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MELISSA HELMOLD, RECORDER
CEDAR COUNTY IOWA

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Return to: City of West Branch, Iowa, PO Box 218, West Branch, Iowa 52358

RESOLUTION NO. 1144

RESOLUTION APPROVING AND ADOPTING AN AMENDED AND RESTATED URBAN RENEWAL PLAN FOR THE WEST BRANCH URBAN RENEWAL AREA.

WHEREAS, by Resolution No. 343, adopted November 20, 1989, this Council found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the West Branch Urban Renewal Plan for the West Branch Urban Renewal Area described therein, which Urban Renewal Plan is on file in the office of the City Clerk; and

WHEREAS, by Resolution No. 427, adopted on July 18, 1994, this Council found and determined that certain additional areas located within the City should be included within the West Branch Urban Renewal Area, namely the 1994 Addition to the foregoing Urban Renewal Plan, which 1994 Addition is on file in the office of the City Clerk; and

WHEREAS, by Resolution No. 649, adopted on October 7, 2002, this Council found and determined that certain additional areas located within the City should be included within the West Branch Urban Renewal Area (2002 Addition), which 2002 Addition is on file in the office of the Johnson County Recorder; and

WHEREAS, the West Branch Urban Renewal Area, as so amended, includes and consists of the following:

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Original Area Description

Tract A:

The West 259.00 feet of a parcel of land in the north ½ of the SW ¼ of Section 8, Township 79 North, Range 4 West of the 5th P.M. in Cedar County, Iowa as recorded in Plat Book 5, page 320 in the Auditor's Office of Cedar County, Iowa, except the south 40.00 feet thereof more particularly described as follows: Commencing at a point of reference at the southwest corner of the north ½ of the SW ¼ of Section 8; thence north 90° 00' 00" E, 50.00 feet along the south line of said north ½ to a found 5/8" iron pin at a point of intersection with the easterly right-of-way line with County Road "D"; thence N 0° 33' 00" W, 304.00 feet along the easterly right-of-way line to an iron pin being the point of beginning of Parcel "A"; thence N 90° 00' 00" E, 259.00 feet to an iron pin; thence N 0° 33' 00" W, 585.25 feet to an iron pin along the southerly right-of-way line of Interstate 80; thence S 74° 51' 00" W, 215.9 feet along the southerly right-of-way line to an iron rail; thence S 24° 43' 00" W, 118.90 feet along said southerly right-of-way line to an iron rail along the easterly right-of-way line of County Road "D"; thence S 0° 33' 0" E, 421.00 feet to the point of beginning, and also

Tract B:

Also a parcel of land in the SE corner of said recorded plat in Plat Bok 5, page 320 more particularly described as follows: Commencing at a point of reference at the SW corner of the north ½ of the SW ¼ of Section 8, Township 79 North, Range 4 West of the 5th P.M. in Cedar County, Iowa; thence N 90° 00' 00" E, 50.00 feet along the south line of said north ½ to a found 5/8" iron pin at the point of intersection with the easterly right-of-way line of County Road "D"; thence N 0° 33' 00" W, 264.00 feet along said easterly right-of-way line to a found 5/8" iron pin; thence N 90° 00' 00" E, 453.19 feet to an iron pin being the point of beginning of Parcel "B"; thence N 90° 00' 00" E, 465.98 feet to a found 5/8" iron pin; thence N 31° 21' 00" W, 270.20 feet to an iron pin; thence S 54° 39' 30" W, 398.92 feet to the point of beginning, subject to easements and restrictions of record.

Tract C:

A tract of land located in the SW ¼ and the SW ¼ of Section 8, Township 79 North, Range 4 West of the 5th P.M., Cedar County, Iowa, and more particularly described as follows: Commencing at the southwest corner of the SE ¼ of said Section 8; thence N 00° 21' West 1805.0 feet on the west line of the SE ¼ of said Section 8 to the point of beginning of the tract herein described; thence N 90° 00' West 1717.4 feet; thence North 00° 33' West 380.00 feet; thence S 74° 51' W, 350.0 feet; thence N 00° 33' W, 213.5 feet to the intersection with the southerly right-of-way of Interstate 80; thence N 74° 51' East 668.1 feet along said southerly right-of-way line; thence N 81° 36' E, 228.5 feet along said southerly right-of-way; thence N 88° 47' East 1122.8 feet along said southerly right-of-way; thence S 36° 10' East 107.6 feet to a point on the east line of the SW ¼ of said Section 8 and a point 50 feet radially distant westerly of the centerline of the C.R.I. & P. Railroad, said point being on the westerly right-of-way of said Railroad and the beginning of an 11,904.3 foot radius non-tangent curve whose center bears N 53° 04' 17" E; thence southerly along said curve and said right-of-way through a central angle of 04° 00' 11" an arc distance of 831.71 feet; thence N 90° 00' W, 518.6 feet to the point of beginning. Said tract contains 33.1 acres.

Tract D:

Commencing at the SW corner of the north ½ of the SW ¼ of Section 8, Township 79 North, Range 4 West of the 5th P.M., Cedar County, Iowa, thence in an easterly direction along the south line of the north ½ of the SW ¼ of said Section 8 a distance of 50 feet to a point on the east right-of-way line of County Road "D" and the point of beginning of the tract herein described; thence continuing in an easterly direction along the said south line of the north half of the SW ¼ of said Section 8, a distance of 1,119.17 feet to a point; thence in a northerly direction along a line which is parallel with the west line of the north ½ of the SW ¼ of said Section 8, a distance of 264.00 feet to a point; thence in a westerly direction along a line parallel with the south line of the north ½ of the SW ¼ of said Section 8, a distance of 1,119.17 feet to a point on the east right-of-way line of County Road "D"; thence in a southerly direction along said east right-of-way line of County Road "D" a distance of 264.00 feet to the point of beginning, containing 6 acres more or less, subject to zoning, easements of record, if any, public roads, and real estate taxes for 1971 and succeeding years.

1994 Addition Area Description

Part A:

Deleted by this Amended and Restated Urban Renewal Plan.

Part B:

All of the right-of-way of Main Street within the City of West Branch to the east of the westerly boundary of Cedar Addition Part Two;

Part C:

All of the right-of-way of North Second Street between Main and College Street; all of the right-of-way of College Street between North Second Street and North Fourth Street;

Part D:

All property located in an area bounded on the south by a line extended of west of the northern right-of-way boundary of Orange Street to the Hoover Trail; bounded to the west and including the former Railroad right-of-way, Hoover Trail and the eastern right-of-way line of Downey Street, bounded to the north by the West Branch Corporate Limits and bounded to the east and including all of the right-of-way of North Fourth Street north of College Street; these properties described as follows:

Sidwell Parcel Numbers 13-05-100-001; 13-05-100-004; 13-05-302-003; 13-05-302-004, 13-05-302-005, 13-05-302-006; 13-05-302-007; 13-05-302-008; 13-05-302-009 and Sidwell Parcel Numbers 13-05-353-001 Hawkeye Land Co.; 13-05-335-027 Hoover Trail, Inc.; 13-05-352-013 Hoover Trail, Inc.; 13-05-352-015 Private Owner; 13-05-302-001 Former RR, owner unknown; 13-05-302-002 Former RR, owner unknown; 13-05-301-004 Hoover Trail, Inc.; and an unnumbered parcel running parallel to Parcel 13-05-301-004 on its east side and part of the former railroad properties.

Part E

All of the City of West Branch right-of-way of Poplar Street south of Main Street.

Part F:

All of the City of West Branch right-of-way of both Downey Street north of the northwest corner of Lacina Subdivision connecting to and including Parkside Drive north to Main Street.

Part G:

All of the property of the City of West Branch Sewage Treatment Lagoon site described as Parcel No. 13-08-400-005.

2002 Addition Area Description

The NW ¼ of the NW ¼ of Section 17, Township 79 North, Range 4 West of the 5th P.M., Cedar County, Iowa; the NE ¼ of the NW ¼ of Section 17, Township 79 North, Range 4 West of the 5th P.M., Cedar County, Iowa; the SW ¼ of the NE ¼ of Section 17, Township 79 North, Range 4 West of the 5th P.M., Cedar County, Iowa; and the North sixty (60) acres in the south ½ of the NW ¼ of Section 17, Township 79 North, Range 4 West of the 5th P.M., Cedar County, Iowa; and

WHEREAS, City Staff has caused there to be prepared an Amended and Restated Urban Renewal Plan for the West Branch Urban Renewal Area, a copy of which has been placed on file for public inspection in the office of the City Clerk and which is incorporated herein by reference, the purpose of which is to specifically outline projects to be constructed or which the City will cause to be constructed in said West Branch Urban Renewal Area; and

WHEREAS, it is desirable that these areas be redeveloped as part of the overall redevelopment area covered by said Plan; and

WHEREAS, adoption of the Amended and Restated Plan for the West Branch Urban Renewal Area is in conformity with the general plan for development of the City as a whole; and

WHEREAS, this Council directed that a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed Amended and Restated Urban Renewal Plan for the West Branch Urban Renewal Area and the division of revenue described therein, and that notice of said consultation and a copy of the proposed Amended and Restated Plan be sent to all affected taxing entities; and

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

WHEREAS, by resolution, this Council also set a public hearing on the adoption of the Amended and Restated Plan for the West Branch Urban Renewal Area for this meeting of the Council, and due and proper notice of said public hearing was given, as provided by law, by timely publication in the West Branch Times, which notice set forth the time and place for this hearing and nature and purpose thereof; and

WHEREAS, in accordance with said notice, all persons or organizations desiring to be heard on said proposed Amended and Restated 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 Council in connection therewith and said public hearing has been closed.

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

Section 1. That the findings and conclusions set forth or contained in Amended and Restated Urban Renewal Plan for the West Branch Urban Renewal Area concerning the area of the City of West Branch, Iowa described in the preamble hereof, be and the same are hereby ratified and confirmed in all respects as the findings of the Council for this area.

Section 2. This Council further finds:

- a. That the Amended and Restated Urban Renewal Plan for the West Branch Urban Renewal Area of the City of West Branch, Iowa, conform to the general plan for the development of the City as a whole; and
- b. As to those areas of open land to be included within the West Branch Urban Renewal Area to be acquired by the City:
 - i. With reference to those portions thereof which are to be developed for non-residential uses, the City Council hereby determines that such non-residential uses are necessary and appropriate to facilitate the proper growth and development of the City in accordance with sound planning standards and local community objectives.

Section 3. That the Amended and Restated Plan for the West Branch Urban Renewal Area of the City of West Branch, Iowa, be and the same is hereby approved and adopted as the "Amended and Restated Urban Renewal Plan for the West Branch Urban Renewal Area for the City of West Branch, Iowa"; said Amended and Restated Urban Renewal Plan is hereby in all respects approved.

Section 4. That the Amended and Restated Urban Renewal Plan for the West Branch Urban Renewal Area shall be in full force and effect from the date of this Resolution until the later of the date of termination set forth in the Plan as so amended, or the date on which payment of all obligations issued or advances made to carry out the purposes thereof shall be fully provided for. Said Amended and Restated Urban Renewal Plan shall be forthwith certified by the City Clerk, along with a copy of this resolution, to the Recorder for Cedar County, Iowa, to be filed and recorded in the manner provided by law.

Passed and approved this 21st day of October, 2013.



Mark Worrell, Mayor

ATTEST:



Matt Muckler, City Administrator/Clerk