

Resolution 2007-01

A Resolution to declare necessity and establish an urban renewal area, pursuant to Section 403.4 of the Code of Iowa and approve urban renewal plan and project for the Buffalo Commercial and Industrial Urban Renewal Area

WHEREAS, as a preliminary step to exercising the authority conferred upon Iowa cities by Chapter 403 of the Code of Iowa, the "Urban Renewal Law," a municipality must adopt a resolution finding that one or more slums, blighted or economic development areas exist in the municipality and that the rehabilitation, conservation, redevelopment, development or a combination thereof, of such area or areas is necessary in the interest of the public health, safety or welfare of the residents of the municipality; and

WHEREAS, it has been recommended that the City Council (the "Council") of the City of Buffalo, Iowa (the "City") take action to establish the Buffalo Commercial and Industrial Urban Renewal Area (the "Urban Renewal Area") within the boundaries set out in Exhibit A to this Resolution; and

WHEREAS, a proposal has been made which establishes the need to designate the Urban Renewal Area as being appropriate for commercial and industrial development; and

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

WHEREAS, notice of a public hearing by the City Council on the question of establishing the Urban Renewal Area and on a proposed urban renewal plan and project for the area was heretofore given in strict compliance with the provisions of Chapter 403 of the Code of Iowa, and the Council has conducted said hearing; and

WHEREAS, the proposed urban renewal plan and project were submitted to and considered by the Planning and Zoning Commission of the City; and

WHEREAS, copies of the urban renewal plan, notice of public hearing and notice of a consultation meeting with respect to the urban renewal plan were mailed to Scott County, Davenport Community School District and Eastern Iowa Community College District; the consultation meeting was held on the 21st day of December, 2006; and responses to any comments or recommendations received following the consultation meeting were made as required by law;

NOW, THEREFORE, It Is Resolved by the City Council of the City of Buffalo, Iowa, as follows:

Section 1. An economic development area as defined in Chapter 403 of the Code of Iowa is found to exist within the boundaries set out in Exhibit A.

Section 2. The area identified in Section 1 hereof is hereby declared to be an urban renewal area, in conformance with the requirements of Chapter 403 of the Code of Iowa, and is hereby designated the Buffalo Commercial and Industrial Urban Renewal Area.

Section 3. The development of this area is necessary in the interest of the public health, safety or welfare of the residents of the City of Buffalo, Iowa.

Section 4. It is hereby determined by this Council as follows:

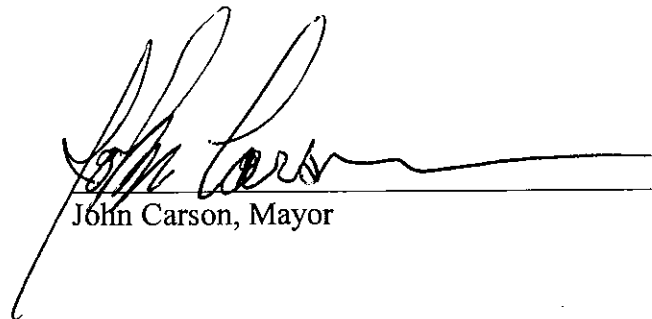
A. The proposed urban renewal plan conforms to the general plan of the municipality as a whole;

B. Proposed commercial and industrial development in the urban renewal area is necessary and appropriate to facilitate the proper growth and development of the City in accordance with sound planning standards and local community objectives.

Section 5. The urban renewal plan for the Buffalo Commercial and Industrial Urban Renewal Area is made a part hereof and is hereby in all respects approved in the form presented to this Council, and the proposed project for such area based upon such plan is hereby in all respects approved.


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

Passed and approved January 8, 2007.



John Carson, Mayor

Attest:



William Bowers, City Clerk

EXHIBIT A
Legal Description
Buffalo Commercial and Industrial Urban Renewal Area

Certain real property situated in the City of Buffalo, County of Scott, State of Iowa, more particularly described as follows:

Parcel 1

Part of Government Lot 1, Section 19, and part of Government Lots 3&4, Section 20, Township 77 North, Range 2 East of the 5th P.M., more particularly described as follows: Commencing at the Northwest corner of Government Lot 4; Section 20; thence continuing South 00°52' West 631.05 feet along the West line of said Government Lot 4 to a point on the south line of the Chicago, Rock Island and Pacific Railway Co., right of way, said point being the point of beginning of the following described tract of real estate; thence South 83°54' East 1421.24 feet along the South line of said Chicago, Rock Island and Pacific Railway Co., right of way to a point on the West line of property of Elmer Porstmann; thence South 00°53' West 1087.37 feet along the West property line of Porstmann's tract to the Northeast corner of Tract No. FIa-53; thence North 72°37' West 953.7 feet (954.6 feet, according to Survey of May 10, 1937 by US Corps of Engineers) along the North line of said Tract No. FIa- 53; thence South 86°36' West 501.8 feet along the North line of said Tract No. FIa – 53 to a point on the West line of Government Lot 4, Section 20; thence continuing South 86°36' West 1338.0 feet along the North line of said Tract No. FIa – 53 to a point on the East line of Tract No. FIa-52; thence North 00°43' East 1204.95 feet along the East line of said Tract No. FIa-52 to a point on the South line of the Chicago, Rock Island and Pacific Railway Co. right of way; thence South 83°54' East 1342.7 feet along the South line of said Chicago, Rock Island and Pacific Railway Co. right of way to the point of beginning.

Except that part described as follows:

A portion of the SE ¼ of the SE ¼ of fractional Section 19, Township 77 North, Range 2 East of the 5th P.M. being also a portion of Government Lot 1 of said fractional Section 19 more particularly described and bounded as follows: Beginning at a point 517 feet South of a stone at the N.W. Corner of the N.E. ¼ of the S.E. ¼ of said Section 19 which point is on the southerly right of way line of the Chicago, Rock Island and Pacific Railway Company; thence South along grantor's West property line a distance of 1433 feet to an iron stake near the bank of the Mississippi River; thence East at right angles to said West property line 100 feet; thence North at right angles to the last preceding course 100 feet to an iron stake; thence West at right angles to the last preceding course 90 feet to an iron stake; thence North parallel to said West property line a distance of 1333 feet to a Southerly right of way line of the Chicago, Rock Island and Pacific Railway Company; thence Westerly 10 feet to place of beginning, together with all the right, title and interest of first parties and all their riparian rights in and to tract of real estate 100 feet wide East and West and lying Southerly of the Southerly line of the tract hereinbefore bounded to low water mark of the Mississippi River, subject to the rights of the United States Government in the real estate so lying Southerly of said Southerly line and further together with all the right, title and interest of first parties in and to the real estate lying Northerly of the boundary line of the above bounded tract which boundary line is also the Southerly boundary line of Chicago, Rock

Island and Pacific Railway Company right of way for a distance of 10 feet in width East and West across said right of way to the Northerly boundary line of said right of way, subject to right of way of said Railway company.

Parcel 2:

Part of the South $\frac{1}{2}$ of the frac. Section 19, Township 77 North, Range 2 East of the 5th P.M., being more particularly described as follows:

Commencing at the N.E. corner of the N.W. $\frac{1}{4}$ of the said frac. Section 19; thence W. 20.5 chains along the N. line of said frac. Section 19; thence South 2933.11 feet to a point where the W. line of gov't Lot 3 of said frac. Section 19 intersects the Southerly right of way line of the C.R.I.&P. Ry. Co's land and which point is also the place of beginning of the tract of land herein described; thence N. $85^{\circ}12'W$. 1274.92 feet along said right of way line; thence South $01^{\circ}31' E$. 516.70 feet; thence South $73^{\circ}41' East$ 977.90 feet; thence S. $62^{\circ}10' E$. 653.70 feet; thence South $89^{\circ} 06' East$ 1898.30 feet; thence South $52^{\circ}47' E$. 678.70 feet to the East line of gov't Lot 2 of said frac. Section 19; thence N. $00^{\circ} 41' 56'' West$, 1204.85 feet along the East line of said gov't Lot 2 to its intersection with the Southerly right of way line of said C.R.I. & P. Ry. Co's land; thence N. $85^{\circ} 12' W$. 115.00 feet along said right of way line; thence south $04^{\circ} 48' W$ 25.00 feet along said right of way line thence N. $85^{\circ} 12' W$ 500.00 feet along said right of way line; thence N. $04^{\circ} 48' East$ 25.00 feet along said right of way line; thence N. $85^{\circ} 12' W$. 2078.12 feet along said right of way line to the place of beginning.

Except therefrom that portion heretofore conveyed to Cargill, Inc. by deed dated August 21, 1967 and recorded in Book 309 Deeds 270, Records of the Scott county, Iowa, Recorder's Office.

Subject also to the easements, restrictions and covenants of record.