# Council Communication

| Department: Community Development<br><br>Case No. ZC-08-011<br>Applicant: Gary Golden | Resolution No. 08-319 | City Council Meeting: 10-27-08<br>First Reading _____<br>Second Reading _____<br>Third Reading _____ |
|---|---|---|

**Subject/Title**

Request of Gary G. Golden, 15323 Kathy Circle, Council Bluffs, IA 51503, represented by Michael J. Winter, 541 – 6th Avenue, Council Bluffs, IA 51503 to rezone 1436 North 15th Street, legally described as Lots 134 through 138, Belmont Addition, from C-2 Commercial to I-2/General Industrial. This property is located at the southeast corner of North 15th Street and Avenue 'N'.

**Background/Discussion**

Gary Golden, property owner, is requesting the rezoning of the above described property from C-2 Commercial to I-2/General Industrial in order to allow a truck scale repair service. This service consists of five heavy-duty trucks (see attached picture) being dispatched to different locations to service and repair truck scales. The applicant has indicated that three of the five trucks would be parked inside the existing structure and two would be parked outside.

The subject property is zoned C-2 and contains an vacant commercial structure. The property has been classified C-2 since 1965. Hawkeye Siding and Window, zoned C-2, is located to the north. A commercial use (consignment shop), residential uses and the League of Human Dignity, all zoned C-2, surround the property on the west and south. The New Vision emergency shelter, zoned I-2 lies to the west.

Judy Reed, property owner of the commercial use directly to the west at 1317 North 16th Street is opposed to the requested rezoning.

The Public Works Department is opposed to the requested rezoning citing the condition of adjacent streets. Adjacent streets have not been built to handle heavy truck traffic and are not truck routes to service industrial uses. In addition, a future industrial use may require restrictions on output flows to utilize the existing sanitary collection system.

**Discussion**

The applicant constructed the existing commercial building under the terms of the C-2 Commercial District, not an industrial district. The streets, storm drainage and sanitary sewer around this property are not sufficient for the proposed use or other uses allowed in the I-2/General Industrial District.

Although the area is in need of reinvestment; the area is not well suited for industrial development. Granting the request would increase the conflicting nature of land uses in the area furthering disinvestment over time.

The City has adequate areas zoned and services for the uses allowed in the I-2 district

3 F

**Recommendation**

The Community Development Department recommends denial of the request to rezone Lots 134 through 138, Belmont Addition, from C-2 Commercial to I-2/General Industrial for the reasons stated above.

**Public Hearing**

Mike Winter, 541 – 6th Ave., Council Bluffs, IA, representing the applicant, appeared before the Planning Commission in favor of the request.

No one appeared in opposition.

**Planning Commission to City Council**

The Planning Commission concurred with Community Development Department to recommend denial of the request to rezone Lots 134 through 138, Belmont Addition from C-2/Commercial to I-2/General Industrial for the reasons identified in the staff report.

VOTE: Aye 8 Nay 3 Abstain 0 Absent 0 Motion Carried

RESOLUTION NO. 08-319

A RESOLUTION setting public hearing to rezone 1436 North 15th Street.

WHEREAS, Gary Golden, property owner, has requested rezoning 1436 North 15th Street, legally described as Lots 134 through 138, Belmont Addition, from C-2/Commercial to I-2/General Industrial; and

WHEREAS, it is the recommendation of the Planning Commission to deny said request; and

WHEREAS, this City Council hereby sets public hearing on the rezoning request.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That a public hearing on the request to rezone the above-described property is hereby set for the 10th day of November, 2008.

ADOPTED
AND
APPROVED October 27, 2008

THOMAS P. HANAFAN Mayor

Attest:

JUDITH RIDGELEY City Clerk

Planning Case No. ZC-08-011

CASE #ZC-08-011

SALES
SERVICE
CONSTRUCTION
U.S.DOT 369768
KENWORTH

# Council Communication

| Department: Finance<br><br>Case/Project No. | Ordinance No.<br>Resolution No. 08-320 | Date: October 27, 2008 |
|---|---|---|

**Subject/Title**

Authorization for FY2008/2009 Capital Lease Payments.

**Background/Discussion**

To authorize the Finance Department to process the Fiscal Year 2008/2009 Capital Lease payments according to the terms of the contract.

Avaya Finance Service – Phone System balance $41,082.70 payment $22,259.90
GE Capital – Mowers balance $58,691.00 payment $29,345.50
John Deere Capital – Tractor Loader balance $70,825.46 payment $70,825.46
Avaya Financial Services – Police Phone System balance $71,145.00 payment $16,740.00
GE Capital – Mowers & Truckster balance $69,501.51 payment $23,167.17

This action does require Council approval and a resolution effectuating these changes has been prepared.

**Recommendation**

Council approval of the resolution authorizing payment.

Department Head Signature

Mayor Signature

4/A

NOTICE AND CALL OF PUBLIC MEETING
Resolution No. 08-320

Governmental Body: The City Council of Council Bluffs, Iowa.

Date of Meeting: October 27, 2008.

Time of Meeting: 7:00 o'clock P.M.

Place of Meeting: Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, 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 said meeting is as follows:

- Resolution approving Capital Lease payments for Fiscal Year 2008/2009 and appropriating funds.

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

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

_____
City Clerk, Council Bluffs, Iowa

_____, 2008

The City Council of Council Bluffs, Iowa, met in _____ session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at _____ o'clock __.M., on the above date. There were present Mayor _____, in the chair, and the following named Council Members:

_____

_____

Absent: _____

* * * * * * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION APPROVING CAPITAL LEASE PAYMENTS FOR FY2008/2009 and APPROPRIATING FUNDS" and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

_____

NAYS: _____

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION NO. 08-320

RESOLUTION APPROVING CAPITAL LEASE PAYMENT FOR FISCAL YEAR 2008/2009 AND APPROPRIATING FUNDS.

WHEREAS, Iowa Code Section 403.19 requires that Cities certify all capital lease payments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That the City Council of Council Bluffs, Iowa approves the Capital Lease payments and appropriates the funds listed therein.

Capital Lease – Avaya Financial Services - Phone System

- Resolution approving the monthly lease payments of $1,712.30 totaling $22,259.90.

Capital Lease – GE Capital – 3 Mowers

- Resolution approving the annual lease payments of $29,345.50.

Capital Lease – John Deere Credit - Tractor Loader

- Resolution approving the final annual lease payment of $70,825.46.

Capital Lease – Avaya Financial Services – Police Phone System

- Resolution approving the monthly lease payments of $1,395.00 totaling $16,740.00.

Capital Lease –GE Capital – 3 Mowers and 1 Truckster

- Resolution approving the annual lease payments of $23,167.17.

PASSED AND APPROVED, this 27th day of October, 2008.

_____

Mayor

ATTEST:

_____

City Clerk

CERTIFICATE

STATE OF IOWA )
) SS
COUNTIES OF POTTAWATTIAME )

I, the undersigned City Clerk of Council Bluffs, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said 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 Council 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 Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Council 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 said 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 city offices as indicated therein, that no Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this _____ day of _____, 2008.

_____
City Clerk, Council Bluffs, Iowa

SEAL

CMAYER\518567.1\WP12100000

# Council Communication

**October 27, 2008 City Council Meeting**

| Department: Finance<br><br>Case/Project No.: N/A | Resolution No.: 08-321 | Date: October 27, 2008 |
|---|---|---|

**Subject/Title**

Authorizations for the annual grant appropriation, Certification of Debt, and directing the filing of the certification report with the County for the Bart's Motel Urban Renewal Area.

**Background/Discussion**

Background

According to Iowa Code Section 403.19, a City shall certify to the County Auditor on or before December 1, the amount of loans, indebtedness, or bonds which qualify for payment from a Tax Increment Financing (TIF) district for each established urban renewal area. This certification provides for the division of taxes collected attributable to specific projects.

Discussion

The Bart's Motel Urban Renewal Areas was established by Resolution 03-04 on February 24, 2003 and the TIF district was established by Ordinance 5757 on March 10, 2003. A development agreement was signed with ChapelRidge of Council Bluffs on February 26, 2003 providing for a 60% grant of the total tax increment attributable to the Property at 0% interest to be repaid only with tax incremental revenue contingent upon completion of certain duties and responsibilities.

The indebtedness at the time the agreement was signed was estimated to be $1,109,000.

Based on 2007 taxable values, the grant payment to the Developer in FY2008/2009 would be $110,000. This action does require Council approval and a resolution has been prepared.

**Recommendation**

Council approval of the resolution authorizing grant appropriation, Certification of Debt, and directing the filing of Certification to the County Auditor for the Bart's Motel Urban Renewal Area.

Department Head Signature

Mayor Signature

4B

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING
Resolution No. 08-321

| | |
|---|---|
| Governmental Body: | The City Council of Council Bluffs, Iowa. |
| Date of Meeting: | October 27, 2008. |
| Time of Meeting: | 7 o'clock P.M. |
| Place of Meeting: | Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, 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 said meeting is as follows:

- Resolution Approving Debt Certification Forms, Appropriating Funds and Directing Filing of Certifications for Bart's Motel Urban Renewal Area.

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

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

_____
Judith H. Ridgeley, City Clerk

_____, 2008

The City Council of Council Bluffs, Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P. M., on the above date. There were present Mayor Thomas P. Hanafan, in the chair, and the following named Council Members:

_____

_____

Absent: _____

* * * * * * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION APPROVING DEBT CERTIFICATION FORMS, APPROPRIATING FUNDS AND DIRECTING FILING OF CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE BART'S MOTEL URBAN RENEWAL AREA" and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

_____

NAYS: _____

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION NO. 08-321

RESOLUTION APPROVING DEBT CERTIFICATION FORMS, APPROPRIATING FUNDS AND DIRECTING FILING OF CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE BART'S MOTEL URBAN RENEWAL AREA.

WHEREAS, Iowa Code Section 403.19 requires that Cities certify all loans, advances indebtedness and bonds for which the City seeks reimbursement on or before December 1.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That the City Council of Council Bluffs, Iowa approves the debt certification forms attached hereto as Exhibit A, appropriates the funds listed therein, and directs that the City Clerk, Finance Director and other City officials file said debt certificate with the Pottawattamie County Auditor(s) on or before December 1, 2008.

Section 2. Based on 2007 taxable values, the maximum grant payment to the Developer in FY2008/2009 would be $110,000.

PASSED AND APPROVED, this 27th day of October, 2008.

_____
Thomas P. Hanafan, Mayor

ATTEST:

_____
Judith H. Ridgeley, City Clerk

CERTIFICATE

STATE OF IOWA )
) SS
COUNTIES OF POTTAWATTIANE )

I, the undersigned City Clerk of Council Bluffs, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said 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 Council 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 Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Council 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 said 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 city offices as indicated therein, that no Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this _____ day of _____, 2008.

_____
Judith H. Ridgeley, City Clerk

SEAL

## CODE OF IOWA SECTION 403.19 TAX INCREMENT FINANCING (TIF) INDEBTEDNESS CERTIFICATION TO COUNTY AUDITOR

**Due To County Auditor By December 1 Prior To The Fiscal Year TIF Increment Revenue Is Requested**
**Use One Certification Per Urban Renewal Area**

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Barts Motel

Urban Renewal Area Number: 78038 (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the Urban Renewal Area within the City and County named above the City has outstanding loans, advances, indebtedness, or bonds, none of which have been previously certified, in the collective amount shown below, all of which will qualify for payment from the special fund referred to in paragraph 2 of Section 403.19 of the Code of Iowa.

Urban Renewal Area Indebtedness Not Previously Certified*: $ **1,109,000**

*There must be attached a supporting itemized listing of the dates that individual loans, advances, indebtedness, or bonds were initially approved by the governing body. (Complete and attach 'CITY TIF FORM 1.1'.)

The County Auditor shall provide the available TIF increment tax revenue in subsequent fiscal years without further certification until the above-stated amount of indebtedness is paid to the special TIF fund of City. However, for any fiscal year a City may elect to receive less than the available TIF increment tax revenue by certifying the requested amount to the County Auditor on or before the preceding December 1. (File 'CITY TIF FORM 2' with the County Auditor by the preceding December 1 for each of those fiscal years where all of the TIF increment tax revenue is not requested.)

A City reducing certified TIF indebtedness by any reason other than application of TIF increment tax revenue received from the County Treasurer shall certify such reduced amounts to the County Auditor no later than December 1 of the year of occurrence. (File 'CITY TIF 'FORM 3' with the County Auditor when TIF indebtedness has been reduced by any reason other than application of TIF increment tax revenue received from the County Treasurer.)

Notes/Additional Information:

Dated this _____ day of _____, _____

Signature of Authorized Official Telephone

## TIF INDEBTEDNESS NOT PREVIOUSLY CERTIFIED ELIGIBLE FOR TAX COLLECTIONS NEXT FISCAL YEAR

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Barts Motel

Urban Renewal Area Number: 78038 (Use five-digit Area Number Assigned by the County Auditor)

| Individual TIF Indebtedness Type/Description/Details: | Date Approved*: | Total Amount: |
|---|---|---|
| 1. July 1, 2007 projected net balance of previously certified amount. | 07-01-07 Net Balance | 1,109,000 |
| There is one previously certified rebate agreements in this URA. | | |
| [X] 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 2. | | |
| [ ] 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 3. | | |
| [ ] 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 4. | | |
| [ ] 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 5. | | |
| [ ] 'X' this box if a rebate agreement. List administrative details on lines above. | | |

If more indebtedness entry lines are needed continue to Form 1.1 Page 2.

**Total For City TIF Form 1.1 Page 1:** 1,109,000

* "Date Approved" is the date that the local governing body initially approved the TIF indebtedness.

CITY TIF FORM 2

# SPECIFIC DOLLAR REQUEST FOR AVAILABLE TIF INCREMENT TAX REVENUE FOR NEXT FISCAL YEAR CERTIFICATION TO COUNTY AUDITOR

**Due To County Auditor By December 1 Prior To The Fiscal Year**
**Where Less Than The Maximum TIF Increment Revenue Is Requested**
**Use One Certification Per Urban Renewal Area**

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Barts Motel

Urban Renewal Area Number: 78038 (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the next fiscal year and for the Urban Renewal Area within the City and County named above, the City requests less than the maximum available TIF increment tax revenue as detailed below.

Provide sufficient detail so that the County Auditor will know how to specifically administer your request. For example you may have multiple indebtedness certifications in an Urban Renewal Area, and want the maximum revenue for rebate agreement property that the County has segregated into separate taxing districts, but only want a portion of the available increment from the remainder of the taxing districts in the Area.

| Specific Instructions To County Auditor For Administering The Request That This Urban Renewal Area Generate Less Than The Maximum Available TIF Increment Revenue: | Amount Requested: |
|---|---|
| I would like to certify less than the maximum available TIF increment revenue for the Barts Motel Urban Renewal Area. The rebate agreement calls for a 60% rebate of captured TIF revenues. I would like to request increment revenue of $73,000. | 73,000 |

Dated this _____ day of _____, _____

_____ 712-328-4605
Signature of Authorized Official Telephone

# Council Communication
**October 27, 2008 City Council Meeting**

| Department: Finance<br><br>Case/Project No.: N/A | Ordinance No.<br>Resolution No. 08-322 | Date: October 27, 2008 |
|---|---|---|

**Subject/Title**

Authorizations for the annual grant appropriation, Certification of Debt, and directing the filing of the certification report with the County for the Madison-Lindberg Urban Renewal Area.

**Background/Discussion**

Background

According to Iowa Code Section 403.19, a City shall certify to the County Auditor on or before December 1, the amount of loans, indebtedness, or bonds which qualify for payment from a Tax Increment Financing (TIF) district for each established urban renewal area. This certification provides for the division of taxes collected attributable to specific projects.

Discussion

The Madison-Lindberg Avenue Urban Renewal Area was established by Resolution 05-14 on January 24, 2005 and the TIF district was established by Ordinance 5835 on February 28, 2005. A development agreement was signed with Western Iowa Land Development on November 22, 2004 providing for a $125,000 grant at 6% interest to be repaid with tax incremental revenue contingent upon completion of certain duties and responsibilities.

The indebtedness at the time the agreement was signed was estimated to be $182,500.00.

Based on 2007 taxable values, the maximum grant payment to the Developer in FY2008/2009 would be $30,000. This action does require Council approval and a resolution has been prepared.

**Recommendation**

Council approval of the resolution authorizing grant appropriation, Certification of Debt, and directing the filing of Certification to the County Auditor for the Madison-Lindberg Urban Renewal Area.

Department Head Signature

Mayor Signature

4C

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING
Resolution 08-322

| | |
|---|---|
| Governmental Body: | The City Council of Council Bluffs, Iowa. |
| Date of Meeting: | October 27, 2008. |
| Time of Meeting: | 7 o'clock P.M. |
| Place of Meeting: | Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, 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 said meeting is as follows:

- Resolution Approving Debt Certification Forms, Appropriating Funds and Directing Filing of Certifications for Madison-Lindberg Urban Renewal Area .

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

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

_____
Judith H. Ridgeley, City Clerk

_____, 2008

The City Council of Council Bluffs, Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P.M., on the above date. There were present Mayor Thomas P. Hanafan, in the chair, and the following named Council Members:

_____

_____

Absent: _____

* * * * * * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION APPROVING DEBT CERTIFICATION FORMS, APPROPRIATING FUNDS AND DIRECTING FILING OF CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE MADISON-LINDBERG URBAN RENEWAL AREA" and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

_____

NAYS: _____

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION 08-322

RESOLUTION APPROVING DEBT CERTIFICATION FORMS, APPROPRIATING FUNDS AND DIRECTING FILING OF CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE MADISON-LINDBERG URBAN RENEWAL AREA.

WHEREAS, Iowa Code Section 403.19 requires that Cities certify all loans, advances indebtedness and bonds for which the City seeks reimbursement on or before December 1.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That the City Council of Council Bluffs, Iowa approves the debt certification forms attached hereto as Exhibit A, appropriates the funds listed therein:

Based on 2007 taxable values, the maximum grant payment to the Developer in FY2008/2009 is $30,000.

, and directs that the City Clerk, Finance Director and other City officials file said debt certificate with the Pottawattamie County Auditor(s) on or before December 1, 2008.

PASSED AND APPROVED, this 27th day of October, 2008.

_____
Thomas P. Hanafan, Mayor

ATTEST:

_____
Judith H. Ridgeley, City Clerk

CERTIFICATE

STATE OF IOWA )
) SS
COUNTIES OF POTTAWATTIANE )

I, the undersigned City Clerk of Council Bluffs, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said 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 Council 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 Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Council 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 said 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 city offices as indicated therein, that no Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this _____ day of _____, 2008.

_____
Judith H. Ridgeley, City Clerk

SEAL

## CODE OF IOWA SECTION 403.19 TAX INCREMENT FINANCING (TIF) INDEBTEDNESS CERTIFICATION TO COUNTY AUDITOR

**Due To County Auditor By December 1 Prior To The Fiscal Year TIF Increment Revenue Is Requested**
**Use One Certification Per Urban Renewal Area**

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Madison Lindberg

Urban Renewal Area Number: 78043 (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the Urban Renewal Area within the City and County named above the City has outstanding loans, advances, indebtedness, or bonds, none of which have been previously certified, in the collective amount shown below, all of which will qualify for payment from the special fund referred to in paragraph 2 of Section 403.19 of the Code of Iowa.

Urban Renewal Area Indebtedness Not Previously Certified*: $ **182,500**

*There must be attached a supporting itemized listing of the dates that individual loans, advances, indebtedness, or bonds were initially approved by the governing body. (Complete and attach 'CITY TIF FORM 1.1'.)

The County Auditor shall provide the available TIF increment tax revenue in subsequent fiscal years without further certification until the above-stated amount of indebtedness is paid to the special TIF fund of City. However, for any fiscal year a City may elect to receive less than the available TIF increment tax revenue by certifying the requested amount to the County Auditor on or before the preceding December 1. (File 'CITY TIF FORM 2' with the County Auditor by the preceding December 1 for each of those fiscal years where all of the TIF increment tax revenue is not requested.)

A City reducing certified TIF indebtedness by any reason other than application of TIF increment tax revenue received from the County Treasurer shall certify such reduced amounts to the County Auditor no later than December 1 of the year of occurrence. (File 'CITY TIF 'FORM 3' with the County Auditor when TIF indebtedness has been reduced by any reason other than application of TIF increment tax revenue received from the County Treasurer.)

Notes/Additional Information:

Dated this 27th day of October, 2008

Signature of Authorized Official

712-328-4605
Telephone

## TIF INDEBTEDNESS NOT PREVIOUSLY CERTIFIED ELIGIBLE FOR TAX COLLECTIONS NEXT FISCAL YEAR

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Madison Lindberg

Urban Renewal Area Number: 78043 (Use five-digit Area Number Assigned by the County Auditor)

| Individual TIF Indebtedness Type/Description/Details: | Date Approved*: | Total Amount: |
|---|---|---|
| 1. July 1, 2007 projected net balance of previously certified amount. | 07-01-07 Net Balance | 0 |
| ☐ 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 2. Madison Lindberg Rebate Agreement<br>Generate full increment revenues for all 13 parcels in development. | 11-22-04 | 182,500 |
| ☒ 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 3. | | |
| ☐ 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 4. | | |
| ☐ 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 5. | | |
| ☐ 'X' this box if a rebate agreement. List administrative details on lines above. | | |

If more indebtedness entry lines are needed continue to Form 1.1 Page 2.

**Total For City TIF Form 1.1 Page 1:** 182,500

* "Date Approved" is the date that the local governing body initially approved the TIF indebtedness.

# Council Communication

**October 27, 2008 City Council Meeting**

| Department: Finance<br><br>Case/Project No.: N/A | Ordinance No.<br>Resolution No. 08-323 | Date: October 27, 2008 |
|---|---|---|

**Subject/Title**

Authorizations for the annual grant appropriation, Certification of Debt, and directing the filing of the certification report with the County for the West Broadway Urban Renewal Area.

**Background/Discussion**

Background

According to Iowa Code Section 403.19, a City shall certify to the County Auditor on or before December 1, the amount of loans, indebtedness, or bonds which qualify for payment from a Tax Increment Financing (TIF) district for each established urban renewal area. This certification provides for the division of taxes collected attributable to specific projects.

Discussion

The West Broadway Urban Renewal Areas was established by Resolution 87-570 on December 14. 1987 and the TIF district was established by Ordinance 4852 on June 13, 1988.

Fred Hill (2015 West Broadway)

A development agreement was signed with Fred Hill November 22, 2004 providing a $50,000 grant of the total tax increment attributable to the Property at 6.0% interest to be repaid only with tax incremental revenue contingent upon completion of certain duties and responsibilities. The indebtedness at the time the agreement was signed was estimated to be $62,000.

Pottawattamie County Development Corporation (Omaha Standard)

A redevelopment agreement was signed with Pottawattamie County Development Corporation on August 9, 2004 providing a $900,000 grant of the total tax increment attributable to the Property at 0% interest to be repaid only with tax incremental revenue contingent upon completion of certain duties and responsibilities. The final grant payment of $150,000 was made on March 29, 2008. The indebtedness at the time the agreement was signed was estimated to be $900,000.

Pottawattamie County Development Corporation (3220 West Broadway)

A development agreement was signed with Pottawattamie County Development Corporation on September 24, 2001 to provide funding to cover half of the incurred expenses plus a management fee for 3220 West Broadway. This grant was not to exceed $56,150 and was to be used to acquire, demolish, prepare, maintain and market the property.

2008 Series GO Bonds (West Broadway)

The 2008 Series General Obligation Bonds included the issuance of an amount not to exceed $430,000 in bonds for the planning, undertaking, and carrying out of an urban renewal project consisting of acquisition of land. This portion of the GO Bonds was anticipated to be abated with tax increment revenues from this urban renewal area. The indebtedness at the time the agreement was signed was estimated to be $471,396.

4 D

So 25th Street Reconstruction (CIP 08-10)
This project is in FY08-10 in the CIP and is funded by West Broadway TIF money and by the Council Bluffs Community Schools. South 25th Street between Broadway and 2nd Avenue was in poor condition and needed to be replaced. The roadway is adjacent to Thomas Jefferson High School and carries a large volume of student related traffic and school buses. The total reconstruction cost was $355,956 with Council Bluffs Schools providing funding of $50,430, leaving the balance of $305,526 to be reimbursed by the TIF district.

The indebtedness at the time the agreements were signed is estimated to be $1,795,072.

Based on 2007 taxable values, the grant payment to the Developers in FY2008/2009 would be $94,653. This action does require Council approval and a resolution has been prepared.

**Recommendation**

Council approval of the resolution authorizing grant appropriation, Certification of Debt, and directing the filing of the Certification to the County Auditor for the West Broadway Urban Renewal Area.

Department Head Signature

Mayor Signature

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING
Resolution 08-323

| | |
|---|---|
| Governmental Body: | The City Council of Council Bluffs, Iowa. |
| Date of Meeting: | October 27, 2008. |
| Time of Meeting: | 7 o'clock P.M. |
| Place of Meeting: | Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, 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 said meeting is as follows:

- Resolution Approving Debt Certification Forms, Approving an Advance of Funds, Appropriating Funds and Directing Filing of the Certifications for West Broadway Urban Renewal Area.

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

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

_____
Judith H. Ridgeley, City Clerk

_____, 2008

The City Council of Council Bluffs, Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P. M., on the above date. There were present Mayor Thomas P. Hanafan, in the chair, and the following named Council Members:

_____

_____

Absent: _____

* * * * * * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION APPROVING DEBT CERTIFICATION FORMS, APPROVING AN ADVANCE OF FUNDS FOR REPAYMENT, APPROPRIATING FUNDS, AND DIRECTING FILING OF THE CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE WEST BROADWAY URBAN RENEWAL AREA UNDER IOWA CODE SECTION 403.19" and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

_____

NAYS: _____

RESOLUTION NO. 08-323

RESOLUTION APPROVING DEBT CERTIFICATION FORMS, APPROVING AN ADVANCE OF FUNDS FOR REPAYMENT, APPROPRIATING FUNDS, AND DIRECTING FILING OF THE CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE WEST BROADWAY URBAN RENEWAL AREA UNDER IOWA CODE SECTION 403.19.

WHEREAS, the City of Council Bluffs, Iowa has established the West Broadway Urban Renewal Area (the "Urban Renewal Area") and is undertaking certain projects within the Urban Renewal Area (the "Project"); and

WHEREAS, it is the intention of the City to certify the amount of funds so advanced for reimbursement under Iowa Code Section 403.19; and

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Council Bluffs, Iowa, as follows:

Section 1. Pursuant to Ordinance there has been established the West Broadway Urban Renewal Area Tax Increment Revenue Fund (the "Tax Increment Fund"), into which all

incremental property tax revenues received from the West Broadway Urban Renewal Area are deposited. The Council finds the Project to be an Urban Renewal Project as defined in Iowa Code Chapter 403, and further approves an advance of City funds for said Project.

Section 2. It is hereby directed that up to $430,00 from the GO Bond Series 2008 be advanced from the Debt Service Fund to the West Broadway Urban Renewal Area Tax Increment Fund in order to pay the costs of the Project. The advance shall be treated as an internal loan (the "Loan ") to the West Broadway Tax Increment Fund and shall be repaid to the Debt Service Fund, together with interest at a rate of 3.25-4.00%. The loan may be repaid from a financing authorized for such purpose, or from future incremental tax revenues.

Section 3. It is hereby directed that up to $305,526 from the Capital Projects Miscellaneous Fund be advanced to the West Broadway Urban Renewal Area Tax Increment Fund in order to pay the costs of the Project. The advance shall be treated as an internal loan (the "Loan ") to the West Broadway Tax Increment Fund and shall be repaid to the Capital Projects – Miscellaneous Fund. The loan may be repaid from a financing authorized for such purpose, or from future incremental tax revenues.

Section 4. Certify as debt and authorize payment to Pottawattamie County Development Corporation of the remaining balance of the development agreement of $3,350. The payment may be repaid from a financing authorized for such purpose, or from future incremental tax revenues.

Section 5. That the City Council of Council Bluffs, Iowa approves the debt certification forms attached hereto as Exhibit A, appropriates the funds listed therein, and directs that the City Clerk, Finance Director and other City officials file said debt certificate with the Pottawattamie County Auditor(s) on or before December 1, 2008.

Section 6. The maximum grant and internal loan payments for FY2008/2009 would be $94,653.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA, this 27th day of October, 2008.

_____

Mayor

ATTEST:

_____

City Clerk

CERTIFICATE

STATE OF IOWA )
) SS
COUNTY OF POTTAWATTAMIE )

I, the undersigned City Clerk of Council Bluffs, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said 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 Council 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 Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Council 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 said 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 city offices as indicated therein, that no Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this _____ day of _____, 2008.

_____
City Clerk, Council Bluffs, Iowa

SEAL

## CODE OF IOWA SECTION 403.19 TAX INCREMENT FINANCING (TIF) INDEBTEDNESS CERTIFICATION TO COUNTY AUDITOR

**Due To County Auditor By December 1 Prior To The Fiscal Year TIF Increment Revenue Is Requested**
**Use One Certification Per Urban Renewal Area**

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: West Broadway 1987

Urban Renewal Area Number: 78029 (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the Urban Renewal Area within the City and County named above the City has outstanding loans, advances, indebtedness, or bonds, none of which have been previously certified, in the collective amount shown below, all of which will qualify for payment from the special fund referred to in paragraph 2 of Section 403.19 of the Code of Iowa.

Urban Renewal Area Indebtedness Not Previously Certified*: $ **780,272**

*There must be attached a supporting itemized listing of the dates that individual loans, advances, indebtedness, or bonds were initially approved by the governing body. (Complete and attach 'CITY TIF FORM 1.1'.)

The County Auditor shall provide the available TIF increment tax revenue in subsequent fiscal years without further certification until the above-stated amount of indebtedness is paid to the special TIF fund of City. However, for any fiscal year a City may elect to receive less than the available TIF increment tax revenue by certifying the requested amount to the County Auditor on or before the preceding December 1. (File 'CITY TIF FORM 2' with the County Auditor by the preceding December 1 for each of those fiscal years where all of the TIF increment tax revenue is not requested.)

A City reducing certified TIF indebtedness by any reason other than application of TIF increment tax revenue received from the County Treasurer shall certify such reduced amounts to the County Auditor no later than December 1 of the year of occurrence. (File 'CITY TIF 'FORM 3' with the County Auditor when TIF indebtedness has been reduced by any reason other than application of TIF increment tax revenue received from the County Treasurer.)

Notes/Additional Information:

Dated this 27th day of _____, _____

Signature of Authorized Official

Telephone

## TIF INDEBTEDNESS NOT PREVIOUSLY CERTIFIED ELIGIBLE FOR TAX COLLECTIONS NEXT FISCAL YEAR

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: West Broadway 1987

Urban Renewal Area Number: 78029 (Use five-digit Area Number Assigned by the County Auditor)

| Individual TIF Indebtedness Type/Description/Details: | Date Approved*: | Total Amount: |
|---|---|---|
| 1. Inter-fund loan<br>General Obilgation Bonds Series 2008 issued on May 1, 2007 included funding not to exceed $430,000 for this TIF District<br>☐ 'X' this box if a rebate agreement. List administrative details on lines above. | 10-27-2008 | 471,396 |
| 2. Pottawattamie County Development Corporation<br>Cover management fees for 3220 West Broadway<br>☒ 'X' this box if a rebate agreement. List administrative details on lines above. | 10-27-2008 | 3,350 |
| 3. Inter-fund Loan<br>So. 25th Street Reconstruction<br>☒ 'X' this box if a rebate agreement. List administrative details on lines above. | 10-27-2008 | 305,526 |
| 4.<br>☐ 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 5.<br>☐ 'X' this box if a rebate agreement. List administrative details on lines above. | | |

If more indebtedness entry lines are needed continue to Form 1.1 Page 2.

**Total For City TIF Form 1.1 Page 1:** 780,272

* "Date Approved" is the date that the local governing body initially approved the TIF indebtedness.

# Council Communication
**October 27, 2008 City Council Meeting**

| Department: Finance<br><br>Case/Project No. N/A | Ordinance No.<br>Resolution No. 08-324 | Date: October 27, 2008 |
|---|---|---|

**Subject/Title**

Authorizations for the annual rebate appropriation, Certification of Debt, and directing the filing of the certification report with the County for the Metro Crossing Urban Renewal Area.

**Background/Discussion**

Background

According to Iowa Code Section 403.19, a City shall certify to the County Auditor on or before December 1, the amount of loans, indebtedness, or bonds which qualify for payment from a Tax Increment Financing (TIF) district for each established urban renewal area. This certification provides for the division of taxes collected attributable to specific projects.

Discussion

The Metro Crossing Urban Renewal Area was established by Resolution 06-57 on February 27, 2006 and the TIF district was established by Ordinance 5912 on February 12, 2007. A redevelopment agreement was signed with Metro Crossing LLC on November 30, 2005. On November 13, 2007, Resolution 06-228, the First Addendum was approved changing the language contained in Paragraph 2.5, Exhibit A, and Paragraph 3.3. The Paragraph 2.5 set the maximum grant to the Developer at $7,300,000 of the total tax increment attributable to the Property at 0% interest. The grant would be paid only from tax incremental revenue collected from this urban renewal area after the City's obligations are met. The City issued General Obligation Bonds Series 2007B for $2,150,000 to construct an outfall sanitary sewer system to service the Project.

The indebtedness at the time the agreement was signed was estimated to be $10,149,783.

Based on 2007 taxable values, the final rebate payment to the Developer in FY2008/2009 would be $0.00. This action does require Council approval and a resolution has been prepared.

**Recommendation**

Council approval of the resolution authorizing rebate appropriation, Certification of Debt, and Direct filing of Certification to the County Auditor for Metro Crossing Urban Renewal Area.

Department Head Signature

4E

Mayor Signature

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING
Resolution No. 08-324

| | |
|---|---|
| Governmental Body: | The City Council of Council Bluffs, Iowa. |
| Date of Meeting: | October 27, 2008. |
| Time of Meeting: | 7 o'clock P.M. |
| Place of Meeting: | Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, 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 said meeting is as follows:

- Resolution Approving Debt Certification Forms, Approving an Advance of Funds, Appropriating Funds and Directing Filing of the Certifications for Metro Crossing Urban Renewal Area.

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

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

_____
Judith H. Ridgeley, City Clerk

_____, 2008

The City Council of Council Bluffs, Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P. M., on the above date. There were present Mayor Thomas P. Hanafan, in the chair, and the following named Council Members:

_____

_____

Absent: _____

* * * * * * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION APPROVING DEBT CERTIFICATION FORMS, APPROVING AN ADVANCE OF FUNDS FOR REPAYMENT, APPROPRIATING FUNDS, and AND DIRECTING FILING OF THE CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE METRO CROSSING URBAN RENEWAL AREA UNDER IOWA CODE SECTION 403.19" and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

_____

NAYS: _____

RESOLUTION NO. 08-324

RESOLUTION APPROVING DEBT CERTIFICATION FORMS, APPROVING AN ADVANCE OF FUNDS FOR REPAYMENT, APPROPRIATING FUNDS, AND DIRECTING FILING OF THE CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE METRO CROSSING URBAN RENEWAL AREA UNDER IOWA CODE SECTION 403.19.

WHEREAS, the City of Council Bluffs, Iowa has established the Metro Crossing Urban Renewal Area (the "Urban Renewal Area") and is undertaking certain projects within the Urban Renewal Area (the "Project"); and

WHEREAS, it is the intention of the City to certify the amount of funds so advanced for reimbursement under Iowa Code Section 403.19; and

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Council Bluffs, Iowa, as follows:

Section 1. Pursuant to Ordinance there has been established the Metro Crossing Urban Renewal Area Tax Increment Revenue Fund (the "Tax Increment Fund"), into which all

incremental property tax revenues received from the Metro Crossing Urban Renewal Area are deposited. The Council finds the Project to be an Urban Renewal Project as defined in Iowa Code Chapter 403, and further approves an advance of City funds for said Project.

Section 2. It is hereby directed that $88,238 advanced in FY08, $$81,450 advanced in FY09, and GO Bond Series 2007B balance of $2,680,095, be advanced from the Debt Service Fund to the Metro Crossing Urban Renewal Area Tax Increment Fund in order to pay the costs of the Project. The advance shall be treated as an internal loan (the "Loan ") to the Metro Crossing Tax Increment Fund and shall be repaid to the Debt Service Fund. The loan may be repaid from a financing authorized for such purpose, or from future incremental tax revenues.

Section 3. It is hereby directed that $217,580 advanced in FY08 from the Capital Projects – Go Bond Metro Crossing Fund to the Metro Crossing Urban Renewal Area Tax Increment Fund in order to pay the costs overrun of the Sanitary Sewer Pump Station Project. The advance shall be treated as an internal loan (the "Loan ") to the Tax Increment Fund and shall be repaid to the Capital Projects – Go Bond Metro Crossing Fund. The loan may be repaid from a financing authorized for such purpose, or from future incremental tax revenues.

Section 4. That the City Council of Council Bluffs, Iowa approves the debt certification forms attached hereto as Exhibit A, appropriates the funds listed therein, and directs that the City Clerk, Finance Director and other City officials file said debt certificate with the Pottawattamie County Auditor(s) on or before December 1, 2008.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA, this 27th day of October, 2008.

_____
Mayor

ATTEST:

_____

City Clerk

CERTIFICATE

STATE OF IOWA )
) SS
COUNTY OF PAGE )

I, the undersigned City Clerk of Council Bluffs, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said 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 Council 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 Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Council 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 said 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 city offices as indicated therein, that no Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this _____ day of _____, 2007.

_____
City Clerk, Council Bluffs, Iowa

SEAL

# CODE OF IOWA SECTION 403.19 TAX INCREMENT FINANCING (TIF) INDEBTEDNESS CERTIFICATION TO COUNTY AUDITOR

**Due To County Auditor By December 1 Prior To The Fiscal Year TIF Increment Revenue Is Requested**
**Use One Certification Per Urban Renewal Area**

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Council Bluffs Metro Crossing Urban Renewal Area

Urban Renewal Area Number: _____ (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the Urban Renewal Area within the City and County named above the City has outstanding loans, advances, indebtedness, or bonds, none of which have been previously certified, in the collective amount shown below, all of which will qualify for payment from the special fund referred to in paragraph 2 of Section 403.19 of the Code of Iowa.

Urban Renewal Area Indebtedness Not Previously Certified*: $ **10,367,363**

*There must be attached a supporting itemized listing of the dates that individual loans, advances, indebtedness, or bonds were initially approved by the governing body. (Complete and attach 'CITY TIF FORM 1.1'.)

The County Auditor shall provide the available TIF increment tax revenue in subsequent fiscal years without further certification until the above-stated amount of indebtedness is paid to the special TIF fund of City. However, for any fiscal year a City may elect to receive less than the available TIF increment tax revenue by certifying the requested amount to the County Auditor on or before the preceding December 1. (File 'CITY TIF FORM 2' with the County Auditor by the preceding December 1 for each of those fiscal years where all of the TIF increment tax revenue is not requested.)

A City reducing certified TIF indebtedness by any reason other than application of TIF increment tax revenue received from the County Treasurer shall certify such reduced amounts to the County Auditor no later than December 1 of the year of occurrence. (File 'CITY TIF 'FORM 3' with the County Auditor when TIF indebtedness has been reduced by any reason other than application of TIF increment tax revenue received from the County Treasurer.)

Notes/Additional Information:

Dated this 27th day of October, 2008

Signature of Authorized Official

712-328-4605
Telephone

## TIF INDEBTEDNESS NOT PREVIOUSLY CERTIFIED ELIGIBLE FOR TAX COLLECTIONS NEXT FISCAL YEAR

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Council Bluffs Metro Crossing Urban Renewal Area

Urban Renewal Area Number: 00000 (Use five-digit Area Number Assigned by the County Auditor)

| Individual TIF Indebtedness Type/Description/Details: | Date Approved*: | Total Amount: |
|---|---|---|
| 1. July 1, 2009 projected net balance of not previously certified amount. | NA | |
| ☐ 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 2. Rebate agreement with Metro Crossing LLC | 11-13-2007 | 7,300,000 |
| ☒ 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 3. Inter-fund Loan<br>General Obligation Bonds Serier 2007B issued May 01, 2007 | 05-01-2007 | 2,849,783 |
| ☐ 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 4. Inter-fund Loan<br>Sanitary Sewer Pump Station for Metro Crossing | 10-27-2008 | 217,580 |
| ☐ 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 5. | | |
| ☐ 'X' this box if a rebate agreement. List administrative details on lines above. | | |

If more indebtedness entry lines are needed continue to Form 1.1 Page 2.

**Total For City TIF Form 1.1 Page 1:** 10,367,363

* "Date Approved" is the date that the local governing body initially approved the TIF indebtedness.

# Council Communication
**October 27, 2008 City Council Meeting**

| | | |
|---|---|---|
| Department: Finance<br><br>Case/Project No.: N/A | Ordinance No.<br>Resolution No. 08-325 | Date: October 27, 2008 |

**Subject/Title**

Authorizations for the annual grant appropriation, Certification of Debt, and directing the filing of the certification report with the County for the Featherstone 1997 Urban Renewal Area.

**Background/Discussion**

Background

According to Iowa Code Section 403.19, a City shall certify to the County Auditor on or before December 1, the amount of loans, indebtedness, or bonds which qualify for payment from a Tax Increment Financing (TIF) district for each established urban renewal area. This certification provides for the division of taxes collected attributable to specific projects.

Discussion

The Featherstone 1997 Urban Renewal Areas was established by Resolution 98-184 on July 27, 1998 and the TIF district was established by Ordinance 5416 on August 24, 1998. A development agreement was signed with Nustyle Development Corporation on September 1, 1998 providing for a $300,000 grant of the total tax increment attributable to the Property at 8.0% interest to be repaid only with tax incremental revenue contingent upon completion of certain duties and responsibilities. Because of a base year error that was not discovered until 2001 that resulted in under funding the Grant, Resolution No. 07-427 was passed on November 5, 2007 authorizing a 2 year amendment to the development agreement.

The indebtedness at the time the agreement was signed was $570,000.

Based on 2007 taxable values, the grant payment to the Developer in FY2008/2009 would be $62,000. This action does require Council approval and a resolution has been prepared.

**Recommendation**

Council approval of the resolution authorizing grant appropriation, Certification of Debt, and directing the filing of Certification to the County Auditor for the Featherstone 1997 Urban Renewal Area.

Department Head Signature

4F

Mayor Signature

(This Notice to be posted)

NOTICE AND CALL OF PUBLIC MEETING
Resolution No. 08-325

| | |
|---|---|
| Governmental Body: | The City Council of Council Bluffs, Iowa. |
| Date of Meeting: | October 27, 2008. |
| Time of Meeting: | 7 o'clock P.M. |
| Place of Meeting: | Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, 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 said meeting is as follows:

- Resolution Approving Debt Certification Forms, Appropriating Funds and Directing Filing of the Certifications for Featherstone 1997 Urban Renewal Area.

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

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

_____
Judith H. Ridgeley, City Clerk

_____, 2008

The City Council of Council Bluffs, Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P. M., on the above date. There were present Mayor Thomas P. Hanafan, in the chair, and the following named Council Members:

_____

_____

Absent: _____

* * * * * * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION APPROVING DEBT CERTIFICATION FORMS, APPROPRIATING FUNDS AND DIRECTING FILING OF THE CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE FEATHERSTONE 1997 URBAN RENEWAL AREA" and moved its adoption. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

_____

NAYS: _____

Whereupon, the Mayor declared the following Resolution duly adopted:

RESOLUTION NO. 08-325

RESOLUTION APPROVING DEBT CERTIFICATION FORMS, APPROPRIATING FUNDS AND DIRECTING FILING OF THE CERTIFICATIONS TO THE COUNTY AUDITOR FOR THE FEATHERSTONE 1997 URBAN RENEWAL AREA.

WHEREAS, Iowa Code Section 403.19 requires that Cities certify all loans, advances indebtedness and bonds for which the City seeks reimbursement on or before December 1.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That the City Council of Council Bluffs, Iowa approves the debt certification forms attached hereto as Exhibit A, appropriates the funds listed therein, and directs that the City Clerk, Finance Director and other City officials file said debt certificate with the Pottawattamie County Auditor(s) on or before December 1, 2008.

Section 2. Based on 2007 taxable values, the maximum grant payment to the Developer in FY2008/2009 would be $62,000.

PASSED AND APPROVED, this 27th day of October, 2008.

Thomas P. Hanafan, Mayor

ATTEST:

Judith H. Ridgeley, City Clerk

CERTIFICATE

STATE OF IOWA )
) SS
COUNTIES OF POTTAWATTIANE )

I, the undersigned City Clerk of Council Bluffs, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said 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 Council 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 Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Council 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 said 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 city offices as indicated therein, that no Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this _____ day of _____, 2008.

_____
Judith H. Ridgeley, City Clerk

SEAL

# CODE OF IOWA SECTION 403.19 TAX INCREMENT FINANCING (TIF) INDEBTEDNESS CERTIFICATION TO COUNTY AUDITOR

**Due To County Auditor By December 1 Prior To The Fiscal Year TIF Increment Revenue Is Requested**
**Use One Certification Per Urban Renewal Area**

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Council Bluffs Featherstone 1997 Urban Renewal

Urban Renewal Area Number: 78005 (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the Urban Renewal Area within the City and County named above the City has outstanding loans, advances, indebtedness, or bonds, none of which have been previously certified, in the collective amount shown below, all of which will qualify for payment from the special fund referred to in paragraph 2 of Section 403.19 of the Code of Iowa.

Urban Renewal Area Indebtedness Not Previously Certified*: $ **80,869**

*There must be attached a supporting itemized listing of the dates that individual loans, advances, indebtedness, or bonds were initially approved by the governing body. (Complete and attach 'CITY TIF FORM 1.1'.)

The County Auditor shall provide the available TIF increment tax revenue in subsequent fiscal years without further certification until the above-stated amount of indebtedness is paid to the special TIF fund of City. However, for any fiscal year a City may elect to receive less than the available TIF increment tax revenue by certifying the requested amount to the County Auditor on or before the preceding December 1. (File 'CITY TIF FORM 2' with the County Auditor by the preceding December 1 for each of those fiscal years where all of the TIF increment tax revenue is not requested.)

A City reducing certified TIF indebtedness by any reason other than application of TIF increment tax revenue received from the County Treasurer shall certify such reduced amounts to the County Auditor no later than December 1 of the year of occurrence. (File 'CITY TIF 'FORM 3' with the County Auditor when TIF indebtedness has been reduced by any reason other than application of TIF increment tax revenue received from the County Treasurer.)

Notes/Additional Information:

Dated this 27th day of October, 2008

Signature of Authorized Official

712-328-4605
Telephone

## TIF INDEBTEDNESS NOT PREVIOUSLY CERTIFIED ELIGIBLE FOR TAX COLLECTIONS NEXT FISCAL YEAR

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Council Bluffs Featherstone 1997 Urban Renewal

Urban Renewal Area Number: 78005 (Use five-digit Area Number Assigned by the County Auditor)

| Individual TIF Indebtedness Type/Description/Details: | Date Approved*: | Total Amount: |
|---|---|---|
| 1. July 1, 2008 projected net balance of previously certified amount. City Council approved an two year extention of TIF agreement on 10-01/2007 because of assessed value being incorrect in 2001 and 2002. | 10-27-2008 | 80,869 |
| There is one previously certified rebate agreements in this URA | | |
| [X] 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 2. | | |
| [ ] 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 3. | | |
| [ ] 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 4. | | |
| [ ] 'X' this box if a rebate agreement. List administrative details on lines above. | | |
| 5. | | |
| [ ] 'X' this box if a rebate agreement. List administrative details on lines above. | | |

If more indebtedness entry lines are needed continue to Form 1.1 Page 2.

**Total For City TIF Form 1.1 Page 1:** 80,869

* "Date Approved" is the date that the local governing body initially approved the TIF indebtedness.

CITY TIF FORM 2

# SPECIFIC DOLLAR REQUEST FOR AVAILABLE TIF INCREMENT TAX REVENUE FOR NEXT FISCAL YEAR CERTIFICATION TO COUNTY AUDITOR

**Due To County Auditor By December 1 Prior To The Fiscal Year**
**Where Less Than The Maximum TIF Increment Revenue Is Requested**
**Use One Certification Per Urban Renewal Area**

City: Council Bluffs County: Pottawattamie

Urban Renewal Area Name: Council Bluffs Featherstone 1997 Urban Renewal

Urban Renewal Area Number: 78005 (Use five-digit Area Number Assigned by the County Auditor)

I hereby certify to the County Auditor that for the next fiscal year and for the Urban Renewal Area within the City and County named above, the City requests less than the maximum available TIF increment tax revenue as detailed below.

Provide sufficient detail so that the County Auditor will know how to specifically administer your request. For example you may have multiple indebtedness certifications in an Urban Renewal Area, and want the maximum revenue for rebate agreement property that the County has segregated into separate taxing districts, but only want a portion of the available increment from the remainder of the taxing districts in the Area.

| Specific Instructions To County Auditor For Administering The Request That This Urban Renewal Area Generate Less Than The Maximum Available TIF Increment Revenue: | Amount Requested: |
|---|---|
| I would like to certify less than the maximum available TIF increment revenue for the Original Featherstone | 70,000 |
| Renewal Area. The City Council agreed to a two year extention to cover two year of assessed value | |
| problems. I would like to request increment revenue of $70,000 for FY 2009-10 | |

Dated this 27th day of October, 2008

Signature of Authorized Official

712-328-4605
Telephone

# Council Communication

| | | |
|---|---|---|
| Department: Community Development<br>Case No. ZC-08-012<br>Applicant: Broadway Ventures, LLC<br>C/o Seldin Company | Ordinance No. 6014 | City Council Meeting: 10/27/08<br>First Reading 10/27/2008<br>Second Reading _____<br>Third Reading _____ |

**Subject/Title**

Request of Broadway Ventures, LLC, c/o Seldin Company, Attn: Randy Lenhoff, 13057 West Center Road, Omaha, NE 68144, represented by Deborah L. Petersen, 215 South Main Street, PO Box 893, Council Bluffs, IA 51502-0893 to rezone Lots 1 through 23, Block 4, Wright's Addition from R-3/Low Density Multi-family Residential to C-2 Commercial. This property is located south of First Avenue between South 24th and South 25th Streets.

**Background/Discussion**

The above described property was originally zoned I-1/Light Industrial and was part of the Omaha Standard campus. The Community Development Department proposed rezoning the property to allow redevelopment of the area after Omaha Standard moved their facilities to Nebraska Avenue. The rezoning became effective upon acquisition by Pottawattamie County Investment Corporation (PCDC) in December, 2005.

Broadway Ventures, LLC, legal option holder, is requesting rezoning from R-3/Low Density Multi-Family Residential to C-2 Commercial in order to develop a mixed commercial/retail/professional office center. A conceptual layout of the subject property and the area to the north is attached.

This property is currently vacant. The block to the north is zoned C-2 and is to be developed with grocery and banking facilities. Thomas Jefferson High School, also zoned C-2, is located to the west. Property to the south and east is zoned R-3 and is developed with residential structures.

Judy Finney, 2438 – 2nd Avenue, requested additional information and stated she would be opposed to a quick-stop type facility.

No adverse comments have been received from any City department or utility.

**Recommendation**

The Community Development Department recommends rezoning Lots 1 through 23, Block 4, Wright's Addition from R-3/Low Density Multi-family Residential to C-2 Commercial to allow the development of a commercial/retail/professional office center.

**Public Hearing**

Deb Petersen, 215 S. Main St., Council Bluffs, IA, representing the applicant, appeared before the Planning Commission in favor of the request.

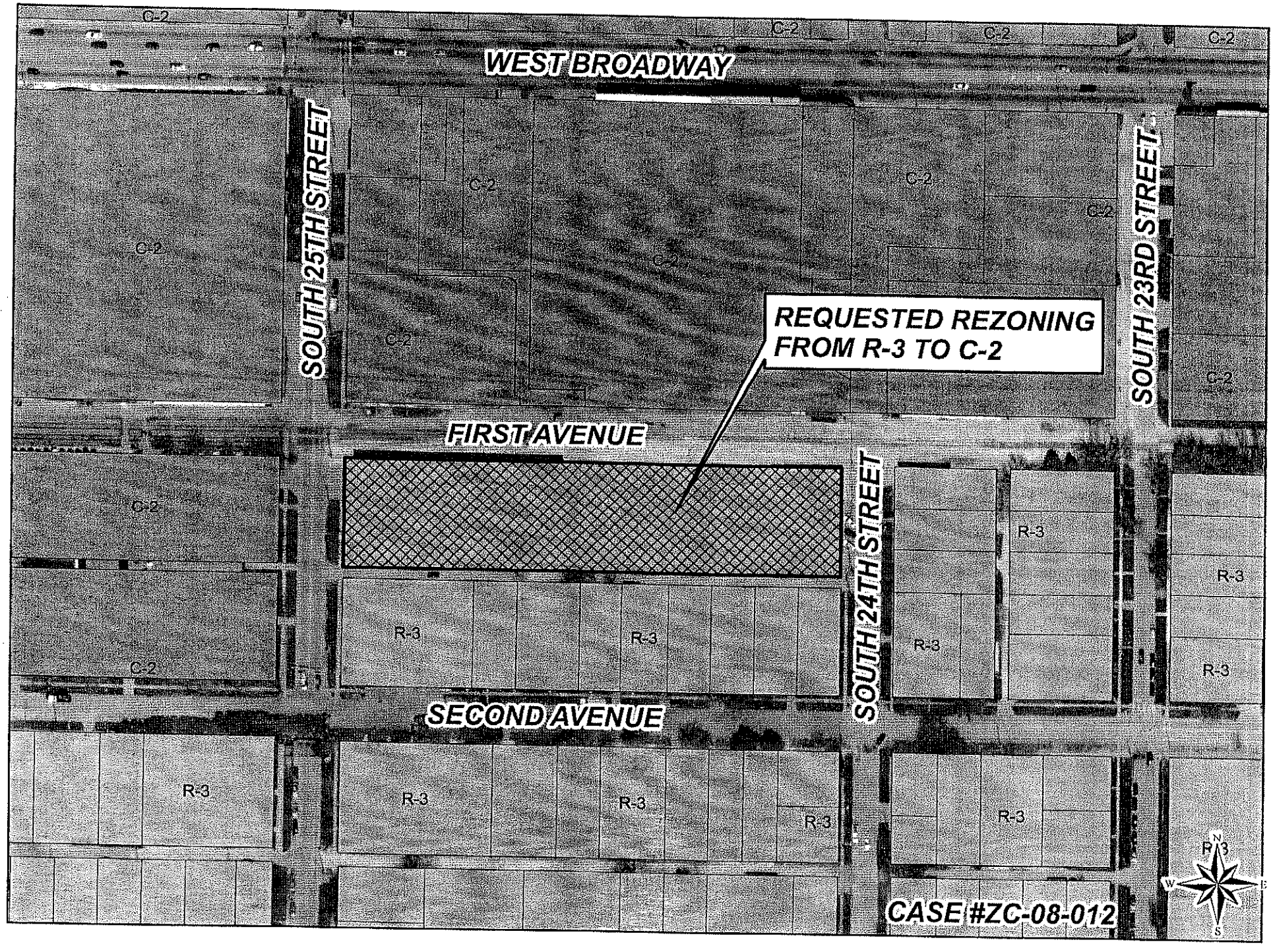
No one appeared in opposition.

**Planning Commission to City Council**

The Planning Commission recommends rezoning Lots 1 through 23, Block 4, Wright's Addition from R-3/Low Density Multi-family Residential to C-2 Commercial.

VOTE: Aye 11 Nay 0 Abstain 0 Absent 0 Motion Carried

5A


WEST BROADWAY
SOUTH 25TH STREET
SOUTH 23RD STREET
REQUESTED REZONING
FROM R-3 TO C-2
FIRST AVENUE
SOUTH 24TH STREET
SECOND AVENUE
C-2
R-3
N
W
E
S
CASE #ZC-08-012

| | |
|---|---|
| Prepared by: | City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620 |
| Return to: | City Clerk, 209 Pearl Street, Council Bluffs, IA 51503 |

ORDINANCE NO. 6014

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY LOCATED SOUTH OF FIRST AVENUE BETWEEN SOUTH 24TH AND SOUTH 25TH STREETS, IN COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, FROM ITS PRESENT DESIGNATION AS R-3/ LOW DENSITY MULTI-FAMILY FAMILY RESIDENTIAL TO C-2/COMMERCIAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.10 AND 15.15 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises located south of First Avenue between South 24th and South 25th Streets, as shown on the Attachments, and legally described as follows:

Lots 1 through 23, Block 4, Wright's Addition, Council Bluffs, Pottawattamie County, Iowa,

from its present designation as R-3/Low Density Multi-Family Residential to C-2/Commercial as set forth and defined in Chapters 15.10 and 15.15 of Title 15 "Zoning" of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND
APPROVED _____

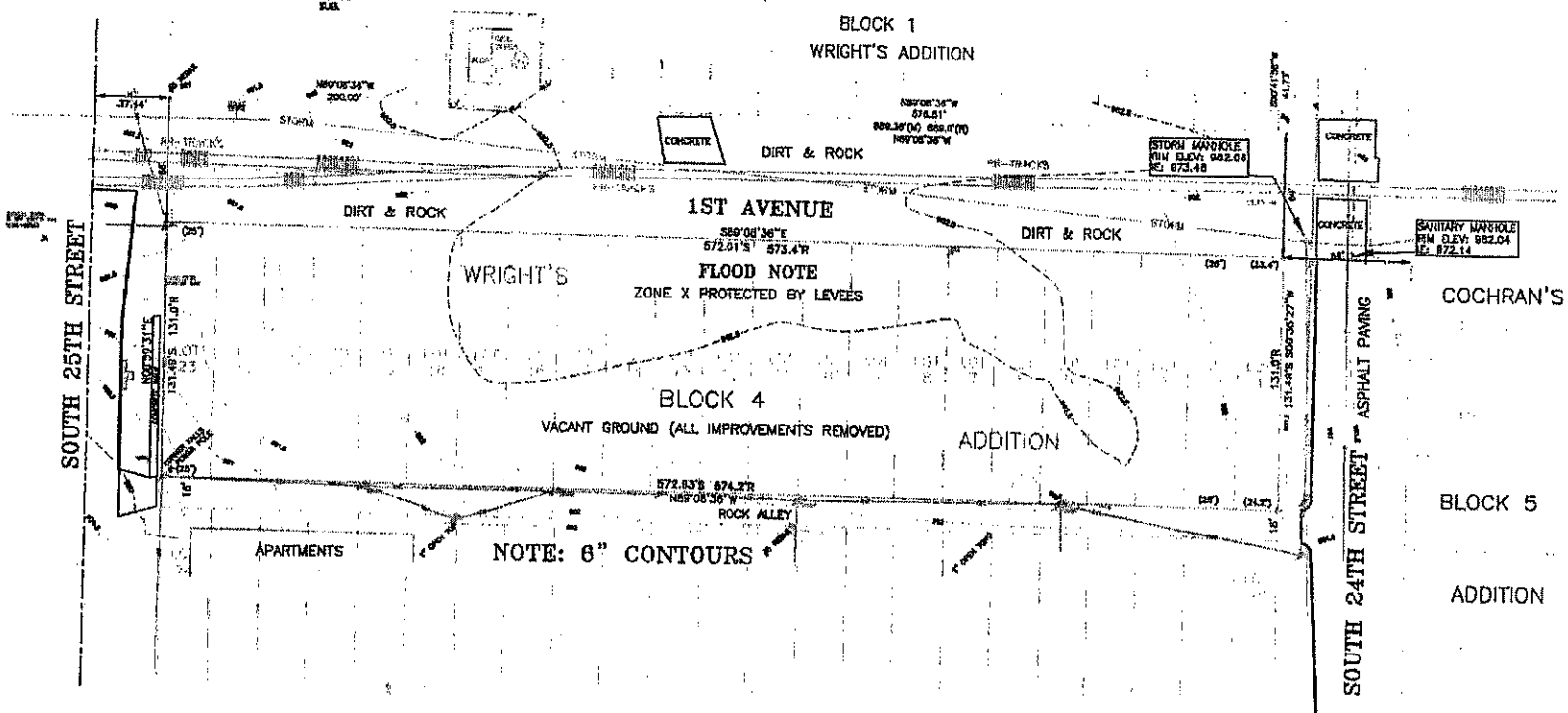
_____
THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

FIRST CONSIDERATION: October 27, 2008
SECOND CONSIDERATION: _____
PUBLIC HEARING: _____
THIRD CONSIDERATION: _____

Planning Case No. ZC-08-012

# ALTA/ACSM SURVEY




Scale 1" = 30'

LICENSED LAND SURVEYOR LOUIS WHISONANT 11973 IOWA

## TOTAL AREA:

75,274 SQUARE FEET

1.728 ACRES

## NOTES:

ZONING DATA

C-2 COMMERCIAL DISTRICT (9.)

SETBACKS:

| | |
|---|---|
| FRONT YARD: | 15 FEET |
| STREET SIDE YARD | 10 FEET |
| INTERIOR SIDE YARD | 5 FEET |
| REAR YARD | 10 FEET |
| HEIGHT | 50 FEET MAXIMUM |
| LOT COVERAGE | 60% MAXIMUM |

## FLOOD NOTE:

ZONE "X" SHADED FLOOD INSURANCE RATE MAP (FIRM)
CITY OF COUNCIL BLUFFS, COMMUNITY-PANEL NUMBER:
190235 0394 E DATED: FEBRUARY 4, 2005
ZONE "X" SHADED IS DETERMINED TO AREAS
OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL
CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS 1 FOOT
OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE
AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD

## LEGEND

| | | | | | |
|---|---|---|---|---|---|
| ● | PROPERTY CORNER FOUND | | FIRE HYDRANT | | ELECTRICAL MANHOLE |
| ○ | PROPERTY CORNER SET | | LIGHT POLE | | SANITARY SEWER MANHOLE |
| R | RECORDED DISTANCE | | POWER POLE | | WATER MANHOLE |
| S | SURVEYED DISTANCE | | MAN HOLE | UGT | UNDERGROUND TELEPHONE |
| W | WATER LINE | F | FENCE LINE | UGE | UNDERGROUND ELECTRIC LINE |
| G | GAS LINE | WV | WATER VALVE | OHE | OVERHEAD ELECTRIC LINE |
| S | SANITARY SEWER LINE | GV | GAS VALVE | XX | CYCLONE FENCE |
| SS | STORM SEWER LINE | CO | CLEAN OUT | | WOOD FENCE |
| E | ELECTRICAL LINE | | INLET | | |
| C | CABLE LINE | | TRANSFORMER | | |
| | | | MONITORING WELL | | |

ALL SET CORNERS:
1/2"x24" REBAR W/ CAP MARKED "LS 11973"

## SPECIAL EXCEPTIONS:

SCHEDULE B, Section 2
EXCEPTIONS NCS-594391A-OMA

(9.) Ordinance No. 5827
Filed February 3, 2005, Book 105 at Page 14258
Records of Pottawattamie County
REZONING ORDINANCE --
INCLUDES ALL OF SUBJECT PROPERTY

## ENCROACHMENTS:

NONE ONTO NOR BY SUBJECT PROPERTY

## SURVEYOR'S CERTIFICATE:

To: Pottawattamie County Development Corporation, an Iowa non-profit corporation; Brookway Ventures, LLC, a Nebraska limited liability company; Saldin Company; TBD, its successors and assigns as defined in Paragraph 1(a) of the Conditions and Stipulations of the policy to be issued: First American Title Insurance Company and their agent Security Land Title & Escrow:

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" jointly established and adopted by ALTA, ACSM, and NSPS in 1999, and includes items 1,3,4,8,7(a),(b 1 & 2), (c), 8, 9, 10, 11 (a)(b) of Table A thereof, pursuant to the accuracy standards as adopted by ALTA/ACSM.Undersigned further certifies that proper field procedures, instrumentation and adequate personnel were employed in order to achieve results comparable to those outlined in the "Minimum Angle, Distance and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title Surveys"

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

LOUIS R. WHISONANT L.S. 11973 DATED: April 20, 2008

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2008

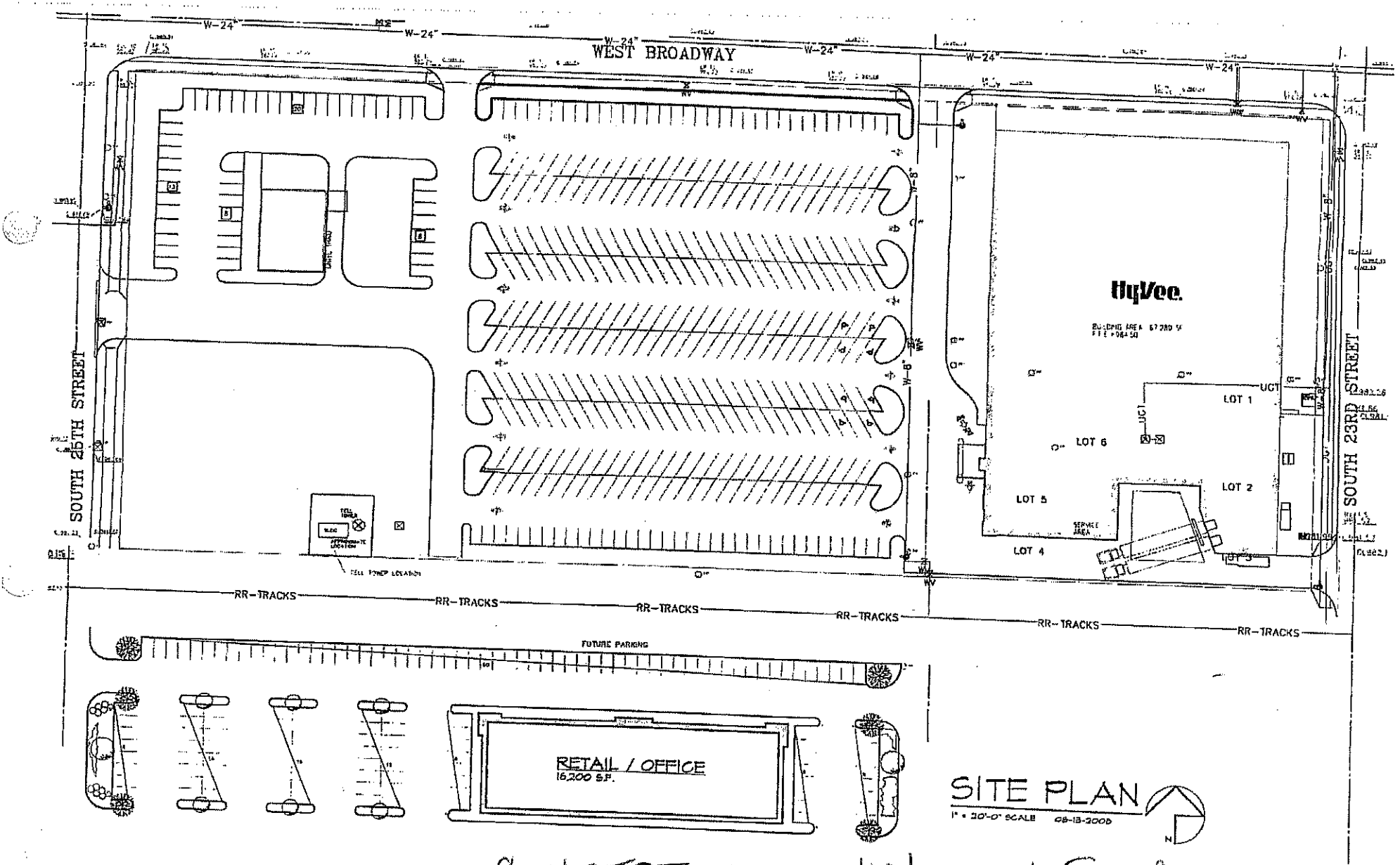
## LEGAL DESCRIPTION:

Lots 1-23, inclusive, Block 4, Wrights Addition, Council Bluffs, Pottawattamie County, Iowa.

**UTILITY WARNING**

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.


Louis Surveying
12100 West Center Road, Suite 523A
Omaha, NE. 68144 (402-334-7982)




CONCEPTUAL ONLY - not final