CITY OF DELHI
P.O. BOX 235
DELHI, IA. 52223

DELAWARE COUNTY IOWA
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DEBORAH L. HEYTON
DELAWARE CO RECORDER
$ 10.00

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CERTIFICATION TO COUNTY RECORDER

We hereby certify that attached hereto is a true and correct copy of the Amendment No. 1 to the Amended and Restated Urban Renewal Plan for the Delhi Economic Development District, and the Resolution adopting same for the Amended and Restated Urban Renewal Plan Area, of the City of Delhi, Iowa, the original of which is on file in the records of the undersigned City Clerk.

Dated this 10 day of December, 2003.

Ray Alderson
Mayor of the City of Delhi, Iowa

Cindy Kudina
Clerk of the City of Delhi, Iowa

(CITY SEAL)

CITY OF DELHI INCORPORATED 1852 DELHI IOWA

STATE OF IOWA)
) SS:
COUNTY OF DELAWARE)

ACKNOWLEDGMENT

On this 10 day of December, 2003, before me, Jean Kuehl, a Notary Public in and for the State of Iowa, personally appeared Roy Atkinson and Cindy Kudrna, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Delhi, Iowa; that the seal affixed to the foregoing instrument is the official seal of the City, and that the instrument was signed and sealed on behalf of the City, by authority of its City Council, as contained in Resolution No. 12-2003 passed by the City Council on the 9 day of December, 2003, and that Roy Atkinson and Cindy Kudrna acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the City, by it voluntarily executed.

JEAN A. KUEHL
Commission Number 177773
My Commission Expires
1/27/04

Jean A. Kuehl
Notary Public in and for said County and State

COUNTY RECORDER'S CERTIFICATE

I, _____, County Recorder of Delaware County, Iowa, hereby certify that on the _____ day of _____, 2003, there was filed in my office a true and correct copy of the Amendment No. 1 to the Amended and Restated Urban Renewal Plan for the Delhi Economic Development District of the City of Delhi, Iowa, approved by the City Council on the _____ day of _____, 2003, all duly certified upon the form attached above, for recording and the same is recorded in Book _____ at Page _____ of the records in my office.

_____
County Recorder of Delaware County, Iowa

(COUNTY SEAL)

DCORNELL\390798\1\18305004

AMENDMENT NO. 1

TO THE

AMENDED AND RESTATED URBAN RENEWAL PLAN

FOR THE

DELHI ECONOMIC DEVELOPMENT DISTRICT

November 11, 2003

Sent to Superintendent
+Supervisor 11-14-03

The Amended and Restated Urban Renewal Plan for the Delhi Economic Development District, dated January 17, 2001, is hereby amended in the following respects:

A. Section IV, entitled "Proposed Project Activities" is hereby deleted.

B. Section X, entitled "Project and City Indebtedness" is hereby amended to delete the existing provision and to insert the following:

> At this time, the extent of public improvements and other urban renewal activities to be undertaken within the Project Area is only generally known. A variety of unidentified private improvements, as well as public infrastructure improvements, may be constructed within the Project Area during the duration of this Amended and Restated Urban Renewal Plan. As such, the eventual level of City participation in both private and public improvements for the economic development of the Project Area cannot be fully determined at this time. However, to the extent that new tax increment revenues are generated and other appropriate funding sources are identified, the City may undertake a variety of project-related activities in the future including, but not limited to, the issuance of general obligation bonds or loan agreements, tax increment bonds, grants or forgivable loans.
>
> At the present time, it is anticipated that future City bond indebtedness for project-related activities within the Project Area will not exceed $500,000. Proceeds of such bonds may be used to fund the construction of public improvements in the Project Area and the making of economic development grants to private developers constructing improvements in the Project Area. Such bonds or other indebtedness, which would be repaid or reimbursed in whole or in part from tax increment revenues generated within the Project Area, are not expected to exceed ten (10) years of duration.
>
> As of June 30, 2003, the City's outstanding general obligation indebtedness was $120,000. Article XI, Section 3 of the Constitution of the State of Iowa limits the amount of City debt outstanding at any time to no more than five percent of the value, as shown by the last certified state and county tax list, of all taxable property within the City. Based upon the most current total actual value of all taxable property within the City ($12,307,813), the City currently is limited to $615,390 of general obligation indebtedness.

C. All other provisions of the Amended and Restated Urban Renewal Plan remain in full force and effect as provided therein.

Council Member Lechtenberg then introduced the following Resolution entitled "RESOLUTION DETERMINING AN AREA OF THE CITY TO BE AN ECONOMIC DEVELOPMENT 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 AN URBAN RENEWAL PROJECT; AND ADOPTING AMENDMENT NO. 1 TO THE AMENDED AND RESTATED URBAN RENEWAL PLAN FOR THE DELHI ECONOMIC DEVELOPMENT DISTRICT THEREFOR" and moved that the same be adopted. Council Member Preussner seconded the motion to adopt. The roll was called and the vote was,

AYES: Gibb, Preussner, Lechtenberg

NAYS: None

Whereupon, the Mayor declared the Resolution duly adopted as follows:

RESOLUTION NO. 12-2003

RESOLUTION DETERMINING AN AREA OF THE CITY TO BE AN ECONOMIC DEVELOPMENT 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 AN URBAN RENEWAL PROJECT; AND ADOPTING AMENDMENT NO. 1 TO THE AMENDED AND RESTATED URBAN RENEWAL PLAN FOR THE DELHI ECONOMIC DEVELOPMENT DISTRICT THEREFOR

WHEREAS, by Resolution No. 14-91 adopted on June 24, 1991, this Council found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the Delhi Urban Renewal Plan for the Delhi Economic Development District described therein; and

WHEREAS, by Resolution No. 5-95 adopted on May 9, 1995, this Council approved Amendment No. 1 to the foregoing Urban Renewal Plan; and

WHEREAS, by Resolution No. 17-2000 adopted on August 8, 2000, this Council approved an Amended and Restated Urban Renewal Plan (the "Amended and Restated Plan"), the purpose of which was to amend and restate the original Urban Renewal Plan and its amendment as a single comprehensive planning document to guide future development within the existing urban renewal Project Area; and

WHEREAS, the Urban Renewal Area covered by the Amended and Restated Plan includes and consists of all that certain parcel or parcels of land located in the City of Delhi, County of Delaware, State of Iowa, more particularly described as follows:

> The Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) and the West One-Half (W ½) of the Southwest Quarter (SW 1/4) of Section 16, Township 88 North, Range 4 West of the Fifth P.M.; and the East One-Half (E ½) of the Southwest Quarter (SW 1/4) and the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) and the South One-Half (S ½) of the Northeast Quarter (NE 1/4) and the Southeast Quarter (SE 1/4) of Section 17, Township 88 North, Range 4 West of the Fifth P.M.; and the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) and the North One-Half (N ½) of the Northeast Quarter (NE 1/4) of Section 20, Township 88 North, Range 4 West of the Fifth P.M.; and the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section 21, Township 88 North, Range 4 West of the Fifth P.M.;

All in City of Delhi, Delaware County, Iowa (the "Project Area"); and

WHEREAS, it is desirable that these areas be redeveloped as part of the overall redevelopment area covered by said Amended and Restated Urban Renewal Plan;

WHEREAS, there has been prepared a form of Amendment No. 1 to the Amended and Restated Plan (the "Amendment"), a copy of which has been placed on file for public inspection in the office of the City Clerk and which is incorporated herein by reference, the purpose of which is to delete one section and update another section of the Amended

and Restated Plan to reflect the City's current expectations with respect to the continued use of tax increment revenues derived from the Project Area; and

WHEREAS, the Iowa statutes require the City Council to submit the proposed Amendment No. 1 to the Amended and Restated 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, adoption of Amendment No. 1 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 11, 2003, this Council directed that a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed Amendment No. 1 to the Amended and Restated Urban Renewal Plan and the division of revenue described therein, and that notice of said consultation and a copy of the proposed Amendment No. 1 to the Amended and Restated 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 Mayor filed herewith and incorporated herein by this reference, which report is in all respects approved; and

WHEREAS, by said resolution this Council also set a public hearing on the adoption of Amendment No. 1 to the Amended and Restated Urban Renewal Plan for this meeting of the Council, and due and proper notice of said public hearing was given, as provided by law, by timely publication in the Delaware County Leader, which notice set forth the time and place for this hearing and the nature and purpose thereof; and

WHEREAS, in accordance with said notice, all persons or organizations desiring to be heard on said proposed Amendment No. 1 to the Amended and Restated 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 said public hearing has been closed.

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

Section 1. That the findings and conclusions set forth or contained in the Amended and Restated Urban Renewal Plan and Amendment No. 1 thereto (which may be hereinafter referred to collectively as the "Amended and Restated Urban Renewal Plan") concerning the area of the City of Delhi, Iowa described in the preamble hereof, be and the same are hereby ratified and confirmed in all respects as the findings of this Council for this area.

Section 2. This Council further finds:

a. A feasible method exits for the location of families who will be displaced from the Project Area into decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;

b. The Amended and Restated Urban Renewal Plan and Amendment No. 1 thereto conform to the general plan for the development of the City as a whole; and

c. As to those areas of open land included within the Project Area to be acquired by the City:

i. With reference to those 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. With reference to those portions thereof which are to be developed for non-residential uses, the City Council hereby determines that 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 Project Area is an economic development area within the meaning of Iowa Code Chapter 403; that such area is eligible for designation as an urban renewal area and otherwise meets all requisites under the provisions of Chapter 403 of the 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 Amendment No. 1 to the Amended and Restated Urban Renewal Plan be and the same is hereby approved and adopted, and the City Clerk is hereby directed to file a certified copy of said Amendment No. 1 with the proceedings of this meeting.

Section 5. That the Amended and Restated Urban Renewal Plan and Amendment No. 1 thereto for the Project Area shall be in full force and effect from the date of this Resolution until the later of the date of termination set forth in the Amended and Restated Urban Renewal Plan, or the date on which payment of all obligations issued or advances made to carry out the purposes thereof shall be fully provided for. Said Amendment No. 1 to the Amended and Restated Urban Renewal Plan shall be forthwith certified by the City Clerk, along with a copy of this Resolution, to the Recorder for Delaware County, Iowa, to be filed and recorded in the manner provided by law.

Section 6. That all other provisions of the Amended and Restated Urban Renewal Plan not affected or otherwise revised by the terms of Amendment No. 1 thereto, as well as Resolution Nos. 14-91, 5-95 and 17-2000 previously adopted by this City Council be and the same are hereby ratified, confirmed and approved in all respects.

PASSED AND APPROVED this 9 day of December, 2003.

Mayor

ATTEST:

City Clerk

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF DELAWARE)

I, the undersigned City Clerk of Delhi, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said 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 (a copy of the face sheet of said agenda being attached hereto) 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 said 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 said 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 said Municipality hereto affixed this 9 day of December, 2003.

Cindy Kuduna
City Clerk, Delhi, Iowa

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