ORDINANCE NO. 94533-1118

An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the November, 2018 Consolidated Muscatine Urban Renewal Area Addition, Pursuant to Section 403.19 of the Code of Iowa (Amendment to the WDS Urban Renewal Area)

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

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

WHEREAS, the City Council now desires to amend the "WDS tax increment district" established in March of 2018, by adding certain real property in the November, 2018 Consolidated Muscatine Urban Renewal Area Addition;

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

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on certain taxable property in the November, 2018 Consolidated Muscatine Urban Renewal Area of the City of Muscatine, 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 Muscatine to finance projects in such area.

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

"City" shall mean the City of Muscatine, Iowa.

"County" shall mean Muscatine County, Iowa.

"WDS Area Tax Increment District" shall mean that portion of the November, 2018 Consolidated Muscatine Urban Renewal Area of the City, the legal description of which is set out below, approved by the City Council by resolution adopted on the 1st day of November, 2018.

Certain real property situated in the City of Muscatine, Muscatine County, State of Iowa, more particularly described as follows:

Beginning at intersection of the easterly right of way line of State Highway 38 and south line of the north half of the northwest quarter of Section 24, Township 77 North, Range 2 West of the 5th Principal Meridian line; thence west along said south line to an intersection with easterly right of way line of Park Avenue West; thence northwesterly along said right of way line to an intersection with the northerly line of WDS Subdivision; thence easterly along said northerly line to the northeast corner of WDS Subdivision; thence continuing easterly along an extension of the northerly line of the WDS Subdivision to an intersection with the easterly right of way line of State Highway 38; thence southeasterly along said right of way line to the point of beginning.

All referenced documents have been recorded in the Office of the Muscatine County Recorder.

"Urban Renewal Area" shall mean the entirety of the Consolidated Muscatine Urban Renewal Area as amended from time to time.

Section 3. Provisions for Division of Taxes Levied on certain Taxable Property in the Consolidated Muscatine Urban Renewal Area. After the effective date of this ordinance, the taxes levied on the taxable property in the WDS Urban Renewal Area 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 WDS Urban Renewal Area 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 WDS Urban Renewal Area, 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 WDS Urban Renewal Area 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 WDS Urban Renewal Area 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 WDS Urban Renewal Area 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 WDS Urban Renewal 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. 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 WDS Urban Renewal Area 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.

First consideration passed by the City Council of the City of Muscatine, Iowa, the 1st day of November, 2018.

____

Mayor

Attest:

____

City Clerk

• • • • •

Second and final consideration passed by the City Council of the City of Muscatine, Iowa, the 15 day of November, 2018.

____

Mayor

Muscatine/421464-56/ UR Hrg Add to Area & Ord-1 cons

Attest:

City Clerk

STATE OF IOWA

SS:

COUNTY OF MUSCATINE

I, the undersigned, County Auditor of Muscatine County, in the State of Iowa, do hereby certify that on the 4th day of January, 2019, the City Clerk of the City of Muscatine, Iowa, filed in my office a copy of an ordinance of the City shown to have been adopted by the City Council and approved by the Mayor thereof on November 15, 2018, entitled: "Ordinance No. 94533-1118, an Ordinance Providing for the Division of Taxes Levied on Certain Taxable Property in the November, 2018 Consolidated Muscatine Urban Renewal Area (Amendment to the WDS Urban Renewal Area), pursuant to Section 403.19 of the Code of Iowa," and that I have duly placed a copy of the ordinance on file in my records.

WITNESS MY HAND this 4th day of January , 2019.

County Auditor

*** Proof of Publication ***

The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE MUSCATINE JOURNAL, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is made a part of this affidavit, was published in said THE MUSCATINE JOURNAL, on the dates listed below.

CITY OF MUSCATINE- Legals account

215 Sycamore Street
MUSCATINE, IA 52761

ORDER NUMBER 26340

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.

Maida Repp
____

PUBLISHED ON: 12/06/2018

TOTAL AD COST:	116.69
FILED ON:	12/6/2018

Subscribed and sworn to before me by said affiant this 6 day of December 2018.

Danine Glascock
____

Notary Public in and for Scott County, Iowa

NOTARIAL SEAL IOWA
DANINE GLASCOCK
Commission Number 810108
My Commission Expires
4-17-19

*** Proof of Publication ***

ORDINANCE NO. 94533-1118

An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the November, 2018 Consolidated Muscatine Urban Renewal Area Addition, Pursuant to Section 403.19 of the Code of Iowa (Amendment to the WDS Urban Renewal Area)

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

WHEREAS, pursuant to that ordinance, certain taxable property within the Consolidated Muscatine Urban Renewal Area in the City was designated a "tax increment district"; and WHEREAS, the City Council now desires to amend the "WDS tax increment district" established in March of 2018, by adding certain real property in the November, 2018 Consolidated Muscatine Urban Renewal Area Addition;

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

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on certain taxable property in the November, 2018 Consolidated Muscatine Urban Renewal Area of the City of Muscatine, 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 Muscatine to finance projects in such area.

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

"City" shall mean the City of Muscatine, Iowa.

"County" shall mean Muscatine County, Iowa.

"WDS Area Tax Increment District" shall mean that portion of the November, 2018 Consolidated Muscatine Urban Renewal Area of the City, the legal description of which is set out below, approved by the City Council by resolution adopted on the 1st day of November, 2018.

Certain real property situated in the City of Muscatine, Muscatine County, State of Iowa, more particularly described as follows:

Beginning at intersection of the easterly right of way line of State Highway 38 and south line of the north half of the northwest quarter of Section 24, Township 77 North, Range 2 West of the 5th Principal Meridian line; thence west along said south line to an intersection with easterly right of way line of Park Avenue West; thence northwesterly along said right of way line to an intersection with the northerly line of WDS Subdivision; thence easterly along said northerly line to the northeast corner of WDS Subdivision; thence continuing easterly along an extension of the northerly line of the WDS Subdivision to an intersection with the easterly right of way line of State Highway 38; thence southeasterly along said right of way line to the point of beginning.

All referenced documents have been recorded in the Office of the Muscatine County Recorder.

"Urban Renewal Area" shall mean the entirety of the Consolidated Muscatine Urban Renewal Area as amended from time to time.

Section 3. Provisions for Division of Taxes Levied on certain Taxable Property in the Consolidated Muscatine Urban Renewal Area. After the effective date of this ordinance, the taxes levied on the taxable property in the WDS Urban Renewal Area 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 WDS Urban Renewal Area 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 WDS Urban Renewal Area, 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 WDS Urban Renewal Area 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 WDS Urban Renewal Area 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 WDS Urban Renewal Area 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 WDS Urban Renewal 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. 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 WDS Urban Renewal Area 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 ordiance shall be effective after its final passage, approval and publication as provided by law.

First consideration passed by the City Council of the City of Muscatine, Iowa, the 1st day of November, 2018.

Mayor

Attest:

City Clerk

Second and final consideration passed by the City Council of the City of Muscatine, Iowa, the 15th day of November.

STATE OF IOWA
COUNTY OF MUSCATINE SS:
CITY OF MUSCATINE

I, the undersigned, City Clerk of the City of Muscatine, State of Iowa, do hereby certify that I caused to be published "Ordinance No. 94533-1118 an Ordinance Providing for the Division of Taxes Levied on Taxable Property in the November, 2018 Consolidated Muscatine Urban Renewal Area (Amendment to the WDS Urban Renewal Area), pursuant to Section 403.19 of the Code of Iowa," of which the printed slip attached to the publisher's original affidavit hereto attached is a true and complete copy, on the date and in the newspaper specified in such affidavit, and that such newspaper has a general circulation in said City.

WITNESS MY HAND this 6th day of December, 2018.

City Clerk

(Attach hereto publisher's affidavit of publication with clipping of ordinance as published.)

STATE OF IOWA
COUNTY OF MUSCATINE SS:
CITY OF MUSCATINE

I, the undersigned, City Clerk of the City of Muscatine, State of Iowa, do hereby certify that the attached is a true, correct and complete copy of all the records of the City Council of such City relating to the adoption of an ordinance entitled "Ordinance No. 94533-1118 an Ordinance Providing for the Division of Taxes Levied on Taxable Property in the November, 2018 Consolidated Muscatine Urban Renewal Area (Amendment to the WDS Urban Renewal Area), pursuant to Section 403.19 of the Code of Iowa."

WITNESS MY HAND this 16 day of November, 2018.

City Clerk

MINUTES PROVIDING FOR FIRST CONSIDERATION OF AN ORDINANCE AMENDING A TAX INCREMENT FINANCING DISTRICT (AMENDMENT TO THE WDS URBAN RENEWAL AREA)

421464-56

Muscatine, Iowa

November 1, 2018

The City Council of the City of Muscatine, Iowa, met on November 1, 2018, at seven o'clock p.m., at the City Hall Council Chambers in the City.

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

Present: Councilemmbers: Spread, Harvey, Brockert, Saucedo, Fitzgerald, Brackett

Absent: Councilmember Malcolm.

Mayor Broderson introduced an ordinance entitled "Ordinance No. 94533-1118 an Ordinance Providing for the Division of Taxes Levied on Taxable Property in the November, 2018 Consolidated Muscatine Urban Renewal Area Addition (Amendment to the WDS Urban Renewal Area), pursuant to Section 403.19 of the Code of Iowa."

It was moved by Council Member Spread and seconded by Council Member Brackett 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: Councilmembers: Spread, Harvey, Brockert, Saucedo, Brackett, Fitzgerald

Nays: None Absent: Councilmember Malcolm.

Whereupon, the Mayor declared the motion duly carried and declared that the 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.

CITY OF MUSCATINE, IOWA
CHARTERED 1851

Mayor

Attest:

City Clerk

MINUTES PROVIDING FOR FINAL CONSIDERATION AND ADOPTION OF AN ORDINANCE AMENDING A TAX INCREMENT FINANCING DISTRICT (AMENDMENT TO THE WDS URBAN RENEWAL AREA)

421464-56

(Final Consideration and Adoption)

Muscatine, Iowa

November 15, 2018

The City Council of the City of Muscatine, Iowa, met on November 15, 2018, at Seven o'clock p.m., at the City Hall Council, in the City.

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

Present: Councilmembers: Spread, Harvey, Brockert, Saucedo, Brackett Fitzgerald & Malcolm

Absent: ______.

The Mayor announced that, on November 1, 2018, the City Council had given its initial consideration and had adopted an ordinance entitled "Ordinance No. 94533-1118, an Ordinance Providing for the Division of Taxes Levied on Taxable Property in the November, 2018 Consolidated Muscatine Urban Renewal Area Addition, (Amendment to the WDS Urban Renewal Area), pursuant to Section 403.19 of the Code of Iowa."

It was moved by Council Member Fitzgerald and seconded by Council Member Brackett that the statutory rule requiring said ordinance to be considered and voted on for passage at two City Council meetings prior to the meeting at which it is to be finally passed be suspended. The Mayor put the question on the motion and the roll being called, the following named Council Members voted:

Ayes: Councilmembers: Spread, Harvey, Brockert, Saucedo, Brackett Fitzgerald & Malcolm

Nays: ______.

Whereupon, the Mayor declared the motion duly carried.

It was moved by Council Member Spread s and seconded by Council Member Harvey that the ordinance entitled "Ordinance No. 94533-1118 An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the November, 2018 Consolidated Muscatine Urban Renewal Area Addition (Amendment to the WDS Urban Renewal Area), pursuant to Section 403.19 of the Code of Iowa," now be put upon its final passage and adoption. The Mayor put the question on the final passage and adoption of said ordinance and the roll being called, the following named Council Members voted:

Ayes: Councilmembers: Spread, Harvey, Brockert, Saucedo, Brackett Fitzgerald & Malcolm

Nays: ________________.

Whereupon, the Mayor declared the motion duly carried and declared that said ordinance had been duly adopted.

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

CITY OF MUSCATINE, IOWA * CHARTERED 1851 *

Mayor

Attest:

City Clerk