

RESOLUTION 2016-042

Resolution setting date for public hearing on urban renewal plan amendment

WHEREAS, the Board of Supervisors (the "Board") of Cass County, Iowa (the "County") by resolution previously established the Amazing Energy Urban Renewal Area (the "Urban Renewal Area") and adopted an urban renewal plan (the "Plan") for the governance of projects and initiatives to be undertaken therein; and

WHEREAS, a proposal has been made which shows the desirability of expanding the Urban Renewal Area to add and include all the property (the "Property") described on Exhibit A hereto; and

WHEREAS, this Board is desirous of obtaining as much information as possible from the residents of the County before making this decision; and

WHEREAS, an amendment (the "Amendment") to the Plan has been prepared which covers the addition of the Property to the Urban Renewal Area and authorizes the undertaking of new projects in the Urban Renewal Area consisting of (i) providing tax increment financing support to Elite Octane, LLC in connection with the planning, design and construction of an ethanol plant (the "Development Project"); and (ii) using tax increment financing to pay the costs of constructing certain road and greywater sewer system improvements necessary for the development of the Development Project; and

WHEREAS, the Property meets the definition of "agricultural land" under Section 403.17 of the Code of Iowa and pursuant to said law, a consent agreement (the "Ag Land Consent") has been prepared for execution by the owners (the "Ag Land Owners") of the Property; and

WHEREAS, portions of the Property lie within two miles of the incorporated limits of the City of Atlantic, Iowa (the "City"), and pursuant to Section 403.17, the County must enter into a joint agreement (the "Joint Agreement") with such City in order to exercise urban renewal authority over such portions of the Property; and

WHEREAS, it is now necessary that a date be set for a public hearing on the expansion of the Urban Renewal Area and on the Amendment;

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Cass County, Iowa, as follows:

(1) This Board will meet at the Courthouse, Atlantic, Iowa, on January 18, 2017, at 8:45 a.m., at which time and place it will hold a public hearing on the designation of an expanded Urban Renewal Area as described in the preamble hereof and on the Amendment.

(2) The County Auditor shall publish notice of said hearing, the same being in the form attached to this resolution, which publication shall be made in a legal newspaper of general circulation in Cass County, which publication shall be not less than four (4) and not more than twenty (20) days before the date set for the hearing.

(3) Pursuant to Section 403.5 of the Code of Iowa, the County Auditor is hereby designated as the County's representative in connection with the consultation process which is required under that section of the urban renewal law.

(4) The proposed Amendment is hereby submitted to the County's Planning and Zoning Commission for review and recommendations, as required by Section 403.5, Code of Iowa.

(5) The County Auditor is hereby authorized and directed to present the Ag Land Consent to the Ag Land Owners for approval, execution and delivery to the County prior to the public hearing on January 18, 2017, and all action heretofore taken in this regard is hereby ratified and affirmed.

(6) The County Auditor is hereby authorized and directed to present the Joint Agreement to the City for approval, execution and delivery to the County prior to the public hearing on January 18, 2017.

Passed and approved December 21, 2016.

ATTEST: Dale Sunderman
Dale Sunderman, Cass County Auditor

Gaylord Schelling
Gaylord Schelling, Chair Cass County Board of Supervisors