

Roll 729 Image 9450-9457

Document 16336 Type AMEND Pages 8  
Date 5/28/2013 Time 3:19 PM  
Rec Amt \$42.00

PATRICK F GILL, AUDITOR AND RECORDER  
WOODBURY COUNTY IOWA

---

**Prepared by:** Nicole Jensen Harris, P.O. Box 447, Sioux City, Iowa 51102 Telephone No. (712) 279-6325  
**After recording return to:** City of Sioux City, Iowa, P.O. Box 447, Sioux City, Iowa 51102

RECORDED AMENDMENT

~~LEGAL DESCRIPTION: EXHIBIT A~~

GRANTOR: WOODBURY COUNTY

GRANTEE: CITY OF SIOUX CITY, IOWA

**STATE OF IOWA**

**Woodbury County**

**CITY OF SIOUX CITY**


**Office of the City Clerk**

I, Lisa L. McCardle, City Clerk of the City of Sioux City and City Clerk of the City Council thereof, and as such, having charge of and in my possession all the records and documents pertaining to said office now remaining therein, do hereby certify that it appears from such records that the foregoing is a true and correct copy of Resolution 2013-0376 adopted by the City Council of the City on the 13th day of May, 2013 upon the call of ayes and nays thereof duly had and recorded.

Dated at Sioux City, Iowa this 14th day of May, 2013.



(SEAL)

  
\_\_\_\_\_  
LISA L. MCCARDLE  
CITY CLERK

**RESOLUTION NO. 2013 - 000376**  
with attachments

RESOLUTION DETERMINING AN AREA OF THE CITY TO BE A BLIGHTED AREA 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 AN URBAN RENEWAL PROJECT; AND ADOPTING AMENDMENT NO. 5 TO THE COMBINED FLOYD RIVER URBAN RENEWAL PLAN FOR THE COMBINED FLOYD RIVER URBAN RENEWAL AREA (I-29 YARDS BUSINESS PARK, LAFAYETTE STREET SOUTH, YARDS STREETSCAPING PROJECT)

WHEREAS, the City Council previously has 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 has approved and adopted the Combined Floyd River Urban Renewal Plan on October 13, 1986, pursuant to Resolution No. 86/T-4985 and subsequent amendments to the same on April, 11, 1988, pursuant to Resolution No. 88/T-6349; October 6, 1997, pursuant to Resolution No. 97/U-5919; July 7, 2003, pursuant to Resolution No. 2003-0598; February 6, 2012, pursuant to Resolution 2012-0088; and October 22, 2012 pursuant to Resolution No. 2012-0744 (together, the "Amended Plan") for the amended Combined Floyd River Urban Renewal Area described therein (the "Project Area"), which Amended Plan is on file in the office of the Recorder of Woodbury County; and

WHEREAS, City staff has caused there to be prepared a form of Amendment No. 5 to the Amended Plan, a copy of which has been placed on file for public inspection in the office of the City Clerk and which is incorporated herein by reference, the purpose of which is to further update certain provisions of the Amended Plan to conform to current City objectives and planning initiatives for the Project Area, within the Project Area, as hereinafter described; and

WHEREAS, it is desirable that these areas be redeveloped as part of the overall redevelopment area covered by said Amended Plan; and

WHEREAS, the Iowa statutes further requires the City Council to notify all affected taxing entities of the consideration being given to the proposed Amendment No. 5 to the Amended Plan and to hold a consultation with such taxing entities with respect thereto, and further provides that the designated representative of each affected taxing entity may attend the consultation and make written recommendations for modifications to the proposed division of revenue included as a part thereof, to which the City shall submit written responses as provided in Section 403.5, as amended; and

WHEREAS, the Iowa statutes further require the City Council to hold a public hearing on the proposed Amendment No. 5 to the Amended Plan subsequent to notice thereof by publication in a newspaper having a general circulation within the City, which notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the urban renewal plan and shall outline the general scope of the urban renewal project under consideration, with a copy of said notice also being mailed to each affected taxing entity; 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 minutes from the consultation hearing

filed herewith and incorporated herein by this reference, which minutes are in all respects approved; and

WHEREAS, this Council also set a public hearing on the adoption of Amendment No. 5 to the Combined Floyd River 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 Sioux City Journal, 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. 5, 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 SIOUX CITY, IOWA:

Section 1. That the findings and conclusions set forth or contained in Amendment No. 5 to the Combined Floyd River Urban Renewal Plan concerning the area of the City of Sioux City, Iowa described therein 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:

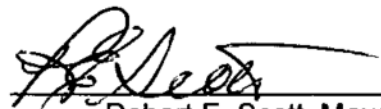
The Amendment No. 5 to the Combined Floyd River Urban Renewal Plan of the City of Sioux City, Iowa, conforms to the general plan for the development of the City as a whole; and

With reference to those portions thereof which are to be developed for non-residential uses, the City Council hereby determines that 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.

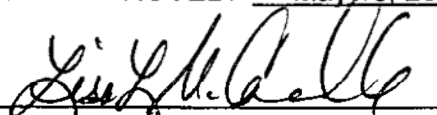
Section 3. That Amendment No. 5 to the Combined Floyd River Urban Renewal Plan for the Combined Floyd River Urban Renewal Area of the City of Sioux City, Iowa be and the same is hereby approved and adopted as "Amendment No. 5 to the Combined Floyd River Urban Renewal Plan for the Combined Floyd River Urban Renewal Area"; Amendment No. 5 to the Combined Floyd River Urban Renewal Plan is hereby in all respects approved; and the City Clerk is hereby directed to file a certified copy of the same with the proceedings of this meeting.

Section 4. That Amendment No. 5 to the Combined Floyd River Urban Renewal Plan shall be in full force and effect from the date of this Resolution until the date of termination set forth in the Plan as so amended. Amendment No. 5 to the Combined Floyd River Urban Renewal Plan shall be forthwith certified by the City Clerk, along with a copy of this Resolution, to the Recorder for Woodbury County, Iowa, to be filed and recorded in the manner provided by law.

PASSED AND APPROVED: May 13, 2013

  
Robert E. Scott, Mayor

ATTEST:

  
Lisa L. McCordle, City Clerk

**AMENDMENT NO. 5**

**TO THE  
COMBINED FLOYD RIVER  
URBAN RENEWAL PLAN**

**FOR THE  
COMBINED FLOYD RIVER  
URBAN RENEWAL AREA**

**CITY OF SIOUX CITY, IOWA**

## **AMENDMENT NO. 5**

### **COMBINED FLOYD RIVER URBAN RENEWAL PLAN CITY OF SIOUX CITY, IOWA**

The Combined Floyd River Urban Renewal Plan ("Plan") for the Combined Floyd River Urban Renewal Area ("Area" or "Urban Renewal Area"), adopted in 1986, and amended as set out in **Exhibit A** is being further amended to add and/or confirm a proposed project to be undertaken within the Urban Renewal Area ("Amendment"). No land is being added to the Area by this Amendment.

Except as modified by this Amendment, the provisions of the original Combined Floyd River Urban Renewal Plan, as previously amended, are hereby ratified, confirmed, and approved and shall remain in full force and effect as provided herein. In case of any conflict or uncertainty, the terms of this Amendment shall control.

#### **PROPOSED URBAN RENEWAL PROJECTS**

The following new subsection (b) to Section G (1) Public Improvements is added as follows:

#### **G. PROPOSED URBAN RENEWAL PROJECTS**

##### **1. Public Improvements**

- b. The City has designated the following improvement projects through its Capital Improvement Program Budget and subsequent amendments for Fiscal Year 2014: I-29 Yards Business Park Improvements, Lafayette Street South Development, and Yards Streetscaping Project.

#### **DEBT**

1.	Legal Debt Limit:	\$192,613,415.00
2.	Debt Chargeable Against Debt Limit:	\$94,016,196.00
3.	Proposed amount of Capital Improvement Program indebtedness to be incurred - It is estimated that the cost of the proposed infrastructure and improvements as described above will be approximately as follows:  I-29 Yards Business Park Improvements Lafayette Street South Development Yards Streetscaping Project	  \$226,000.00 \$217,000.00 \$100,000.00

#### **PROPERTY ACQUISITION/DISPOSITION**

The City will follow any applicable requirements for the acquisition and disposition of property.

## **URBAN RENEWAL PLAN AMENDMENTS**

The Plan may be amended from time to time for a variety of reasons, including but not limited to, adding or deleting land, adding urban renewal projects, or to modify goals or types of renewal activities. The City Council may amend this Plan in accordance with applicable state law.

### **EFFECTIVE DATE**

This Urban Renewal Plan Amendment No. 5 will become effective upon its adoption by the City Council. Notwithstanding anything to the contrary in the Urban Renewal Plan, any prior amendment, resolution or document, the Urban Renewal Plan shall remain in effect until terminated by the City Council, and the use of incremental property tax revenues, or the "division of revenue," as those words are used in Chapter 403 of the Code of Iowa, will be consistent with Chapter 403 of the Iowa Code.

### **REPEALER**

Any parts of the previous Plan, as previously amended, in conflict with this Amendment are hereby repealed.

### **SEVERABILITY CLAUSE**

If any part of the Amendment is determined to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the previously adopted Plan as a whole or the previous amendments to the Plan, or any part of the Plan not determined to be invalid or unconstitutional.

## **EXHIBIT A**

### **COMBINED FLOYD RIVER URBAN RENEWAL PLAN HISTORY**

By virtue of Resolution No. 86/T-4985 passed and approved on the 13<sup>th</sup> day of October, 1986, the City Council of the City of Sioux City, approved and adopted the Floyd Valley Urban Renewal Project Area.

By virtue of Resolution No. 88/T-6349 passed and approved on the 11<sup>th</sup> day of April, 1988, the City Council of the City of Sioux City, Iowa, approved modifications to the Floyd Valley Urban Renewal Project Area.

By virtue of Resolution No. 97/U-5919 passed and approved on the 6<sup>th</sup> day of October, 1997, the City Council of the City of Sioux City, Iowa approved and adopted 5<sup>th</sup> Amendment to Floyd Valley Urban Renewal Project Area.

By virtue of Resolution No. 2003-0598, passed and approved on the 7<sup>th</sup> day of July, 2003, the City Council of the City of Sioux City, Iowa, approved and adopted the creation of the Hoeven Valley Urban Renewal Sub-Area, the consolidation with the Floyd Valley Urban Renewal Sub-Area, the creation of the Combined Floyd River Urban Renewal Area; and approving and adopting the Combined Floyd River Urban Renewal Area.

By virtue of Resolution 2012-0088, passed and approved on the 6<sup>th</sup> day of February, 2012, the City Council of the City of Sioux City, Iowa, approved and adopted the Outer Drive Amendment to the Combined Floyd River Urban Renewal Area.

By virtue of Resolution 2012-0744, passed and approved on the 22<sup>nd</sup> day of October, 2012, the City Council of the City of Sioux City, Iowa, approved and adopted Amendment No. 4 to the Combined Floyd River Urban Renewal Area.