



Document 2014 200

Book 2014 Page 200 Type 06 024 Pages 19

Date 1/27/2014 Time 1:15 PM

Rec Amt \$97.00

INDX ✓

ANNO

SCAN

CHEK

LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

---

**Type of Document:** RESOLUTION ADOPTING AMENDMENT NO. 1 TO THE EARLHAM URBAN RENEWAL PLAN (INCLUDING AMENDMENT NO. 1 LABELED AS EXHIBIT 1 AND ATTACHED TO THE RESOLUTION)

✓ **Return Document to:** Ms. Linette Crouch  
City Clerk/Treasurer  
City of Earlham  
140 S. Chestnut Ave.  
Earlham, IA 50072

**Preparer Information:** Kristin Billingsley Cooper  
Ahlers & Cooney, P.C.  
100 Court Ave., Ste. #600  
Des Moines, IA 50309  
(515) 243-7611

**Taxpayer Information:** N/A

GRANTORS: N/A

GRANTEES: N/A

LEGAL DESCRIPTION: See Resolution, page 1.

A copy of the Amendment is on file for public inspection in the office of the City Clerk, City Hall, City of Earlham, Iowa.

The City of Earlham, State of Iowa is the local public agency which, if such Amendment is approved, shall undertake the urban renewal activities described in such Amendment.

The general scope of the urban renewal activities under consideration in the Amendment is to promote the growth and retention of qualified industries and businesses in the Urban Renewal Area through various public purpose and special financing activities outlined in the Amendment. To accomplish the objectives of the Amendment, and to encourage the further economic development of the Urban Renewal Area, the Amendment provides that such special financing activities may include, but not be limited to, the making of loans or grants of public funds to private entities under Chapter 15A of the Code of Iowa. The City also may reimburse or directly undertake the installation, construction and reconstruction of substantial public improvements, including, but not limited to, street, water, sanitary sewer, storm sewer or other public improvements. The City also may acquire and make land available for development or redevelopment by private enterprise as authorized by law. The Amendment provides that the City may issue bonds or use available funds for purposes allowed by the Plan, as amended, and that an increment reimbursement of such costs may be sought in and to the extent incurred by the City. The Amendment ~~substantly~~ proposes specific public infrastructure or site improvements to be undertaken by the City, and provides that the Amendment may be amended from time to time.

The proposed Amendment No. 1 would expand the list of proposed projects to be undertaken within the Urban Renewal Area. The proposed Amendment adds no new land. Other provisions of the Plan not affected by the Amendment would remain in full force and effect.

Any person or organization desiring to be heard shall be afforded an opportunity to be heard at such hearing. This notice is given by order of the City Council of the City of Earlham, State of Iowa, as provided by Section 403.5 of the Code of Iowa.

Dated this 25th day of October, 2013.  
Linette Crouch, City Clerk,  
City of Earlham, State of Iowa.

43267

**NOTICE OF PUBLIC HEARING.  
TO CONSIDER APPROVAL OF A  
PROPOSED AMENDMENT NO. 1 TO  
THE EARLHAM URBAN RENEWAL  
PLAN FOR AN URBAN RENEWAL  
AREA IN THE CITY OF EARLHAM,  
STATE OF IOWA**

The City Council of the City of Earlham, State of Iowa, will hold a public hearing before itself at its meeting which commences at 7:00 o'clock p.m. on November 11, 2013, in the Council Chambers, City Hall, 140 S. Chestnut Ave., Earlham, Iowa, to consider adoption of a proposed Amendment No. 1 to the Earlham Urban Renewal Plan (the "Amendment"), concerning an Urban Renewal Area in the City of Earlham, State of Iowa, legally described as follows:

Beginning at the intersection of Chestnut Avenue and North 3rd Street, then West on North 3rd Street to the alley between Chestnut Avenue and Locust Avenue, then South along the alley to North 2nd Street, then West on North 2nd Street to Locust Avenue, then South on Locust Avenue to 1st Street, then West on 1st Street to Walnut Avenue, then South on Walnut Avenue to South 2nd Street, then East on South 2nd Street to Locust Avenue, then South on Locust Avenue to South 3rd Street, then East on South 3rd Street to Sycamore Avenue, then North on Sycamore Avenue to North 6th Street, then East on North 6th Street to the corporate limits, then North and West along the corporate limits to Chestnut Avenue, then South on Chestnut Avenue to the point of beginning.

The area includes the full right-of-way of all streets forming the boundary.

**PROOF OF PUBLICATION**

STATE OF IOWA }  
MADISON COUNTY } SS:

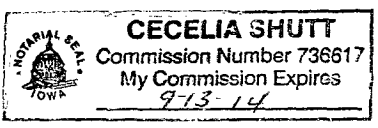
I, Trish Toma-Lark, being duly sworn, attest that a weekly newspaper printed in Earlham, in said County and State, and that the notice of which the attached is a printed copy was published in said newspaper for one week, publication being on the 30<sup>th</sup> day of October, 2013.

Cost: \$43.67

Trish Toma  
Trish Toma

STATE OF IOWA }  
MADISON COUNTY } SS:

Subscribed and sworn to before me by Trish Toma-Lark on this 13 day of November, 2013.



Cecelia Shutt  
Notary Public

CERTIFICATE

STATE OF IOWA

)

) SS

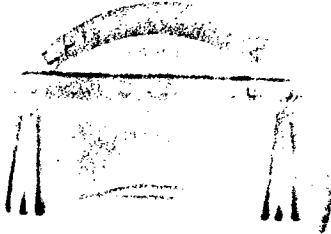
COUNTY OF MADISON

)

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 corporate records of the City showing proceedings of the City 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 (a copy of the face sheet of the 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 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 City hereto affixed this 11<sup>th</sup> day of November, 2013.

  
City Clerk, City of Earlham, State of Iowa

(SEAL)  
  
TOWN SEAL  
00976380-1\10430-046

**CITY OF EARLHAM**  
**Regular Council Meeting Agenda**

**Date: November 11, 2013    Location: Earlham City Hall, Council Chambers    Time: 7:00pm**

---

Call to Order

Roll Call

Approve Agenda

Public Forum – This is a time set aside for comments from the public on topics of City business other than those listed on this agenda. Please understand that the Council is not likely to take any action on your comments at this meeting due to requirements of the Open Meetings Law, but may do so at a future meeting. The Mayor and Council welcome comments from the public, however, the Mayor may limit each speaker to five minutes.

Consent Agenda:

1. Minutes of October 14, 2013 regular Council meeting
2. Minutes of November 5, 2013 special Council hearing
3. October 2013 Treasurer's report
4. November 2013 Claim (\$77,776.36) and Receipt (\$259,947.90) report
5. Set 7:00 PM, Monday, December 9, 2013 as Public Hearing for FY'14 Budget Amendment #1
6. West Side Bar & Grille class C liquor license renewal pending dram shop

Public Hearings: 1. regarding amendment no. 1 to the Earlham Urban Renewal Plan for an Urban Renewal Area in the City of Earlham, State of Iowa  
2. authorizing the City of Earlham to file an application for CDBG housing rehabilitation funds

Consideration of approval of Resolution 13-45, 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 urban renewal projects; and adopting amendment no. 1 to the Earlham urban renewal plan

Consideration of approval of Resolution 13-48, Authorizing the commitment of local financial support for the community development block grant housing sustainability program

Second reading of Ordinance 366, Amending code of ordinances by amending 69.06(17) pertaining to no parking on that portion of the city right-of-way lying between the lot line and the street surface. Possible waiving of 3<sup>rd</sup> reading and final passage

First reading of Ordinance 367, Amending code of ordinances provisions pertaining to customer deposits for water, sewer, and garbage service. Possible waiving of 2<sup>nd</sup> and 3<sup>rd</sup> readings and final passage

First reading of Ordinance 369, Amending code of ordinances provisions pertaining to no parking zones on First Street from Sycamore Ave to Locust Ave from 2:00 AM to 6:00 AM, and Chestnut Ave from NE/NW Second Street to SE/SW Second Street from 2:00 AM to 6:00 AM.

Public Works report, Gary Coffman, Public Works Supervisor

Consideration of approval of Resolution 13-46, Contract with Shive-Hattery for engineering services for Downtown Sidewalk Replacement

Police report, Police Chief Jason Heimdal

**New Business**

Consideration of approval of commitment for hanging flower pots in business district, Murray Ramsey, Earlham Development Corporation

Mayor's Report

Clerk's Report

Request from Don Applegate for a recognition plaque for John and Janet Wilcox

Setting dates for FY'15 budget meetings

Consideration of approval of Resolution 13-47, Certification of costs for TIF reimbursement

Council comments/discussion

Adjourn

November 11, 2013

The City Council of the City of Earlham, State of Iowa, met in regular session, in the Council Chambers, City Hall, 140 S. Chestnut Ave., Earlham, IA, at 7:00 o'clock P.M., on the above date. There were present Mayor Terry, in the chair, and the following named Council Members:

Golightly, Lillie, McNair,

Royster, Stancil

Absent: \_\_\_\_\_

\*\*\*\*\*

This being the time and place fixed for a public hearing on the matter of the adoption of the proposed Amendment No. 1 to the Earlham Urban Renewal Plan, the Mayor first asked for the report of the City Clerk/Treasurer with respect to the consultation held with the affected taxing entities to discuss the proposed Plan. The Council was informed that the consultation was duly held as ordered by the Council, and that no written recommendations were received from affected taxing entities. The report of the City Clerk/Treasurer with respect to the consultation was placed on file for consideration by the Council.

The Mayor then asked the City Clerk whether any written objections had been filed with respect to the proposed Amendment, and the City Clerk reported that no written objections thereto had been filed. The Mayor then called for any oral objections to the adoption of the Amendment No. 1 to the Earlham Urban Renewal Plan and none were made. The public hearing was then closed.

{Attach summary of objections here}

Council Member Royster 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 URBAN RENEWAL PROJECTS; AND ADOPTING AMENDMENT NO. 1 TO THE EARLHAM URBAN RENEWAL PLAN" and moved that the same be adopted. Council Member McNair seconded the motion to adopt. The roll was called and the vote was,

AYES: Royster, McNair, Lillie,  
Golightly, Stancil

NAYS: \_\_\_\_\_

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

RESOLUTION NO. 13-45

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 URBAN RENEWAL PROJECTS; AND ADOPTING AMENDMENT NO. 1 TO THE EARLHAM URBAN RENEWAL PLAN

WHEREAS, by Resolution No. 95-15, adopted July 10, 1995, 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 Earlham Urban Renewal Plan (the "Plan") for the Earlham Urban Renewal Plan Area (the "Earlham Urban Renewal Area") described therein, which Plan is on file in the office of the Recorder of Madison County; and

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

Beginning at the intersection of Chestnut Avenue and North 3<sup>rd</sup> Street, then West on North 3<sup>rd</sup> Street to the alley between Chestnut Avenue and Locust Avenue, then South along the alley to North 2<sup>nd</sup> Street, then West on North 2<sup>nd</sup> Street to Locust Avenue, then South on Locust Avenue to 1<sup>st</sup> Street, then West on 1<sup>st</sup> Street to Walnut Avenue, then South on Walnut Avenue to South 2<sup>nd</sup> Street, then East on South 2<sup>nd</sup> Street to Locust Avenue, then South on Locust Avenue to South 3<sup>rd</sup> Street, then East on South 3<sup>rd</sup> Street to Sycamore Avenue, then North on Sycamore Avenue to North 6<sup>th</sup> Street, then East on North 6<sup>th</sup> Street to the corporate limits, then North and West along the corporate limits to Chestnut Avenue, then South on Chestnut Avenue to the point of beginning.

The area includes the full right-of-way of all streets forming the boundary.

WHEREAS, a proposed Amendment No. 1 to the Earlham Urban Renewal Plan for the area described above has been prepared, which proposed Amendment is on file in the office of the City Clerk and which is incorporated herein by reference, the purpose of which is to expand the list of proposed projects to be undertaken within the Urban Renewal Area; and



WHEREAS, this proposed Amendment No. 1 to the Urban Renewal Area adds no new land; and

WHEREAS, it is desirable that these areas be redeveloped as part of the overall redevelopment area covered by the proposed Amendment No. 1 to the Earlham Urban Renewal Plan known as the "Earlham Urban Renewal Plan"; and

WHEREAS, by resolution adopted on October 14, 2013, 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 Earlham Urban Renewal Plan and the division of revenue described therein, and that notice of the consultation and a copy of the proposed Amendment No. 1 to the Earlham 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/Treasurer 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 Amendment No. 1 to the Earlham 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 Advocate, 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 Amendment No. 1 to the Earlham 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 Amendment No. 1 concerning the area of the City of Earlham, State of 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. Although relocation is not expected, a feasible method exists for the relocation of any families who will be displaced from the Earlham 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, as amended if applicable, 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 Earlham Urban Renewal Area:

1. 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.

2. 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.

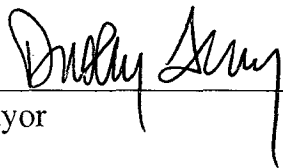
Section 3. That the Earlham Urban Renewal Area, as amended, continues to be an economic development area within the meaning of Iowa Code Chapter 403; that such area is eligible for designation as an urban renewal area and otherwise meets all requisites under the provisions of Chapter 403 of the Code 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 Earlham Urban Renewal Plan of the City of Earlham, State of Iowa, attached hereto as Exhibit 1 and incorporated herein by reference, be and the same is hereby approved and adopted as "Amendment No. 1 to the Earlham Urban Renewal Plan for the City of Earlham, State of Iowa"; Amendment No. 1 to the Earlham Urban Renewal Plan of the City of Earlham, State of Iowa, is hereby in all respects approved; and the City Clerk is hereby directed to file a certified copy of Amendment No. 1 with the proceedings of this meeting.

Section 5. That, notwithstanding any resolution, ordinance, plan, amendment or any other document, the original Earlham Urban Renewal Plan, and the Plan as amended, shall be in full force and effect from the date of this Resolution until the Council amends or repeals the Amendment. The proposed Amendment No. 1 to the Earlham 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.

Section 6. That all other provisions of the Plan not affected or otherwise revised by the terms of Amendment No. 1, as well as all resolutions previously adopted by this City Council related to the Plan be and the same are hereby ratified, confirmed and approved in all respects.

PASSED AND APPROVED this 11th day of November, 2013.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

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

**AMENDMENT NO. 1**  
**TO**  
**EARLHAM URBAN RENEWAL PLAN**

**CITY OF EARLHAM, IOWA**

**Original Area Adopted – July, 1995**  
**Amendment No. 1 – November, 2013**

**AMENDMENT NO. 1**  
to  
**EARLHAM URBAN RENEWAL PLAN**  
**CITY OF EARLHAM, IOWA**

The Earlham Urban Renewal Plan ("Plan" or "Urban Renewal Plan") for the Earlham Urban Renewal Area ("Area" or "Urban Renewal Area"), original plan adopted in 1995, is being amended to add and/or confirm the list of proposed projects to be undertaken within the Urban Renewal Area by this Amendment No. 1 to the Plan ("Amendment" or "Amendment No. 1"). No land is being added to the Area by this Amendment.

Except as modified by this Amendment, the provisions of the Earlham Urban Renewal Plan are hereby ratified, confirmed, and approved and shall remain in full force and effect as provided herein. In case of any conflict or uncertainty, the terms of this Amendment shall control.

**AREA DESIGNATION**

This area continues to be an economic development district that is appropriate for the promotion of new commercial and industrial development.

**PROJECT OBJECTIVES**

Renewal activities are designed to provide opportunities, incentives, and sites for economic development purposes including new and expanded industrial and commercial development.

More specific objectives for development, redevelopment and rehabilitation within the Earlham Urban Renewal Area are as follows:

1. To stimulate through public action and commitment, private investment in new commercial and industrial development.
2. To provide facilities offering new social and recreational opportunities which will help improve the quality of life in the community, help recruit and retain employees, and contribute to the overall viability of the area.
3. To plan for and provide sufficient land for commercial and industrial development in a manner that is efficient from the standpoint of providing municipal services.
4. To provide for the installation of public works and facilities which contribute to the sound development of the entire City.
5. To provide a more marketable and attractive investment climate.
6. To achieve a diversified, well-balanced economy providing a desirable standard of living, creating job opportunities, and strengthening the tax base.
7. To encourage industrial growth and expansion through the use of various federal, state and local incentives.

## **TYPES OF RENEWAL ACTIVITIES**

To meet the objectives of this Urban Renewal Plan and to encourage the development of the Area, the City intends to utilize the powers conferred under Chapter 403 and Chapter 15A, Code of Iowa. Following is a list of activities that are in addition to the activities already identified in plans for the original Earlham Urban Renewal Area:

1. To undertake and carry out urban renewal projects through the execution of contracts and other instruments.
2. To arrange for or cause to be provided the construction or repair of public infrastructure including streets, water and sewer systems, public utilities or other facilities in connection with urban renewal projects.
3. To arrange for or cause to be provided the construction or repair of public improvements which impact the quality of life, including recreational related facilities.
4. To use tax increment revenues to help leverage grants, loans, or other assistance from the state and federal governments.
5. To provide for the construction of specific site improvements such as grading and site preparation activities, access roads and parking, fencing, utility connections, and related activities.
6. To acquire property through a variety of means (purchase, lease, option, etc.) and to hold, clear, or prepare the property for redevelopment.
7. To dispose of property so acquired.
8. To make loans or grants to private persons or businesses for economic development purposes on such terms as may be determined by the City Council.
9. To borrow money and to provide security therefor.
10. To make or have made surveys and plans necessary for the implementation of the Urban Renewal Program or specific urban renewal projects.
11. To use tax increment financing to achieve a more marketable and competitive land offering price and to provide for necessary physical improvements and infrastructure.
12. To use any or all other powers granted by the Urban Renewal Act to develop and provide for improved economic conditions for the City of Earlham and State of Iowa.
13. To prepare plans related to the development and implementation of the urban renewal area and specific urban renewal projects.
14. To provide for relocation of persons, business and industries displaced by a project, if necessary.
15. Making available, as appropriate, all possible forms of financing for development projects, including conventional municipal borrowing and tax increment financing resulting from increased property values in the Urban Renewal Area.

## **PREVIOUSLY APPROVED URBAN RENEWAL PROJECTS**

Numerous Urban Renewal Projects were authorized prior to July 1, 2012 and are continuing (but are not listed or re-stated in this Amendment). Such projects may include the

refunding of bonds, notes, or other obligations sold to finance such urban renewal projects.

**PROPOSED URBAN RENEWAL PROJECTS (Amendment No. 1)**

Although certain project activities may occur over a period of years, in addition to the projects previously proposed in the Earham Urban Renewal Plan, the Proposed Urban Renewal Projects under this Amendment No. 1 include:

<b>1. Public Improvements:</b>			
<b>Project</b>	<b>Estimated Date</b>	<b>Not to exceed</b>	<b>Rationale</b>
Replacement of sidewalks, curb and gutter in the downtown district.	2013-2015	\$500,000	Improvements to infrastructure in the local business district promote economic development.
Street repair/improvements; water, storm sewer and sewer main extensions along Sycamore Ave from SE 3rd Street to NE 6th Street and along NE 6th Street from Chestnut Ave to beyond Oak Ave.	2014-2019	\$1,000,000	This is one of four major routes into town, and is a route which leads to local businesses. Improvements to infrastructure along streets leading into and along the local business district, as well as past frequented community locations such as the local school promote economic development.
<b>2. Additional Development Agreements:</b> The City, at the discretion of the City Council, expects to consider requests for Development Agreements for projects that are consistent with this Plan. Such Agreements are unknown at this time, but based on past history the City has typically provided economic development projects with tax increment rebates. However, the City may consider a broad range of incentives as authorized by this Plan, including but not limited to loans, grants, tax rebates and other incentives, including but not limited to public infrastructure.			Not to Exceed \$500,000
<b>3. Planning , Engineering Fees (relating to urban renewal plans) and Attorney Fees to Support Urban Renewal Projects.</b>			Not to Exceed \$60,000



**DEBT**

1.	July 1, 2012 constitutional debt limit:	\$3,427,991
2.	Current outstanding general obligation debt:	\$2,198,594
3.	Proposed amount of loans, advances, indebtedness or bonds to be incurred. A specific amount of debt to be incurred for the Proposed Urban Renewal Projects has not yet been determined. The Projects authorized in this Amendment are only proposed projects at this time. The City Council will consider each Project proposal on a case-by-case basis to determine if it is consistent with the Plan and in the public's best interest to participate in the Project. These Projects, if approved, will commence and be concluded over a number of years. In no event will debt be incurred that would exceed the City's debt capacity. It is further expected that such indebtedness, including interest on the same, may be financed in whole or in part with tax increment revenues from the Urban Renewal Area. Subject to the foregoing, it is estimated that the cost of the Proposed Urban Renewal Projects as described above will be approximately as follows:	\$2,060,000 (for Proposed Amendment No. 1)

**PROPERTY ACQUISITION/DISPOSITION**

The City will follow any applicable requirements for the acquisition and disposition of property.

**LAND USE PLAN AND ZONING**

This Urban Renewal Plan, as amended, is consistent with the City's general plan for the physical development of the City, as a whole, which is the Earlham Zoning Ordinance and Community Builder Plan. The projects described in this Amendment are also consistent with the objectives of such plan.

## **URBAN RENEWAL PLAN AMENDMENTS**

The Plan may be amended from time to time for a variety of reasons, including but not limited to, adding or deleting land, adding urban renewal projects, or to modify goals or types of renewal activities. The City Council may amend this Plan in accordance with applicable state law.

### **EFFECTIVE DATE**

This Urban Renewal Plan Amendment No. 1 will become effective upon its adoption by the City Council. Notwithstanding anything to the contrary in the Urban Renewal Plan, any prior amendment, resolution, or document, the Urban Renewal Plan shall remain in effect until terminated by the City Council, and the use of incremental property tax revenues, or the "division of revenue," as those words are used in Chapter 403 of the Code of Iowa, will be consistent with Chapter 403 of the Iowa Code and the division of revenues shall continue on the Area, including all Amendment Areas, for the maximum period allowed by law.

Amendment No. 1 adds and/or confirms a list of proposed projects to be undertaken within the Urban Renewal Area and does not impact any expiration or sunset dates of the City's ability to collect incremental taxes.

### **REPEALER**

Any parts of the previous Plan in conflict with this Amendment are hereby repealed.

### **SEVERABILITY CLAUSE**

If any part of the Amendment is determined to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the previously adopted Plan as a whole or the previous amendments to the Plan, or any part of the Plan not determined to be invalid or unconstitutional.

00971656-1\10430-046

COUNTY RECORDER'S CERTIFICATE

I, Lisa Smith, County Recorder of Madison County, State of Iowa, hereby certify on the 27<sup>th</sup> day of January 2014, 2013, there was filed in my office a copy of the Amendment No. 1 to the Earlham Urban Renewal Plan and the Resolution adopting same for the Earlham Urban Renewal Area, of the City of Earlham, State of Iowa, all duly certified, for recording and the same is recorded in Book 2014 at Page 200 of the records in my office.

Dated this 27<sup>th</sup> day of January 2014, 2013.

Lisa Smith  
County Recorder of Madison County,  
State of Iowa

