives of this Urban Renewal Plan and to encourage the development of the area, the city intends to utilize the powers conferred under Chapter 403 and Chapter 15A, Code of Iowa. Activities may include:

1. To undertake and carry out urban renewal projects through the execution of contracts and other instruments.
2. To arrange for or cause to be provided the construction or repair of public infrastructure, including streets, lighting, sidewalks, water and sewer systems, public utilities or other facilities, in connection with urban renewal projects.
3. To acquire property through a variety of means (purchase, lease option, etc.) and to hold, clear, or prepare the property for redevelopment.
4. To dispose of property so acquired.
5. To make loans or grants to private persons or businesses for economic development purposes on such terms as may be determined by the City Council.
6. To borrow money and to provide security therefore.
7. To make or have made surveys and plans necessary for the implementation of the Urban Renewal Program or specified urban renewal projects.
8. To use tax increment financing for a variety of purposes, including but not limited to, achieving a more marketable and competitive land offering price and providing for necessary physical improvements and infrastructure.
9. To use any and all other powers granted by the Urban Renewal Act to develop and provide for improves economic conditions for the City of Oakland and Pottawattamie County.

## DEVELOPMENT PROJECTS

Proposed projects in the Urban Renewal Area are all related to stabilizing, revitalizing and improving the community through blight removal and by encouraging economic development. Although certain Urban Renewal Project activities may occur over a period of years, the first proposed projects in the Amendment No. 2 Area involve constructing improvements including grading, construction of improved storm water systems, expansion of water and sanitary sewer systems, installation of other underground utilities, construction or reconstruction of streets, public lighting, sidewalks and other public amenities in the area to encourage construction or rehabilitation of existing housing stock.

The City may also establish an incentive program to encourage private investment for the construction or rehabilitation of existing housing stock in the Urban Renewal Area. It is anticipated that loans, grants or rebates will be made available on a case-by-case basis as an incentive to purchasers to locate in Oakland.

Proposed projects are designed to have a positive impact on economic development efforts, the quality of life in Oakland and the surrounding area, and in turn help retain and increase population, and generate new employment opportunities.

## FINANCIAL DATA

1. Current constitutional debt limit: \$3,359,763
2. Current general obligation debt: \$202,301
3. Proposed amount of indebtedness to be incurred: Although, a specific amount of debt to be incurred for projects over time has not yet been determined, it is estimated that the total cost of the Development Projects identified above within the Urban Renewal Area South will be in the \$2 to \$2.5 million range. Such costs are expected to be paid for or reimbursed from tax increment revenues from the Urban Renewal Area. At no time will the City exceed its constitutional debt limit.

## URBAN RENEWAL PLAN AMENDMENTS

This Urban Renewal Plan may be amended from time to time for a variety of reasons, including, but not limited to, change in the area, addition or change of land use controls and regulations, modification of goals or types of renewal activities, or to amend property acquisition and disposition provisions.

The City Council may amend this Urban Renewal Plan in accordance with applicable State law.

## PROPERTY ACQUISITION/DISPOSITION

At some point in the future, buildings in the urban renewal district, as amended may be identified for acquisition and/or disposition. If property acquisition becomes necessary to accomplish the objectives of the plan, urban renewal powers will be carried out, without limitation, in accordance with the State of Iowa Urban Renewal Law.

## EFFECTIVE PERIOD

The original Oakland Urban Renewal Plan, Amendment No. 1 Area and Amendment No. 2 Area are all established based on blight findings; consequently, there is no statutory limit on the number of years in which tax increment revenues may be collected by the City for its project indebtedness.

## Exhibit "A"

Legal Description: Oakland Urban Renewal Area South - Amendment No. 2

A tract of land located in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  and NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , all in Section 12, Township 75 North, Range 40 West of the 5<sup>th</sup> P.M., City of Oakland, Pottawattamie County, Iowa. Described as follows:

Beginning at the intersection of the south right of way line of Linden Street and east right of way line of Mulberry Street, said point also being the NE corner of Lot 1, Block 4, Arnolds First Addition to the City of Oakland; thence south along the east right of way line of Mulberry Street to its intersection with a point on the north line of a parcel being described as the West 105 feet of the North 190 feet of Lot 7, Auditors Subdivision of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 12-75-40, said point also lying along the south right of way line of Oakland Avenue; thence west along said south right of way line of Oakland Avenue to the NW corner of said Lot 7; thence south along the west line of said Lot 7, 190 feet; thence east 165 feet along the north line of the south 470 feet of said Lot 7 to a point on the east line of said Lot 7; thence south along the east line of said Lot 7, 288 feet; thence east 159.3 feet along the north line of the south 189 feet of Lot 6 of the Auditors Subdivision of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , Section 12-75-40 to a point on the east line of said Lot 6; thence south along the east line of said Lot 6, 21.5 feet; thence east-southeast 659.3 feet to a point on the east line of the W  $\frac{1}{2}$  of the SE  $\frac{1}{4}$ , Section 12-75-40; thence south along said east line 155.5 feet to a point on the north right of way line of Walnut Street; thence westerly along the north right of way line of Walnut Street to its intersection with the west right of way line of Grove Street said point also being the SE corner of Lot 8, Block 9 of the Original Plat of the City of Oakland; thence north along the west right of way line of Grove Street to its intersection with the south right of way line of Elm Street said point also being the NE corner of Lot 12, Block 9 of the Original Plat of the City of Oakland; thence west along south right of way line of Elm Street to its intersection with the west right of way line of U. S. Highway 6; thence northeasterly along the west right of way line of U. S. Highway 6 to its intersection with the north right of way line of Oakland Avenue, said point also being the SE corner of Lot 1, Block 6 of the Original Plat of the City of Oakland; thence northeasterly along the east line of said Block 6 to NE corner of Lot 21, Block 6 of the Original Plat of the City of Oakland; thence from said NE corner of Lot 21 along an extended line of the eastern boundary of said Block 6, a distance of 90.0 feet to the south right of way line of Linden Street; thence easterly along the south right of way line of Linden Street to the point of beginning.

Containing 36.1 acres more or less.





CERTIFICATE

STATE OF IOWA )  
 ) SS  
COUNTY OF POTTAWATTAMIE )

I, the undersigned City Clerk of the City of Oakland, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of the City showing proceedings of the City Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of the agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective City offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the City hereto affixed this 9<sup>th</sup> day of August, 2011.

Mariisa Lockwood  
City Clerk, City of Oakland, State of Iowa

