

RESOLUTION NO. 19-47

RESOLUTION DETERMINING AN AREA OF THE CITY TO BE AN ECONOMIC DEVELOPMENT AND BLIGHTED AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE RESIDENTS OF THE CITY; DESIGNATING SUCH AREA AS APPROPRIATE FOR URBAN RENEWAL PROJECTS; AND ADOPTING THE EARLHAM 2019 URBAN RENEWAL PLAN

WHEREAS, this Council has reasonable cause to believe that the area described below satisfies the eligibility criteria for designation as an urban renewal area under Iowa law; and

WHEREAS, a proposed 2019 Urban Renewal Plan ("Plan" or "Urban Renewal Plan") for the Earlham 2019 Urban Renewal Area ("Area" or "Urban Renewal Area") described below has been prepared, which proposed Plan has been on file in the office of the City Clerk and which is incorporated herein by reference; and

WHEREAS, this proposed Urban Renewal Area includes and consists of:

Beginning at the northwest corner of Section 7, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa; thence south, 810 feet to a point in the center of County Road P-57; thence east, 2640 feet more or less to a point on the east line of the Northwest $\frac{1}{4}$ of said Section 7; thence north along said east line, 810 feet to the north $\frac{1}{4}$ corner of said Section 7, said point also being the south $\frac{1}{4}$ corner of Section 6, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa, thence north along the west line of lot 17 of Allen's Subdivision, an Official plat included in and forming a part of the city of Earlham, to the south right-of-way line of the Iowa Interstate Rail Road as presently established; thence along said south right-of-way line for a distance of 378.5 feet more or less; thence northeast to the southwest corner of Outlot "D" of Westphal Subdivision, an Official Plat, included in and forming a part of the city of Earlham; thence along the south line of said Outlot "D", also being the south line of the northeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of section 6; thence east along said south line to a point on the east line of said Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, thence north along said east line to the northeast corner of said Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, thence west along the north line of said Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, to the southeast corner of the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of said Section 6; thence north along the east line of said West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$, 400.00 feet; thence west along a line being 400 feet north of and parallel with the south line of said West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$, 1260 feet more or less to a point on the east line of the Northwest $\frac{1}{4}$ of said Section 6; thence north 29 feet; thence west along a line being 429 feet north of and parallel with the south line of said Northwest $\frac{1}{4}$ of Section 6, 597.5 feet; thence north 33 feet; thence west

54 feet more or less to a point being 1777.61 feet east, and 461.78 feet north of the West $\frac{1}{4}$ corner of said Section 6; thence north 726.76 feet; thence west 599.41 feet to a point on the east line of the west fractional $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of said Section 6, thence south along said east line to a point of intersection of said east line and the extension of the south line of Outlot "X" of Williamson Addition Plat 2, an Official Plat, included in and forming a part of the city of Earlham; thence along said south line of Outlot "X", to the northwest corner of NW Spruce Avenue right-of-way as presently established, and the south line of said Outlot "X"; thence south 35.89 feet along said line; thence west 669.67 feet along said line; thence south 30.31 feet along said line; thence west 160.02 feet along said line, to the west line of said section 6; thence north along said west line, 207.5 more or less to the north line of the south 858 feet of the south 46.17 acres of the north 66.17 acres of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 1-77-29; thence west along the north line of said south 858 feet, and the north line of Parcels "A" and "B" of said section 1, 1038.06 feet to the Northwest corner of said parcel "B"; thence south along the west line of said parcel "B", 709.20 feet; thence west along the north line of said parcel "B", 286.27 feet to the west line of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of said Section 1; thence south along said west line, 90.00 feet; thence east, 133 feet, thence south 75 feet, thence west 133 feet to a point on the west line of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of said Section 1, thence south along said west line of said East $\frac{1}{2}$, 363 feet to the southwest corner of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 1; thence east along the south line of said Section 1 to the point of beginning.

AND

Commencing at the Center corner of Section 6, Township 77 North, Range 28 West of the 5th P.M.; Thence east, along the south line of the Northeast Quarter (NE1/4) of said Section 6, 1320.3 feet, more or less to the east line of the East 50 feet of the South 700 feet of the West half (W.1/2) of the NE1/4, and the Point of Beginning; Thence north, along said east line, 700 feet, more or less to the Southwest corner of Parcel "B", as recorded in Book 2001, Page 4834 of the Madison County Recorder's office; Thence along the south line of said Parcel "B", 360 feet; Thence north, along the east line of said Parcel "B", 529.14 feet; Thence southwest, along the north line of said Parcel "B", 98.81 feet; Thence continuing northwest, along said north line, 198.70 feet; Thence continuing northwest, along said north line, 77.85 feet; Thence continuing northwest, along said north line, 39.06 feet, to the east line of the East 1000 feet of the North 850 feet of the South 1550 feet of the West half (W.1/2) of the NE1/4 of said Section 6; Thence north, along said east line to the Northeast corner of said East 1000 feet of the North 850 feet of the South 1550 feet of the West half (W.1/2) of the NE1/4 of said Section 6; Thence west, along said North line, 1000 feet, to the Northwest corner of said tract; thence south, along the west line, 850 feet, to the Southwest corner of said tract; Thence east, along the south line of said tract, 950 feet, to the west line of the East 50 feet of the South 700 feet of the West half (W.1/2) of the NE1/4, of said Section 6; Thence south, along said west line, 700 feet, more or less to the south line of the NE1/4 of said Section 6; Thence west, along said south line 50 feet, to the point of beginning.

WHEREAS, it is desirable that the Urban Renewal Area be redeveloped as described in the proposed Urban Renewal Plan to be known hereafter as the "Earlham 2019 Urban Renewal Plan"; and

WHEREAS, the Iowa statutes require the City Council to submit the proposed Urban Renewal Plan to the Planning and Zoning Commission for review and recommendation as to its conformity with the general plan for development of the City as a whole, prior to City Council approval thereof; and

WHEREAS, creation of the Urban Renewal Area and adoption of the Urban Renewal Plan therefore has been approved by the Planning and Zoning Commission for the City as being in conformity with the general plan for development of the City as a whole, as evidenced by its written report and recommendation filed herewith, which report and recommendation is hereby accepted, approved in all respects and incorporated herein by this reference; and

WHEREAS, by resolution adopted on November 4, 2019, this Council directed that a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed Urban Renewal Plan and the division of revenue described therein, and that notice of the consultation and a copy of the proposed Urban Renewal Plan be sent to all affected taxing entities; and

WHEREAS, pursuant to such notice, the consultation was duly held as ordered by the City Council and all required responses to the recommendations made by the affected taxing entities, if any, have been timely made as set forth in the report of the City Clerk, or her delegate, filed herewith and incorporated herein by this reference, which report is in all respects approved; and

WHEREAS, by resolution this Council also set a public hearing on the adoption of the proposed Urban Renewal Plan for this meeting of the Council, and due and proper notice of the public hearing was given, as provided by law, by timely publication in the Earlham Echo, which notice set forth the time and place for this hearing and the nature and purpose thereof; and

WHEREAS, in accordance with the notice, all persons or organizations desiring to be heard on the proposed Urban Renewal Plan, both for and against, have been given an opportunity to be heard with respect thereto and due consideration has been given to all comments and views expressed to this Council in connection therewith and the public hearing has been closed.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF EARLHAM, STATE OF IOWA:

Section 1. That the findings and conclusions set forth or contained in the proposed "Earlham 2019 Urban Renewal Plan" for the area of the City of Earlham, State of Iowa, legally described and depicted in the Plan and incorporated herein by reference (which area shall hereinafter be known as the "Earlham 2019 Urban Renewal Area"), be and the same are hereby adopted and approved as the findings of this Council for this area.

Section 2. This Council further finds:

a) Although relocation is not expected, a feasible method exists for the relocation of any families who will be displaced from the Urban Renewal Area into decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;

b) The Urban Renewal Plan conforms to the general plan for the development of the City as a whole; and

c) Acquisition by the City is not immediately expected, however, as to any areas of open land to be acquired by the City included within the Urban Renewal Area:

i. Residential use is not expected, however, with reference to any portions thereof which are to be developed for residential uses, this City Council hereby determines that a shortage of housing of sound standards and design with decency, safety and sanitation exists within the City; that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; and that one or more of the following conditions exist:

a. That the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas, including other portions of the urban renewal area.

b. That conditions of blight in the municipality and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime, so as to constitute a menace to the public health, safety, morals, or welfare.

c. That the provision of public improvements related to housing and residential development will encourage housing and residential development which is necessary to encourage the retention or relocation of industrial and commercial enterprises in this state and its municipalities.

d. The acquisition of the area is necessary to provide for the construction of housing for low and moderate income families.

ii. Non-residential use is expected and with reference to those portions thereof which are to be developed for non-residential uses, such non-residential uses are necessary and appropriate to facilitate the proper growth and development of the City in accordance with sound planning standards and local community objectives.

Section 3. That the Urban Renewal Area is an economic development and blighted area within the meaning of Chapter 403, Code of Iowa; that such area is eligible for designation as an urban renewal area and otherwise meets all requisites under the provisions of Chapter 403, Code of Iowa; and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of this City.

Section 4. That the Urban Renewal Plan, attached hereto as Exhibit 1 and incorporated herein by reference, be and the same is hereby approved and adopted as the "Earlham 2019 Urban Renewal Plan for the Earlham 2019 Urban Renewal Area"; the Urban Renewal Plan for such area is hereby in all respects approved; and the City Clerk is hereby directed to file a certified copy of the Urban Renewal Plan with the proceedings of this meeting.

Section 5. That, notwithstanding any resolution, ordinance, plan, amendment or any other document, the original Urban Renewal Plan shall be in full force and effect from the date of this Resolution until the Council amends or repeals the Plan. Said Urban Renewal Plan shall be forthwith certified by the City Clerk, along with a copy of this Resolution, to the Recorder for Madison County, Iowa, to be filed and recorded in the manner provided by law.

PASSED AND APPROVED this 25th day of November, 2019.

Mayor

ATTEST:

City Clerk

Label the Plan as Exhibit 1 (with all exhibits) and attach it to this Resolution.

ATTACH THE PLAN LABELED AS
EXHIBIT 1 HERE

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF MADISON)

I, the undersigned City Clerk of the City of Earlham, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the City showing proceedings of the Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Council hereto affixed this _____ day of _____, 2019.

City Clerk, City of Earlham, State of Iowa

(SEAL)