

RECORDING FEE \$ <u>None</u>	FILED FOR RECORD THE <u>19</u> DAY OF <u>Dec.</u> 20 <u>12</u> AT <u>8:35</u> O'CLOCK <u>a</u> .M. INSTRUMENT NO. <u>2012-4131</u>	STATE OF IOWA, BUTLER COUNTY: <u>Janni Jacobs</u> RECORDER BY DEPUTY
RECORDING FEE \$ <u>—</u>	FILED FOR RECORD THE <u>24</u> DAY OF <u>Aug.</u> 20 <u>12</u> AT <u>1:00</u> O'CLOCK <u>p</u> .M. INSTRUMENT NO. <u>2012-2727</u>	STATE OF IOWA, BUTLER COUNTY: <u>Janni Jacobs</u> RECORDER BY DEPUTY

BUTLER COUNTY ORDINANCE TITLE VI, No. 10-B
BUTLER COUNTY, IOWA

Adopted July 31, 2012

Preparer Information: Butler County Auditor, 319-267-2670
Return Document to: Butler County Auditor, PO Box 325, Allison, IA 50602

This ordinance amends Ordinance Title VI, No. 10.

This is being re-recorded to correct the No.

ORDINANCE NO. VI, No. 10-B

AN ORDINANCE AMENDING ORDINANCE TITLE VI, NO. 9, PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE AMENDED BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL AREA, IN BUTLER COUNTY, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, BUTLER COUNTY, WAVERLY-SHELL ROCK COMMUNITY SCHOOL DISTRICT, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE COUNTY IN CONNECTION WITH THE AMENDED BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL AREA

WHEREAS, the Board of Supervisors of Butler County, State of Iowa, has heretofore, in Ordinance Title VI, No. 9, adopted May 18, 2010, provided for the division of taxes within the Butler County Logistics Park Urban Renewal Area, pursuant to Section 403.19 of the Code of Iowa; and

WHEREAS, additional territory now has been added to the Butler County Logistics Park Urban Renewal Area by the adoption of Amendment No. 1 to the Butler County Logistics Park Urban Renewal Plan; and

WHEREAS, indebtedness has been incurred by the County, and additional indebtedness is anticipated to be incurred in the future, to finance urban renewal project activities within the amended Butler County Logistics Park Urban Renewal Area, and the continuing needs of redevelopment within the amended Butler County Logistics Park Urban Renewal Area are such as to require the continued application of the incremental tax resources of the amended Butler County Logistics Park Urban Renewal Area; and

WHEREAS, the following enactment is necessary to accomplish the objectives described in the premises.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF BUTLER COUNTY, STATE OF IOWA, THAT:

Ordinance Title VI, No. 9 is hereby amended to read as follows:

Section 1: For purposes of this Ordinance, the following terms shall have the following meanings:

(a) Original Area shall mean that portion of Butler County, State of Iowa, described in the Urban Renewal Plan for the Butler County Logistics Park Urban Renewal Area approved by Resolution No. 692 on the 27th day of April, 2010, which Original Area includes the lots and parcels located within the area legally described as follows:

1. The entire existing county road right-of-way of Butler County Road 220th Street (old Highway #3) lying between Butler County Road T55 (Terrace Avenue) on the West and Iowa Highway #3 on the East.
2. The entire existing county road right-of-way of Butler County Road Willow Avenue lying between 220th Street on the North and the North city limits of the City of Shell Rock, Iowa on the South.
3. The entire existing county road right-of-way of Butler County Road T55 (Terrace Avenue) lying between Iowa Highway #3 on the North and Butler County Road C45 (Butler Center Road) on the South.
4. The entire existing county road right-of-way of Butler County Road Union Avenue lying between Iowa Highway #3 on the North and 220th Street (old Highway #3) on the South.
5. The entire existing county road right-of-way of Butler County Road 212th Street lying between Union Avenue on the West and Vail Avenue on the East, except that portion vacated and described in document recorded as Instrument #2007-2171 with the Butler County Recorder.
6. The entire existing county road right-of-way of Butler County Road Vail Avenue lying between 220th Street on the South and 212th Street on the North.
7. The entire existing county road right-of-way of Butler County Road Utica Avenue lying between Iowa Highway #3 on the North and 212th Street on the South.
8. The entire Section 33, Township 92 North, Range 15 West of the 5th P.M. Butler County, Iowa and all existing county road right-of-way lying inside and adjacent to said Section 33.

(b) Amendment No. 1 Area shall mean that portion of Butler County, State of Iowa, described in Amendment No. 1 to the Urban Renewal Plan for the Butler County Logistics Park Urban Renewal Area approved by Resolution No. 759 on the 31st day of July, 2012, which Amendment No. 1 Area includes the lots and parcels located within the area legally described as follows:

1. The entire existing road right-of-way of Butler County Road C45/T55 (Butler Center Road) between Butler County Road T55 (Terrace Ave) on the West and Butler County Road T55 (Temple Ave) on the East.
2. The entire existing road right-of-way of Butler County Road T55 (Temple Ave) lying between Butler County Road C45 (Butler Center Road) on the North and Butler County Road C55 (290th Street) on the South.
3. The entire existing road right-of-way of Butler County Road C55 (280th Street) lying between Butler County Road T55 (Temple Ave) on the West and Butler County Road T63 (Willow Ave) on the East.
4. The entire Section 32, Township 91 North, Range 15 West of the 5th P.M. Butler County, Iowa and all existing county road right-of-way lying inside and adjacent to said Section 32.

(c) Amended Area shall mean that portion of Butler County, State of Iowa, included within the Original Area and the Amendment No. 1 Area, which Amended Area includes the lots and parcels located within the area legally described as follows:

Original Area

1. The entire existing county road right-of-way of Butler County Road 220th Street (old Highway #3) lying between Butler County Road T55 (Terrace Avenue) on the West and Iowa Highway #3 on the East.
2. The entire existing county road right-of-way of Butler County Road Willow Avenue lying between 220th Street on the North and the North city limits of the City of Shell Rock, Iowa on the South.
3. The entire existing county road right-of-way of Butler County Road T55 (Terrace Avenue) lying between Iowa Highway #3 on the North and Butler County Road C45 (Butler Center Road) on the South.

4. The entire existing county road right-of-way of Butler County Road Union Avenue lying between Iowa Highway #3 on the North and 220th Street (old Highway #3) on the South.
5. The entire existing county road right-of-way of Butler County Road 212th Street lying between Union Avenue on the West and Vail Avenue on the East, except that portion vacated and described in document recorded as Instrument #2007-2171 with the Butler County Recorder.
6. The entire existing county road right-of-way of Butler County Road Vail Avenue lying between 220th Street on the South and 212th Street on the North.
7. The entire existing county road right-of-way of Butler County Road Utica Avenue lying between Iowa Highway #3 on the North and 212th Street on the South.
8. The entire Section 33, Township 92 North, Range 15 West of the 5th P.M. Butler County, Iowa and all existing county road right-of-way lying inside and adjacent to said Section 33.

and

Amendment No. 1 Area

1. The entire existing road right-of-way of Butler County Road C45/T55 (Butler Center Road) between Butler County Road T55 (Terrace Ave) on the West and Butler County Road T55 (Temple Ave) on the East.
2. The entire existing road right-of-way of Butler County Road T55 (Temple Ave) lying between Butler County Road C45 (Butler Center Road) on the North and Butler County Road C55 (290th Street) on the South.
3. The entire existing road right-of-way of Butler County Road C55 (280th Street) lying between Butler County Road T55 (Temple Ave) on the West and Butler County Road T63 (Willow Ave) on the East.
4. The entire Section 32, Township 91 North, Range 15 West of the 5th P.M. Butler County, Iowa and all existing county road right-of-way lying inside and adjacent to said Section 32.

Section 2: The taxes levied on the taxable property in the Amended Area, legally described in Section 1 hereof, by and for the benefit of the State of Iowa, County of Butler, Iowa, Waverly-Shell Rock Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

Section 3: As to the Original Area, that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts taxing property in the Original Area upon the total sum of the assessed value of the taxable property in the Original Area as shown on the assessment roll as of January 1, 2009, being the first day of the calendar year preceding the calendar year in which the County first certified to the Auditor an amount of loans, advances, indebtedness or bonds payable from the division of property tax revenue under Iowa Code Section 403.19. The taxes so determined shall be referred herein as the "base period taxes" for such Original Area.

As to Amendment No. 1 Area, base period taxes shall be computed using the total assessed value shown on the assessment roll as of January 1, 2011, being the assessment roll applicable to property in such area as of January 1 of the calendar year preceding the effective date of this Ordinance.

Section 4: That portion of the taxes each year in excess of the base period taxes for the Amended Area, determined for each sub-area thereof as provided in Section 3 of this Ordinance, shall be allocated to and when collected be paid into the special tax increment fund previously established by Butler County, State of Iowa, to pay the principal of and interest on loans, monies advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under authority of Section 403.9 or Section 403.12 of the Code of Iowa, incurred by Butler County, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Amended Area pursuant to the Urban Renewal Plan, as amended, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2 and taxes for the Instructional Support Program levy, but only to the extent authorized in Section 403.19(2), and taxes for payment of bonds and interest of each taxing district shall be collected against all taxable property within the Amended Area without any limitation as hereinabove provided.

Section 5: Unless or until the total assessed valuation of the taxable property in the areas of the Amended Area exceeds the total assessed value of the taxable property in the areas shown by the assessment rolls referred to in Section 3 of this Ordinance, all of the taxes levied and collected upon the taxable property in the Amended Area shall be paid into the funds for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes.

Section 6: At such time as the loans, monies advanced, bonds and interest thereon and indebtedness of Butler County, State of Iowa, referred to in Section 4 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Amended Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

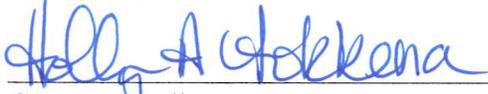
Section 7: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to continue the division of taxes from property within the Original Area under the provisions of Section 403.19 of the Code of Iowa, as authorized in Ordinance Title VI, No. 9, and to fully implement the provisions of Section 403.19 of the Code of Iowa with respect to the division of taxes from property within the Amendment No. 1 Area as described above. In the event that any provision of this Ordinance shall be determined to be contrary to law it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to the Amended Area and the territory contained therein.

Section 8: This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 31st day of July, 2012.


Chairperson, Board of Supervisors

ATTEST:


County Auditor

Read First Time: July 31, 2012

Read Second Time: Waived, 2012

Read Third Time: Waived, 2012

PASSED AND APPROVED: July 31, 2012.

I, Holly Fokkena, County Auditor of Butler County, State of Iowa, hereby certify that the above and foregoing is a true copy of Ordinance No. VI, No. 10 passed and approved by the Board of Supervisors of the County at a meeting held July 31, 2012, signed by the Chairperson on July 31, 2012, and published in the "Parkersburg Eclipse", the "Greene Recorder" and the "Allison Tribune" on August 8 + 16, 2012.

Holly A Fokkena
County Auditor, Butler County, State of
Iowa

(SEAL)

00883403-1\19549-022

COUNTY AUDITOR'S CERTIFICATION

I hereby certify that attached hereto is a true and correct copy of the Tax Increment Ordinance approved by the Board of Supervisors of Butler County, State of Iowa, designated as Ordinance Number VI, No 10, entitled:

AN ORDINANCE AMENDING ORDINANCE TITLE VI, NO. 9, PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE AMENDED BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL AREA, IN BUTLER COUNTY, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, BUTLER COUNTY, WAVERLY-SHELL ROCK COMMUNITY SCHOOL DISTRICT, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE COUNTY IN CONNECTION WITH THE AMENDED BUTLER COUNTY LOGISTICS PARK URBAN RENEWAL AREA

approved by the Board of Supervisors on the 31st day of July, 2012, and duly published on the 8th & 11th day of August, 2012, the original of which is on file in the records of the undersigned.

Dated this 24th day of August, 2012.

Holly A. Fokken
Auditor of Butler County

(COUNTY SEAL)

COUNTY AUDITOR'S CERTIFICATE

I, Holly A. Fokken, County Auditor of Butler County, Iowa, hereby certify that on the 24th day of August, 2012, there was filed in my office a true and correct copy of the Tax Increment Ordinance of Butler County, State of Iowa, Ordinance Number VI, No. 10, approved by the Board of Supervisors on the 31st day of July, 2012, all duly certified upon the form attached above.

Holly A. Fokken
County Auditor of Butler County, Iowa

(COUNTY SEAL)