

RESOLUTION NO.#3 19/20

Resolution to Declare Necessity and Establish an Urban Renewal Area, Pursuant to Section 403.4 of the Code of Iowa and Approve an Urban Renewal Plan Amendment for the 2003 Urban Renewal District 1 (Spirit Lake Ethanol, LLC a.k.a. Otter Creek Ethanol, LLC)

WHEREAS, as a preliminary step to exercising the authority conferred upon Iowa counties by Chapter 403 of the Code of Iowa (the “Urban Renewal Law”), a county must adopt a resolution finding that one or more slums, blighted or economic development areas exist in the county and that the development of such area or areas is necessary in the interest of the public health, safety or welfare of the residents of the county; and

WHEREAS, the Board of Supervisors of Osceola County (the “County”) has previously created the 2003 Urban Renewal District 1 (Spirit Lake Ethanol, LLC a.k.a. Otter Creek Ethanol, LLC) (the “Urban Renewal Area”) and adopted an urban renewal plan (the “Plan”) for the governance of projects and initiatives 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”) lying within the legal description set out in Exhibit A hereto; and

WHEREAS, the proposal demonstrates that sufficient need exists to warrant finding the Property to be an economic development area; and

WHEREAS, an amendment (the “Amendment”) to the Plan has been prepared which (1) covers the addition of the Property to the Urban Renewal Area; and (2) authorizes the undertaking of a new urban renewal project in the Urban Renewal Area consisting of using tax increment financing to pay the costs of constructing road improvements; and

WHEREAS, notice of a public hearing by the Board of Supervisors of the County on the question of establishing the Property as an urban renewal area and on the proposed Amendment for the 2003 Urban Renewal District 1 (Spirit Lake Ethanol, LLC a.k.a. Otter Creek Ethanol, LLC) was heretofore given in strict compliance with the provisions of Chapter 403 of the Code of Iowa, and the Board has conducted said hearing on August 13, 2019; and

WHEREAS, the Planning and Zoning Commission of the County has reviewed and commented on the proposed Amendment; and

WHEREAS, copies of the Amendment, notice of public hearing and notice of a consultation meeting with respect to the Amendment were mailed to the Cities of Ocheyedan, Iowa; Sibley, Iowa; and Ashton, Iowa (collectively known as the “Cities”) and the Sibley-Ocheyedan Community School District and the Sheldon Community School District; the consultation meeting was held on the 23rd day of July, 2019; and responses to any comments or recommendations received following the consultation meeting were made as required by law; and

WHEREAS, the Cities have executed and delivered joint agreements (the "Joint Agreements") consenting to the County's proposed urban renewal activity on the Property; and

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Osceola County, Iowa, as follows:

Section 1. An economic development area as defined in Chapter 403 of the Code of Iowa is found to exist on the Property.

Section 2. The Property is hereby declared to be an urban renewal area, in conformance with the requirements of Chapter 403 of the Code of Iowa, and is hereby designated the 2019 Addition to the Urban Renewal Area.

Section 3. The development of the Property is necessary in the interest of the public health, safety or welfare of the residents of the County.

Section 4. It is hereby determined by this Board of Supervisors as follows:

A. The Amendment and the projects and initiatives described therein conform to the general plan of the County as a whole;

B. Proposed economic development projects described in the Amendment are necessary and appropriate to facilitate the proper growth and development of the County in accordance with sound planning standards and local community objectives.

C. It is not anticipated that any families will be displaced in connection with the County's undertakings under the Plan, but should the need arise, the County will develop a feasible method of relocating such displaced persons into decent, safe and sanitary dwelling accommodations within their means and without undue hardship.

Section 5. The Amendment attached hereto and made a part hereof, is hereby in all respects approved.

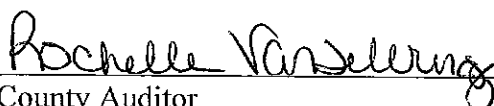
Section 6. All resolutions or parts thereof in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved August 13, 2019.



Chairperson

Attest:



County Auditor

(Attach copy of the urban renewal plan amendment to this resolution.)

EXHIBIT A
Legal Description
2019 Addition to the 2003 Urban Renewal District 1 (Spirit Lake Ethanol, LLC a.k.a. Otter
Creek Ethanol, LLC)

Certain real property situated in Osceola County, State of Iowa more particularly described as follows:

All of the public right-of-way of Tyler Avenue from and including its intersection with Highway 9 on the north and continuing south to and including its intersection with Osceola County Road A22; and

All of the public right-of-way of Osceola County Road A22 from and including its intersection with Tyler Avenue on the east and continuing west to and including its intersection with Highway 60; and

All of the public right-of-way of Highway 60 from and including its intersection with Osceola County Road A22 on the north and continuing south to and including its intersection with Osceola County Road A52.