

RESOLUTION NO. 23-29

RESOLUTION DETERMINING THE NECESSITY AND
FIXING A DATE FOR A PUBLIC HEARING ON THE MATTER
OF THE ADOPTION OF A PROPOSED AMENDMENT NO. 2
TO THE EARLHAM URBAN REVITALIZATION PLAN

WHEREAS, pursuant to the provisions of Iowa Code Chapter 404, by action of the City Council on August 13, 2018, the City of Earlham, Iowa (the "City") adopted the Earlham Urban Revitalization Plan (the "Revitalization Plan" or "Plan") for the Earlham Urban Revitalization Area (the "Revitalization Area" or "Area"); and

WHEREAS, the City has previously approved and adopted an Amendment No. 1 to the Plan to add a designation classification for the Revitalization Area, update the Plan's objectives to include commercial and industrial development, and modify the exemption schedules available under the Plan; and

WHEREAS, by the foregoing action, the Council has determined that the Revitalization Area within the City can be revitalized as authorized by Iowa Code Chapter 404, (the "Act"); and

WHEREAS, a proposed Amendment No. 2 to the Plan ("Amendment") has been prepared, the purpose of which is to extend the duration of eligibility under the Plan and amend the Plan to reflect anticipated changes to Iowa Code Chapter 404, scheduled to take effect on July 1, 2024; and

WHEREAS, before such Amendment can be adopted, it is necessary that a public hearing be held thereon and that due notice be given in accordance with the requirements of Iowa Code Chapter 404.

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

Section 1. It is determined that the rehabilitation, conservation, redevelopment, economic development or a combination thereof of the Area is necessary in the interest of the public health, safety, or welfare of the residents of the City, and the Area substantially meets the criteria of Iowa Code Section 404.1 and the proposed Amendment, attached to this Resolution as Exhibit 1, is declared to substantially meet the criteria of Iowa Code Section 404.2.

Section 2. It is determined that it is in the best interests of the citizens of the City to hold a public hearing on the matter of the adoption of the Amendment at a regularly scheduled meeting of the City Council, on November 13, 2023, at 7:00 P.M., in the Council Chambers, City Hall, 140 South Chestnut Avenue, Earlham, Iowa.

Section 3. That the City Clerk. be and is hereby directed to publish a notice of a public hearing on the Amendment, at least once not less than seven days prior to the date of said public hearing, as provided in Iowa Code Section 404.2(6); November 13, 2023 should be the next regularly scheduled City Council meeting after the publication of notice.

Section 4. Be it further resolved that copies of the Amendment be made available to the public through the office of the City Clerk.

Section 5. The notice of the proposed hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF
THE CITY OF EARLHAM, IOWA, ON THE MATTER OF THE
ADOPTION OF A PROPOSED AMENDMENT NO. 2 TO THE
EARLHAM URBAN REVITALIZATION PLAN

Public notice is hereby given that the City Council of the City of Earlham, Iowa, will hold a public hearing on November 13, 2023, at 7:00 P.M., in the Council Chambers, City Hall, 140 South Chestnut Avenue, Earlham, Iowa, at which meeting the Council proposes to take action on the adoption of an Amendment No. 2 ("Amendment") to the Earlham Urban Revitalization Plan ("Plan") for the Earlham Urban Revitalization Area ("Area") described therein, under the authority of Iowa Code Chapter 404, as amended.

The purpose of the Amendment is to extend the duration of eligibility under the Plan. Additionally, the City is amending the Plan to reflect anticipated changes to Iowa Code Chapter 404, scheduled to take effect on July 1, 2024.

Any persons interested may appear at said meeting of the Council and present evidence for or against the adoption of the Amendment. The proposed Amendment, including a map of the proposed Area, is on file in the office of the City Clerk and available for public inspection or copying during ordinary business hours.

This notice is given by order of the City Council of the City of Earlham, Iowa, pursuant to Section 404.2(6), Code of Iowa, 2023, as amended.

Dated this _____ day of _____, 2023.

City Clerk, City of Earlham, State of Iowa

(End of Notice)

PASSED AND APPROVED this 9th day of October, 2023.

Mayor

ATTEST:

City Clerk

ATTACH AMENDMENT NO. 2
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 _____, 2023.

City Clerk, City of Earlham, State of Iowa

(SEAL)