

ORDINANCE NO. 21

AN ORDINANCE PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE URBAN RENEWAL AREA #1 PROJECT AREA, IN THE COUNTY OF O'BRIEN, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, COUNTY OF O'BRIEN, HARTLEY-MELVIN-SANBORN 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 SAID COUNTY IN CONNECTION WITH SAID URBAN RENEWAL REDEVELOPMENT PROJECT.

WHEREAS, the Board of Supervisors of O'Brien County, Iowa, after public notice and hearing as prescribed by law and pursuant to a Resolution passed and approved on the 14th day of November, 2006, adopted an Urban Renewal Plan (the "Urban Renewal Plan") for an urban renewal area known as the Urban Renewal Area #1 Project Area (the "Urban Renewal Project Area"), which Urban Renewal Project Area includes the lots and parcels located within the area legally described as follows:

Northeast Quarter (NE 1/4) of Section Thirty-six (36), Township Ninety-seven (97), Range Forty (40), West of the Fifth Principal Meridian (5th P.M.), O'Brien County

AND

West half of Northeast Quarter (W 1/2 of NE 1/4), that part of Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) lying South of the Iowa, Chicago & Eastern Railroad, the Northwest Quarter (NW 1/4) and the entire South half (S 1/2) of Section Thirty-one (31), Township Ninety-seven (97), Range Thirty-nine (39), West of the Fifth Principal Meridian (5th P.M.), O'Brien County.

AND

South half (S 1/2) of the Southeast Quarter (SE 1/4) of Section Twenty-five (25), Township Ninety-seven (97), Range forty (40), West of the Fifth Principal Meridian (5th P.M.).

AND

South half (S 1/2) of Section Thirty (30), Township Ninety-seven (97), Range Thirty-nine (39) West of the Fifth Principal Meridian (5th P.M.).

WHEREAS, expenditures and indebtedness are anticipated to be incurred by O'Brien County, Iowa in the future to finance urban renewal project activities carried out in furtherance of the objectives of the Urban Renewal Plan; and

WHEREAS, the Board of Supervisors of O'Brien County, Iowa desires to provide for the division of revenue from taxation in the Urban Renewal Project Area, as above described, in accordance with the provisions of Section 403.19 of the Code of Iowa, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF O'BRIEN, STATE OF IOWA:

Section 1. That the taxes levied on the taxable property in the Urban Renewal Project Area legally described in the preamble hereof, by and for the benefit of the State of Iowa, County of O'Brien, Hartley-Melvin-Sanborn 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 2. That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Project Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the County certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue described herein 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.

Section 3. That portion of the taxes each year in excess of the base period taxes determined as provided in Section 2 of this Ordinance shall be allocated to and when collected be paid into a special tax increment fund of O'Brien County, Iowa hereby established, to pay the principal of and interest on loans, monies advanced to, indebtedness, whether funded, refunded, assumed or otherwise, including bonds or obligations issued under the authority of Section 403.9 or 403.12 of the Code of Iowa, as amended, incurred by O'Brien County, Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Urban Renewal Project Area pursuant to the Urban Renewal Plan, 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 the payment of bonds and interest of each taxing district shall be collected against all taxable property within the Urban Renewal Project Area without any limitation as hereinabove provided.

Section 4. Unless or until the total assessed valuation of the taxable property in the Urban Renewal Project Area exceeds the total assessed value of the taxable property in the Urban Renewal Project Area as shown by the assessment roll referred to in Section 2 of this Ordinance, all of the taxes levied and collected upon the taxable property in the Urban Renewal Project Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes.

Section 5. At such time as the loans, advances, indebtedness, bonds and interest thereon of O'Brien County, Iowa referred to in Section 3 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Urban Renewal Project Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

Section 6. 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 fully implement the provisions of Section 403.19 of the Code of Iowa, as amended, with respect to the division of taxes from property within the Urban

Renewal Project 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 Urban Renewal Project Area and the territory contained therein.

Section 7. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

Dan Strune
Chairperson, Board of Supervisors

ATTEST:

Barbara Rohwer
County Auditor

Read First Time: December 5, 2006 Vote for passage:

Read Second Time: December 12, 2006 Vote for passage:

Read Third Time: Waived, 2006 Vote for passage:

PASSED AND APPROVED: December 12, 2006.

I, Barbara Rohwer County Auditor of O'Brien County, State of Iowa, hereby certify that the above and foregoing is a true copy of Ordinance No. 21 passed and approved by the Board of Supervisors of said County at a meeting held December 12, 2006, signed by the Chairperson of the Board of Supervisors on December 12, 2006, and published in the "The Hartley Sentinel", "The Sheldon Mail-Sun" and "The NW Iowa Review" on December 21, 2006, December 20, 2006, December 16, 2006.

Barbara Rohwer
County Auditor, O'Brien County, State of Iowa

(SEAL)