DELAWARE COUNTY IOWA
FILED
2000 NO -6 AM 10:24
BOOK 2000 PAGE 3401
DEBORAH L. PEYTON
DELAWARE CO RECORDER
N/C

PREPARED BY: SHARON MC CRABB 301 EAST MAIN ST. MANCHESTER, IA 52057 (319) 927-4701

CERTIFICATION

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

This is to certify that the following instruments are true copies of the originals brought before the Delaware County Board of Supervisors:

1: "Chapter 28E Agreement Between the County of Clayton, Iowa and The County of Delaware, Iowa regarding Establishment of an Enterprise Zone" recorded in the Official Minute Book W, Page 356, of The Delaware County Board of Supervisors.

2. "Resolution Approving the Application by Clayton County, Iowa to the Iowa Department of Economic Development Requesting Certification of an Enterprise Zones in Delaware County and Providing for the Exemption from Taxation of the Improvements made by Businesses Within the Zone" recorded in the Official Minute Book W, Page 369, of the Delaware County Board of Supervisors.

Dated this 6th day of November, 2000.

Sharon Mc Crabb
Sharon McCrabb, County Auditor for Delaware County.

Subscribed and sworn to before me by Sharon McCrabb, County Auditor for Delaware County, this 6th day of November, 2000.

Carolyn A. Wilson
Carolyn A. Wilson, Notary Public in and for the State of Iowa.

My Commission expires 12-17-01.

Delaware County, Iowa

Resolution No. _____

RESOLUTION APPROVING THE APPLICATION BY CLAYTON COUNTY, IOWA TO THE IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT REQUESTING CERTIFICATION OF AN ENTERPRISE ZONES IN DELAWARE COUNTY AND PROVIDING FOR THE EXEMPTION FROM TAXATION OF THE IMPROVEMENTS MADE BY BUSINESSES WITHIN THE ZONE.

WHEREAS, Delaware County, (hereinafter referred to as the "County") State of Iowa is a political subdivision organization and existing under the law and the Constitution of the State of Iowa (the "State"); and

WHEREAS, the purpose of 1999 Iowa Code Sections 15E.191 through 15E.196 as amended by 1999 Iowa Acts, House File 733 (the "Act") is to encourage mutual development objectives between communities/counties and private business and to promote economic investment in Enterprise Zones within the State of Iowa; and

WHEREAS, the Act and administrative rules adopted by the Iowa Department of Economic Development requires a county to approve by resolution, the establishment of an enterprise zone and the submission of a request for certification to the Iowa Department of Economic Board; and

WHEREAS, Delaware County, while not eligible to establish an Enterprise Zone, does contain within its boundaries a portion of the City of Edgewood, Iowa whose municipal boundaries extend into Clayton County, Iowa, a county adjacent to Delaware County; and .

WHEREAS, the County, as provided in 1999 Iowa Code Section 15E.192 may establish an Enterprise Zone in that portion of Delaware County located within the boundaries of the city of Edgewood, Iowa.

WHEREAS, contingent upon the execution of an agreement Delaware County and Clayton county as detailed in Iowa Code Chapter 28E, "Joint Exercise of Governmental Powers"; and

WHEREAS, under the Act, one of the benefits provided to an eligible business locating within a certified enterprise zone is a County exemption from taxation of all, or a portion of the actual value added by improvements to the real property that is: 1) directly related to new jobs created by the location or expansion of an eligible business in the zone and 2) used in the operation of eligible business within the zone; and

WHEREAS, it is the intention of the County to exempt from local taxation a portion of the assessed real estate value added by improvements to the property, beginning the first year the improvements are assessed for taxation in the enterprise zone.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DELAWARE COUNTY AS FOLLOWS:

Section 1. The County certifies that while it is not an eligible participant under the Act, that portion of Delaware County located within the boundaries of the City of Edgewood, Iowa is an eligible participant under the Act as Clayton County meets the following distress criteria required as follows:

The 1990 Family Poverty Rate (expressed as a percentage) in Clayton County Iowa is 11.3%. This percentage of Family Poverty Rate places Clayton County among the top 25 counties in the State of Iowa according to the U.S. Bureau of the Census.

The 1990 - 1995 Population Loss (expressed as a percentage) in Clayton County Iowa is –2.1%. This percentage of 1990 - 1995 Population Loss places Clayton County among the top 25 counties in the State of Iowa according to the U.S. Bureau of the Census.

Section 2. The County hereby requests that Clayton County seek enterprise zone certification from the Iowa Department of Economic Development Board as authorized in 1999 Iowa Code Section 15E.192 and Section 15E.194 contingent upon execution of a 28 E Agreement between Delaware and Clayton Counties, for the following designated sites(s) of **31.13** acres/ **.0487** square miles. Clayton County certifies this zone is less than one percent of the total county area 794.62 square miles/ 508,557.3 acres (see attachments for legal descriptions and detailed map) for the purpose of receiving the benefits under the Act.

Edgewood Development Areas
See Attachments A

Section 3. The County, contingent upon execution of a 28E Agreement between Delaware and Clayton Counties and certification of the Enterprise Zone by the Iowa Department of Economic Development will exempt from taxation a portion of the assessed real estate value, beginning the year the improvement to the real estate are first assessed,

1st year – 75%
2nd year – 60%
3rd year – 45%
4th year – 30 %
5th year – 15%

Section 4. The County shall provide a copy of this resolution to the Iowa Department of Economic Development and shall file this resolution with the Delaware County Assessor.

Section 5. The provisions of this resolution shall be governed by the laws of the State of Iowa.

Section 6. All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. The following officers of the County are hereby authorized to take such further actions as are deemed necessary in order to carry in effect the provisions of this resolution: Shirley E. Helmrichs, Chairperson, G. Eldon Koeneke, Bill Skinner.

Section 8. The provisions of this resolution are hereby declared to be severable and if any section, phrase, or provision shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions thereof.

Section 9. This resolution shall become effective immediately upon its passage and approval.

Passed and approved this 23 day of October 2000.

Delaware County Board of Supervisors

Shirley E. Helmrichs, Chairperson

G. Eldon Koeneke, Member

Bill Skinner, Member

ATTEST:

County Auditor

CHAPTER 28E AGREEMENT BETWEEN THE COUNTY OF CLAYTON, IOWA AND THE COUNTY OF DELAWARE, IOWA REGARDING ESTABLISHMENT OF AN ENTERPRISE ZONE

This agreement is entered into by and between Clayton County, Iowa, a political subdivision, hereinafter referred to as Clayton County, and by and between Delaware County, Iowa, a political subdivision, hereinafter referred to as Delaware County, pursuant to Chapter 28E of the Code of Iowa for the purpose of being able to establish an Enterprise Zone (EZ) in that portion of Edgewood, Iowa, which is located in Delaware County, Iowa.

NOW THEREFORE, IT IS AGREED AS FOLLOWS:

1. **PURPOSE.** The purpose of this agreement is to authorize Clayton County, as an eligible County under Iowa Code Section 15.192, to establish an Enterprise Zone (EZ), in that portion of Edgewood, Iowa, that is located in Delaware County, Iowa.

2. **RESPONSIBILITIES.** Clayton County, by the Clayton County Board of Supervisors, shall pass a resolution to establish an Enterprise Zone in that portion of Delaware County located within the City of Edgewood, Iowa. Delaware County, by the Delaware County Board of Supervisors, shall pass a resolution approving the application by Clayton County to the Iowa Department of Economic Development requesting certification of an Enterprise Zone in Delaware County and providing for the exemption from taxation of the improvements made by businesses within the zone. Clayton County will have the responsibility to submit the application to the Department of Economic Development for Enterprise Zone certification.

   The Enterprise Zone Commission of Clayton County, following its established Enterprise Zone commission policies and procedures, will accept, review and approve, deny or defer applications from eligible businesses seeking benefits in the Enterprise Zone to be located in that portion of Edgewood, Iowa, located in Delaware County. Any resulting agreements reached with businesses will also be approved by Delaware County, not Clayton County.

3. **DURATION.** This agreement shall commence on August 9, 2000 and shall continue until August 8, 2001. This agreement shall be automatically renewed for one year periods, until affirmative action to rescind its provisions is taken by either party not later than thirty (30) days prior to the expiration.

4. **EFFECT.** No separate legal entity is created by this agreement and the Clayton County Board of Supervisors and the Delaware County Board of Supervisors will continue to administer the separate duties of their counties, respectfully.

5. **MODIFICATION.** The parties agree that this agreement may be modified as needed upon approval of both Clayton County and Delaware County.

6. **FILING OF THIS AGREEMENT.** This agreement shall be filed with the Secretary of State and recorded in the offices of the Clayton County Recorder and Delaware County Recorder as required by Section 28E.8 of the Code of Iowa.

Signed this 5 day of September, 2000

DELAWARE COUNTY, IOWA

By: Shirley E. Helmrichs
Shirley E. Helmrichs, Chairperson
Delaware County Board of Supervisors

ATTEST:
Sharon McCrabb
Sharon McCrabb, Delaware County Auditor

Signed this 6 day of September, 2000

CLAYTON COUNTY, IOWA

By: Neil Meyer
, Chairperson
Clayton County Board of Supervisors

ATTEST:
Dennis Freitag
Dennis Freitag, Clayton County Auditor

STATE OF IOWA, COUNTY OF DELAWARE: ss

On this 5 day of September, 2000, before me, a Notary Public in and for said State of Iowa, personally appeared Shirley E. Helmrichs and Sharon McCrabb to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor, respectively, of County of Delaware, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its Board of Supervisors, as contained in Ordinance No. ____ passed (the Resolution adopted) by the Board of Supervisors under Roll Call No. _____ of the Board of Supervisors on the 5 day of September, 2000, and Shirley E. Helmrichs and Sharon McCrabb acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Kathy M. Hauschild
Kathy M. Hauschild, Notary Public

KATHY M. HAUSCHILD
MY COMMISSION EXPIRES
4-19-06

STATE OF IOWA, COUNTY OF CLAYTON: ss

On this 6 day of September, 2000, before me, a Notary Public in and for the State of Iowa, personally appeared Neil Meyer and Dennis Freitag to me personally known, and who, being by me duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor, respectively, of County of Clayton, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its Board of Supervisors, as contained in Ordinance No. _____ passed (the Resolution adopted) by the Board of Supervisors under Roll Call No. _____ of the Board of Supervisors on the 9 day of August, 2000, and Neil Meyer and Dennis Freitag acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Sandra Jean Cobb
_____, Notary Public