

(P) COMPARED

R Fee 80<sup>a</sup>  
A Fee       
T Tax     

ORDINANCE NO. 6037

AN ORDINANCE AMENDING ORDINANCE NOS. 5766 AND 5859, PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE AMENDED PLAYLAND PARK URBAN RENEWAL PROJECT AREA, IN THE CITY OF COUNCIL BLUFFS, COUNTY OF POTTAWATTAMIE, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF COUNCIL BLUFFS, COUNTY OF POTTAWATTAMIE, COUNCIL BLUFFS 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 AMENDED PLAYLAND PARK URBAN RENEWAL REDEVELOPMENT PROJECT

WHEREAS, the City Council of the City of Council Bluffs, State of Iowa, has heretofore, in Ordinance Nos. 5766 and 4859, provided for the division of taxes within the Playland Park Urban Renewal Project Area, pursuant to Section 403.19 of the Code of Iowa; and

WHEREAS, additional territory now has been added to the Playland Park Urban Renewal Project Area; and

WHEREAS, indebtedness has been incurred by the City, and additional indebtedness is anticipated to be incurred in the future, to finance urban renewal project activities within the amended Playland Park Urban Renewal Project Area, and the continuing needs of redevelopment within the amended Playland Park Urban Renewal Project Area are such as to require the continued application of the incremental tax resources of the amended Playland Park Urban Renewal Project Area; and

WHEREAS, the following enactment is necessary to accomplish the objectives described in the premises.

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

Ordinance Numbers 5766 and 5859 are hereby amended to read as follows:

Pottawattamie County, IA 2009-014547  
Recorder John Sciorlino  
Book-Page: 2009-014547  
File Time: 10/05/2009 @ 10:10:36 AM  
Rec-\$80.00 Aud-\$0.00 RMA-\$1.00 ECM-\$3.00  
Current Transfer Tax Paid: \$0.00

Section 1: For purposes of this Ordinance, the following terms shall have the following meanings:

(a) Original Project Area shall mean that portion the City of Council Bluffs, State of Iowa, described in the Urban Renewal Plan for the Playland Park Urban Renewal Area approved by Resolution No. 03-138 on June 23, 2003, which Original Project Area includes the lots and parcels located within the area legally described as follows:

Lots 174 through 185 in Twin City Gardens an addition to Council Bluffs, Iowa, part of Government Lot 3 and accretions thereto in the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 28 and in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 29 and part of Government Lot 1 and accretions thereto in the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 32 and in the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  and, NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 33, all in Township 75 North Range 44 West of the 5th Principal Meridian, City of Council Bluffs, Pottawattamie County, Iowa more particularly described as follows:

Begin at the intersection of the West right-of-way line of North 40th Street with the centerline of Avenue B; thence West along the centerline of Avenue B approximately 2,500 feet to the Bulkhead line of the left (Easterly) shoreline of the Missouri River; thence Southerly along said line approximately 1,750 feet to the Southerly right-of-way line of Interstate Route I-480 being the Northerly right-of-way line of Old West Broadway; thence Easterly and Northeasterly along said line approximately 2,000 feet to the Northerly prolongation of the Easterly right-of-way line of 41st Street; thence Southerly along said prolongation and along the Westerly line of the parcel owned by Frito Lay Inc. 298 feet more or less to the South corner of said parcel; thence Northeasterly along the Southeasterly line of Frito Lay parcel 280 feet more or less; thence Southwesterly along the Frito Lay parcel 50 feet; thence Northeasterly along the Frito Lay parcel 670 feet to the East corner of the Frito Lay parcel; and to the Southerly right-of-way line of 37th Street Extension; thence Northwesterly/Westerly, and Southwesterly along said right-of-way line 340 feet more or less to the Southerly prolongation of the West right-of-way line of North 40th Street; thence North along said prolongation and along said line 1,100 feet more or less to the centerline of Avenue B and

the point of beginning. Said Urban Renewal tract contains 67.63 acres more or less.

(b) Amendment No. 1 Area shall mean that portion of the City of Council Bluffs, State of Iowa, described in Amendment No. 1 to the Urban Renewal Plan for the Playland Park Urban Renewal Area approved by Resolution No. 05-186 on June 27, 2005, which Amendment No. 1 Area includes the lots and parcels located within the area legally described as follows except those included in the Original Project Area as set out above:

Lots 174 through 185 in Twin City Gardens an Addition to the City of Council Bluffs, Iowa, part of Government Lot 3 and accretions thereto in the Southwest Quarter of the Southwest Quarter SW1/4SW1/4 of Section 28 and in the Southeast Quarter of the Southeast Quarter SE1/4SE1/4 of Section 29 and part of Government Lot 1 and accretions thereto in the Northeast Quarter of the Northeast Quarter NE1/4NE1/4 of Section 32 and in the Northwest Quarter of the Northwest Quarter NW1/4NW1/4 and Northeast Quarter of the Northwest Quarter NE1/4NW1/4 of Section 33, all in Township 75 North, Range 44 West of the Fifth Principal Meridian, City of Council Bluffs, Pottawattamie County, Iowa, more fully described as follows:

Beginning at the intersection of the westerly right-of-way line of North 40th Street with the centerline of Avenue B;

thence westerly along said centerline of Avenue B, 2,500 feet, more or less, to the easterly high bank of the Missouri River;

thence southerly, along said easterly high bank of the Missouri River, 1750 feet, more or less, to the southerly right-of-way line of Interstate Route I-480, said southerly right-of-way line also being the northerly right-of-way line of Old West Broadway;

thence easterly and northeasterly along said right-of-way lines, 2000 feet, more or less, to a point on the northerly prolongation of the easterly right-of-way line of 41st Street;

thence along said northerly prolongation and along said easterly right-of-way line, South 24 degrees 17 minutes 58 seconds East, 198.93 feet to a point on a northerly line of

property owned by the City of Council Bluffs (Dodge Park Golf Course);

thence along said northerly line, South 65 degrees 46 minutes 10 seconds West, 80.00 feet to a point on the westerly line of the said City of Council Bluffs property;

thence along said westerly line, South 24 degrees 20 minutes 58 seconds East, 303.68 feet;

thence North 80 degrees 28 minutes 59 seconds East, 62.63 feet to a point on a non-tangent curve, concave northwesterly, to which point a radial line bears South 9 degrees 16 minutes 53 seconds East, 257.12 feet;

thence northeasterly, along said curve, through a central angle of 96 degrees 06 minutes 50 seconds, 431.31 feet;

thence North 65 degrees 35 minutes 40 seconds East, 156.25 feet;

thence North 37 degrees 36 minutes 10 seconds East, 87.56 feet;

thence North 69 degrees 17 minutes 02 seconds East, 173.94 feet;

thence South 66 degrees 42 minutes 24 seconds East, 97.62 feet;

thence South 6 degrees 23 minutes 50 seconds East, 518.48 feet;

thence South 0 degrees 09 minutes 15 seconds West, 520.29 feet;

thence South 89 degrees 32 minutes 49 seconds East, 250.00 feet to a point on the southerly prolongation of the westerly line of Ferry Addition to the City of Council Bluffs;

thence along said southerly prolongation, along said westerly line of Ferry Addition and along its prolongation northerly, North 0 degrees 09 minutes 15 seconds East, 1104 feet to a

point on the southerly right-of-way line of the South 37th Street Extension;

thence in a general northwesterly and westerly direction along said southerly right-of-way line, 580 feet, more or less, to the intersection with the southerly prolongation of the westerly right-of-way line of said North 40th Street;

thence northerly, along said southerly prolongation and along said westerly right-of-way line 1050 feet, more or less, to the centerline of said Avenue B and the Point of Beginning.

Said parcel contains an area of 76.53 acres, more or less.

(c) Amendment No. 2 Area shall mean that portion of the City of Council Bluffs, State of Iowa, described in Amendment No. 2 to the Urban Renewal Plan for the Playland Park Urban Renewal Area approved by Resolution No. \_\_\_\_\_ on July 27, 2009, which Amendment No. 2 Area includes the lots and parcels located within the area legally described as follows:

(SOUTH PARCEL)

A PARCEL OF LAND BEING A PORTION OF THE ACCRETIONS TO GOVERNMENT LOTS 1, 2 AND 3, TOGETHER WITH RIPARIAN RIGHTS IN SECTION 33, TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5<sup>th</sup> PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF WEST BROADWAY (I-480) AND THE EAST RIGHT-OF-WAY LINE OF THE COUNCIL BLUFFS MISSOURI RIVER LEVEE;

THENCE SOUTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE, 2739 FEET (MORE OR LESS) TO A POINT ON THE EASTERLY PROLONGATION OF THE SOUTH BACK-OF-CURB LINE OF HARRAH'S CASINO NORTH PARKING LOT;

THENCE ALONG SAID EASTERLY PROLONGATION, ALONG SAID SOUTHERLY BACK-OF-CURB AND

ALONG IT'S WESTERLY PROLONGATION, SOUTH 64 DEGREES 10 MINUTES 04 SECONDS WEST, 564 FEET (MORE OR LESS) TO A POINT ON THE EAST HIGH BANK OF THE MISSOURI RIVER;

THENCE NORTHERLY, ALONG SAID EAST HIGH BANK, 2516 FEET (MORE OR LESS) TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF WEST BROADWAY (I-480);

THENCE EASTERLY, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 675 FEET (MORE OR LESS) TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 25.6 ACRES, MORE OR LESS.

AND

(NORTH PARCEL)

A PARCEL OF LAND BEING A PORTION OF THE WEST HALF OF THE SOUTHWEST QUARTER (W1/2 SW1/4) IN SECTION 28 AND A PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER (E1/2 SE1/4) OF SECTION 29, ALL IN TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5<sup>th</sup> PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF AVENUE "B" AND THE EAST RIGHT-OF-WAY LINE OF THE COUNCIL BLUFFS MISSOURI RIVER LEVEE;

THENCE ALONG THE WESTERLY PROLONGATION OF SAID NORTH RIGHT-OF-WAY LINE, 895 FEET (MORE OR LESS) TO A POINT ON THE EAST HIGH BANK OF THE MISSOURI RIVER;

THENCE NORTHERLY, ALONG SAID EAST HIGH BANK, 1666 FEET (MORE OR LESS) TO A POINT ON

THE WESTERLY PROLONGATION OF THE NORTH  
RIGHT-OF-WAY LINE OF AVENUE "G";

THENCE ALONG SAID WESTERLY PROLONGATION,  
SOUTH 88 DEGREES 34 MINUTES 53 SECONDS EAST,  
1369 FEET (MORE OR LESS) TO A POINT ON THE  
EAST RIGHT-OF-WAY LINE OF SAID COUNCIL  
BLUFFS MISSOURI RIVER LEVEE;

THENCE SOUTHWESTERLY, ALONG SAID EAST  
RIGHT-OF-WAY LINE, 1793 FEET (MORE OR LESS) TO  
THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 45.87 ACRES,  
MORE OR LESS.

(d) Amended Project Area shall mean that portion of the City of Council Bluffs, State of Iowa, included within the Original Project Area, the Amendment No. 1 Area and the Amendment No. 2 Area, which Amended Project Area includes the lots and parcels located within the area legally described as follows:

ORIGINAL AND AMENDMENT NO. 1 AREA

Lots 174 through 185 in Twin City Gardens an Addition to the City of Council Bluffs, Iowa, part of Government Lot 3 and accretions thereto in the Southwest Quarter of the Southwest Quarter SW1/4SW1/4 of Section 28 and in the Southeast Quarter of the Southeast Quarter SE1/4SE1/4 of Section 29 and part of Government Lot 1 and accretions thereto in the Northeast Quarter of the Northeast Quarter NE1/4NE1/4 of Section 32 and in the Northwest Quarter of the Northwest Quarter NW1/4NW1/4 and Northeast Quarter of the Northwest Quarter NE1/4NW1/4 of Section 33, all in Township 75 North, Range 44 West of the Fifth Principal Meridian, City of Council Bluffs, Pottawattamie County, Iowa, more fully described as follows:

Beginning at the intersection of the westerly right-of-way line of North 40th Street with the centerline of Avenue B;

thence westerly along said centerline of Avenue B, 2,500 feet, more or less, to the easterly high bank of the Missouri River;

thence southerly, along said easterly high bank of the Missouri River, 1750 feet, more or less, to the southerly right-of-way line of Interstate Route I-480, said southerly right-of-way line also being the northerly right-of-way line of Old West Broadway;

thence easterly and northeasterly along said right-of-way lines, 2000 feet, more or less, to a point on the northerly prolongation of the easterly right-of-way line of 41st Street;

thence along said northerly prolongation and along said easterly right-of-way line, South 24 degrees 17 minutes 58 seconds East, 198.93 feet to a point on a northerly line of property owned by the City of Council Bluffs (Dodge Park Golf Course);

thence along said northerly line, South 65 degrees 46 minutes 10 seconds West, 80.00 feet to a point on the westerly line of the said City of Council Bluffs property;

thence along said westerly line, South 24 degrees 20 minutes 58 seconds East, 303.68 feet;

thence North 80 degrees 28 minutes 59 seconds East, 62.63 feet to a point on a non-tangent curve, concave northwesterly, to which point a radial line bears South 9 degrees 16 minutes 53 seconds East, 257.12 feet;

thence northeasterly, along said curve, through a central angle of 96 degrees 06 minutes 50 seconds, 431.31 feet;

thence North 65 degrees 35 minutes 40 seconds East, 156.25 feet;

thence North 37 degrees 36 minutes 10 seconds East, 87.56 feet;

thence North 69 degrees 17 minutes 02 seconds East, 173.94 feet;

thence South 66 degrees 42 minutes 24 seconds East, 97.62 feet;



thence South 6 degrees 23 minutes 50 seconds East, 518.48 feet;

thence South 0 degrees 09 minutes 15 seconds West, 520.29 feet;

thence South 89 degrees 32 minutes 49 seconds East, 250.00 feet to a point on the southerly prolongation of the westerly line of Ferry Addition to the City of Council Bluffs;

thence along said southerly prolongation, along said westerly line of Ferry Addition and along its prolongation northerly, North 0 degrees 09 minutes 15 seconds East, 1104 feet to a point on the southerly right-of-way line of the South 37th Street Extension;

thence in a general northwesterly and westerly direction along said southerly right-of-way line, 580 feet, more or less, to the intersection with the southerly prolongation of the westerly right-of-way line of said North 40th Street;

thence northerly, along said southerly prolongation and along said westerly right-of-way line 1050 feet, more or less, to the centerline of said Avenue B and the Point of Beginning.

Said parcel contains an area of 76.53 acres, more or less.

#### AMENDMENT NO. 2 AREA

(SOUTH PARCEL)

A PARCEL OF LAND BEING A PORTION OF THE ACCRETIONS TO GOVERNMENT LOTS 1, 2 AND 3, TOGETHER WITH RIPARIAN RIGHTS IN SECTION 33, TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5<sup>th</sup> PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF WEST BROADWAY (I-480)

AND THE EAST RIGHT-OF-WAY LINE OF THE  
COUNCIL BLUFFS MISSOURI RIVER LEVEE;

THENCE SOUTHERLY ALONG SAID EAST RIGHT-OF-  
WAY LINE, 2739 FEET (MORE OR LESS) TO A POINT  
ON THE EASTERLY PROLONGATION OF THE SOUTH  
BACK-OF-CURB LINE OF HARRAH'S CASINO NORTH  
PARKING LOT;

THENCE ALONG SAID EASTERLY PROLONGATION,  
ALONG SAID SOUTHERLY BACK-OF-CURB AND  
ALONG IT'S WESTERLY PROLONGATION, SOUTH 64  
DEGREES 10 MINUTES 04 SECONDS WEST, 564 FEET  
(MORE OR LESS) TO A POINT ON THE EAST HIGH  
BANK OF THE MISSOURI RIVER;

THENCE NORTHERLY, ALONG SAID EAST HIGH  
BANK, 2516 FEET (MORE OR LESS) TO A POINT ON  
SAID SOUTH RIGHT-OF-WAY LINE OF WEST  
BROADWAY (I-480);

THENCE EASTERLY, ALONG SAID SOUTH RIGHT-OF-  
WAY LINE, 675 FEET (MORE OR LESS) TO THE POINT  
OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 25.6 ACRES,  
MORE OR LESS.

AND

(NORTH PARCEL)

A PARCEL OF LAND BEING A PORTION OF THE WEST  
HALF OF THE SOUTHWEST QUARTER (W1/2 SW1/4)  
IN SECTION 28 AND A PORTION OF THE EAST HALF  
OF THE SOUTHEAST QUARTER (E1/2 SE1/4) OF  
SECTION 29, ALL IN TOWNSHIP 75 NORTH, RANGE 44  
WEST OF THE 5<sup>th</sup> PRINCIPAL MERIDIAN, CITY OF  
COUNCIL BLUFFS, POTTAWATTAMIE COUNTY,  
IOWA, BEING MORE FULLY DESCRIBED AS  
FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF AVENUE "B" AND THE EAST RIGHT-OF-WAY LINE OF THE COUNCIL BLUFFS MISSOURI RIVER LEVEE;

THENCE ALONG THE WESTERLY PROLONGATION OF SAID NORTH RIGHT-OF-WAY LINE, 895 FEET (MORE OR LESS) TO A POINT ON THE EAST HIGH BANK OF THE MISSOURI RIVER;

THENCE NORTHERLY, ALONG SAID EAST HIGH BANK, 1666 FEET (MORE OR LESS) TO A POINT ON THE WESTERLY PROLONGATION OF THE NORTH RIGHT-OF-WAY LINE OF AVENUE "G";

THENCE ALONG SAID WESTERLY PROLONGATION, SOUTH 88 DEGREES 34 MINUTES 53 SECONDS EAST, 1369 FEET (MORE OR LESS) TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID COUNCIL BLUFFS MISSOURI RIVER LEVEE;

THENCE SOUTHWESTERLY, ALONG SAID EAST RIGHT-OF-WAY LINE, 1793 FEET (MORE OR LESS) TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 45.87 ACRES, MORE OR LESS.

Section 2: The taxes levied on the taxable property in the Amended Project Area, legally described in Section 1 hereof, by and for the benefit of the State of Iowa, City of Council Bluffs, County of Pottawattamie, Council Bluffs 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 3: As to the Original Project Area, 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 taxing property in the Original Project Area upon the total sum of the assessed value of the taxable property in the Original Project Area as shown on the assessment roll as of January 1, 2002, being the first day of the calendar year preceding the effective date of Ordinance No. 5766, 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. The taxes so determined shall be referred herein as the "base period taxes" for such area.

As to Amendment No. 1 Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 2004, being the assessment roll applicable to property in such area as of January 1 of the calendar year preceding the effective date of Ordinance No. 5859.

As to Amendment No. 2 Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 2008, being the assessment roll applicable to property in such area as of January 1 of the calendar year preceding the effective date of this Ordinance.

Section 4: That portion of the taxes each year in excess of the base period taxes for the Amended Project Area, determined for each sub-area thereof as provided in Section 3 of this Ordinance, shall be allocated to and when collected be paid into the special tax increment fund previously established by the City of Council Bluffs, State of Iowa, to pay the principal of and interest on loans, monies advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under authority of Section 403.9 or Section 403.12 of the Code of Iowa, incurred by the City of Council Bluffs, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Amended Project Area pursuant to the Urban Renewal Plan, as amended, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2, but only to the extent authorized in Section 403.19(2), and taxes for payment of bonds and interest of each taxing district shall be collected against all taxable property within the Amended Project Area without any limitation as hereinabove provided.

Section 5: Unless or until the total assessed valuation of the taxable property in the areas of the Amended Project Area exceeds the total assessed value of the taxable property in the areas shown by the assessment rolls referred to in Section 3 of this Ordinance, all of the taxes levied and collected upon the taxable property in the Amended Project 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.

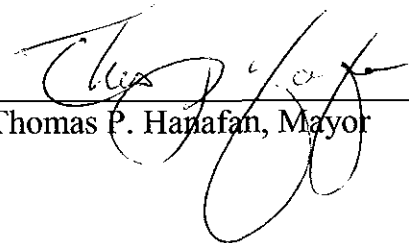
Section 6: At such time as the loans, monies advanced, bonds and interest thereon and indebtedness of the City of Council Bluffs, State of Iowa, referred to in Section 4 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Amended Project Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

Section 7: 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 continue the division of taxes from property within the Original Project Area and Amendment No. 1 Area under the provisions of Section 403.19

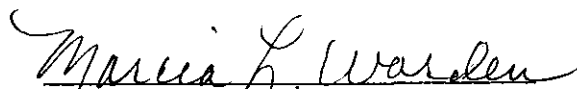
of the Code of Iowa, as authorized in Ordinance Nos. 5766 and 4859, and to fully implement the provisions of Section 403.19 of the Code of Iowa with respect to the division of taxes from property within the Amendment No. 2 Area as described above. In the event that any provision of this Ordinance shall 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 Amended Project Area and the territory contained therein.

Section 8: This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 24<sup>th</sup> day of August, 2009.

  
Thomas P. Hanafan, Mayor

ATTEST:

  
Marcia L. Worden, City Clerk

Read First Time: July 27, 2009      Vote for passage: Unanimous

Read Second Time: August 10, 2009      Vote for passage: Unanimous

Read Third Time: August 24, 2009      Vote for passage: Unanimous

PASSED AND APPROVED: August 24, 2009

# PROOF OF PUBLICATION

STATE OF IOWA  
POTTAWATTAMIE COUNTY

I, Amy McKay, on my oath do solemnly swear that I am the Controller of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

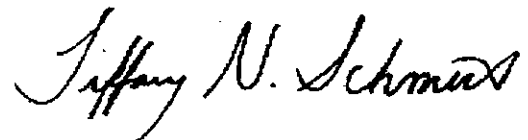
The attached notice was published in said newspaper for 1 consecutive time(s) as follows:

The first publication thereof  
began on the 14th day of July, 2009

Signed in my presence by the said Amy McKay and by her sworn to before me this 22nd day of July, A.D. 2009.



Amy McKay  
Daily Nonpareil Controller



Tiffany N. Schmitt  
Notary Public

Filed this 22nd day of July, A.D. 2009.  
Publication Cost: \$ 70.58



Customer Number: 35700  
Order Number: 20224698

**NOTICE OF PUBLIC HEARING TO CONSIDER  
APPROVAL OF A PROPOSED AMENDMENT NO. 2  
TO THE PLAYLAND PARK URBAN RENEWAL  
PLAN FOR AN URBAN RENEWAL AREA IN THE  
CITY OF COUNCIL BLUFFS, STATE OF IOWA**

The City Council of the City of Council Bluffs, State of Iowa, will hold a public hearing before itself at its meeting which commences at 7 o'clock P.M. on July 27, 2009 in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, to consider adoption of a proposed Amendment No. 2 to the Playland Park Urban Renewal Plan (the "Amendment") concerning an Urban Renewal Area in the City of Council Bluffs, State of Iowa.

A copy of the Amendment is on file for public inspection in the office of the City Clerk, City Hall, City of Council Bluffs, Iowa.

The City of Council Bluffs, State of Iowa is the local public agency which, if such Amendment is approved, shall undertake the urban renewal activities described in such Amendment.

The general scope of the urban renewal activities under consideration in the Amendment is to rehabilitate, conserve and redevelop land, buildings and other improvements within such area through the elimination and containment of conditions of blight so as to improve the community through the establishment of effective land use controls, through use of an effective program of rehabilitation of existing buildings and elimination of those structures which cannot be economically rehabilitated, with a limited amount of acquisition, clearance, resale and improvement of land for various purposes specified in the Amendment. To accomplish the objectives of the Amendment, and to encourage the further development of the Urban Renewal Area, the Amendment provides that such special financing activities may include, but not be limited to, the making of loans or grants of public funds to private entities under Chapter 15A of the Code of Iowa. The City also may reimburse or directly undertake the installation, construction and reconstruction of substantial public improvements, including streets, parking facilities, and open space areas. The City also may acquire and make land available for development or redevelopment by private enterprise as authorized by law. The Amendment provides that the City may issue bonds or use available funds for such purposes and that tax increment reimbursement of such costs will be sought if and to the extent incurred by the City. The Amendment initially proposes specific public infrastructure or site improvements to be undertaken by the City, but provides that the Amendment may be amended from time to time to respond to development opportunities.

The proposed Amendment No. 2 would modify the effective term of the Urban Renewal Plan, update proposed project activities, and add land, as follows:

**(SOUTH PARCEL)**

A PARCEL OF LAND BEING A PORTION OF THE ACCRETIONS TO GOVERNMENT LOTS 1, 2 AND 3, TOGETHER WITH RIPARIAN RIGHTS IN SECTION 33, TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF WEST BROADWAY (I-480) AND THE EAST RIGHT-OF-WAY LINE OF THE COUNCIL BLUFFS MISSOURI RIVER LEVEE;

THENCE SOUTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE, 2739 FEET (MORE OR LESS) TO A POINT ON THE EASTERLY PROLONGATION OF THE SOUTH BACK-OF-CURB LINE OF HARRAH'S CASINO NORTH PARKING LOT;

THENCE ALONG SAID EASTERLY PROLONGATION, ALONG SAID SOUTHERLY BACK-OF-CURB AND ALONG ITS WESTERLY PROLONGATION, SOUTH 64 DEGREES 10 MINUTES 04 SECONDS WEST, 564 FEET (MORE OR LESS) TO A POINT ON THE EAST HIGH BANK OF THE MISSOURI RIVER;

THENCE NORTHERLY, ALONG SAID EAST HIGH BANK, 2516 FEET (MORE OR LESS) TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF WEST BROADWAY (I-480);

THENCE EASTERLY, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 675 FEET (MORE OR LESS) TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 25.6 ACRES, MORE OR LESS.

**AND**

**(NORTH PARCEL)**

A PARCEL OF LAND BEING A PORTION OF THE WEST HALF OF THE SOUTHWEST QUARTER (W1/2 SW1/4) IN SECTION 28 AND A PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER (E1/2 SE1/4) OF SECTION 29, ALL IN TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF AVENUE "B" AND THE EAST RIGHT-OF-WAY LINE OF THE COUNCIL BLUFFS MISSOURI RIVER LEVEE;

THENCE ALONG THE WESTERLY PROLONGATION OF SAID NORTH RIGHT-OF-WAY LINE, 895 FEET (MORE OR LESS) TO A POINT ON THE EAST HIGH BANK OF THE MISSOURI RIVER;

THENCE NORTHERLY, ALONG SAID EAST HIGH BANK, 1666 FEET (MORE OR LESS) TO A POINT ON THE WESTERLY PROLONGATION OF THE NORTH RIGHT-OF-WAY LINE OF AVENUE "G";

THENCE ALONG SAID WESTERLY PROLONGATION, SOUTH 88 DEGREES 34 MINUTES 53 SECONDS EAST, 1369 FEET (MORE OR LESS) TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID COUNCIL BLUFFS MISSOURI RIVER LEVEE;

THENCE SOUTHWESTERLY, ALONG SAID EAST RIGHT-OF-WAY LINE, 1793 FEET (MORE OR LESS) TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 45.87 ACRES, MORE OR LESS.

All other provisions of the Plan would remain in full force and effect.

Any person or organization desiring to be heard shall be afforded an opportunity to be heard at such hearing.

This notice is given by order of the City Council of the City of Council Bluffs, State of Iowa, as provided by Section 403.5 of the City Code of Iowa.

Marcia L. Worden, Acting City Clerk  
City of Council Bluffs, State of Iowa

2009 (7) 14 - 1 Tuesday

Please return to:  
City Clerk  
209 Pearl Street  
Council Bluffs, Iowa 51503

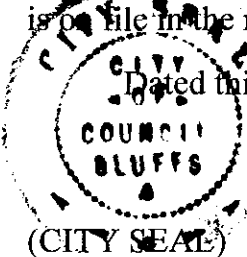
ORIGINAL

CITY CLERK'S CERTIFICATION TO COUNTY AUDITOR

I hereby certify that attached hereto is a true and correct copy of the Tax Increment Ordinance approved by the City Council of the City of Council Bluffs, State of Iowa, designated as Ordinance Number 6037, entitled:

AN ORDINANCE AMENDING ORDINANCE NOS. 5766 AND 5859, PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE AMENDED PLAYLAND PARK URBAN RENEWAL PROJECT AREA, IN THE CITY OF COUNCIL BLUFFS, COUNTY OF POTTAWATTAMIE, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF COUNCIL BLUFFS, COUNTY OF POTTAWATTAMIE, COUNCIL BLUFFS 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 AMENDED PLAYLAND PARK URBAN RENEWAL REDEVELOPMENT PROJECT

approved by the City Council on the 24th day of August, 2009, and duly published on the 29th day of August, 2009, the original of which is on file in the records of the undersigned.



Dated this 11th day of September, 2009.

Marcia L. Warden  
Clerk of the City of Council Bluffs

COUNTY AUDITOR'S CERTIFICATE

I, Donna L. West Finance, County Auditor of Pottawattamie County, Iowa, hereby certify that on the 31st day of October, 2009, there was filed in my office a true and correct copy of the Tax Increment Ordinance of the City of Council Bluffs, State of Iowa, Ordinance Number 6037, approved by the City Council on the 24th day of August, 2009, all duly certified upon the form attached above.



Donna L. West Finance  
County Auditor of Pottawattamie County,  
Iowa