

RECORDING FEE \$ None FILED FOR RECORD THE 2 DAY OF March 2011 AT 7:40 O'CLOCK a M. INSTRUMENT NO. 2011-0730 STATE OF IOWA, BUTLER COUNTY: BY Jane Jacobs RECORDER DEPUTY

BUTLER COUNTY ORDINANCE TITLE IV, NO. 10  
AN ORDINANCE PROVIDING FOR THE SPECIAL VALUATION OF WIND ENERGY  
CONVERSION PROPERTY PURSUANT TO IOWA CODE CHAPTER 427B.26.

PREPARER INFORMATION:

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

RETURN DOCUMENT TO:

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

BUTLER COUNTY ORDINANCE VI, No. 10

Title: Assessment of Wind Energy Conversion Property

BE IT ENACTED by the Board of Supervisors of Butler County, Iowa:

**SECTION 1. Purpose.** The purpose of this ordinance is to provide for the special valuation of wind energy conversion property pursuant to Iowa Code Chapter 427B.26.

**SECTION 2. Definitions.** For use in this ordinance, certain terms and words used herein shall be interpreted or defined as follows:

- (a) "NET ACQUISITION COST" means the cost of the property including all foundations and installation cost less any excess cost adjustment.
- (b) "WIND ENERGY CONVERSION PROPERTY" means the entire wind plant including, but not limited to, a wind charger, windmill, wind turbine, tower and electrical equipment, pad mount transformers, power lines and substation.

**SECTION 3 Authority to Establish.** The Board of Supervisors is authorized, pursuant to Iowa Code Chapter 427B.26 to provide by ordinance for special valuation of wind energy conversion property as provided in Section 4.

**SECTION 4. Establishment.** Pursuant to Iowa Code Chapter 427B.26, a special valuation of wind energy conversion property is allowed in lieu of the valuation assessment provisions in Iowa Code Chapter 441.21(8)(b) and (c), and Iowa Code Chapters 428.24 and 428.29. The special valuation shall only apply to wind energy conversion property first assessed on or after January 1, 1994, and on or after the effective date of this ordinance.

**SECTION 5. Amount of Valuation.** Wind energy conversion property first assessed on or after the effective date of the ordinance shall be valued by the County Assessor for property tax purposes as follows:

- (a) For the first assessment year, at zero percent (0%) of the net acquisition cost.
- (b) For the second through sixth assessment years, at a percent of the net acquisition cost which rate increases by five percent (5%) each assessment year.
- (c) For the seventh and succeeding assessment years, at thirty percent (30%) of the net acquisition cost.

**SECTION 6. Declaration of Special Valuation.** The taxpayer shall file with the county assessor by February 1<sup>st</sup> of the assessment year in which the wind energy conversion property is first assessed for property tax purposes, a declaration of intent to have the property assessed at the value determined under Section 5 lieu of the valuation assessment provisions in Iowa Code Chapter 441.21(9)(b) and (c), and Iowa Code Chapters 428.24 and 428.29.

**SECTION 7. Reporting Requirements.** The following reports shall be filed annually with the County Assessor by the taxpayer; in the first year, with the declaration of intent as prescribed in Section 6; and by February 1<sup>st</sup> of each year thereafter:

- (a) Copy of asset ledger sheet to IRS;
- (b) Engineering breakdown of component parts;
- (c) Tower numbering system;
- (d) Name of contact person, phone number, FAX number, and mailing address;
- (e) Report of all leased equipment, the name(s) of the company(s) it is leased from, and the agreement between the lessor and lessee regarding who is responsible for the property tax on the leased equipment.

**SECTION 8. Repeal of Special Valuation.** If in the opinion of the Board of Supervisors continuation of the special valuation provided under Section 4 ceases to be of benefit to the county, the Board of Supervisors may repeal the ordinance. Property specially valued under Section 4 prior to repeal of the ordinance shall continue to be valued under Section 4 until the end of the nineteenth (19<sup>th</sup>) assessment year following the assessment year in which the property was first assessed.

**SECTION 9. Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 10. Severability Clause.** If any section, provision or other part of this ordinance shall be adjudged invalid or unconstitutional, said adjudication shall not affect the validity of the ordinance as a whole or any section, provision or other part thereof not adjudged invalid or unconstitutional.

PASSED by the Board and APPROVED this 1st day of March, 2011.

Paul A. Juhl  
Chairman, Board of Supervisors

ATTEST: Holly A. Fokkena  
Holly Fokkena, County Auditor

**STATE OF IOWA**

**COUNTY OF BUTLER**

On this 1st day of March, 2011, before me the undersigned, a Notary Public in and for said County and State, personally appeared Karl Nelson 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 that said Karl Nelson 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.

Mary Brouwer  
Notary Public In and For Said County  
and State of Iowa

