

ORIGINAL

Pottawattamie County, IA 2011-009057
Recorder John Sciortino
Book-Page: 2011-009057
File Time: 07/20/2011 @ 08:06:21 AM
Rec-\$190.00 Aud-\$0.00 RMA-\$1.00 ECM-\$1.00
Current Transfer Tax Paid: \$0.00



R Fee 190⁰²

A Fee —

T Tax —

COMPARED

Type of Document: RESOLUTION ADOPTING NEBRASKA AVENUE URBAN
RENEWAL PLAN (Including Plan Attached as Exhibit 1)

Return Document to: Brenda Carrico
Community Development Program Coordinator
City of Council Bluffs
209 Pearl Street
Council Bluffs, Iowa 51503

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

Taxpayer Information: N/A

GRANTORS: N/A

GRANTEES: N/A

LEGAL DESCRIPTION: See Resolution, pages 4-6

Book & Page of previously recorded documents:

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

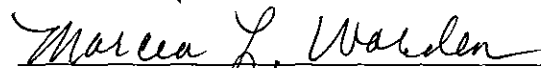
Governmental Body: The City Council of the City of Council Bluffs, State of Iowa
Date of Meeting: July 11, 2011
Time of Meeting: 7:00 o'clock p.m.
Place of Meeting: Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa

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 Nebraska Avenue Urban Renewal Plan
- Resolution determining an area of the City to be an 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 Nebraska Avenue Urban Renewal Plan
- Consideration of Ordinance relating to the division of revenues under Iowa Code Section 403.19 for the Nebraska Avenue Urban Renewal Area
- Consideration of Ordinance relating to the Targeted Jobs Withholding Tax Credit Program under 403.19A for the Nebraska Avenue Urban Renewal Area

Such additional matters as are set forth on the additional 12 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.



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

July 11, 2011

The City Council of the City of Council Bluffs, State of Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7:00 o'clock p.m., on the above date. There were present Mayor Thomas P. Hanafan, in the chair, and the following named Council Members: Garst, Head, Walsh and White; Absent: Branigan

* * * * *

This being the time and place fixed for a public hearing on the matter of the adoption of the proposed Nebraska Avenue Urban Renewal 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 Plan. 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 Plan 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 Plan, 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 Nebraska Avenue Urban Renewal Plan and none were made. The public hearing was then closed.

{ Attach summary of objections here }

Council Member Walsh then introduced the following Resolution entitled "RESOLUTION DETERMINING AN AREA OF THE CITY TO BE AN 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 NEBRASKA AVENUE URBAN RENEWAL PLAN" and moved that the same be adopted. Council Member Head seconded the motion to adopt. The roll was called and the vote was:

AYES: Garst, Head, Walsh and White
Nays: None

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

RESOLUTION NO. 11-160

RESOLUTION DETERMINING AN AREA OF THE CITY TO BE AN 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 NEBRASKA AVENUE URBAN RENEWAL PLAN

WHEREAS, this Council has reasonable cause to believe that the area described below satisfies the eligibility criteria for designation as an urban renewal area under Iowa law; and

WHEREAS, a proposed Nebraska Avenue Urban Renewal Plan for the area described below has been prepared, which proposed Plan is on file in the office of the City Clerk and which is incorporated herein by reference; and

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

A PARCEL OF LAND BEING ALL OF MID-AMERICAN COMMERCE PARK, INRIP SUBDIVISION TRACT 1, 1st ADDITION, INRIP

SUBDIVISION TRACT NUMBER 3, EAST OMAHA PLATEAU, RIVER VALLEY SUBDIVISION, BROWN'S SUBDIVISION REPLAT OF BLOCKS 29, 31, 33 AND 39, SIOUX ACRES, A PORTION OF BROWN'S SUBDIVISION, A PORTION OF GOVERNMENT LOT 4 AND ACCRETIONS THERE TO IN SECTION 33 AND A PORTION OF THE SOUTH HALF OF SECTION 34, ALL IN TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, A PORTION OF GOVERNMENT LOTS 1 AND 2 AND ACCRETIONS THERE TO IN SECTION 4, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, A PORTION OF THE SOUTH HALF OF SECTION 34, TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, A PORTION OF THE NORTH HALF OF SECTION 3, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN AND A PORTION OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, ALL IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 3;

THENCE ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3, SOUTH 01 DEGREE 30 MINUTES WEST, 853 FEET;

THENCE SOUTH 88 DEGREES 00 MINUTES EAST, 1,271 FEET;

THENCE SOUTH 01 DEGREE 57 MINUTES WEST, 1,512 FEET, MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF 23rd AVENUE;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND IT'S WESTERLY PROLONGATION, NORTH 86 DEGREES 52 MINUTES WEST, 1,617 FEET, MORE OR LESS TO A POINT ON THE SOUTHERLY PROLONGATION OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 29th STREET;

THENCE ALONG SAID SOUTHERLY PROLONGATION AND ALONG SAID WEST RIGHT-OF-WAY LINE, NORTH 02 DEGREES 04 MINUTES EAST, 531 FEET, MORE OR LESS TO A POINT ON THE EASTERLY PROLONGATION OF THE NORTH LINE OF BLUFFS VISION II SUBDIVISION REPLAT 2 IN SAID CITY OF COUNCIL BLUFFS;

THENCE ALONG SAID EASTERLY PROLONGATION AND ALONG SAID NORTHERLY LINE, NORTH 88 DEGREES 23 MINUTES WEST, 1,030 FEET, MORE OR LESS TO A POINT ON THE EAST LINE OF BLUFFS VISION II SUBDIVISION REPLAT 1 IN SAID CITY OF COUNCIL BLUFFS;

THENCE ALONG THE BOUNDARY OF SAID SUBDIVISION THE FOLLOWING 4 COURSES:

- 1) NORTH 00 DEGREES 16 MINUTES WEST, 322.58 FEET;
- 2) NORTH 87 DEGREES 04 MINUTES WEST, 893.25 FEET;
- 3) SOUTH 35 DEGREES 21 MINUTES EAST, 421.22 FEET;
- 4) SOUTH 54 DEGREES 39 MINUTES WEST, 460.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SOUTH 35th STREET;

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING 2 COURSES:

- 1) SOUTH 35 DEGREES 20 MINUTES 49 SECONDS EAST, 178.18 FEET;
- 2) SOUTH 20 DEGREES 49 MINUTES 48 SECONDS EAST, 37.20 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 23rd AVENUE;

THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING 3 COURSES:

- 1) SOUTH 77 DEGREES 25 MINUTES 08 SECONDS WEST, 37.20 FEET;
- 2) NORTH 86 DEGREES 56 MINUTES 29 SECONDS WEST, 340.05 FEET;
- 3) NORTH 86 DEGREES 41 MINUTES 48 SECONDS WEST, 919 FEET, MORE OR LESS TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF INTERSTATE 29;

THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 35 DEGREES 21 MINUTES WEST, 827 FEET, MORE OR LESS TO A POINT ON THE CENTERLINE OF NEBRASKA AVENUE;

THENCE ALONG SAID CENTERLINE, NORTH 54 DEGREES 39 MINUTES EAST, 486 FEET, MORE OR LESS TO A POINT ON THE SOUTHERLY PROLONGATION OF THE EAST RIGHT-OF-WAY LINE FOR RAMP "A" FOR INTERSTATE 29;

THENCE ALONG SAID SOUTHERLY PROLONGATION AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING 5 COURSES:

- 1) NORTH 31 DEGREES 07 MINUTES 48 SECONDS WEST, 652.0 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 376.41 FEET;
- 2) NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 31 DEGREES 27 MINUTES 34 SECONDS, 206.68 FEET;
- 3) NORTH 61 DEGREES 11 MINUTES 14 SECONDS WEST, 272.69 FEET;
- 4) NORTH 43 DEGREES 09 MINUTES 45 SECONDS WEST, 321.92 FEET;
- 5) NORTH 03 DEGREES 46 MINUTES 46 SECONDS WEST, 225.32 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE 29;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING 2 COURSES:

- 1) NORTH 01 DEGREE 11 MINUTES 29 SECONDS EAST, 965.23 FEET;
- 2) NORTH 00 DEGREES 59 MINUTES WEST, 145 FEET, MORE OR LESS TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD COMPANY;

THENCE IN A GENERALLY EASTERLY DIRECTION ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 4,683 FEET, MORE OR LESS TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 34;

THENCE ALONG SAID NORTH-SOUTH CENTERLINE, SOUTH 02 DEGREES 31 MINUTES WEST, 1169 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 345 ACRES, MORE OR LESS.

WHEREAS, the proposed urban renewal area includes land classified as agricultural land and 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 Nebraska Avenue Urban Renewal Plan to be known hereafter as the "Nebraska Avenue Urban Renewal Plan"; and

WHEREAS, the Iowa statutes require the City Council to submit the proposed Nebraska Avenue Urban Renewal 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, creation of the Nebraska Avenue Urban Renewal Area and adoption of the Nebraska Avenue Urban Renewal Plan therefore 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 June 13, 2011, this Council directed that a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed Nebraska Avenue Urban Renewal Plan and the division of revenue described therein, and that notice of the consultation and a copy of the proposed Nebraska Avenue Urban Renewal 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 Nebraska Avenue Urban Renewal 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 Daily Nonpareil, 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 Nebraska Avenue Urban Renewal 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 COUNCIL BLUFFS, STATE OF IOWA:

Section 1. That the findings and conclusions set forth or contained in the proposed "Nebraska Avenue Urban Renewal Plan" for the area of the City of Council Bluffs, State of Iowa, legally described and depicted in the Plan and incorporated herein by reference (which area shall hereinafter be known as the "Nebraska Avenue Urban Renewal Area"), be and the same are hereby adopted and approved 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 Nebraska Avenue Urban Renewal Area into decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;

B. The Urban Renewal Plan conforms to the general plan for the development of the City as a whole; and

C. Acquisition by the City is not immediately expected, but if it occurs, and as to those areas of open land to be acquired by the City included within the Nebraska Avenue Urban Renewal Area:

1. Residential use is not expected, however, with reference to any 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 expected and with reference to those 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 Nebraska Avenue Urban Renewal Area is an 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 the Nebraska Avenue Urban Renewal Plan, attached hereto as Exhibit 1 and incorporated herein by reference, be and the same is hereby approved and adopted as the "Nebraska Avenue Urban Renewal Plan for the Nebraska Avenue Urban Renewal Area"; the Nebraska Avenue Urban Renewal Plan for such area is hereby in all respects approved; and the City Clerk is hereby directed to file a certified copy of the Nebraska Avenue Urban Renewal Plan with the proceedings of this meeting.

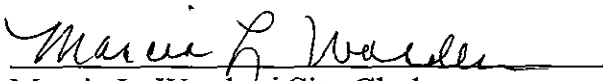
Section 5. That the Nebraska Avenue Urban Renewal Plan shall be in full force and effect from the date of this Resolution until the Council amends or repeals the Plan. Said Nebraska Avenue Urban Renewal Plan shall be forthwith certified by the City Clerk, along with a copy of this Resolution, to the Recorder for Pottawattamie County, Iowa, to be filed and recorded in the manner provided by law.

PASSED AND APPROVED this 11th day of July, 2011.



Thomas P. Hanafan, Mayor

ATTEST:



Marcia L. Worden, City Clerk

[Attach Plan as Exhibit 1]

$$\begin{array}{l}) \\) \text{ SS} \\) \end{array}$$

COUNTY OF POTTAWATTAMIE)

WITNESS my hand and the seal of the City hereto affixed this 12th day of June, 2011.

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



COUNCIL AGENDA, CITY OF COUNCIL BLUFFS, IOWA
REGULAR MEETING, JULY 11, 2011, 7:00 PM
COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL
209 PEARL STREET

AGENDA

- 1. PLEDGE OF ALLEGIANCE**
- 2. CALL TO ORDER**
- 3. CONSENT AGENDA**
 - A. Approval of agenda and tape recording of this proceeding to be incorporated into the official minutes
 - B. Reading, correction and approval of the June 27, 2011 City Council meeting minutes
 - C. Resolution 11-157, accepting the work of Judd Brothers Construction Company as complete and authorizing the release of the retainage after 30 days if no claims are filed and all other contract requirements have been met in connection with the River's Edge Site Grading and Storm Sewer Outfall Improvement Project
- 4. PUBLIC HEARINGS**
 - A. Resolution 11-158, authorizing the disposal of City owned property described as the south 36' of Lot 6 and the south 36' of the east 31' of Lot 5, Block 14, Hall's Addition
 - B. Ordinance 6132, amending the zoning map as adopted by reference in Section 15.02.040, by changing the district designation of Lots 2 and 3, Block 6, Squire's Addition, located at 505 and 509 South 21st Street, from C-1/Commercial to R-2/Two Family Residential, as set forth and defined in Chapters 15.14 and 15.09
 - C. Ordinance 6133, amending the zoning map as adopted by reference in Section 15.02.040, by changing the district designation of Lot 1, Nash Subdivision from C-2/Commercial to R-3/Low Density Multi-Family Residential; proposed Lots 1 through 23 and Outlot A, Nash Subdivision Replat 1 from C-2/Commercial to R-1/Single Family Residential; and proposed Lot 24, Nash Subdivision from C-2/Commercial to R-3/Low Density Multi-Family Residential, as set forth and defined in Chapters 15.15, 15.10 and 15.08B
 - D. Resolution 11-159, accepting the redevelopment proposal submitted by Hansen House, L.L.C. on property at Nash Boulevard and North 24th Street, located in the Nash Boulevard Urban Renewal Area

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 30th day of June, 2011

Signed in my presence by the said Amy McKay and by her sworn to before me this 11th day of July, A.D. 2011.

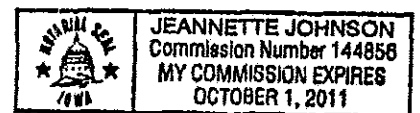


Amy McKay
Daily Nonpareil Controller



Jeannette Johnson
Notary Public

Filed this 11th day of July, A.D. 2011.
Publication Cost: \$ 92.75



Customer Number: 35700
Order Number: 20281136

4.E.

**NOTICE OF PUBLIC HEARING TO CONSIDER
APPROVAL OF A PROPOSED
NEBRASKA AVENUE URBAN RENEWAL PLAN
FOR A PROPOSED 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 7:00 o'clock p.m. on July 11, 2011 in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, to consider adoption of a proposed Nebraska Avenue Urban Renewal Plan (the "Plan") concerning a proposed Urban Renewal Area in the City of Council Bluffs, State of Iowa, legally described as follows:

A PARCEL OF LAND BEING ALL OF MID-AMERICAN COMMERCE PARK, INRIP SUBDIVISION TRACT 1, 1st ADDITION, INRIP SUBDIVISION TRACT NUMBER 3, EAST OMAHA PLATEAU, RIVER VALLEY SUBDIVISION, BROWN'S SUBDIVISION REPLAT OF BLOCKS 29, 31, 33 AND 39, SIOUX ACRES, A PORTION OF BROWN'S SUBDIVISION, A PORTION OF GOVERNMENT LOT 4 AND ACCRETIONS THERE TO IN SECTION 33 AND A PORTION OF THE SOUTH HALF OF SECTION 34, ALL IN TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, A PORTION OF GOVERNMENT LOTS 1 AND 2 AND ACCRETIONS THERE TO IN SECTION 4, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, A PORTION OF THE SOUTH HALF OF SECTION 34, TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, A PORTION OF THE NORTH HALF OF SECTION 3, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN AND, A PORTION OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, ALL IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 3;

THENCE ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3, SOUTH 01 DEGREE 30 MINUTES WEST, 853 FEET;

THENCE SOUTH 88 DEGREES 00 MINUTES EAST, 1,271 FEET;

THENCE SOUTH 01 DEGREE 57 MINUTES WEST, 1,512 FEET, MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF 23rd AVENUE;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ITS WESTERLY PROLONGATION, NORTH 86 DEGREES 52 MINUTES WEST, 1,617 FEET, MORE OR LESS TO A POINT ON THE SOUTHERLY PROLONGATION OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 29th STREET;

THENCE ALONG SAID SOUTHERLY PROLONGATION AND ALONG SAID WEST RIGHT-OF-WAY LINE, NORTH 02 DEGREES 04 MINUTES EAST, 531 FEET, MORE OR LESS TO A POINT ON THE EASTERLY PROLONGATION OF THE NORTH LINE OF BLUFFS VISION II SUBDIVISION REPLAT 2 IN SAID CITY OF COUNCIL BLUFFS;

THENCE ALONG SAID EASTERLY PROLONGATION AND ALONG SAID NORTHERLY LINE, NORTH 88 DEGREES 23 MINUTES WEST, 1,030 FEET, MORE OR LESS TO A POINT ON THE EAST LINE OF BLUFFS VISION II SUBDIVISION REPLAT 1 IN SAID CITY OF COUNCIL BLUFFS;

THENCE ALONG THE BOUNDARY OF SAID SUBDIVISION THE FOLLOWING 4 COURSES:

1) NORTH 00 DEGREES 16 MINUTES WEST, 322.58 FEET;

2) NORTH 87 DEGREES 04 MINUTES WEST, 693.25 FEET;

3) SOUTH 35 DEGREES 21 MINUTES EAST, 421.22 FEET;

4) SOUTH 54 DEGREES 39 MINUTES WEST, 460.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SOUTH 35th STREET;

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING 2 COURSES:

1) SOUTH 35 DEGREES 20 MINUTES 49 SECONDS EAST, 178.18 FEET;

2) SOUTH 20 DEGREES 49 MINUTES 48 SECONDS EAST, 37.20 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 23rd AVENUE;

THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING 3 COURSES:

1) SOUTH 77 DEGREES 25 MINUTES 08 SECONDS WEST, 37.20 FEET;

2) NORTH 86 DEGREES 56 MINUTES 29 SECONDS WEST, 340.05 FEET;

3) NORTH 88 DEGREES 41 MINUTES 48 SECONDS WEST, 919 FEET, MORE OR LESS TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF INTERSTATE 29;

THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 35 DEGREES 21 MINUTES WEST, 827 FEET, MORE OR LESS TO A POINT ON THE CENTERLINE OF NEBRASKA AVENUE;

THENCE ALONG SAID CENTERLINE, NORTH 54 DEGREES 39 MINUTES EAST, 498 FEET, MORE OR LESS TO A POINT ON THE SOUTHERLY PROLONGATION OF THE EAST RIGHT-OF-WAY LINE FOR RAMP "A" FOR INTERSTATE 29;

THENCE ALONG SAID SOUTHERLY PROLONGATION AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING 5 COURSES:

1) NORTH 31 DEGREES 07 MINUTES 48 SECONDS WEST, 652.0 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 376.41 FEET;

2) NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 31 DEGREES 27 MINUTES 34 SECONDS, 206.68 FEET;

3) NORTH 61 DEGREES 11 MINUTES 14 SECONDS WEST, 272.69 FEET;

4) NORTH 43 DEGREES 09 MINUTES 45 SECONDS WEST, 321.92 FEET;

5) NORTH 03 DEGREES 46 MINUTES 46 SECONDS WEST, 225.32 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE 29;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING 2 COURSES:

1) NORTH 01 DEGREE 11 MINUTES 29 SECONDS EAST, 365.23 FEET;

2) NORTH 00 DEGREES 59 MINUTES WEST, 145 FEET, MORE OR LESS TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD COMPANY;

THENCE IN A GENERALLY EASTERLY DIRECTION ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 4,683 FEET, MORE OR LESS TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 34;

THENCE ALONG SAID NORTH-SOUTH CENTERLINE, SOUTH 02 DEGREES 31 MINUTES WEST, 1189 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 345 ACRES, MORE OR LESS.

which land is to be included as part of this proposed Urban Renewal Area.

A copy of the Plan 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 Plan is approved, shall undertake the urban renewal activities described in such Plan.

The general scope of the urban renewal activities under consideration in the Plan is to promote the growth and retention of qualified industries and businesses in the Urban Renewal Area through various public purpose and special financing activities outlined in the Plan. To accomplish the objectives of the Plan, and to encourage the further development of the Urban Renewal Area, the Plan provides for the formation of an Urban Renewal Area to facilitate several businesses in their application for tax credits pursuant to the Targeted Jobs Withholding Program under Iowa Code 403.19A. The Plan may be amended from time to time to respond to development opportunities and make necessary changes.

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.

Dated this 30th day of June, 2011.

Marcia L. Worden, City Clerk
City of Council Bluffs, State of Iowa
2011 (6) 30 - 1 Thursday

NEBRASKA AVENUE URBAN RENEWAL AREA

URBAN RENEWAL PLAN



CITY OF COUNCIL BLUFFS, IOWA
JULY 11, 2011



TABLE OF CONTENTS

<u>CHAPTER</u>	<u>PAGE</u>
I. BACKGROUND	2
II. DESCRIPTION OF URBAN RENEWAL AREA	3-5
1. Project Area Description	
2. Structural Conditions	
3. Transportation Systems	
4. Public Utilities and Services	
5. District Designation	
III. LAND USE AND REDEVELOPMENT	6-7
1. Existing Land Use and Zoning	
2. Conformance with City Comprehensive Plan	
3. Redevelopment Analysis	
4. Description of Redevelopment Activities	
IV. PROJECT AREA OBJECTIVES	8
V. TYPE OF URBAN RENEWAL ACTIVITIES	9-12
1. Urban Renewal Powers	
2. Description of Urban Renewal Activities to be Undertaken	
3. Tax Increment Financing	
VI. OTHER	13-14
1. Property Acquisition/Disposition	
2. Relocation	
3. Urban Renewal Plan Amendments	
4. Effective Term	
5. Effect of Creation of Urban Renewal Plan and Project Area	
6. Agreement to Include Agricultural Land	
VII. ILLUSTRATIONS	15-19
1. City Location Map	
2. Boundary Map	
3. Neighborhood Map	
4. Storm Sewer Map	
5. Sanitary Sewer Map	
6. Existing Land Use and Zoning Map	
VIII. AGREEMENTS TO INCLUDE AGRICULTURAL LAND	20

CHAPTER I

Background

It has been determined that the need exists for urban renewal actions in an area generally described as between the Union Pacific Railroad right-of-way and 23rd Avenue extending from Interstate 29 east to a line approximately 2 blocks east of South 24th Street. These actions are necessary in order to accommodate industrial development and redevelopment. Assistance in the form of an urban renewal project area, conforming to Section 403 of the Iowa Code, is authorized for such activities as to acquire land; remove blighted, incompatible, or undesirable land uses; improve regulatory control; improve public infrastructure and facilities; undertake economic development activities; and to allow for private development or redevelopment on cleared or vacant land. More specifically, this area has been declared an economic development area, conforming to Section 403.2.3 of the Iowa Code. Two businesses expanding in the area are applying for the Targeted Jobs Withholding Tax Credit Program, which requires that the properties be within an urban renewal area. This Plan is to be called the Nebraska Avenue Urban Renewal Plan for the Nebraska Avenue Urban Renewal Area, and its purpose, objectives, and project proposals are described within this document.

The general location and boundaries of the Nebraska Avenue Urban Renewal Area are shown in Illustration 1: City Location Map and Illustration 2: Boundary Map.

CHAPTER II

Description of Urban Renewal Area

1. Project Area Description

General Description - The Nebraska Avenue Urban Renewal Area is located in west central Council Bluffs between the Union Pacific Railroad right-of-way and 23rd Avenue extending from Interstate 29 east to approximately two blocks east of South 24th Street. The area contains numerous parcels of land used primarily for industrial activities. There are a few commercial structures and uses located in the area generally along or near South 35th Street. Four legally nonconforming residential uses are located in the 16th Avenue area. Several vacant tracts of land are available for development. The surrounding area and developments are shown in Illustration 3: Neighborhood Map.

Legal Description -

A PARCEL OF LAND BEING ALL OF MID-AMERICAN COMMERCE PARK, INRIP SUBDIVISION TRACT 1, 1st ADDITION, INRIP SUBDIVISION TRACT NUMBER 3, EAST OMAHA PLATEAU, RIVER VALLEY SUBDIVISION, BROWN'S SUBDIVISION REPLAT OF BLOCKS 29, 31, 33 AND 39, SIOUX ACRES, A PORTION OF BROWN'S SUBDIVISION, A PORTION OF GOVERNMENT LOT 4 AND ACCRETIONS THERE TO IN SECTION 33 AND A PORTION OF THE SOUTH HALF OF SECTION 34, ALL IN TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, A PORTION OF GOVERNMENT LOTS 1 AND 2 AND ACCRETIONS THERE TO IN SECTION 4, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, A PORTION OF THE SOUTH HALF OF SECTION 34, TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, A PORTION OF THE NORTH HALF OF SECTION 3, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN AND A PORTION OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, ALL IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 3; THENCE ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 3, SOUTH 01 DEGREE 30 MINUTES WEST, 853 FEET; THENCE SOUTH 88 DEGREES 00 MINUTES EAST, 1,271 FEET; THENCE SOUTH 01 DEGREE 57 MINUTES WEST, 1,512 FEET, MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF 23rd AVENUE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND IT'S WESTERLY PROLONGATION, NORTH 86 DEGREES 52 MINUTES WEST, 1,617 FEET, MORE OR LESS TO A POINT ON THE SOUTHERLY PROLONGATION OF THE WEST RIGHT-OF-WAY LINE OF SOUTH 29th STREET; THENCE ALONG SAID SOUTHERLY PROLONGATION AND ALONG SAID WEST RIGHT-OF-WAY LINE, NORTH 02 DEGREES 04 MINUTES EAST, 531 FEET, MORE OR LESS TO A POINT ON THE EASTERLY PROLONGATION OF THE NORTH LINE OF BLUFFS VISION II SUBDIVISION REPLAT 2 IN SAID CITY OF COUNCIL BLUFFS;

THENCE ALONG SAID EASTERLY PROLONGATION AND ALONG SAID NORTHERLY LINE, NORTH 88 DEGREES 23 MINUTES WEST, 1,030 FEET, MORE OR LESS TO A POINT ON THE EAST LINE OF BLUFFS VISION II SUBDIVISION REPLAT 1 IN SAID CITY OF COUNCIL BLUFFS;

THENCE ALONG THE BOUNDARY OF SAID SUBDIVISION THE FOLLOWING 4 COURSES:

- 1) NORTH 00 DEGREES 16 MINUTES WEST, 322.58 FEET;
- 2) NORTH 87 DEGREES 04 MINUTES WEST, 893.25 FEET;
- 3) SOUTH 35 DEGREES 21 MINUTES EAST, 421.22 FEET;
- 4) SOUTH 54 DEGREES 39 MINUTES WEST, 460.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SOUTH 35th STREET;

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING 2 COURSES:

- 1) SOUTH 35 DEGREES 20 MINUTES 49 SECONDS EAST, 178.18 FEET;
- 2) SOUTH 20 DEGREES 49 MINUTES 48 SECONDS EAST, 37.20 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 23rd AVENUE;

THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING 3 COURSES:

- 1) SOUTH 77 DEGREES 25 MINUTES 08 SECONDS WEST, 37.20 FEET;
- 2) NORTH 86 DEGREES 56 MINUTES 29 SECONDS WEST, 340.05 FEET;
- 3) NORTH 86 DEGREES 41 MINUTES 48 SECONDS WEST, 919 FEET, MORE OR LESS TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF INTERSTATE 29;

THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 35 DEGREES 21 MINUTES WEST, 827 FEET, MORE OR LESS TO A POINT ON THE CENTERLINE OF NEBRASKA AVENUE;

THENCE ALONG SAID CENTERLINE, NORTH 54 DEGREES 39 MINUTES EAST, 486 FEET, MORE OR LESS TO A POINT ON THE SOUTHERLY PROLONGATION OF THE EAST RIGHT-OF-WAY LINE FOR RAMP "A" FOR INTERSTATE 29;

THENCE ALONG SAID SOUTHERLY PROLONGATION AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING 5 COURSES:

- 1) NORTH 31 DEGREES 07 MINUTES 48 SECONDS WEST, 652.0 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 376.41 FEET;
- 2) NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 31 DEGREES 27 MINUTES 34 SECONDS, 206.68 FEET;
- 3) NORTH 61 DEGREES 11 MINUTES 14 SECONDS WEST, 272.69 FEET;
- 4) NORTH 43 DEGREES 09 MINUTES 45 SECONDS WEST, 321.92 FEET;
- 5) NORTH 03 DEGREES 46 MINUTES 46 SECONDS WEST, 225.32 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE 29;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING 2 COURSES:

- 1) NORTH 01 DEGREE 11 MINUTES 29 SECONDS EAST, 965.23 FEET;

- 2) NORTH 00 DEGREES 59 MINUTES WEST, 145 FEET, MORE OR LESS TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD COMPANY;

THENCE IN A GENERALLY EASTERLY DIRECTION ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 4,683 FEET, MORE OR LESS TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SAID SECTION 34;

THENCE ALONG SAID NORTH-SOUTH CENTERLINE, SOUTH 02 DEGREES 31 MINUTES WEST, 1169 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 345 ACRES, MORE OR LESS.

2. Structural Conditions

A majority of commercial and industrial buildings in the area are in good condition. The individual site improvements are in various degrees of compliance. Some have paved parking areas, while others are gravel without on-site storm drainage facilities.

3. Transportation

The area has good transportation access which is provided by three local collector streets that serve as the primary circulation for the area. The three primary streets connect and intersect to form a loop through the area. 23rd Avenue runs east/west connecting to South 35th Street which extends north into the City. South 35th Street intersects with Nebraska Avenue to the north, which provides east/west access to the northern portion of the area. Nebraska Avenue connects with South 29th Street which completes the loop back south to 23rd Avenue. Only a few streets within the area are constructed to current City standards including storm sewer infrastructure.

4. Public Utilities and Services

The urban renewal area is fully served by the municipal water system and sanitary facilities located throughout the area. Storm sewer is located in Nebraska Avenue, a portion of South 35th Street, South 32nd Street and 21st Avenue. Nebraska Avenue, 16th Avenue and South 29th Street are various types/conditions of paving, but use open ditch as a means to convey storm drainage in the area. During times of prolonged rain the ditches have standing water. Drainage has been a significant problem in this area due to high water tables, flat terrain, lack of on-site detention facilities for existing development, and lack of storm water facilities. The construction of additional industrial facilities and their accompanying demands may require new service levels to be provided. Illustration 4: Public Utilities and Services show current municipal service line locations in the area.

5. District Designation

The Nebraska Avenue Urban Renewal Area is being designated as an economic development district appropriate for the promotion of existing and new industrial and commercial development.

CHAPTER III

Land Use and Redevelopment

1. Existing Land Use and Zoning

The existing land use of the area is primarily industrial with some commercial development along South 35th Street. Zoning designations reflect this land use. Commercial zoning is confined to parcels located primarily along the west side of South 35th Street north of Nebraska Avenue. There is a commercial lot located at the corner of South 32nd Street and 21st Avenue and additional property located near the point that South 35th Street turns into 23rd Avenue. The commercial property in the area is zoned PC/Planned Commercial. Four legally nonconforming residential properties exist in the 16th Avenue area. The majority of the property included in the area is in industrial use and appropriately zoned I-2/General Industrial. Zoning actions are not necessary to implement the activities proposed by this plan. However, this urban renewal area does not in any way replace the City's current land use planning or zoning regulation process. Illustration 5: Existing Land Use and Zoning identifies current zoning for the project area and surrounding land.

2. Conformance with City Comprehensive Plan

The 1994 Comprehensive Plan (general plan), as amended, for the City identifies the future land use for the project area as Heavy Industrial and Planned Commercial, generally consistent for the existing zoning in place. The planned activity for the site is industrial with commercial development along the western periphery. Therefore, the goals and objectives of this Nebraska Avenue Urban Renewal Plan are consistent with the goals and objectives of the City's comprehensive plan, which is the City's plan for the development of the City as a whole.

3. Redevelopment Analysis

The area includes three local collector roadways providing transportation network connections from the local streets in the area. In addition all the public streets within the area, with the exception of South 32nd Street and 21st Avenue are designated truck routes. The location, combined with the existing land use, makes the continued use of the project area for industrial and commercial purposes appropriate.

Municipal infrastructure is available to support industrial and commercial activities. However, the area's flat topography, high water table and the lack of sufficient storm water sewer facilities leads to drainage problems. The project area is located within an 'X' zone (shaded): *areas protected by levee*. Times of periodic flooding during heavy precipitation has limited development. This problem can be mitigated by establishing positive drainage for building sites and by constructing improvements to the City's storm water sewer system.

4. Description of Redevelopment Activities

The City of Council Bluffs shall take actions necessary to achieve the objectives of this plan. These actions may include, but not be limited to the following activities:

- a. Provide for the creation of a unified land use district throughout the project area whose physical development is consistent with existing and anticipated adjacent land uses.
- b. Reduce visual clutter occurring within the area and establish specific buffering, landscaping, and signage plans.
- c. Improve public streets and infrastructure to adequately support the desired land use by installing public infrastructure to support existing and probable levels of additional development to contemporary standards and requirements.
- e. To cause additional economic development which benefits the public welfare through the creation of jobs and investment.
- f. Provide for adequate and improved vehicular ingress and egress to all properties within the area.
- g. Provide for adequate water and sanitary sewer services and other necessary public infrastructure to ensure the development of the area.
- h. Provide for the appropriate storm water drainage, piping, pump station, control and related work to promote the development of the area.
- i. To ensure the area is adequately served by public safety services and facilities.

CHAPTER IV

Project Area Objectives

This plan is intended to strengthen the economy, enhance the viability, and stimulate the development of the surrounding area. Urban Renewal activities are designed to provide opportunities, incentives, and sites for new and expanded industrial development. More specific objectives for development within the Urban Renewal Area are as follows:

1. To stimulate through public action and commitment, private investment in new industrial development.
2. To plan for and provide sufficient land for industrial development in a manner that is efficient from the standpoint of providing municipal services.
3. To provide for the installation of public works and facilities which contribute to the sound development of the Area and the entire City.
4. To provide a more marketable and attractive investment climate.
5. To achieve a diversified, well-balanced economy, improving the standard of living, creating job opportunities, and strengthening the tax base.

CHAPTER V

Type of Urban Renewal Activities

1. Urban Renewal Powers

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

- a. To undertake and carry out urban renewal projects through the execution of contracts and other instruments.
- b. To arrange for or cause to be provided the construction or repair of public infrastructure, including but not limited to, streets, water and sewer systems, public utilities or other facilities, in connection with urban renewal projects.
- c. To provide for the construction of specific site improvements such as grading and site preparation activities, access roads and parking, fencing, utility connections, and related activities.
- d. To acquire property through a variety of means (purchase, lease, option, etc.) and to hold, clear, or prepare the property for redevelopment.
- e. To dispose of property so acquired for purposes allowed by law, including the purpose of private redevelopment or rehabilitation.
- f. To make loans, grants, tax increment rebates or other incentives to private persons or businesses for economic development purposes on such terms as may be determined by the City Council.
- g. To borrow money and to provide security therefor.
- h. To make or have made surveys and plans necessary for the implementation of the Urban Renewal Program or specific urban renewal projects.
- i. To use the Targeted Jobs Withholding Program under Section 403.19a of the Iowa Code which further the objectives of this plan.
- j. To use any or all other powers granted by the Urban Renewal Act to develop and provide for improved economic conditions for the City of Council Bluffs and Pottawattamie County.
- k. Dedicate, sell, convey or lease any interest in City property, or grant easements, licenses or other rights or privileges.

- l. Incur the expense of any public improvements made by the City through exercising the powers granted by Chapter 403 of the Iowa Code.
- m. Do any and all things necessary to aid or cooperate in planning of the urban renewal area or project.
- n. Enter into agreements with private entities respecting actions to be taken pursuant to any of the powers granted by Chapter 403 of the Iowa Code.
- o. Plan or replan, zone or rezone any part of the project area.
- p. Undertake economic development and job creation projects.

2. Description of Urban Renewal Activities to be Undertaken

- a. Installation of Public Infrastructure – The City may remove, install or contribute to the construction of public improvements and facilities in accordance with the objectives of this plan. Such public improvements may include, but are not limited to the following: utilities, streets, sidewalks, transit stops, pedestrian trails, parking and landscaping.

Municipal Code requires that all building sites have direct access to an open city street that has been improved and maintained by the city and is regularly used by the general public. Building sites are also required to have direct access to the municipal sanitary sewer system and adequately handle storm water run-off without adversely affecting abutting property owners with an increase in run-off. All sites must have direct access to city water or be serviced by a well in such a capacity to satisfy not only the needs of the structure, but also to provide fire protection.

- b. Subdivision and Vacation of Right-of-Way – As allowed by law, the City may subdivide, vacate, resubdivide, or otherwise change the recorded arrangement of property in its control to accomplish the objectives of this plan.
- c. Continued Project Area Planning – As allowed by law, the City will also participate in planning efforts with other public and private interests where these will further help to accomplish plan objectives. The City will be responsible for reviewing planning proposals and for coordinating such proposals so as to implement the objectives of this plan. The City will take the initiative to bring zoning and other regulations and plans for public facilities into conformance with the plan.

The City expects to continue efforts to assess and respond to the problems, needs, and opportunities of the project area through additional technical studies, through the preparation of more detailed plans, through discussion with property owners, prospective developers, citizens, and public officials, and through various engineering, parking, landscaping, economic, design and related studies. This effort may result in the publication from time to time, of additional reports, regulations, guidelines, project plans, or other documents that aid in defining the objectives of this plan.

3. **Economic Development** – The City proposes to utilize the Target Jobs Withholding Tax Credit Program to cause industrial development and redevelopment activities resulting in additional private investment, growth in the property tax base and the creation of jobs. The 2006 Legislative Session resulted in the Governor signing into law HF 2731, creating the Targeted Jobs Withholding Tax Credit Program. HF 2731 allowed four pilot project cities to assist in funding projects in urban renewal areas by means of a targeted jobs credit to businesses that are or will be located in an urban renewal area. The withholding tax credit is 3% of the amount of gross wages paid to the employees of the targeted jobs by the business. The City of Council Bluffs was subsequently designated as a pilot project city in November of 2006.

According to the law, a pilot project city may enter into a withholding agreement with a business locating to an urban renewal area in the community from another state. The pilot project city may enter into a withholding agreement with a business currently located in Iowa only if the business is creating at least ten new jobs or making a qualifying investment of at least \$500,000 within the urban renewal area. To qualify for the program, any new jobs created must at least equal the countywide average hourly wage.

A withholding agreement may have a term of up to ten years. The funds generated by this program and covered by the withholding agreement can only be used by the pilot project city for a project related to that particular employer.

4. **Tax Increment Financing**

- a. **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 college) 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 or indirect 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.

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.

- b. Constitutional Debt Limit - The City of Council Bluffs has a constitutional debt limit of \$221,438,407 as of June 30, 2009, the date of its last audited financial statements. As of June 30, 2009, the outstanding general obligation debt of the City was \$55,845,000.
- c. Nebraska Avenue TIF - Iowa Code Section 403.19 authorizes the City to use the division of revenue to finance proposed urban renewal activities in such manner as may be permitted under Chapter 403 of the Code of Iowa. However, at this time the City is not proposing to certify any debt pursuant to Section 403.19 in connection with this urban renewal area. If these plans change, an amendment will be drafted, as required by code.

CHAPTER VI

Other

1. Property Acquisition/Disposition

Any property acquisition/disposition necessary to accomplish the objectives of this plan will be carried out, without limitation, in accordance with the State of Iowa Urban Renewal Law.

2. Relocation

The need for relocation of residents or businesses by the City is not anticipated. If, however, it becomes necessary for relocation, the City will comply with any applicable law.

3. Urban Renewal Plan Amendments

The Nebraska Avenue Urban Renewal Plan may be amended from time to time for a variety of reasons including, but not limited to, change in the area, add or change land use categories, modify goals or types of renewal activities, or amend property acquisition and disposition provisions.

The City Council may amend this Plan in accordance with applicable state law.

4. Effective Term

This Urban Renewal Plan will become effective upon its adoption by the City Council and will remain in effect until it is repealed by the City Council.

During the life of this Plan, the City Council may designate all or any portion of the property covered by this Plan as a "tax increment area". With respect to any property covered by this Plan which is included in an ordinance designating that property as a tax increment area, the use of any such incremental property tax revenues is limited to twenty (20) years from the calendar year following the calendar year in which the City first certifies to the County Auditor the amount of any loans, advances, indebtedness or bonds which qualify for payment from the incremental property tax revenues attributable to that property.

5. Effect of Creation of Urban Renewal Plan and Project Area

The adoption of the Nebraska Avenue Urban Renewal Plan and Project Area will not adversely affect other urban renewal areas. However, the City has determined that an urban renewal program will best serve the existing and anticipated needs of the area rather than other potential City programs. The City has further determined that economic development is likely to occur only if the City becomes actively involved in the development effort pursuant to the urban renewal powers vested in it under Chapter 403 of the Iowa Code.

6. **Agreements to Include Agricultural Land**

Because the Nebraska Avenue Urban Renewal Area contains land assessed as "agricultural land" as defined by Iowa Code Section 403.17(3), the City and property owners of such agricultural land have entered into written agreements in which the property owners have agreed to allow the City to include real property defined as "agricultural land" in the proposed Urban Renewal Area. These agreements are included in Chapter VII.

ILLUSTRATION 1 - LOCATION



ILLUSTRATION 2 - BOUNDARY MAP



ILLUSTRATION 3 - NEIGHBORHOOD MAP

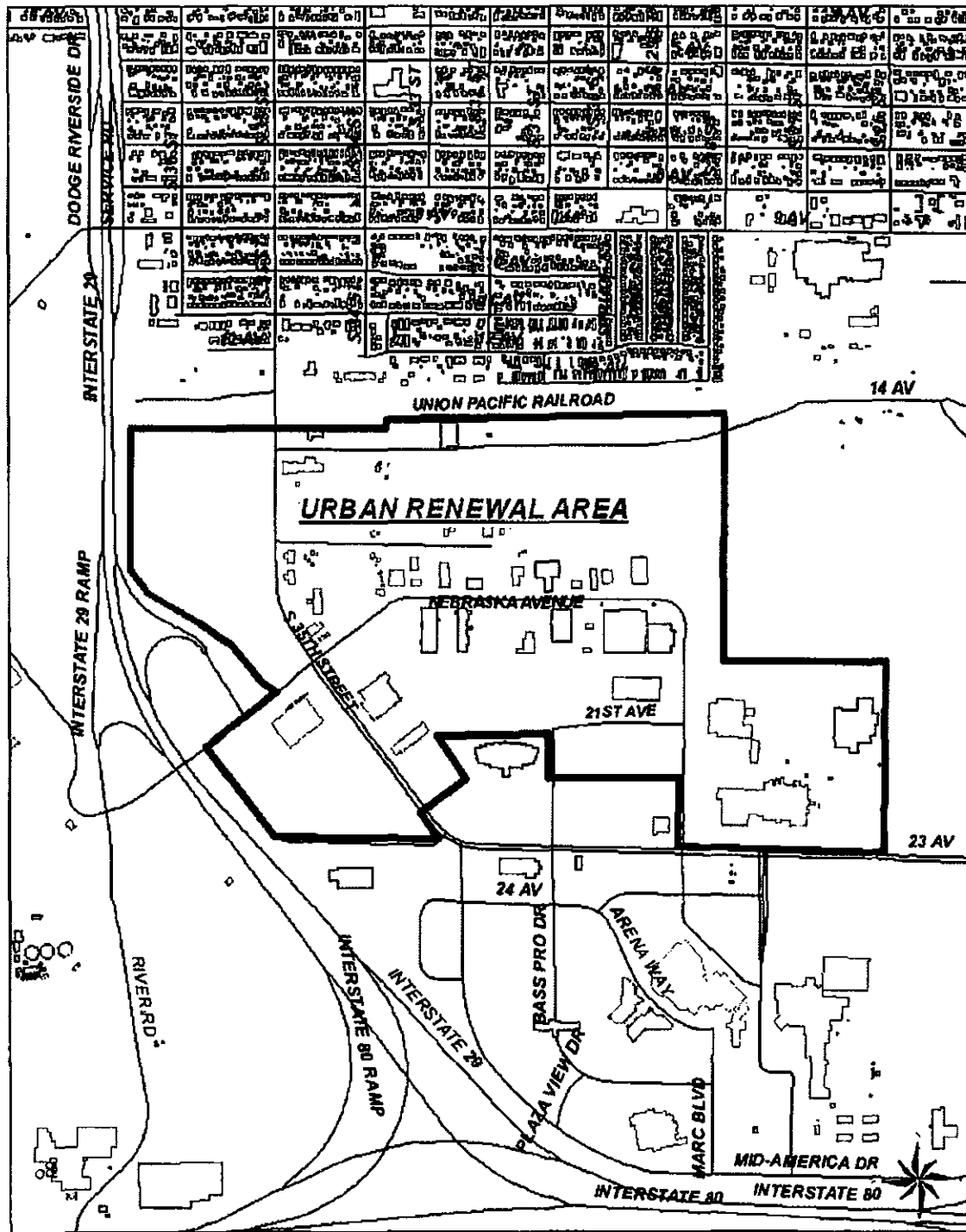


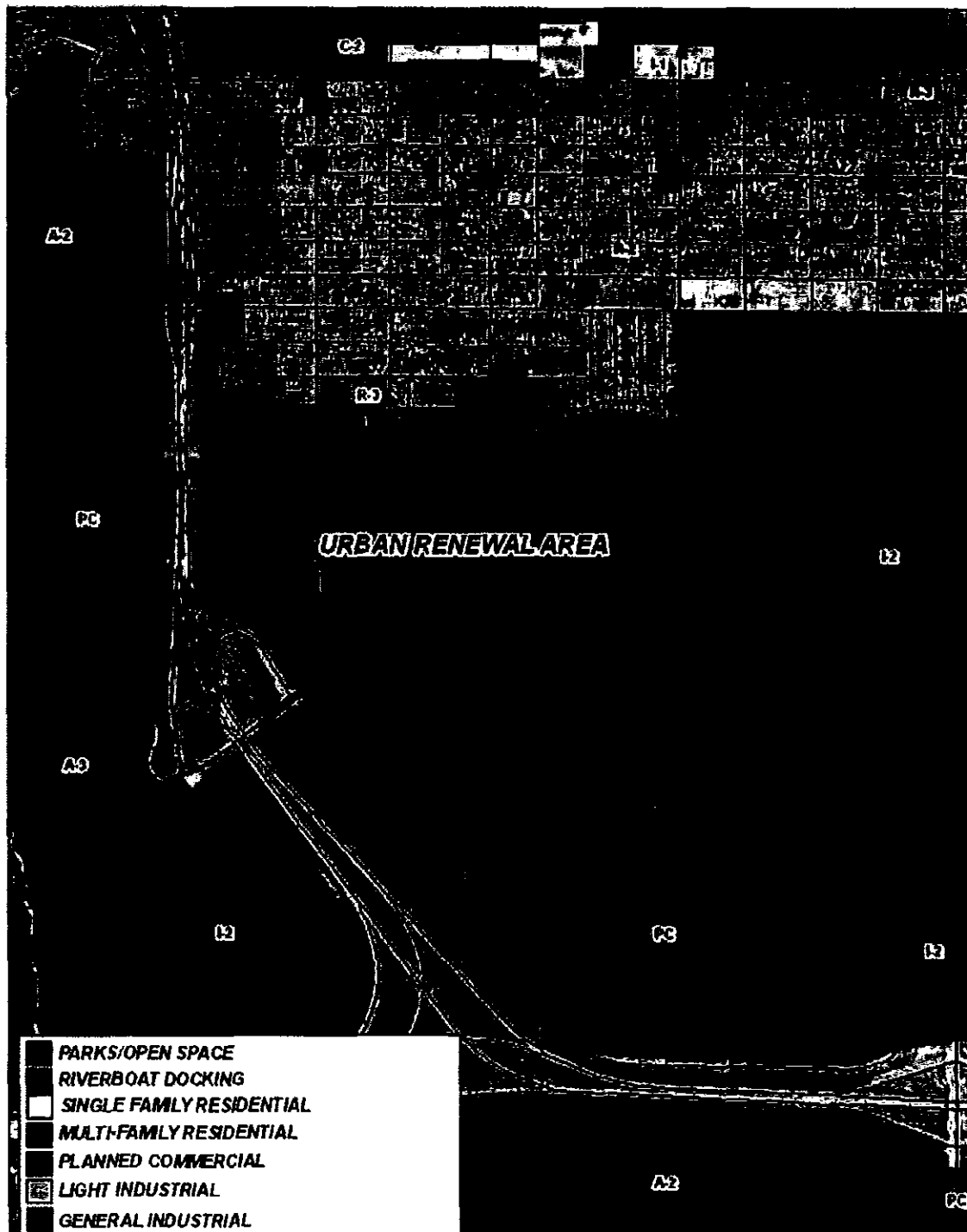
ILLUSTRATION 4 - UTILITIES



—— STORM SEWER
—— SANITARY SEWER
—— WATER



ILLUSTRATION 5 - LAND USE AND ZONING



CHAPTER VII

Agreements to Include Agricultural Land

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: The City Council of the City of Council Bluffs, State of Iowa.
Date of Meeting: June 13, 2011.
Time of Meeting: 7:00 o'clock P.M.
Place of Meeting: Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa.

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:

- Resolution determining the necessity and setting dates of a consultation and a public hearing on a proposed Nebraska Avenue Urban Renewal Plan for a proposed Urban Renewal Area in the City of Council Bluffs, State of Iowa.

Such additional matters as are set forth on the additional _____ 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 Council Bluffs, State of Iowa

June 13, 2011

The City Council of the City of Council Bluffs, State of Iowa, met in
_____ session, in the Council Chambers, City Hall, 209 Pearl Street, Council
Bluffs, Iowa, at 7:00 o'clock P.M., on the above date. There were present Mayor
_____, in the chair, and the following named Council Members:

Absent: _____

* * * * *