

ORDINANCE NO. 23-03

AN ORDINANCE PROVIDING FOR THE DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE JANUARY, 2023 ADDITION TO THE NORWALK URBAN RENEWAL AREA, PURSUANT TO SECTION 403.19 OF THE CODE OF IOWA

WHEREAS, the City Council of the City of Norwalk, Iowa (the "City") previously enacted an ordinance entitled "An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Norwalk Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa"; and

WHEREAS, pursuant to that ordinance, certain taxable property within the Norwalk Urban Renewal Area in the City was designated a "tax increment district"; and

WHEREAS, the City Council now desires to increase the size of the "tax increment district" by adding additional property;

BE IT ENACTED by the Council of the City of Norwalk, Iowa:

Section 1. Purpose. The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the January, 2023 Addition to the Norwalk Urban Renewal Area of the City of Norwalk, Iowa, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Norwalk to finance projects in such area.

Section 2. Definitions. For use within this ordinance the following terms shall have the following meanings:

"City" shall mean the City of Norwalk, Iowa.

"County" shall mean Warren County, Iowa.

"Urban Renewal Area Addition" shall mean the January, 2023 Addition to the Norwalk Urban Renewal Area of the City, the legal description of which is set out below, approved by the City Council by resolution adopted on January 5, 2023:

An irregular shaped portion of the Southwest Quarter of Section 7, Township 77 North, Range 25 West of the 5th P.M. and an irregular shaped portion of the Southeast Quarter of Section 17, Township 77 North, Range 25 West of the 5th P.M., Norwalk, Warren County, Iowa, is more particularly described as follows: Beginning at the northeast corner of the Southwest Quarter of said Section 7; thence S62°41'26"W, a distance of 1244.19 feet; thence S03°35'47"E, a distance of 362.45 feet; thence southeasterly along a 1029.00 foot radius curve concave southwesterly, a distance of 32.00 feet, said curve having a chord bearing of S77°06'08"E and a chord length of 32.00 feet; thence southeasterly along a

971.00 foot radius curve concave northerly, a distance of 322.17 feet, said curve having a chord bearing of S85°43'00"E and a chord length of 320.70 feet; thence N84°46'41"E, a distance of 40.04 feet; thence S05°13'19"E, a distance of 68.00 feet; thence S05°32'13"W, a distance of 69.16 feet; thence southwesterly along a 727.96 foot radius curve concave easterly, a distance of 139.66 feet said curve having a chord bearing of S00°16'31"W and a chord length of 139.44 feet; thence S05°13'18"E, a distance of 420.34 feet; thence S85°41'59"W, a distance of 261.03 feet; thence N05°13'19"W, a distance of 332.62 feet; thence S85°34'17"W, a distance of 995.74 feet; thence S00°00'00"E, a distance of 415.16 feet; thence N90°00'00"W, a distance of 296.84 feet; thence N00°00'00"E, a distance of 80.33 feet; thence northeasterly along a 262.00 foot radius curve concave easterly, a distance of 92.22 feet; said curve having a chord bearing of N10°05'02"E and a chord length of 91.75 feet; thence N69°41'43"W, a distance of 71.00 feet; thence southwesterly along a 20.00 foot radius curve concave northerly, a distance of 27.90 feet, said curve having a chord bearing of S60°09'30"W and a chord length of 25.69 feet; thence northwesterly along a 335.50 foot radius curve concave southerly, a distance of 59.70 feet, said curve having a chord bearing of N84°56'24"W and a chord length of 59.62 feet; thence N90°00'00"W, a distance of 30.40 feet; thence northwesterly along a 464.50 foot radius curve concave northerly, a distance of 76.29 feet; said curve having a chord bearing of N85°17'41"W and a chord length of 76.21 feet; thence N80°35'22"W, a distance of 50.54 feet; thence southwesterly along a 1512.40 foot radius curve concave westerly, a distance of 345.20 feet, said curve having a chord bearing of S12°02'51"W and a chord length of 344.46 feet; thence S00°17'36"W, a distance of 61.93 feet; thence S89°58'39"E, a distance of 367.54 feet; thence S00°00'00"E, a distance of 57.26 feet; thence S00°54'33"E, a distance of 309.49 feet; thence southwesterly along a 395.00 foot radius curve concave westerly, a distance of 67.02 feet, said curve having a chord bearing of S03°57'05"W and a chord length of 66.94 feet; thence southeasterly along a 20.00 foot radius curve concave northeasterly, a distance of 26.45 feet, said curve having a chord bearing of S29°04'53"E and a chord length of 24.57 feet; thence S66°58'30"E, a distance of 109.22 feet; thence S45°30'39"W, a distance of 74.68 feet; thence N66°58'31"W, a distance of 106.67 feet; thence northwesterly along a 272.00 foot radius curve concave southerly, a distance of 109.09 feet, said curve having a chord bearing of N78°27'52"W and a chord length of 108.36 feet; thence N89°57'13"W, a distance of 176.90 feet; thence southwesterly along a 20.00 foot radius curve concave southeasterly, a distance of 32.67 feet, said curve having a chord bearing of S43°15'19"W and a chord length of 29.15 feet; thence S86°56'49"W, a distance of 65.49 feet to the southwesterly Right of Way line of Cherry Parkway as it is presently established; thence northwesterly along said Right of Way to the intersection of said Right of Way line with the Easterly Right of Way line of Sunset Drive as it is presently established; thence extending the southwesterly Right of Way line of said Cherry

Parkway northwesterly to the westerly Right of Way line of said Sunset Drive; thence northerly along the westerly Right of Way line of said Sunset Drive, approximately 1314.00 feet; thence N86°23'08"E, a distance of 1560.81 feet; thence N03°36'52"W, a distance of 712.32 feet; thence S86°21'46"W, a distance of 151.53 feet; thence N03°38'14"W, a distance of 40.00 feet; thence N86°21'46"E, a distance of 151.54 feet; thence N86°21'55"E, a distance of 1189.41 feet to the point of beginning.

Containing 44.90 Acres.

"Urban Renewal Area" shall mean the entirety of the Norwalk Urban Renewal Area as amended from time to time.

Section 3. Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area Addition. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area Addition each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Area Addition is located, shall be divided as follows:

- (a) 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 Area Addition, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area Addition on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area Addition to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.
- (b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, and to provide assistance for low and moderate-income family housing as provided in Section 403.22, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 of the Code of Iowa, taxes for the instructional support program levy of a school

district imposed pursuant to Section 257.19 of the Code of Iowa and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area Addition exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area Addition shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area Addition shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

- (c) the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.
- (d) as used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

Section 4. Repealer. Any ordinance or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed and approved by the City Council of the City of Norwalk, Iowa on the 2nd day of February, 2023.

Jaki Livingston, Mayor Pro Tem

Attest:

Lindsey Offenburger, City Clerk

First Reading: January 5, 2023

Second Reading: January 19, 2023

Third Reading: February 2, 2023

Clerk's Certificate

I certify that the foregoing was published as Ordinance No. 23-03 on the 16th day of February, 2023.

City Clerk

STATE OF IOWA

SS:

WARREN COUNTY

I, the undersigned, County Auditor of Warren County, in the State of Iowa, do hereby certify that on the ____ day of _____, 2023, the City Clerk of the City of Norwalk, Iowa, filed in my office a copy of an ordinance of such City shown to have been adopted by the Council and approved by the Mayor thereof on _____, 2023, entitled: Ordinance No. _____. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the January, 2023 Addition to the Norwalk Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa,” and that I have duly placed a copy of the ordinance on file in my records.

WITNESS MY HAND this ____ day of _____, 2023.

County Auditor

STATE OF IOWA
COUNTIES OF WARREN AND POLK SS:
CITY OF NORWALK

I, the undersigned, City Clerk of the City of Norwalk, State of Iowa, do hereby certify that I caused to be published "Ordinance No. _____. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the January, 2023 Addition to the Norwalk Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa," of which the printed slip attached to the publisher's original affidavit hereto attached is a true and complete copy, on the date and in the newspaper specified in such affidavit, and that such newspaper has a general circulation in said City.

WITNESS MY HAND this ____ day of _____, 2023.

Lindsey Offenburger, City Clerk

(Attach hereto publisher's affidavit of publication with clipping of ordinance as published.)

STATE OF IOWA
COUNTIES OF WARREN AND POLK SS:
CITY OF NORWALK

I, the undersigned, City Clerk of the City of Norwalk, State of Iowa, do hereby certify that the attached is a true, correct and complete copy of all the records of the Council of such City relating to the adoption of an ordinance entitled "Ordinance No. _____. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the January, 2023 Addition to the Norwalk Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa".

WITNESS MY HAND this ____ day of _____, 2023.

Lindsey Offenburger, City Clerk