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Return to: Winnebago County Auditor, Karla Niederkofler, 126 S Clark, Forest City, IA

ORDINANCE NO. 36

AN ORDINANCE PROVIDING FOR THE DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE 2010 ADDITION TO THE WINNEBAGO COUNTY UR-2 ECONOMIC DEVELOPMENT URBAN RENEWAL AREA, PURSUANT TO SECTION 403.19 OF THE CODE OF IOWA

BE IT ENACTED by the Board of Supervisors of Winnebago County, Iowa:

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the 2010 Addition to the Winnebago County UR-2 Economic Development Urban Renewal Area, 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 to finance projects in the area.

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

“County” shall mean Winnebago County, Iowa.

“Urban Renewal Area Amendment” shall mean a portion of the property included in the 2010 Addition to the Winnebago County UR-2 Economic Development Urban Renewal Area, described as set out below, approved by the Board of Supervisors by resolution adopted on the 16th day of March, 2010:

Firm	Parcel	Site Number	Doc Filed
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FPL	911300903	181	09-1509
FPL	911300902	182	09-1509
FPL	910400902	183	09-1506
FPL	902400903	184	09-1517
FPL	902400902	185	09-1517
FPL	902400901	186	09-1517
FPL	902300903	187	09-1518
FPL	902300902	188	09-1518
FPL	902300901	189	09-1518
FPL	901200902	190	09-1519
FPL	91200901	191	09-1519
FPL	901100903	192	09-1505
FPL	901100902	193	09-1505
FPL	901100901	194	09-1514
FPL	902200902	195	09-1513
FPL	902200901	196	09-1513
FPL	902100901	197	09-1520
FPL	903200903	198	09-1539
FPL	903200902	199	09-1539
FPL	903200901	200	09-1539
FPL	903100902	201	09-1522
FPL	903100901	202	09-1522
FPL	533400903	203	09-1504
FPL	533400902	204	09-1504
FPL	535300902	205	09-1508
FPL	534400903	206	09-1521
FPL	534400902	207	09-1521
FPL	534400901	208	09-1521
FPL	533400901	209	09-1515
FPL	534200903	210	09-1523
FPL	534200902	211	09-1523
FPL	534200901	212	09-1523
FPL	526400903	213	09-1512
FPL	526400902	214	09-1512
FPL	526400901	215	09-1512
FPL	526300902	216	09-1516
FPL	526300901	217	09-1516
FPL	527400902	218	09-1511
FPL	527400901	219	09-1511
FPL	527100902	220	09-1556
FPL	527100901	221	09-1556
FPL	528200902	222	09-1708
FPL	528200901	223	09-1708

FPL	522300901	224	09-1711
FPL	Met 1 Tower- Perm	MAT 1 Phase 3	09-1457
FPL	Met 2 Tower-Perm	MET 2 Phase 2	08-1269

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area Amendment. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area Amendment each year by and for the benefit of the State of Iowa, the County and any school district or other taxing district in which the Urban Renewal Area Amendment 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 Urban Renewal Area Amendment, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the County Board of Supervisors 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 Urban Renewal Area Amendment 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 Urban Renewal Area Amendment 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 County 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 County to finance or refinance, in whole or in part, projects in the Urban Renewal Area Amendment, 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, 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 Urban Renewal Area Amendment 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 Urban Renewal Area Amendment 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 Urban Renewal Area Amendment 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 County 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 County to finance or refinance in whole or in part projects in the Urban Renewal Area Amendment.

(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 Board of Supervisors of Winnebago County, Iowa, on the 16th day of March, 2010.

Chairperson, Board of Supervisors

Attest:

County Auditor

AUDITOR'S CERTIFICATE

Ordinance No. 36 was published in the Forest City Summit on the _____ day of _____, 2010, the Lake Mills Graphic on the _____ day of _____, 2010 and the Buffalo Center Tribune the _____ day of _____, 2010.

Karla Niederkofler, Auditor

