

RESOLUTION NO. 10 22/23

Resolution Approving Disposition of Property to MBN Brothers, LLC and Authorizing an Economic Development Grant and Assessment Agreement in Connection Therewith

WHEREAS, Osceola County, Iowa (the "County") has previously established the 2003 Urban Renewal District 1 (Spirit Lake Ethanol, LLC a/k/a Otter Creek Ethanol, LLC) (the "Urban Renewal Area"); and

WHEREAS, one of the County's objectives for the Urban Renewal Area is to promote the development of new commercial and industrial enterprises in the Osceola County Enterprise Park;

WHEREAS, the County has received a proposal from MBN Brothers, LLC (the "Company") which includes the construction of a new facility for use in the Company's business operations (the "Project") on certain real property (the "Property") currently owned by the County, the description of which is set forth as Exhibit A hereto; and

WHEREAS, the County has prescribed and followed reasonable competitive procedures for the selection of a Company to undertake the Project and the corresponding disposition of the Property in accordance with the provisions of Sections 331.361 and 403.8 of the Code of Iowa and has held a public hearing on the proposal to sell the Property on August 26, 2022; and

WHEREAS, Chapter 15A of the Code of Iowa ("Chapter 15A") declares that economic development is a public purpose for which a county may provide grants, loans, guarantees and other financial assistance to or for the benefit of private persons; and

WHEREAS, Chapter 15A requires that before public funds are used for grants, loans or other financial assistance, a board of supervisors must determine that a public purpose will reasonably be accomplished by the spending or use of those funds; and

WHEREAS, Chapter 15A requires that, in determining whether funds should be spent, a board of supervisors must consider any or all of a series of factors; and

WHEREAS, the County proposes to grant public funds in the amount of \$152,370 (the "Economic Development Grant") to the Company in connection with the acquisition of the Property and the construction of the Project thereon; and

WHEREAS, pursuant to Section 403.6(19) of the Code of Iowa, the County and the Company desire to enter into an assessment agreement (the "Assessment Agreement") to establish a minimum assessed valuation for the Property and the Project to be constructed thereon; and

WHEREAS, it is now necessary for the Board of Supervisors (the "Board") of the County to (1) take action to approve the sale of the Property; (2) approve the Economic Development Grant; and (3) approve the Assessment Agreement;

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

Section 1. The Board hereby determines that the proposal of the Company represents the best interests of the County with respect to the development of the Property and the undertaking of the Project, and the proposal of the Company is hereby accepted and approved. The disposition of the Property to the Company as set forth in the proposal is hereby approved. The Chairperson and County Auditor are hereby authorized and directed, with advice from the County Attorney, to execute such documents as may be necessary to carry out the disposition of the Property.

Section 2. Pursuant to the factors listed in Chapter 15A, the Board hereby finds that:

a) The Project will add diversity and generate new opportunities for the County and Iowa economies;

b) The Project will generate public gains and benefits, particularly in the maintenance or creation of jobs, which are warranted in comparison to the amount of the proposed Economic Development Grant.

Section 3. The Board further finds that a public purpose will reasonably be accomplished by making the Economic Development Grant to the Company.

Section 4. The Economic Development Grant in the amount of \$152,370 to the Company is hereby approved, subject to the terms and conditions set out in the Grant Agreement (the "Grant Agreement") to be entered into by the Company and the County. The Chairperson and the County Auditor are hereby authorized and directed to prepare any additional documentation and to make any changes to the Grant Agreement, with the advice of Bond Counsel, that are deemed necessary to carry out the purposes of this Resolution. The Chairperson and the County Auditor are hereby authorized execute such documents as may be necessary to implement the Economic Development Grant approved herein, including the Grant Agreement, in substantially the form as has been presented to this Board.


Section 5. The Assessment Agreement is hereby approved. The Chairperson and the County Auditor are hereby authorized to execute the Assessment Agreement. Further, the Chairperson and the County Auditor are hereby authorized and directed to make any changes to the Assessment Agreement, with the advice of bond counsel, that are deemed necessary to carry out the purposes of this Resolution.

Section 6. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Passed and approved August 26, 2022.


Chairperson

Attest:


County Auditor