

MINUTES PROVIDING FOR FIRST  
CONSIDERATION OF AN ORDINANCE  
ESTABLISHING A TAX INCREMENT  
FINANCING DISTRICT FOR THE  
DALLAS COUNTY URBAN RENEWAL  
AREA ADDITION TO THE CLIVE  
URBAN RENEWAL AREA

(Initial Consideration)

421346-86

Clive, Iowa

March 23, 2023

The City Council of the City of Clive, Iowa, met on March 23, 2023, at Six p.m., at the Clive City Hall, in the City.

The Mayor presided and the roll was called showing members present and absent, as follows:

Present: John Edwards (Mayor), Susan Judkins, Eric Klein, Michael McCoy, Srikant Mikkilineni, Ted Weaver.

Absent: None.

Council Member Klein introduced an ordinance entitled "Ordinance No. 1129. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Dallas County Urban Renewal Area Addition to the Clive Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa."

It was moved by Council Member Klein and seconded by Council Member Weaver that the ordinance be adopted. The Mayor put the question on the motion and the roll being called, the following named Council Members voted:

Ayes: Judkins, Klein, McCoy, Mikkilineni, Weaver.

Nays: None.

Whereupon, the Mayor declared the motion duly carried and declared that said ordinance had been given its initial consideration.

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There being no further business to come before the meeting, it was upon motion adjourned.

  
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Mayor

Attest:

  
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City Clerk

ORDINANCE NO. 1129

An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Dallas County Urban Renewal Area Addition to the Clive Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa

WHEREAS, the City Council of the City of Clive, Iowa (the “City”) previously enacted an ordinance entitled “An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Clive Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa”; and

WHEREAS, pursuant to that ordinance, certain taxable property within the Clive Urban Renewal Area in the City was designated a “tax increment district”; and

WHEREAS, the City Council now desires to increase the size of the “tax increment district” by adding additional property;

BE IT ENACTED by the Council of the City of Clive, Iowa:

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the Dallas County Urban Renewal Area Addition to the Clive Urban Renewal Area of the City of Clive, Iowa, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Clive to finance projects in such area.

Section 2. Definitions. For use within this ordinance the following terms shall have the following meanings:

“City” shall mean the City of Clive, Iowa.

“County” shall mean Dallas County, Iowa.

“Dallas County Urban Renewal Area Addition” shall mean a portion of the March, 2023 Addition to the Clive Urban Renewal Area of the City, the legal description of which is set out below, approved by the City Council by resolution adopted on March 23, 2023:

PARCELS OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 79 NORTH, RANGE 26 WEST; IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 79 NORTH, RANGE 26 WEST AND IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 79 NORTH, RANGE 26 WEST OF THE 5TH P.M.; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 35-79-26, THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION 405 FEET TO A POINT; THENCE WEST ALONG A LINE PARALLEL TO AND 405 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 600 FEET TO A POINT; THENCE NORTH ALONG A LINE PARALLEL TO AND 600 FEET WEST OF THE EAST LINE OF SAID SECTION 405 FEET TO A POINT ON THE NORTH

LINE OF SAID SECTION; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION 600 FEET TO THE POINT OF BEGINNING, SAID PARCEL INCLUDES THE SOUTH HALF OF THE HICKMAN ROAD (U.S. HIGHWAY 6) RIGHT-OF-WAY; AND

LOTS 1 THROUGH 6 OF MCNABB ACRES, AN OFFICIAL PLAT IN THE CITY OF CLIVE, DALLAS COUNTY, IOWA; AND

LOTS 1 THROUGH 25 AND LOTS A, B, AND C OF EMERALD ISLE PLACE, AN OFFICIAL PLAT IN THE CITY OF CLIVE, DALLAS COUNTY, IOWA; AND

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1 IN EMERALD ISLE PLACE, AN OFFICIAL PLAT IN THE CITY OF CLIVE, DALLAS COUNTY, IOWA, THENCE EAST 66 FEET, THENCE NORTH TO THE SOUTH BOUNDARY OF THE ABANDONED CHICAGO, MILWAUKEE, & ST. PAUL RAILROAD RIGHT OF WAY, THENCE NORTHWESTERLY TO THE NORTHEAST CORNER OF SAID LOT 1, THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING; AND

THAT PART OF HICKMAN ROAD (U.S. HIGHWAY 6) RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO MCNABB ACRES AND SOUTH OF AND ADJACENT TO EMERALD ISLE PLACE AND NORTH OF THE SOUTH LINE OF SECTION 25-79-26; AND

THAT PART OF NW 156TH ST RIGHT-OF-WAY LYING WEST OF AND ADJACENT TO EMERALD ISLE PLACE AND EAST OF THE WEST LINE OF SECTION 25-79-26; AND

THE SOUTH HALF OF THE ABANDONED CHICAGO, MILWAUKEE, & ST. PAUL RAILROAD RIGHT OF WAY LYING NORTH OF EMERALD ISLE PLACE, WEST OF MCNABB ACRES, AND EAST OF THE WEST SECTION LINE OF SECTION 25-79-26, SAID PARCEL INCLUDES THE EAST HALF OF THE NW 156<sup>TH</sup> STREET RIGHT-OF-WAY; AND

A PARCEL OF LAND LYING IN THE SOUTH HALF OF SOUTHWEST QUARTER OF SAID SECTION 25 LYING NORTH OF THE CENTERLINE OF THE ABANDONED CHICAGO, MILWAUKEE, & ST. PAUL RAILROAD RIGHT-OF-WAY MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SECTION 25, THENCE NORTH ALONG THE WEST LINE OF THE SOUTHWEST QUARTER 1320.00 FEET TO THE POINT OF BEGINNING: THENCE N 89°49'26" E 33.16 FEET, THENCE N 89°48'20" E 310.92 FEET, THENCE N 89° 57'00" E 1119.08 FEET, THENCE S 0°0'0" E 722.85 FEET, THENCE N 66°02'00" W 176.59 FEET, THENCE N 66°02'00" W ALONG THE NORTH LINE OF MCNABB ACRES, AN AUDITOR'S PLAT IN THE CITY OF CLIVE, DALLAS COUNTY, IOWA, AND ALONG THE CENTERLINE OF THE ABANDONED CHICAGO, MILWAUKEE, & ST. PAUL RAILROAD 528.57 FEET, THENCE NORTHWESTERLY ALONG SAID CENTERLINE N 65°59'51" W 49.43 FEET, THENCE NORTHWESTERLY ALONG SAID CENTERLINE 1,432.4 FEET RADIUS CURVE TO THE LEFT 791.52 FEET, SAID CURVE HAVING A CHORD BEARING OF N 81°52'03" W AND A CHORD LENGTH OF 781.49 FEET TO A POINT ON THE WEST LINE OF SOUTHWEST QUARTER OF SAID SECTION 25, THENCE N 00°00'00" W 303.73 FEET TO THE POINT OF BEGINNING; AND

LOTS 1 AND 2 OF NETTELAND PLAT 1, AN OFFICIAL PLAT IN THE CITY OF CLIVE, DALLAS COUNTY, IOWA; AND

LOT G AND LOT H OF STONEGATE PLAT 1, AN OFFICIAL PLAT IN THE CITY OF CLIVE, DALLAS COUNTY, IOWA; AND

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 26, THENCE S 00°01'08" W 395.22 FEET ALONG THE EAST LINE OF SAID SECTION TO THE NORTHEAST CORNER OF COUNTRY CLUB GLEN PLAT 4, AN OFFICIAL PLAT IN THE CITY OF CLIVE, DALLAS COUNTY, IOWA, THENCE N 89°58'52" W, 55 FEET ALONG THE NORTH LINE OF SAID PLAT TO A POINT, THENCE N 00°01'08" E 395.42 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION, THENCE S 89°46'25" E 55 FEET TO THE POINT OF BEGINNING; AND

LOTS A AND C OF COUNTRY CLUB GLEN PLAT 4, AN OFFICIAL PLAT IN THE CITY OF CLIVE, DALLAS COUNTY, IOWA; AND

LOT B OF COUNTRY CLUB GLEN PLAT 2, AN OFFICIAL PLAT IN THE CITY OF CLIVE, DALLAS COUNTY, IOWA; AND

LOTS 1 AND 2 OF COUNTRY CLUB GLEN PLAT 12, AN OFFICIAL PLAT IN THE CITY OF CLIVE, DALLAS COUNTY, IOWA; AND

THAT PART OF HICKMAN ROAD (U.S. HIGHWAY 6) RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT TO LOTS 2 AND 3 OF SAID COUNTRY CLUB GLEN PLAT 1, AND NORTH OF THE SOUTH LINE OF SECTION 26-79-26; AND

THE SOUTH 775.21 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER SECTION 26-79-26 CITY OF CLIVE, DALLAS COUNTY, IOWA, EXCLUDING THE WEST 150.0 FEET THEREOF, SAID PARCEL INCLUDES THE NORTH HALF OF THE HICKMAN ROAD (U.S. HIGHWAY 6) RIGHT-OF-WAY.

“Urban Renewal Area” shall mean the entirety of the Clive Urban Renewal Area as amended from time to time.

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the Dallas County Urban Renewal Area Addition. After the effective date of this ordinance, the taxes levied on the taxable property in the Dallas County Urban Renewal Area Addition each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Dallas County Urban Renewal Area Addition is located, shall be divided as follows:

(a) 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 Dallas County Urban Renewal Area Addition, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Dallas County Urban Renewal Area Addition on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the

annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Dallas County Urban Renewal Area Addition to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

(b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, taxes for the instructional support program levy of a school district imposed pursuant to Section 257.19 of the Code of Iowa and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Dallas County Urban Renewal Area Addition exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Dallas County Urban Renewal Area Addition 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. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Dallas County Urban Renewal Area Addition shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(c) the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.


(d) as used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Saving Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. Effective Date. This ordinance shall be effective after its final passage, approval and publication as provided by law.

Passed and approved by the City Council of the City of Clive, Iowa, on the 27 day of April, 2023.

  
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Mayor

Attest:

  
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City Clerk

First consideration: March 23, 2023

Second consideration: April 13, 2023