

CHAPTER 1210
URBAN RENEWAL
H.F. 2531

AN ACT relating to urban renewal.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 403.6, Code Supplement 1983, is amended by adding the following new subsections:

NEW SUBSECTION. To provide in an urban renewal plan for the exclusion from taxation of value added to real estate during the process of construction for development or redevelopment. The exclusion may be limited as to the scope of exclusion, territory, or class of property affected. However, the value added during construction shall not be eligible for exclusion from taxation for more than two years and the exclusion shall not be applied to a facility which has been more than eighty percent completed as of the most recent date of assessment. This subsection permits the elimination only of those taxes which are levied against assessments made during the construction of the development or redevelopment.

NEW SUBSECTION. A municipality, upon entering into a development or redevelopment agreement pursuant to section 403.8, subsection 1, or as otherwise permitted in this chapter, may enter into a written assessment agreement with the developer of taxable property in the urban renewal area which establishes a minimum actual value of the land and completed improvements to be made on the land until a specified termination date which shall not be later than the date after which the tax increment will no longer be remitted to the municipality pursuant to section 403.19, subsection 2. The assessment agreement shall be presented to the appropriate assessor. The assessor shall review the plans and specifications for the improvements to be made and if the minimum actual value contained in the assessment agreement appears to be reasonable, the assessor shall execute the following certification upon the agreement:

The undersigned assessor, being legally responsible for the assessment of the above described property upon completion of the improvements to be made on it, certifies that the actual value assigned to that land and improvements upon completion shall not be less than \$

This assessment agreement with the certification of the assessor and a copy of this subsection shall be filed in the office of the county recorder of the county where the property is located. Upon completion of the improvements, the assessor shall value the property as required by law, except that the actual value shall not be less than the minimum actual value contained in the assessment agreement. This subsection does not prohibit the assessor from assigning a higher actual value to the property or prohibit the owner from seeking administrative or legal remedies to reduce the actual value assigned except that the actual value shall not be reduced below the minimum actual value contained in the assessment agreement. An assessor, county auditor, board of review, director of revenue or court of this state shall not reduce or order the reduction of the actual value below the minimum actual

value in the agreement during the term of the agreement regardless of the actual value which may result from the incomplete construction of improvements, destruction or diminution by any cause, insured or uninsured, except in the case of acquisition or reacquisition of the property by a public entity. Recording of an assessment agreement complying with this subsection constitutes notice of the assessment agreement to a subsequent purchaser or encumbrancer of the land or any part of it, whether voluntary or involuntary, and is binding upon a subsequent purchaser or encumbrancer.

Sec. 2. Section 403.8, subsections 1 and 2, Code 1983, are amended to read as follows:

1. A municipality may sell, lease or otherwise transfer real property or any interest ~~therein~~ in real property acquired by it, and may enter into contracts for such purposes, in an urban renewal area for residential, recreational, commercial, industrial or other uses, or for public use, subject to ~~such~~ covenants, conditions and restrictions, including covenants running with the land, as it ~~may deem~~ deems to be necessary or desirable to assist in preventing the development or spread of future slums or blighted areas, or to otherwise carry out the purposes of this chapter. ~~Provided However, that such the~~ sale, lease, other transfer, or retention, and any agreement relating ~~thereto to it~~, may be made only after the approval of the urban renewal plan by the local governing body. The purchasers or lessees and their successors and assigns shall be ~~obligated to~~ devote ~~such the~~ real property only to the uses specified in the urban renewal plan, and they may be obligated to comply with ~~such other~~ requirements as the municipality ~~may determine~~ determines to be in the public interest, including the ~~obligation~~ requirement to begin within a reasonable time any improvements on ~~such the~~ real property required by the urban renewal plan. ~~Such The~~ real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan except as provided in section 3 of this Act. In determining the fair value of real property for uses in accordance with the urban renewal plan, a municipality shall take into account and give consideration ~~to:~~ to the uses provided in ~~such the~~ plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the municipality retaining the property; and the objectives of ~~such the~~ plan for the prevention of the recurrence of slum or blighted areas. The municipality in ~~any an~~ instrument of conveyance to a private purchaser or lessee may provide that ~~such the~~ purchaser or lessee shall be ~~without power to not~~ sell, lease or otherwise transfer the real property, without the prior written consent of the municipality, until ~~he the~~ purchaser or lessee has completed the construction of any or all improvements which ~~he the~~ purchaser or lessee has become obligated himself to construct thereon. Real property acquired by a municipality which, in accordance with ~~the provisions of~~ the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest, consistent with the carrying out of the ~~provisions of the~~ urban renewal plan. ~~Any A~~ contract for ~~such a~~ transfer under the urban renewal plan, or ~~such a~~ part or parts of ~~such the~~ contract or plan as the municipality ~~may determine~~ determines, may be recorded in the land records of the county in ~~such a~~ manner as to afford actual or constructive notice ~~thereof of the contract or plan~~.

2. A municipality may dispose of real property in an urban renewal area to private persons only under ~~such~~ reasonable competitive bidding procedures as it shall prescribe, or as ~~hereinafter~~ provided in this subsection. A municipality, by public notice by publication in a newspaper having a general circulation in the community, thirty days prior to the execution of ~~any a~~ contract to sell, lease or otherwise transfer real property, and prior to the delivery of ~~any an~~ instrument of conveyance with respect ~~thereto to the real property~~ under the ~~provisions~~ of this section, may invite proposals from and make available all pertinent information to any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or ~~any a~~ part ~~thereof of the area~~. ~~Such The~~ notice shall identify the area, or portion ~~thereof of the area~~, and shall state that proposals shall be made by those interested within thirty days after

the date of publication of said the notice, and that such further information as is available may be obtained at such the office as shall be designated in said the notice. The municipality shall consider all such redevelopment or rehabilitation proposals, and the financial and legal ability of the persons making such the proposals to carry them out, and the municipality may negotiate with any persons for proposals concerning the purchase, lease or other transfer of any real property acquired by the municipality in the urban renewal area. The municipality may accept such the proposal as it deems to be in the public interest and in furtherance of the purposes of this chapter: Provided However, that a notification of intention to accept such the proposal shall be filed with the governing body not less than thirty days prior to any such the acceptance. Thereafter, the municipality may execute such a contract in accordance with the provisions of subsection 1 of this section and may deliver deeds, leases and other instruments and may take all steps necessary to effectuate such the contract.

However, this subsection does not apply to real property disposed of for the purpose of development or redevelopment as an industrial building or facility, facilities for use as a center for export for international trade, a home office or regional office facility for a multistate business or which meets the criteria set forth in section 3 of this Act.

Sec. 3. Section 403.8, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. The requirement that real property or an interest in real property transferred or retained for the purpose of a development or redevelopment be sold, leased, otherwise transferred, or retained at not less than its fair market value does not apply if the developer enters into a written assessment agreement with the municipality pursuant to section 1 of this Act and the minimum actual value contained in the assessment agreement would indicate that there will be sufficient taxable valuations to permit the collection of incremental taxes as provided in subsection 2 of section 403.19 to cause the indebtedness and other costs incurred by the municipality with respect to the property or interest transferred or retained to be repayable as to principal within four tax years following the commencement of full operation of the development.

Approved May 7, 1984

CHAPTER 1211

ATTORNEY FEES FOR MODIFICATION OF DISSOLUTION OF MARRIAGE ORDERS

H.F. 2373

AN ACT relating to attorney fees in proceedings to modify orders or decrees relating to dissolution of marriage.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 598.36 ATTORNEY FEES IN PROCEEDING TO MODIFY ORDER OR DECREE. In a proceeding for the modification of an order or decree under this chapter the court may award attorney fees to the prevailing party in an amount deemed reasonable by the court.

Approved May 7, 1984