

COPY

ORDINANCE NO. 34A

AN ORDINANCE AMENDING ORDINANCE NO. 34, PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE AMENDED NORTHWEST WIND FARM URBAN RENEWAL AREA, IN ADAIR COUNTY, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, ADAIR COUNTY, ADAIR-CASEY COMMUNITY SCHOOL DISTRICT, NODAWAY VALLEY COMMUNITY SCHOOL DISTRICT, CAM COMMUNITY SCHOOL DISTRICT, WEST CENTRAL 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 COUNTY IN CONNECTION WITH THE AMENDED NORTHWEST WIND FARM URBAN RENEWAL AREA (AMENDMENT NO. 1 TO THE NORTHWEST WIND FARM URBAN RENEWAL PLAN)

WHEREAS, the Board of Supervisors of Adair County, State of Iowa, has heretofore, in Ordinance No. 34, provided for the division of taxes within the Northwest Wind Farm Urban Renewal Area, pursuant to Section 403.19 of the Code of Iowa; and

WHEREAS, additional territory now has been added to the Northwest Wind Farm Urban Renewal Area through the adoption of Amendment No. 1 to the Northwest Wind Farm Urban Renewal Plan; and

WHEREAS, indebtedness has been incurred by the County, and additional indebtedness is anticipated to be incurred in the future, to finance urban renewal project activities within the amended Northwest Wind Farm Urban Renewal Area, and the continuing needs of redevelopment within the amended Northwest Wind Farm Urban Renewal Area are such as to require the continued application of the incremental tax resources of the amended Northwest Wind Farm Urban Renewal Area; and

WHEREAS, the following enactment is necessary to accomplish the objectives described in the premises.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ADAIR COUNTY, STATE OF IOWA, THAT:

Ordinance Number 34 is hereby amended to read as follows:

Section 1: For purposes of this Ordinance, the following terms shall have the following meanings:

- (a) Original Area shall mean that portion of Adair County, State of Iowa, described in the Urban Renewal Plan for the Northwest Wind Farm Urban Renewal Area approved by Resolution No. 2010-51 on the 12th day of November 2010, which Original Area includes the lots and parcels located within the area legally described as follows:

ORIGINAL AREA

The Adair County Northwest Wind Farm Urban Renewal Area includes the following wind energy conversion property, as described in Section B(2) of the original Plan:

Turbine ID No.	Township Name	Township	Range	Section	County
1	Summit	T77N	R33W	6	Adair
2	Summit	T77N	R33W	6	Adair
3	Summit	T77N	R33W	6	Adair
4	Summit	T77N	R33W	5	Adair
5	Summit	T77N	R33W	5	Adair
6	Summit	T77N	R33W	7	Adair
7	Summit	T77N	R33W	7	Adair
8	Summit	T77N	R33W	8	Adair
9	Summit	T77N	R33W	10	Adair
10	Summit	T77N	R33W	10	Adair
11	Summit	T77N	R33W	11	Adair
16	Summit	T77N	R33W	18	Adair
17	Summit	T77N	R33W	18	Adair
18	Summit	T77N	R33W	18	Adair
19	Summit	T77N	R33W	17	Adair
21	Summit	T77N	R33W	17	Adair
22	Summit	T77N	R33W	16	Adair
23	Summit	T77N	R33W	16	Adair
24	Summit	T77N	R33W	16	Adair
25	Summit	T77N	R33W	14	Adair
26	Summit	T77N	R33W	14	Adair
27	Summit	T77N	R33W	14	Adair
28	Summit	T77N	R33W	22	Adair
29	Summit	T77N	R33W	19	Adair
30	Summit	T77N	R33W	19	Adair

31	Summit	T77N	R33W	20	Adair
32	Summit	T77N	R33W	20	Adair
33	Summit	T77N	R33W	21	Adair
34	Summit	T77N	R33W	21	Adair
35	Summit	T77N	R33W	21	Adair
36	Summit	T77N	R33W	21	Adair
37	Summit	T77N	R33W	23	Adair
38	Summit	T77N	R33W	23	Adair
39	Summit	T77N	R33W	23	Adair
46	Summit	T77N	R33W	26	Adair
47	Summit	T77N	R33W	30	Adair
48	Summit	T77N	R33W	30	Adair
49	Summit	T77N	R33W	30	Adair
50	Summit	T77N	R33W	30	Adair
51	Summit	T77N	R33W	29	Adair
52	Summit	T77N	R33W	27	Adair
53	Summit	T77N	R33W	27	Adair
54	Summit	T77N	R33W	27	Adair
55	Summit	T77N	R33W	20	Adair
56	Summit	T77N	R33W	26	Adair
57	Summit	T77N	R33W	26	Adair
58	Summit	T77N	R33W	26	Adair
59	Summit	T77N	R33W	26	Adair
60	Summit	T77N	R33W	30	Adair
61	Summit	T77N	R33W	30	Adair
62	Summit	T77N	R33W	30	Adair
63	Summit	T77N	R33W	29	Adair
64	Summit	T77N	R33W	29	Adair
65	Summit	T77N	R33W	28	Adair
66	Summit	T77N	R33W	28	Adair
67	Summit	T77N	R33W	17	Adair
68	Summit	T77N	R33W	17	Adair
69	Summit	T77N	R33W	32	Adair
70	Summit	T77N	R33W	32	Adair
71	Summit	T77N	R33W	32	Adair
72	Summit	T77N	R33W	33	Adair
73	Summit	T77N	R33W	33	Adair
74	Summit	T77N	R33W	33	Adair
76	Summit	T77N	R33W	28	Adair

AND

The area also includes the traveled portion, including shoulders, bridge approaches and culvert locations, of the following public roads:

Brown Ave. from 350th St. (Guthrie-Adair County Line) to 105th St.
105th St. from Brown Ave. to Delta Ave. (City of Adair)
110th St. from Afton Ave. to Adair-Anita Rd. (G-30)
Afton Ave. from 110th St. to Adair-Anita Rd. (G-30)
Cedar Ave. from Adair-Anita Rd. (G-30) to 160th St.
125th St. from Brown Ave. to Cedar Ave.
130th St. from Brown Ave. to Delta Ave.
Adair-Cass Ave. from 130th St. to 140th St.
Brown Ave. from 125th St. to 160th St.
150th St. from Adair-Cass Ave. to Cedar Ave.
Elk Ave. from 110th St. to 160th St.
120th St. from Elk Ave. to Fallow Ave.
140th St. from Delta Ave. to Fallow Ave.
Fallow Ave. from 140th St. to 150th St.
160th St. from Adair-Cass Ave. to Delta Ave.
140th St. from Adair-Cass Ave. to Delta Ave.
Adair-Anita Rd. (G-30) from Adair-Cass Ave. to Delta Ave. (City of Adair)
350th St. (Guthrie-Adair County Line) from Adair-Cass Ave. to Delta Ave. (City of Adair)
160th St. from Delta Ave. to Fontanelle Road
130 St. from Delta Ave. to Fontanelle Road
Delta Ave. from City of Adair to 160th St.
Fontanelle Road from Guthrie-Adair County Line to 160th St.

AND

The easement and/or leasehold interests belonging to the wind energy conversion property owners. These access roads for which the easement rights are included are shown on the map identified as "Exhibit B" to the original Plan.

(b) Amendment No. 1 Area shall mean that portion of Adair County, State of Iowa, described in Amendment No. 1 to the Urban Renewal Plan for the Northwest Wind Farm Urban Renewal Area approved by Resolution No. 2013-33 on the 10th day of April, 2013, which Amendment No. 1 Area includes the lots and parcels located within the area legally described as follows:

AMENDMENT NO. 1 AREA

Turbine ID No.	Township Name	Township	Range	Section	County	Wind Farm
1	Summit	T77N	R33W	11	Adair	Morning Light
2	Summit	T77N	R33W	11	Adair	Morning Light
3	Summit	T77N	R33W	12	Adair	Morning Light
4	Summit	T77N	R33W	12	Adair	Morning Light
5	Summit	T77N	R33W	14	Adair	Morning Light
6	Summit	T77N	R33W	13	Adair	Morning Light
7	Summit	T77N	R33W	13	Adair	Morning Light
8	Summit	T77N	R33W	13	Adair	Morning Light
9	Summit	T77N	R33W	13	Adair	Morning Light
10	Walnut	T77N	R32W	18	Adair	Morning Light
11	Summit	T77N	R33W	24	Adair	Morning Light
12	Summit	T77N	R33W	24	Adair	Morning Light
13	Summit	T77N	R33W	24	Adair	Morning Light
14	Summit	T77N	R33W	24	Adair	Morning Light
15	Walnut	T77N	R32W	19	Adair	Morning Light
16	Walnut	T77N	R32W	19	Adair	Morning Light
17	Walnut	T77N	R32W	19	Adair	Morning Light
18	Walnut	T77N	R32W	19	Adair	Morning Light
19	Walnut	T77N	R32W	19	Adair	Morning Light
20	Walnut	T77N	R32W	20	Adair	Morning Light
21	Walnut	T77N	R32W	20	Adair	Morning Light
22	Walnut	T77N	R32W	20	Adair	Morning Light
23	Walnut	T77N	R32W	20	Adair	Morning Light
24	Walnut	T77N	R32W	21	Adair	Morning Light
25	Summit	T77N	R33W	30	Adair	Morning Light
26	Summit	T77N	R33W	30	Adair	Morning Light
27	Summit	T77N	R33W	30	Adair	Morning Light
28	Walnut	T77N	R32W	29	Adair	Morning Light
29	Walnut	T77N	R32W	29	Adair	Morning Light
30	Walnut	T77N	R32W	32	Adair	Morning Light
31	Walnut	T77N	R32W	32	Adair	Morning Light
32	Walnut	T77N	R32W	32	Adair	Morning Light
33	Prussia	T76N	R32W	6	Adair	Morning Light
34	Prussia	T76N	R32W	6	Adair	Morning Light
35	Prussia	T76N	R32W	6	Adair	Morning Light
36	Prussia	T76N	R32W	5	Adair	Morning Light

37	Prussia	T76N	R32W	5	Adair	Morning Light
38	Prussia	T76N	R32W	5	Adair	Morning Light
39	Prussia	T76N	R32W	7	Adair	Morning Light
40	Prussia	T76N	R32W	7	Adair	Morning Light
41	Prussia	T76N	R32W	7	Adair	Morning Light
42	Prussia	T76N	R32W	7	Adair	Morning Light
43	Prussia	T76N	R32W	7	Adair	Morning Light
44	Walnut	T77N	R32W	18	Adair	Morning Light
24	Jackson	T75N	R33W	19	Adair	Rolling Hills
25	Jackson	T75N	R33W	20	Adair	Rolling Hills
26	Jackson	T75N	R33W	20	Adair	Rolling Hills
27	Jackson	T75N	R33W	20	Adair	Rolling Hills
28	Jackson	T75N	R33W	21	Adair	Rolling Hills
40	Jackson	T75N	R33W	30	Adair	Rolling Hills
41	Jackson	T75N	R33W	30	Adair	Rolling Hills
42	Jackson	T75N	R33W	30	Adair	Rolling Hills
43	Jackson	T75N	R33W	30	Adair	Rolling Hills
44	Jackson	T75N	R33W	29	Adair	Rolling Hills
45	Jackson	T75N	R33W	29	Adair	Rolling Hills
46	Jackson	T75N	R33W	29	Adair	Rolling Hills
47	Jackson	T75N	R33W	29	Adair	Rolling Hills
53	Jackson	T75N	R33W	31	Adair	Rolling Hills
54	Jackson	T75N	R33W	31	Adair	Rolling Hills
71	Washington	T74N	R33W	6	Adair	Rolling Hills
72	Washington	T74N	R33W	6	Adair	Rolling Hills
90	Washington	T74N	R33W	7	Adair	Rolling Hills
91	Washington	T74N	R33W	7	Adair	Rolling Hills

AND

The area also includes the traveled portion, including shoulders, bridge approaches, and culvert locations, of the following public roads:

- 110th St. from Delta Ave. to Fontanelle Rd.*
- 130th St. from Fontanelle Rd. to Orange Ave.*
- 140th St. from Fallow Ave. to Indian Ave.*
- 160th St. from Fontanelle Rd. to Indian Ave.*
- 170th St. from Gibbon Ave. to Fontanelle Rd.*
- 180th St. from Gibbon Ave. to Fontanelle Rd.*

Fallow Ave. from 140th St. to 120th St.*
Gibbon Ave. from 130th St. to the E 1/4 corner of Section 13-T77N-R33W*
Gibbon Ave. from 170th St. to 160th St.*
Fontanelle Rd. from Highway 92 in Fontanelle to 160th St.*
Indian Ave. from 170th St. to 130th St.*
Brown Ave. from 280th St. to 160th St.*
Delta Ave. from Highway 92 to 160th St.*
Adair-Cass Ave. from Highway 92 to 250th St.*
Adair-Cass Ave. from 290th St. to 280th St.*
Bridgewater Rd. from 310th St. to Highway 92, through Bridgewater
Cedar Ave. from Highway 92 to 250th St.*
250th St. from Adair-Cass Ave. to Highway 92*
260th St. from Adair-Cass Ave. to Cedar Ave.*
280th St. from Adair-Cass Ave. to Bridgewater Rd., in Bridgewater*
290th St. from Adair-Cass Ave. to Bridgewater Rd.*
295th St. from the north 1/4 corner of the SW 1/4 Section 7-T74N-R33W to Brown Ave.*
310th St. from Adair-Cass Ave. to Bridgewater Rd.*

and

Easements and/or leasehold interests for access from public roads to the wind energy conversion property.

NOTE: Roads that are included as a proposed Urban Renewal Project are identified above with an asterisk.

(c) Amended Area shall mean that portion of Adair County, State of Iowa, included within the Original Area and the Amendment No. 1 Area, which Amended Area includes the lots and parcels located within the area legally described in subsections (a) and (b) above.

Section 2: The taxes levied on the taxable property in the Amended Area, legally described in Section 1 hereof, by and for the benefit of the State of Iowa, County of Adair, Iowa, Adair-Casey Community School District, Nodaway Valley Community School District, CAM Community School District, West Central 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 3: As to the Original Area, 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 taxing property in the Original Area upon the total sum of the assessed value of

the taxable property in the Original Area as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which Adair County, State of Iowa, certified to the Auditor of Adair 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. The taxes so determined shall be referred herein as the "base period taxes" for the Original Area.

As to Amendment No. 1 Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 2012, being the assessment roll applicable to property in such area as of January 1 of the calendar year preceding the effective date of this Ordinance.

Section 4: That portion of the taxes each year in excess of the base period taxes for the Amended Area, determined for each sub-area thereof as provided in Section 3 of this Ordinance, shall be allocated to and when collected be paid into the special tax increment fund previously established by Adair County, State of Iowa, to pay the principal of and interest on loans, monies advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under authority of Section 403.9 or Section 403.12 of the Code of Iowa, incurred by Adair County, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Amended Area pursuant to the Urban Renewal Plan, as amended, except that (i) taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Iowa Code Section 298.2 and taxes for the instructional support program of a school district imposed pursuant to Iowa Code Section 257.19 (but in each case only to the extent required under Iowa Code Section 403.19(2)); (ii) taxes for the payment of bonds and interest of each taxing district; (iii) taxes imposed under Iowa Code Section 346.27(22) related to joint county-city buildings; and (iv) any other exceptions under Iowa Code Section 403.19 shall be collected against all taxable property within the Amended Area without any limitation as hereinabove provided.

Section 5: Unless or until the total assessed valuation of the taxable property in the areas of the Amended Area exceeds the total assessed value of the taxable property in the areas shown by the assessment rolls referred to in Section 3 of this Ordinance, all of the taxes levied and collected upon the taxable property in the Amended 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 6: At such time as the loans, monies advanced, bonds and interest thereon and indebtedness of Adair County, State of Iowa, referred to in Section 4 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the

Amended Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

Section 7: 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 continue the division of taxes from property within the Original Area under the provisions of Section 403.19 of the Code of Iowa, as authorized in Ordinance No. 34, and to fully implement the provisions of Section 403.19 of the Code of Iowa with respect to the division of taxes from property within the Amendment No. 1 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 of the Code of Iowa with reference to the Amended Area and the territory contained therein.

Section 8: This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 10th day of April, 2013.


Chairperson, Board of Supervisors

ATTEST:


County Auditor

Read First Time: April 10, 2013

Read Second Time: waived, 2013

Read Third Time: Waived, 2013

PASSED AND APPROVED: April 10, 2013.

I, Mindy Schaefer, County Auditor of Adair County, State of Iowa, hereby certify that the above and foregoing is a true copy of Ordinance No. 34A passed and approved by the Board of Supervisors of the County at a meeting held April 10, 2013, signed by the Chairperson on April 10, 2013, and published in the Adair County Free Press and Fontanelle Observer on April 17, 2013.

Mindy Schaefer
County Auditor, Adair County, State of
Iowa

(SEAL)

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