

ORDINANCE NO. 34

AN ORDINANCE PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON ALL PROPERTY LOCATED WITHIN THE ADAIR COUNTY NORTHWEST WIND FARM URBAN RENEWAL AREA, IN ADAIR COUNTY, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, ADAIR COUNTY, ADAIR-CASEY COMMUNITY SCHOOL DISTRICT, NODAWAY VALLEY COMMUNITY SCHOOL DISTRICT, CAM COMMUNITY SCHOOL DISTRICT, DES MOINES AREA COMMUNITY COLLEGE, IOWA WESTERN COMMUNITY COLLEGE, 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 ADAIR COUNTY NORTHWEST WIND FARM URBAN RENEWAL PLAN

WHEREAS, the Board of Supervisors of Adair County, State of Iowa, after public notice and hearing as prescribed by law and pursuant to Resolution No. 2010-51 passed and approved on the 12th day of November, 2010, adopted an Adair County Northwest Wind Farm Urban Renewal Plan (the "Urban Renewal Plan") for an urban renewal area known as the Adair County Northwest Wind Farm Urban Renewal Area (the "Urban Renewal Area"), which Urban Renewal Area includes the lots and parcels located within the area legally described as follows:

The Adair County Northwest Wind Farm Urban Renewal Area includes the following wind energy conversion property, as described in Section B(2) of the Plan:

Turbine ID No.	Township Name	Township	Range	Section	County
1	Summit	T77N	R33W	6	Adair
2	Summit	T77N	R33W	6	Adair
3	Summit	T77N	R33W	6	Adair
4	Summit	T77N	R33W	5	Adair
5	Summit	T77N	R33W	5	Adair
6	Summit	T77N	R33W	7	Adair
7	Summit	T77N	R33W	7	Adair
8	Summit	T77N	R33W	8	Adair
9	Summit	T77N	R33W	10	Adair
10	Summit	T77N	R33W	10	Adair
11	Summit	T77N	R33W	11	Adair

16	Summit	T77N	R33W	18	Adair
17	Summit	T77N	R33W	18	Adair
18	Summit	T77N	R33W	18	Adair
19	Summit	T77N	R33W	17	Adair
21	Summit	T77N	R33W	17	Adair
22	Summit	T77N	R33W	16	Adair
23	Summit	T77N	R33W	16	Adair
24	Summit	T77N	R33W	16	Adair
25	Summit	T77N	R33W	14	Adair
26	Summit	T77N	R33W	14	Adair
27	Summit	T77N	R33W	14	Adair
28	Summit	T77N	R33W	22	Adair
29	Summit	T77N	R33W	19	Adair
30	Summit	T77N	R33W	19	Adair
31	Summit	T77N	R33W	20	Adair
32	Summit	T77N	R33W	20	Adair
33	Summit	T77N	R33W	21	Adair
34	Summit	T77N	R33W	21	Adair
35	Summit	T77N	R33W	21	Adair
36	Summit	T77N	R33W	21	Adair
37	Summit	T77N	R33W	21	Adair
38	Summit	T77N	R33W	23	Adair
39	Summit	T77N	R33W	23	Adair
46	Summit	T77N	R33W	23	Adair
47	Summit	T77N	R33W	26	Adair
48	Summit	T77N	R33W	30	Adair
49	Summit	T77N	R33W	30	Adair
50	Summit	T77N	R33W	30	Adair
51	Summit	T77N	R33W	30	Adair
52	Summit	T77N	R33W	29	Adair
53	Summit	T77N	R33W	27	Adair
54	Summit	T77N	R33W	27	Adair
55	Summit	T77N	R33W	27	Adair
56	Summit	T77N	R33W	20	Adair
57	Summit	T77N	R33W	26	Adair
58	Summit	T77N	R33W	26	Adair
59	Summit	T77N	R33W	26	Adair
60	Summit	T77N	R33W	26	Adair
61	Summit	T77N	R33W	30	Adair
62	Summit	T77N	R33W	30	Adair
63	Summit	T77N	R33W	29	Adair

64	Summit	T77N	R33W	29	Adair
65	Summit	T77N	R33W	28	Adair
66	Summit	T77N	R33W	28	Adair
67	Summit	T77N	R33W	17	Adair
68	Summit	T77N	R33W	17	Adair
69	Summit	T77N	R33W	32	Adair
70	Summit	T77N	R33W	32	Adair
71	Summit	T77N	R33W	32	Adair
72	Summit	T77N	R33W	33	Adair
73	Summit	T77N	R33W	33	Adair
74	Summit	T77N	R33W	33	Adair
76	Summit	T77N	R33W	28	Adair

AND

The area also includes the traveled portion, including shoulders, bridge approaches and culvert locations, of the following public roads:

- Brown Ave. from 350th St. (Guthrie-Adair County Line) to 105th St.
- 105th St. from Brown Ave. to Delta Ave. (City of Adair)
- 110th St. from Afton Ave. to Adair-Anita Rd. (G-30)
- Afton Ave. from 110th St. to Adair-Anita Rd. (G-30)
- Cedar Ave. from Adair-Anita Rd. (G-30) to 160th St.
- 125th St. from Brown Ave. to Cedar Ave.
- 130th St. from Brown Ave. to Delta Ave.
- Adair-Cass Ave. from 130th St. to 140th St.
- Brown Ave. from 125th St. to 160th St.
- 150th St. from Adair-Cass Ave. to Cedar Ave.
- Elk Ave. from 110th St. to 160th St.
- 120th St. from Elk Ave. to Fallow Ave.
- 140th St. from Delta Ave. to Fallow Ave.
- Fallow Ave. from 140th St. to 150th St.
- 160th St. from Adair-Cass Ave. to Delta Ave.
- 140th St. from Adair-Cass Ave. to Delta Ave.
- Adair-Anita Rd. (G-30) from Adair-Cass Ave. to Delta Ave. (City of Adair)
- 350th St. (Guthrie-Adair County Line) from Adair-Cass Ave. to Delta Ave. (City of Adair)
- 160th St. from Delta Ave. to Fontanelle Road
- 130 St. from Delta Ave. to Fontanelle Road
- Delta Ave. from City of Adair to 160th St.
- Fontanelle Road from Guthrie-Adair County Line to 160th St.

AND

The easement and/or leasehold interests belonging to the wind energy conversion property owners. These access roads for which the easement rights are included are shown on the map identified as "Exhibit B" to the Plan.

WHEREAS, expenditures and indebtedness are anticipated to be incurred by Adair County, State of Iowa, in the future to finance urban renewal project activities carried out in furtherance of the objectives of the Urban Renewal Plan; and

WHEREAS, the Board of Supervisors of Adair County, State of Iowa, desires to provide for the division of revenue from taxation in the Urban Renewal Area, as above described, in accordance with the provisions of Section 403.19 of the Code of Iowa, as amended.

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

Section 1. That the taxes levied on the taxable property in the Urban Renewal Project Area legally described in the preamble hereof, by and for the benefit of the State of Iowa, Adair County, Adair-Casey Community School District, Nodaway Valley Community School District, CAM Community School District, Des Moines Area Community College, Iowa Western Community College, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

Section 2. 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 upon the total sum of the assessed value of the taxable property in the Urban Renewal Project Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which Adair County, State of Iowa, certifies to the Auditor of Adair County, Iowa the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue described herein, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid.

Section 3. That portion of the taxes each year in excess of the base period taxes determined as provided in Section 2 of this Ordinance shall be allocated to and when collected be paid into a special tax increment fund of Adair County, State of Iowa, hereby established, to pay the principal of and interest on loans, monies advanced to, indebtedness, whether funded, refunded, assumed or otherwise, including bonds or obligations issued under the authority of Section 403.9 or 403.12 of the Code of Iowa, as amended, incurred by Adair County, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Urban Renewal Project Area pursuant

to the Urban Renewal Plan, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2, but only to the extent authorized in Section 403.19(2), and taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the Urban Renewal Project Area without any limitation as hereinabove provided.

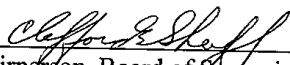
Section 4. Unless or until the total assessed valuation of the taxable property in the Urban Renewal Project Area exceeds the total assessed value of the taxable property in the Urban Renewal Project Area as shown by the assessment roll referred to in Section 2 of this Ordinance, all of the taxes levied and collected upon the taxable property in the Urban Renewal Project 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 5. At such time as the loans, advances, indebtedness, bonds and interest thereon of Adair County, State of Iowa, referred to in Section 3 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Urban Renewal Project Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

Section 6. 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 fully implement the provisions of Section 403.19 of the Code of Iowa, as amended, with respect to the division of taxes from property within the Urban Renewal Project 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 Urban Renewal Project Area and the territory contained therein.

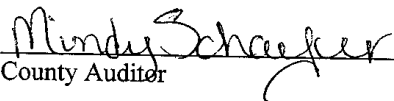
Section 7. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 12th day of November, 2010.



Chairperson, Board of Supervisors

ATTEST:



County Auditor

Read First Time: November 12, 2010

Read Second Time: Waived, 2010

Read Third Time: November 12, 2010

PASSED AND APPROVED: November 12, 2010.

I, Mindy Schaefer, County Auditor of Adair County, State of Iowa, hereby certify that the above and foregoing is a true copy of Ordinance No. 3A passed and approved by the Board of Supervisors of the County at a meeting held November 12, 2010, signed by the Chairperson on November 12, 2010, and published in the Adair County Free Press on November 17, 2010.

Mindy Schaefer
County Auditor, Adair County, State of
Iowa

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