

TITLE VII SPECIAL ORDINANCES

CHAPTER 1 PROPERTY TAX EXEMPTION FOR REAL ESTATE IMPROVEMENTS

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6-8-1 PURPOSE. The purpose of this chapter is to authorize partial tax exemption for industrial property on which improvements have been made, in accordance with Chapter 427 of the Code of Iowa.

7-1-2 DEFINITIONS. For the purposes of this ordinance, the following terms are defined as:

1. New Construction. New construction means new buildings and/or structures which are constructed as additions to existing buildings and structures. New Construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure, unless the reconstruction is necessary to implement recognized industry standards for the manufacturing and/or processing of specific products, and the manufacture and process those products, which determination shall receive prior approval by the Council upon recommendation of the Iowa Development Commission.

2. Industrial Real Estate. Industrial real estate means property classified as industrial property for property taxation purposes.

3. Actual Value Added. Actual Value Added means the actual value added defined by the Code of Iowa as of the first year for which the exemption is received.

7-1-3 ELIGIBILITY FOR TAX EXEMPTION. Properties shall be eligible for partial exemption of property taxes:

1. By new construction of industrial real estate as defined in this ordinance.

2. By the acquisition of or improvement of machinery and equipment assessed as real estate pursuant to Section 417.A.1, Subsection 1, Paragraph E, of the Code of Iowa, unless the machinery or equipment is part of the normal replacement of operating process to maintain or expand the existing operational status.

7-1-4 TAX EXEMPTION SCHEDULE. The actual value added to industrial real estate for the reasons specified in 7-1-3 of this chapter is eligible to receive a partial exemption from taxation for a period of five years. The amount of actual value added which shall be exempt from taxation shall be as follows:

1. 75% for the first year

2. 60% for the second year
3. 45% for the third year
4. 30% for the fourth year
5. 15% for the fifth year

7-1-5 APPLICATION FOR EXEMPTION. Approval for partial property tax exemption shall be granted if:

1. An application is filed for each project resulting in actual value added for which an exemption is claimed. The application for exemption shall be filed by the owner of the property with the city assessor by February 1 of the assessment year in which value added is first assessed for taxation. Applications for exemption shall be made on forms prescribed by the Director of the Iowa Department of Revenue and Finance and shall contain information pertaining to the nature of the improvement, the cost of the improvement, and other information deemed necessary by said Director.

2. An application has been submitted for prior approval and has been subsequently approved by the City Council. A person may submit a proposal to the City Council to receive approval for partial property tax exemption prior to the completion of construction. If the council resolves to hear such a proposal, a public hearing shall be held thereon. At least thirty (30) days after such hearing, the Council may, by ordinance, give its approval of a tax exemption for new construction if the new construction is in conformance with all applicable city regulations, including but not limited to the Zoning Ordinance and applicable building codes. Such prior approval shall not entitle the property owner to exemption from taxation until the new construction has been completed and found to be qualified real estate.

7-1-6 CONDITIONS AND EXCLUSIONS. Property shall be ineligible for partial property tax exemption under the terms of this ordinance if:

1. The property for which the exemption is claimed has received any other property tax exemption authorized by law.

2. The property is receiving the direct benefits of Tax Increment Financing.

3. The provisions of this ordinance are made applicable by any agency, department, court, or office, to any property which is zoned as industrial, but which is not classified as industrial property for property taxation purposes, then all entitlement to the property tax exemption contained in this ordinance for those who have not previously received prior approval by the City Council or actual approval by the City Assessor shall cease immediately prior to the effective date of such agency, department, court, or office decision.

7-1-7 SEVERABILITY. The provisions of Chapter 7-1 shall not be deemed severable and if any part be held invalid the entirety of Chapter 7-1 shall be deemed invalid.

7-1-8 DURATION. This ordinance shall be in full force and effect from the date of adoption of this Code of Ordinances, and may be terminated:

1. If, in the opinion of the Council, the continuation of this ordinance ceases to be of benefit to the City, it may be repealed; and

2. If this ordinance terminates by repeal, or all entitlement to the exemption granted herein ceases by operation of 7-1-5(3) hereof, all existing exemptions shall continue until the entitlement to exemption shall cease.

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CHAPTER 2 VACATED STREETS AND ALLEYS

7-2-1 Purpose

7-2-2 Vacated Streets and Alleys

7-2-1 PURPOSE. The purpose of this ordinance is to identify those streets and alleyways which the Council has determined serve no useful purpose or convenience to the general public, and have never been open and used as public ways or have seen use decline to the point serving no purpose of use or convenience to the general public. The following streets and alleyways are hereby vacated:

1. The East 140 feet of that part of Fifth Street which is located between Block 10 and Block 15 in West Exira, and Addition to the City of Exira, Iowa, same being a dead end street at the east end thereof.
2. An alley 16 feet wide through Blocks 3 and 4 of Houston's Addition to the City of Exira from a point 9 feet east of the west lines of said Block 3 to the west line of said Block 4;
3. Street 66 feet wide extending east and west between Blocks 4 and 5 of Houston's Addition to Exira from the eastline of said Blocks 4 and 5 to the west line of said Blocks.
4. The alley extending east and west through Block 27 in West Exira, and addition to the City of Exira, Iowa.
5. The west one-half of that portion of Water Street in the City of Exira, Iowa located between blocks 14 and 19 in the City of Exira, Iowa.
6. The alley between Lots One (1), Two (2), Three (3), and Four (4), Subdivision of Lot Twenty-one (21), of Lot Ten (10), Section Four (4), Township Seventy-eight (78) North, Range Thirty-five (35), West of the Fifth P.M., Audubon County, Iowa, and known as Lots One (1), Two (2), Three (3), and Four (4), of Sturgeon's Addition to the City of Exira, Audubon County, Iowa and Lots Seven (7), and Eight (8), in Block "B", in Struble's Addition to the City of Exira, Audubon County, Iowa.