

CASS COUNTY RESOLUTION NO. 2017-003

A Resolution to Declare Necessity and Establish an Urban Renewal Area, Pursuant to Section 403.4 of the Code of Iowa and Approve Urban Renewal Plan and Project for the 2017 Cass County Agribusiness Urban Renewal Area

WHEREAS, as a preliminary step to exercising the authority conferred upon Iowa counties by Chapter 403 of the Code of Iowa, the “Urban Renewal Law”, a county must adopt a resolution finding that one or more slums, blighted or economic development areas exist in the county and that the development of such area or areas is necessary in the interest of the public health, safety or welfare of the residents of the county; and

WHEREAS, it has been recommended to the Board of Supervisors of Cass County, Iowa (the “County”) that the 2017 Cass County Agribusiness Urban Renewal Area (the “Urban Renewal Area”) be established containing the real property (the “Property”) described on Exhibit A to this Resolution; and

WHEREAS, a proposal has been made which establishes the need to designate the Property as being appropriate for agribusiness, commercial and industrial development; and

WHEREAS, the proposal demonstrates that sufficient need exists to warrant finding the Property to be an economic development area; and

WHEREAS, an urban renewal plan (the “Plan”) has been prepared for the governance of projects and initiatives to be undertaken within the Urban Renewal Area, and which authorizes certain initial urban renewal projects (the “Projects”) to be undertaken in the Urban Renewal Area consisting of (i) providing tax increment financing support to Elite Octane, LLC in connection with the planning, design and construction of an ethanol plant (the “Development Project”); and (ii) using tax increment financing to pay the costs of constructing certain road and greywater sewer system improvements necessary for the development of the Development Project; and

WHEREAS, notice of a public hearing by the Board of Supervisors on the question of establishing the Urban Renewal Area and on the proposed Plan and the Project was heretofore given in strict compliance with the provisions of Chapter 403 of the Code of Iowa, and the Board has conducted said hearing on January 18, 2017; and

WHEREAS, the Property is situated within two miles of the corporate boundaries of the City of Atlantic, Iowa (the “City”), and a certain agreement (the “Joint Agreement”) has been executed by the City to satisfy the consent requirements of Section 403.17 of the Code of Iowa; and

WHEREAS, the Plan was submitted to and considered by the Planning and Zoning Commission of the County; and

WHEREAS, pursuant to Section 403.17 of the Code of Iowa, the County has received an executed consent agreement from the owner of the “agricultural land” proposed for inclusion in the Urban Renewal Area; and

WHEREAS, copies of the Plan, notice of public hearing and notice of a consultation meeting with respect to the Plan were mailed to the City and the Atlantic Community School District; the consultation meeting was held; and responses to any comments or recommendations received following the consultation meeting were made as required by law;

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Cass County, Iowa, as follows:

Section 1. An economic development area as defined in Chapter 403 of the Code of Iowa is found to exist on the Property.

Section 2. The Property is hereby declared to be an urban renewal area, in conformance with the requirements of Chapter 403 of the Code of Iowa, and is hereby designated the 2017 Cass County Agribusiness Urban Renewal Area.

Section 3. The development of the Property is necessary in the interest of the public health, safety or welfare of the residents of the County.

Section 4. It is hereby determined by this Board of Supervisors as follows:

- A. The Plan conforms to the general plan for the development of the County;
- B. Proposed agribusiness, commercial and industrial development in the Urban Renewal Area is necessary and appropriate to facilitate the proper growth and development of the County in accordance with sound planning standards and local community objectives.

Section 5. The Plan is made a part hereof and is hereby in all respects approved in the form presented to this Board, and the County is hereby authorized to undertake the projects and initiatives described therein. The Joint Agreement is hereby approved, and the Chairperson and County Auditor are hereby authorized and directed to execute said Joint Agreement on behalf of the County.

Section 6. All resolutions or parts thereof in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved January 18, 2017.

/s/-Gaylord Schelling, Chair Attest: /s/-Dale Sunderman, Auditor

EXHIBIT A
LEGAL DESCRIPTION
2017 CASS COUNTY AGRIBUSINESS URBAN RENEWAL AREA

Certain real property situated in Cass County, Iowa bearing the following Cass County Property Tax Parcel Identification Numbers as of January 1, 2017:

Parcel ID: 180001556001000 – 3.55 acres
Parcel ID: 250000488001005 – 13.29 acres
Parcel ID: 250000488001006 – 50.87 acres
Parcel ID: 250000488004011 – 2.25 acres
Parcel ID: 250000488004012 – 8.95 acres
Parcel ID: 250000522001006 – 1.93 acres
Parcel ID: 250000523002003 – 3.17 acres
Parcel ID: 250000533001001 – 2.81 acres
Parcel ID: 250000533001002 – 0.24 acres
Parcel ID: 250000533001003 – 1.04 acres
Parcel ID: 250000687003002 – 6.08 acres
Parcel ID: 250000754001002 – 3.60 acres
Parcel ID: 250000754003002 – 4.41 acres; and

All of the right-of-way of Echo Road from and including its intersection with Olive Street on the east and continuing west to and including its intersection with Buck Creek Road; and

All of the right-of-way of Buck Creek Road from and including its intersection with Echo Road on the north and continuing south to and including its intersection with Glacier Road; and

All of the right-of-way of Glacier Road from and including its intersection with Buck Creek Road on the east and continuing west to the paved segment of Glacier Road.