

RECORDING FEE \$ NO FEE FILED FOR RECORD THE 19 DAY OF May STATE OF IOWA, BUTLER COUNTY:  
20 10 AT 8:30 Craig Proctor RECORDER  
TRANSFER FEE \$ ..... O'CLOCK 11 M. INSTRUMENT NO. 2010-1880 BY ..... DEPUTY

BUTLER COUNTY ORDINANCE

ORDINANCE TITLE VI, NO. 9

AN ORDINANCE PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL AREA, IN BUTLER COUNTY, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, BUTLER COUNTY, WAVERLY-SHELL ROCK 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, INCURRED BY THE COUNTY IN CONNECTION WITH THE BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL REDEVELOPMENT PROJECT

PREPARER INFORMATION:

Butler County Board of Supervisors, 428 6<sup>th</sup> St, Allison, IA 50602

RETURN DOCUMENT TO:

Butler County Board of Supervisors, 428 6<sup>th</sup> St, Allison, IA 50602

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WHEREAS, the Board of Supervisors of Butler County, State of Iowa, after public notice and hearing as prescribed by law and pursuant to Resolution No. 692 passed and approved on the 27th day of April, 2010, adopted an Urban Renewal Plan (the "Urban Renewal Plan") for an urban renewal area known as the Butler County Logistics Park Urban Renewal Area (the "Urban Renewal Area"), which Urban Renewal Area includes the lots and parcels located within the area legally described as follows:

1. The entire existing county road right-of-way of Butler County Road 220<sup>th</sup> Street (old Highway #3) lying between Butler County Road T55 (Terrace Avenue) on the West and Iowa Highway #3 on the East.
2. The entire existing county road right-of-way of Butler County Road Willow Avenue lying between 220<sup>th</sup> Street on the North and the North city limits of the City of Shell Rock, Iowa on the South.
3. The entire existing county road right-of-way of Butler County Road T55 (Terrace Avenue) lying between Iowa Highway #3 on the North and Butler County Road C45 (Butler Center Road) on the South.
4. The entire existing county road right-of-way of Butler County Road Union Avenue lying between Iowa Highway #3 on the North and 220<sup>th</sup> Street (old Highway #3) on the South.
5. The entire existing county road right-of-way of Butler County Road 212<sup>th</sup> Street lying between Union Avenue on the West and Vail Avenue on the East, except

that portion vacated and described in document recorded as Instrument #2007-2171 with the Butler County Recorder.

6. The entire existing county road right-of-way of Butler County Road Vail Avenue lying between 220<sup>th</sup> Street on the South and 212<sup>th</sup> Street on the North.
7. The entire existing county road right-of-way of Butler County Road Utica Avenue lying between Iowa Highway #3 on the North and 212<sup>th</sup> Street on the South.
8. The entire Section 33, Township 92 North, Range 15 West of the 5<sup>th</sup> P.M. Butler County, Iowa and all existing county road right-of-way lying inside and adjacent to said Section 33.

WHEREAS, expenditures and indebtedness are anticipated to be incurred by Butler County, 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 Board of Supervisors of Butler County, State of Iowa, desires to provide for the division of revenue from taxation in the Urban Renewal Project Area, as above described, in accordance with the provisions of Section 403.19 of the Code of Iowa, as amended.

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

Section 1. That the taxes levied on the taxable property in the Urban Renewal Project Area legally described in the preamble hereof, by and for the benefit of the State of Iowa, Butler County, Waverly-Shell Rock 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 Urban Renewal Project Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which Butler County, State of Iowa, certifies to the Auditor of Butler 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 Butler County, 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 of the Code of Iowa, as amended, incurred by Butler County, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Urban Renewal Project Area pursuant to the Urban Renewal Plan, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2, but only to the extent authorized in Section 403.19(2), and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the Urban Renewal Project Area without any limitation as hereinabove provided.

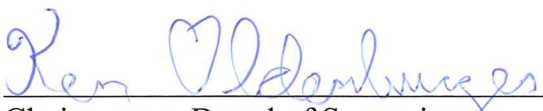
Section 4. Unless or until the total assessed valuation of the taxable property in the Urban Renewal Project Area exceeds the total assessed value of the taxable property in the Urban Renewal Project Area as shown by the assessment roll referred to in Section 2 of this Ordinance, all of the taxes levied and collected upon the taxable property in the Urban Renewal Project 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 Butler County, State of Iowa, referred to in Section 3 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Urban Renewal Project Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

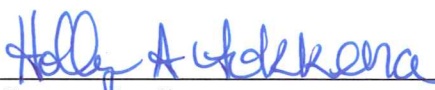
Section 6. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to fully implement the provisions of Section 403.19 of the Code of Iowa, as amended, with respect to the division of taxes from property within the Urban Renewal Project 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 Urban Renewal Project 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 18th day of May, 2010.

  
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Chairperson, Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
County Auditor

Read First Time: May 18, 2010

Read Second Time: WAIVED

Read Third Time: WAIVED

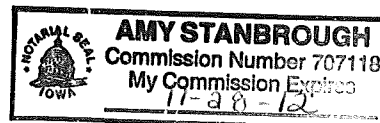
PASSED AND APPROVED: May 18, 2010.

**STATE OF IOWA**

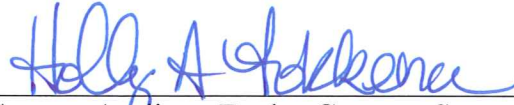
**COUNTY OF BUTLER**

On this 18 day of May, 2010, before me the undersigned, a Notary Public in and for said County and State, personally appeared **Ken Oldenburger** and **Holly A. Fokkena**, to me personally known, who, being duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor of Butler County, Iowa, respectively; that the seal affixed hereto is the seal of said County; that said instrument was signed and sealed on behalf of the said Butler County, Iowa, by authority of its Board of Supervisors and pursuant to Ordinance I, No. 1, of said Board; and that said **Ken Oldenburger** and **Holly A. Fokkena** as such officers, acknowledge the execution of said instrument to be the voluntary act and deed of said County, it and by them voluntarily executed.

Amy Stanbrough  
Notary Public In and For Said County  
And State of Iowa



I, Holly A. Fokkena, County Auditor of Butler County, State of Iowa, hereby certify that the above and foregoing is a true copy of Ordinance Title VI, NO. 9 passed and approved by the Board of Supervisors of the County at a meeting held May 18, 2010, signed by the Chairperson on May 18, 2010, and published in the "Butler County Tribune – Journal", the "Clarksville Star", the "Eclipse-News-Review" and the "Greene Recorder" on or about June 2, 2010.



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County Auditor, Butler County, State of  
Iowa

(SEAL)

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