#790-10

ORIGINAL

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body:	The Board of Supervisors of Mitchell County, State of Iowa
Date of Meeting:	November 2, 2010
Time of Meeting:	8:45 o'clock a.m.
Place of Meeting:	Board Room, County Courthouse, 508 State Street, Osage, Iowa

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for the meeting is as follows:

- Public hearing on the proposed Amendment No. 1 to the Amended and Restated Mitchell County UR-2 Economic Development District Urban Renewal Plan.
- Resolution determining an area of the County to be an economic development area, and that the rehabilitation, conservation, redevelopment, development or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the County; designating such area as appropriate for an Urban Renewal Project; and adopting the Amendment No. 1 to the Amended and Restated Mitchell County UR-2 Economic Development District Urban Renewal Plan.

Such additional matters as are set forth on the additional 12 page(s) attached hereto.
(number)

This notice is given at the direction of the Chairperson pursuant to Chapter 21, Code of Iowa, and the local rules of the governmental body.

Darrell Flesch

County Auditor, Mitchell County, State of Iowa

November 2, 2010

The Board of Supervisors of Mitchell County, State of Iowa, met in the Board Room, County Courthouse, 508 State Street, Osage, Iowa, at 8:45 o'clock a.m., on the above date. There were present Chairperson Walk, in the chair, and the following named Board Members:

Marreel, Vooklander

Absent: None

* * * * * * *

This being the time and place fixed for a public hearing on the matter of the adoption of the proposed Amendment No. 1 to the Amended and Restated Mitchell County UR-2 Economic Development District Urban Renewal Plan, the Chairperson first asked for the report of the Designated Representative with respect to the consultation held with the affected taxing entities to discuss the proposed Plan. The Board was informed that the consultation was duly held as ordered by the Board, and that No written recommendations were received from affected taxing entities. The report of the Designated Representative with respect to the consultation was placed on file for consideration by the Board.

The Council also was informed that the proposed Amendment had been approved by the Planning and Zoning Commission as being in conformity with the general plan for development of the County as a whole, as set forth in the minutes or report of the Commission previously placed on file for consideration by the Board.

The Chairperson then asked the County Auditor whether any written objections had been filed with respect to the proposed Plan, and the County Auditor reported that No written objections thereto had been filed. The Chairperson then called for any oral objections to the adoption of the Amendment No. 1 to the Amended and Restated Mitchell County UR-2 Economic Development District Urban Renewal Plan and a few were made. The public hearing was then closed.

{Attach summary of objections here}

Board Member Marrell then introduced the following Resolution entitled "RESOLUTION DETERMINING AN AREA OF THE COUNTY TO BE AN ECONOMIC DEVELOPMENT AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE RESIDENTS OF THE COUNTY; DESIGNATING SUCH AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT; AND ADOPTING AMENDMENT NO. 1 TO THE AMENDED AND RESTATED MITCHELL COUNTY UR-2 ECONOMIC DEVELOPMENT DISTRICT URBAN RENEWAL PLAN" and moved that the same be adopted. Board Member Voak Vander seconded the motion to adopt. The roll was called and the vote was,

AYES: Marrell, Voak Vander, Wall

NAYS: None

Whereupon, the Chairperson declared the resolution duly adopted as follows:

RESOLUTION NO. 790-10

RESOLUTION DETERMINING AN AREA OF THE COUNTY TO BE AN ECONOMIC DEVELOPMENT AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE RESIDENTS OF THE COUNTY; DESIGNATING SUCH AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT; AND ADOPTING AMENDMENT NO. 1 TO THE AMENDED AND RESTATED MITCHELL COUNTY UR-2 ECONOMIC DEVELOPMENT DISTRICT URBAN RENEWAL PLAN

WHEREAS, by Resolution No. 747-09, adopted March 24, 2009, this Board found and determined that certain areas located within the County are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the Mitchell County UR-2 Economic Development District Urban Renewal Plan (the "Plan")

for the Mitchell County UR-2 Economic Development District Urban Renewal Plan Area (the "Mitchell County UR-2 Economic Development District Urban Renewal Area") described therein, which Plan is on file in the office of the Recorder of Mitchell County; and

WHEREAS, by Resolution No. 756-09, adopted August 4, 2009, this Board of Supervisors approved and adopted an amended and restated Plan; and

WHEREAS, this Urban Renewal Area currently generally includes and consists of:

Original Area

Approximately 136 wind turbines that have been constructed or are to be constructed in the Townships of Wayne and Stacyville Townships, Mitchell County, Iowa, together with portions of the following road rights-of way: Red Ball Road, Kirkwood Avenue, 370th Street, Primrose Avenue, 430th Street, Walnut Avenue, 460th Street, Windfall Avenue, Valley Avenue, Timber Avenue, Shadow Avenue, Rampart Avenue, Quail Avenue, 480th Street, 485th Street, together with certain rights-of-way for said wind turbines. A map showing the wind turbine sites and roadway segments is on file in the Office of the County Auditor, together with a complete and detailed legal description.

Amended and Restated Plan Area

1. 66' ROW on Zinnia Ave from 330th St. to Iowa Hwy 9.
2. 66' ROW on Balsam Ave from Mitchell Line St. to Iowa Hwy 9.
3. 66' ROW on Cameo Ave from 330th St. to Iowa Hwy 9.
4. 66' ROW on Dancer Ave from Mitchell Line St. to Iowa Hwy 9.
5. 66' ROW on Echo Ave from Mitchell Line St. to Iowa Hwy 9.

6. 66' ROW on Foothill Ave from Mitchell Line St. to 325th St.
7. 66' ROW on Glass Ave from Mitchell Line St. to Iowa Hwy 9.
8. 66' ROW on Foothill Ave from 325th St. to Iowa Hwy 9.
9. 66' ROW on Hickory Ave from Mitchell Line St. to Iowa Hwy 9.
10. 66' ROW on Indigo Ave from 350th St. to Iowa Hwy 9.
11. 66' ROW on Jersey Ave from Mitchell Line St. to 350th St.
12. 66' ROW on Kirkwood Ave from Mitchell Line St. to a point 3.5 miles north.
13. 66' ROW on Golf Course Road from Lancer Ave to 350th St.
14. 66' ROW on Lancer Ave from Mitchell Line St. to 350th St.
15. 66' ROW on Mitchell Line St. from Zinnia Ave to Jersey Ave.
16. 66' ROW on Mitchell Line St. from Zinnia Ave to Jersey Ave.
17. 66' ROW on 320th St. from Zinnia Ave to Foothill Ave.
18. 66' ROW on 320th St. from Kirkwood Ave to Lancer Ave.
19. 66' ROW on 325th St. from Echo Ave to Hickory Ave.
20. 66' ROW on 330th St. from Zinnia Ave to Lancer Ave.
21. 66' ROW on 340th St. from Zinnia Ave to Jersey Ave.
22. 66' ROW on 350th St. from Zinnia Ave to Jersey Ave.
23. 66' ROW on Lime Kiln Road from Jersey Ave to Iowa Hwy 9.
24. 66' ROW on River Road from Iowa Hwy 9 to 380th St.
25. 66' ROW on 370th St. from River Road to Kirkwood Ave.
26. 66' ROW on 430th St. from Walnut Ave to Addison Ave.
27. 66' ROW on 440th St. from Walnut Ave to Addison Ave.

28. 66' ROW on 450th St. from Walnut Ave to Addison Ave.

29. 66' ROW on 460th St. from Windfall Ave to Addison Ave.

30. 66' ROW on 470th St. from Windfall Ave to Addison Ave.

31. 66' ROW on 485th St. from Underwood Ave to Addison Ave.

32. 66' ROW on 490th St. from Monument Ave to Underwood Ave.

33. 66' ROW on 500th St. from Rampart Ave to Addison Ave.

34. 66' ROW on State Line Road from Monument Ave to Windfall Ave.

35. 66' ROW on Ocean Ave from 465th St. to State Line Road.

36. 66' ROW on Quail Ave from 465th St. to 480th St.

37. 66' ROW on Rampart Ave from 465th St. to 480th St.

38. 66' ROW on Underwood Ave from 470th St. to 475th St.

WHEREAS, a proposed Amendment No. 1 to the Amended and Restated Mitchell County UR-2 Economic Development District Urban Renewal Plan for the area described below has been prepared, which proposed Amendment is on file in the office of the County Auditor and which is incorporated herein by reference, the purpose of which is to add road right-of-way and the Nature Center to the Urban Renewal Area; and

WHEREAS, this proposed Amendment No. 1 to the Urban Renewal Area adds land, as follows:

North 33' of Section 7-100-18.	South 33' of Section 32-101-17 (MN)
North 33' of Section 8-100-18.	
North 33' of Section 9-100-18.	
North 33' of Section 10-100-18.	
North 33' of Section 11-100-18.	South 33' of Section 36-101-18 (MN)
North 33' of Section 12-100-18.	South 33' of Section 31-101-17 (MN)
North 33' of Section 7-100-17.	
North 33' of Section 8-100-17.	
North 33' of Section 9-100-17.	
North 33' of Section 10-100-17.	
North 33' of Section 11-100-17.	
North 33' of Section 12-100-17.	
North 33' of Section 7-100-16.	
North 33' of Section 30-99-18.	South 33' of Section 19-99-18.
North 33' of Section 29-99-18.	South 33' of Section 20-99-18.

North 33' of Section 28-99-18.	South 33' of Section 21-99-18.
North 33' of Section 27-99-18.	South 33' of Section 22-99-18.
North 33' of Section 26-99-18.	South 33' of Section 23-99-18.
West 33' of Section 7-100-18.	
West 33' of Section 18-100-18.	
West 33' of Section 19-100-18.	
West 33' of Section 30-100-18.	
West 33' of Section 31-100-18.	
West 33' of Section 6-99-18.	
West 33' of Section 7-99-18.	
West 33' of Section 18-99-18.	
West 33' of Section 19-99-18.	
West 33' of Section 8-100-17.	East 33' of Section 7-100-17.
West 33' of Section 17-100-17.	East 33' of Section 18-100-17.
West 33' of Section 20-100-17.	East 33' of Section 19-100-17.
West 33' of Section 29-100-17.	East 33' of Section 30-100-17.
West 33' of North Half of Section 32-100-17.	East 33' of North Half of Section 31-100-17.
West 33' of Section 11-100-17.	East 33' of Section 10-100-17.
West 33' of Section 14-100-17.	East 33' of Section 15-100-17.
West 33' of Section 23-100-17.	East 33' of Section 22-100-17.
West 33' of Section 26-100-17.	East 33' of Section 27-100-17.
West 33' of Section 35-100-17.	East 33' of Section 34-100-17.
West 33' of Section 2-99-17.	East 33' of Section 3-99-17.
West 33' of Section 11-99-17.	East 33' of Section 10-99-17.
West 33' of Section 14-99-17.	East 33' of Section 15-99-17.
West 33' of North Half of Section 23-99-17.	East 33' of North Half of Section 22-99-17.
West 33' of Section 12-100-16.	East 33' of Section 11-100-16.
West 33' of Section 13-100-16.	East 33' of Section 14-100-16.
West 33' of Section 24-100-16.	East 33' of Section 23-100-16.
West 33' of Section 25-100-16.	East 33' of Section 26-100-16.
West 33' of North Half of Section 36-100-16.	East 33' of North Half of Section 35-100-16.
North 33' of Section 29-98-15.	South 33' of Section 20-98-15.
North 33' of Section 28-98-15.	South 33' of Section 21-98-15.
North 33' of Section 27-98-15.	South 33' of Section 22-98-15.
North 33' of Section 26-98-15.	South 33' of Section 23-98-15.
North 33' of Section 25-98-15.	South 33' of Section 24-98-15.
North 33' of Section 9-97-15.	
North 33' of Section 10-97-15.	
North 33' of Section 11-97-15.	
North 33' of Section 12-97-15.	
North 33' of Section 13-97-15.	South 33' of Section 12-97-15.
North 33' of Section 18-97-15.	South 33' of Section 7-97-15.
North 33' of Section 17-97-15.	South 33' of Section 8-97-15.
North 33' of Section 17-97-16.	
North 33' of Section 16-97-16.	
North 33' of Section 15-97-16.	South 33' of Section 10-97-16.
North 33' of Section 14-97-16.	South 33' of Section 11-97-16.
East 33' of Section 34-99-15.	West 33' of Section 35-99-15.
East 33' of Section 3-98-15.	West 33' of Section 2-98-15.

East 33' of Section 10-98-15.
East 33' of Section 15-98-15.
East 33' of Section 22-98-15.
East 33' of Section 36-99-15.
East 33' of Section 1-98-15.
East 33' of Section 12-98-15.
East 33' of Section 13-98-15.
East 33' of Section 24-98-15.
East 33' of Section 25-98-15.
East 33' of Section 36-98-15.
East 33' of Section 1-97-15.

West 33' of Section 11-98-15.
West 33' of Section 14-98-15.
West 33' of Section 23-98-15.

The west 33 ft of the SW¼ of Sec 36-100-16.

The east 33 ft of the SE¼ of Sec 35-100-16.

The west 33 ft of the NW¼ of Sec 01-99-16.

The west 33 ft of the SW¼ of Sec 08-99-17.

The east 33 ft of the NE¼ of Sec 07-99-17.

The east 33 ft of the SE¼ of Sec 07-99-17.

The west 33 ft of the SW¼ of Sec 01-99-16.
The east 33 ft of the NE¼ of Sec 02-99-16.
The east 33 ft of the SW¼ of Sec 02-99-16.
The west 33 ft of the NW¼ of Sec 12-99-16.
The west 33 ft of the SW¼ of Sec 12-99-16.
The east 33 ft of the NE¼ of Sec 11-99-16.
The east 33 ft of the SE¼ of Sec 11-99-16.
The west 33 ft of the NW¼ of Sec 13-99-16.
The west 33 ft of the SW¼ of Sec 13-99-16.
The east 33 ft of the NE¼ of Sec 14-99-16.
The east 33 ft of the SE¼ of Sec 14-99-16.
The west 33 ft of the SW¼ of Sec 32-100-17.
The east 33 ft of the SE¼ of Sec 31-100-17.
The west 33 ft of the NW¼ of Sec 05-99-17.
The west 33 ft of the SW¼ of Sec 05-99-17.
The east 33 ft of the NE¼ of Sec 06-99-17.
The east 33 ft of the SE¼ of Sec 06-99-17.
The west 33 ft of the NW¼ of Sec 08-99-17.
The west 60 ft of Section 23-98-18
The east 60 ft of Section 22-98-18
The north 33 ft of Section 22-98-18
The south 33 ft of Section 15-98-18
The west 33 ft of Section 15-98-18
The east 33 ft of Section 16-98-18
The southwest ¼ of the southeast ¼ of Section 21-98-17

Nature Center Legal Description
Com. SW Corner of Section 21-98-17, Thence N 1320', E 1320', S 1320', and W 1320' back to point of beginning in the SE1/4 of Section 21-98-17

WHEREAS, the Area covered by this Amendment No. 1 is within the corporate limits and/or within two miles of the Cities of St. Ansgar, Orchard and Carpenter, and the

County has entered into joint agreements with each City to allow the County to operate within the Area; and

WHEREAS, the proposed urban renewal area does not include land classified as agricultural land; and

WHEREAS, it is desirable that these areas be redeveloped as part of the overall redevelopment area covered by the proposed Amendment No. 1 to the Amended and Restated Mitchell County UR-2 Economic Development District Urban Renewal Plan to be known hereafter as the "Amended and Restated Mitchell County UR-2 Economic Development District Urban Renewal Plan"; and

WHEREAS, the Iowa statutes require the Board of Supervisors to submit the proposed Amendment No. 1 to the Amended and Restated Mitchell County UR-2 Economic Development District Urban Renewal Plan to the Planning and Zoning Commission for review and recommendation as to its conformity with the General Plan for development of the County as a whole, prior to Board of Supervisors approval thereof; and

WHEREAS, adoption of Amendment No. 1 to the Amended and Restated Mitchell County UR-2 Economic Development District Urban Renewal Plan has been approved by the Planning and Zoning Commission for the County as being in conformity with the general plan for development of the County as a whole, as evidenced by its written report and recommendation filed herewith, which report and recommendation is hereby accepted, approved in all respects and incorporated herein by this reference; and

WHEREAS, by resolution adopted on October 5, 2010, this Board directed that a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed Amendment No. 1 to the Amended and Restated Mitchell County UR-2 Economic Development District Urban Renewal Plan and the division of revenue described therein, and that notice of the consultation and a copy of the proposed Amendment No. 1 to the Amended and Restated Mitchell County UR-2 Economic Development District Urban Renewal Plan be sent to all affected taxing entities; and

WHEREAS, pursuant to such notice, the consultation was duly held as ordered by the Board of Supervisors and all required responses to the recommendations made by the affected taxing entities, if any, have been timely made as set forth in the report of the Designated Representative filed herewith and incorporated herein by this reference, which report is in all respects approved; and

WHEREAS, by resolution this Board also set a public hearing on the adoption of the proposed Amendment No. 1 to the Amended and Restated Mitchell County UR-2 Economic Development District Urban Renewal Plan for this meeting of the Board, and

due and proper notice of the public hearing was given, as provided by law, by timely publication in the Mitchell County Press - News, which notice set forth the time and place for this hearing and the nature and purpose thereof; and

WHEREAS, in accordance with the notice, all persons or organizations desiring to be heard on the proposed Amendment No. 1 to the Amended and Restated Mitchell County UR-2 Economic Development District Urban Renewal Plan, both for and against, have been given an opportunity to be heard with respect thereto and due consideration has been given to all comments and views expressed to this Board in connection therewith and the public hearing has been closed.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF MITCHELL COUNTY, STATE OF IOWA:

Section 1. That the findings and conclusions set forth or contained in Amendment No. 1 concerning the area of Mitchell County, State of Iowa, described in the preamble hereof, be and the same are hereby ratified and confirmed in all respects as the findings of this Board for this area.

Section 2. This Board further finds:

A. Although relocation is not expected, a feasible method exists for the relocation of any families who will be displaced from the Amended and Restated Mitchell County UR-2 Economic Development District Urban Renewal Area into decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;

B. The Plan, as amended, and Amendment No. 1 to the Amended and Restated Mitchell County UR-2 Economic Development District Urban Renewal Plan conform to the general plan for the development of the County as a whole; and

C. Acquisition by the County is not expected, however, as to any areas of open land to be acquired by the County included within the Amended and Restated Mitchell County UR-2 Economic Development District Urban Renewal Area:

1. Residential use is not expected, however, with reference to any portions thereof which are to be developed for residential uses, this Board of Supervisors hereby determines that a shortage of housing of sound standards and design with decency, safety and sanitation exists within the County; that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; and that one or more of the following conditions exist:

A. That the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas, including other portions of the urban renewal area.

B. That conditions of blight in the municipality and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime, so as to constitute a menace to the public health, safety, morals, or welfare.

C. That the provision of public improvements related to housing and residential development will encourage housing and residential development which is necessary to encourage the retention or relocation of industrial and commercial enterprises in this state and its municipalities.

D. The acquisition of the area is necessary to provide for the construction of housing for low and moderate income families.

2. Non-residential use is expected and with reference to those portions thereof which are to be developed for non-residential uses, such non-residential uses are necessary and appropriate to facilitate the proper growth and development of the County in accordance with sound planning standards and local community objectives.

Section 3. That the Amended and Restated Mitchell County UR-2 Economic Development District Urban Renewal Area, as amended, is an economic development area within the meaning of Iowa Code Chapter 403; that such area is eligible for designation as an urban renewal area and otherwise meets all requisites under the provisions of Chapter 403 of the Code of Iowa; and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of this County.

Section 4. That Amendment No. 1 to the Amended and Restated Mitchell County UR-2 Economic Development District Urban Renewal Plan of Mitchell County, State of Iowa, attached hereto as Exhibit 1 and incorporated herein by reference, be and the same is hereby approved and adopted as "Amendment No. 1 to the Amended and Restated Mitchell County UR-2 Economic Development District Urban Renewal Plan for Mitchell County, State of Iowa"; Amendment No. 1 to the Amended and Restated Mitchell County UR-2 Economic Development District Urban Renewal Plan of Mitchell County, State of Iowa, is hereby in all respects approved; and the County Auditor is hereby directed to file a certified copy of Amendment No. 1 with the proceedings of this meeting.

Section 5. That the Original Plan, the Amended and Restated Mitchell County UR-2 Economic Development District Urban Renewal Plan, and Amendment No. 1 thereto, shall be in full force and effect from the date of this Resolution until the Board amends or repeals the Amendment. The proposed Amendment No. 1 to the Amended and Restated Mitchell County UR-2 Economic Development District Urban Renewal Plan shall be forthwith certified by the County Auditor, along with a copy of this Resolution, to the Recorder for Mitchell County, Iowa, to be filed and recorded in the manner provided by law.

Section 6. That all other provisions of the Plan not affected or otherwise revised by the terms of Amendment No. 1 thereto, as well as all prior Resolutions previously adopted by this Board of Supervisors be and the same are hereby ratified, confirmed and approved in all respects.

PASSED AND APPROVED this 2nd day of November, 2010.

Stan Walk, Chair
Chairperson, Board of Supervisors

ATTEST:

Darrell Flesch
County Auditor

CERTIFICATE

STATE OF IOWA)
) SS
COUNTY OF MITCHELL)

I, the undersigned County Auditor and Secretary of the Board of Supervisors of Mitchell, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the County showing proceedings of the Board, and the same is a true and complete copy of the action taken by the Board with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Board and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Board (a copy of the face sheet of the agenda being attached hereto) pursuant to the local rules of the Board and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective offices as indicated therein, that no vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the County or the right of the individual named therein as officers to their respective positions.

WITNESS my hand and the seal of the Board hereto affixed this 2nd day of November, 2010.

Darrell Nash

County Auditor for the Board of Supervisors
of Mitchell County, State of Iowa

(COUNTY SEAL)

[Attach Amendment No. 1 as Exhibit 1 to this Resolution]