

ORDINANCE NO. 837

AN ORDINANCE PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON **CERTAIN PROPERTY** LOCATED WITHIN THE MOC-FV ELEMENTARY SCHOOL URBAN RENEWAL AREA, IN CITY OF ORANGE CITY, COUNTY OF SIOUX STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, CITY OF ORANGE CITY, COUNTY OF SIOUX, MOC-FLOYD VALLEY 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 THE CITY IN CONNECTION WITH THE MOC-FV ELEMENTARY SCHOOL URBAN RENEWAL AREA (**PHASE 1 PROPERTY**)

WHEREAS, the City Council of the City of Orange City, State of Iowa, after public notice and hearing as prescribed by law and pursuant to Resolution No. 4-18-22-2003 passed and approved on the 18th day of April, 2022, adopted an Urban Renewal Plan (the "Urban Renewal Plan") for an urban renewal area known as the MOC-FV Elementary School Urban Renewal Area (the "Urban Renewal Area"), which Urban Renewal Area includes the lots and parcels located within the area legally described as follows ("**Phase 1 Property**"):

That portion of the South Half of the Northwest Quarter (S1/2-NW1/4) of Section 3, Township 94 North, Range 44 West of the 5th P.M., Sioux County, Iowa, described as follows:

Beginning at the west quarter corner of said Section 3; thence North 00°41'51.11 East along the west line of said NW1/4 for a distance of 230.00 feet; thence South 89° 16'01" East for a distance of 1490.05 feet; thence North 00°43'59" East for a distance of 655.67 feet; thence South 85°14'27" East for a distance of 211.09 feet; thence South 04°45'33.11 West for a distance of 113.76 feet; thence South 57°18'02" East for a distance of 181.43 feet; thence South 89° 16'01" East for a distance of 200.00 feet; thence South 70°40'25" East for a distance of 390.00 feet; thence southerly 108.45 feet along a non-tangent curve, concave easterly with a tangent bearing in of South 19° 19'35" West, having a radius of 900.00 feet through a central angle of 006° 54'15", the chord of which bears South 15°52'28.11 West a distance of 108.38 feet; thence South 12°25'20" West for a distance of 213.77 feet; thence North 89° 16'01" West for a distance of 158.97 feet; thence South 00°43'59.11 West for a distance of 223.00 feet to the south line of said NW1/4; thence North 89° 16'01" West along said south line for a distance of 2,185.46 feet to the Point of Beginning, containing 21.133 acres, more or less, subject to easements, if any, of record or apparent.

WHEREAS, expenditures and indebtedness are anticipated to be incurred by the City of Orange City, State of 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 City Council of the City of Orange City, State of Iowa, desires to provide for the division of revenue from taxation on the **Phase 1 Property** of the Urban Renewal Area, as above described, in accordance with the provisions of Section 403.19 of the Code of Iowa, as amended. [Note: the **Phase 1 Property** is the only portion of the Urban Renewal Area that will be included in this TIF Ordinance. If other parcels in the Area develop (increase in value) in the future, the City may adopt a separate TIF ordinance(s) on other parcels/areas within the Urban Renewal Area. Therefore, the various TIF ordinances in this Urban Renewal Area will have different frozen bases and different expiration dates.]

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, STATE OF IOWA:

Section 1. That the taxes levied on the taxable property in the **Phase 1 Property** of the Urban Renewal Area legally described in the preamble hereof, by and for the benefit of the State of Iowa, City of Orange City, County of Sioux, MOC-Floyd Valley 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 **Phase 1 Property** of the 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 of Orange City, State of Iowa, certifies to the Auditor of Sioux County, Iowa 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 the City of Orange City, State of 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, Code of Iowa, as amended, incurred by the City of Orange City, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Urban Renewal Area pursuant to the Urban Renewal Plan, except that (i) taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2, Code of Iowa, and taxes for the instructional support program of a school district imposed pursuant to Section 257.19, Code of Iowa, (but in each case only to the extent required under Section 403.19(2), Code of Iowa); (ii) taxes for the payment of bonds and interest of each taxing district; (iii) taxes imposed under Section 346.27(22), Code of Iowa, related to joint county-city buildings; and (iv) any other exceptions under Section 403.19, Code of Iowa, shall be collected against all taxable property within the **Phase 1 Property** of the Urban Renewal Area without any limitation as hereinabove provided.

Section 4. Unless or until the total assessed valuation of the taxable property in the **Phase 1 Property** of the Urban Renewal Area exceeds the total assessed value of the taxable property in the **Phase 1 Property** of the Urban Renewal 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 **Phase 1 Property** of the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for the 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 the City of Orange City, State of Iowa, referred to in Section 3 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the **Phase 1 Property** of the Urban Renewal 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, Code of Iowa, as amended, with respect to the division of taxes from property within the **Phase 1 Property** of the Urban Renewal 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, Code of Iowa, with reference to the **Phase 1 Property** of the Urban Renewal 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.

PASSED AND APPROVED this 2nd day of May, 2022.



Mayor

ATTEST:



City Clerk

Read First Time: April 18, 2022
Read Second Time: May 2, 2022
Read Third Time: waived

