

Sen. Guid, No Pass 4/17 (p. 1032)
" " 4/22

FILED MAR 26 1992

SENATE FILE 2356

BY COMMITTEE ON WAYS AND MEANS

Approved

(SUCCESSOR TO SF 2349)

Passed Senate, Date 4/21/92 (p. 152) Passed House, Date 4/30/92 (p. 1931)

Vote: Ayes 64 Nays 6 Vote: Ayes 64 Nays 32

Approved May 15, 1992

*motion to pass under 4/15/90
4/22*

A BILL FOR

1 An Act legalizing the proceedings of the City Council of the City
2 of Urbandale relating to the granting of retroactive prior
3 approval of an industrial property tax exemption, providing
4 for the Act's applicability, and providing an effective date.

5 WHEREAS, Interstate Acres Limited Partnership, Petula
6 Associates, Ltd., and Iowa Interstate Acres Corporation
7 constructed a warehouse on Lot 6, Iowa Interstate One, Plat 1, an
8 official plat, Urbandale, Polk County, Iowa, commencing in August
9 1987; and

10 WHEREAS, Interstate Acres Limited Partnership, Petula
11 Associates, Ltd., and Iowa Interstate Acres Corporation did not
12 apply under section 427B.4 by February 1, 1988, for the actual
13 value-added property tax exemption, on the value added by the
14 construction which was undertaken during 1987; and

15 WHEREAS, the City Council of the City of Urbandale undertook
16 by Ordinance No. 89-26, on December 26, 1989, to provide
17 retroactive prior approval for the value-added property tax
18 exemption on the construction which was undertaken during 1987;
19 and

20 WHEREAS, the eligibility of the construction which was
21 undertaken during 1987 for the actual value-added property tax
22 exemption under chapter 427B in accordance with Ordinance No. 89-
23 26 has been brought into question; and

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1 WHEREAS, it is deemed advisable to remove forever any doubt as
2 to the eligibility of the construction which was undertaken in
3 1987 for the actual value-added property tax exemption under
4 chapter 427B pursuant to Ordinance No. 89-26; NOW, THEREFORE,
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. The proceedings of the City Council of the City
2 of Urbandale pertaining to Ordinance No. 89-26 granting
3 retroactive prior approval for the actual value-added property
4 tax exemption for the construction which was undertaken during
5 1987 on Lot 6, Iowa Interstate One, Plat 1, an official plat,
6 Urbandale, Polk County, Iowa, by Interstate Acres Limited
7 Partnership, Petula Associates, Ltd., and Iowa Interstate
8 Acres Corporation are hereby legalized and Ordinance No. 89-26
9 is deemed to constitute prior approval in accordance with
10 section 427B.4 entitling the property owners to claim the
11 actual value-added property tax exemption on the value added
12 by construction which was undertaken during 1987.

13 Sec. 2. This Act shall have prospective application only
14 and shall not entitle the property owners to a refund of
15 property taxes already paid on the actual value added by
16 construction which was undertaken during 1987.

17 Sec. 3. This Act, being deemed of immediate importance,
18 takes effect upon enactment.

19 EXPLANATION

20 This bill legalizes the action of the City Council of the
21 City of Urbandale in granting retroactive prior approval, in
22 lieu of the timely filing of an application for exemption by
23 the property owners, for an industrial property tax exemption
24 for the value added in 1987 by construction of a warehouse.
25 The eligibility of the value added in 1987 for the exemption
26 has been questioned due to the fact the ordinance was enacted
27 on December 26, 1989, after construction had been started.
28 The bill provides that the enactment of the ordinance is
29 deemed to constitute prior approval of the eligibility of the
30 value added by construction in 1987 for the exemption. The
31 bill also provides that the exemption has prospective effect
32 only and will not result in a refund of property taxes already
33 paid on the value added by the construction in 1987. The bill
34 takes effect upon enactment.

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AN ACT

LEGALIZING THE PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF URBANDALE RELATING TO THE GRANTING OF RETROACTIVE PRIOR APPROVAL OF AN INDUSTRIAL PROPERTY TAX EXEMPTION, PROVIDING FOR THE ACT'S APPLICABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, INTERSTATE ACRES LIMITED PARTNERSHIP, PETULA ASSOCIATES, LTD., AND IOWA INTERSTATE ACRES CORPORATION CONSTRUCTED A WAREHOUSE ON LOT 6, IOWA INTERSTATE ONE, PLAT 1, AN OFFICIAL PLAT, URBANDALE, POLK COUNTY, IOWA, COMMENCING IN AUGUST 1987; AND

WHEREAS, INTERSTATE ACRES LIMITED PARTNERSHIP, PETULA ASSOCIATES, LTD., AND IOWA INTERSTATE ACRES CORPORATION DID NOT APPLY UNDER SECTION 427B.4 BY FEBRUARY 1, 1988, FOR THE ACTUAL VALUE-ADDED PROPERTY TAX EXEMPTION, ON THE VALUE ADDED BY THE CONSTRUCTION WHICH WAS UNDERTAKEN DURING 1987; AND

WHEREAS, THE CITY COUNCIL OF THE CITY OF URBANDALE UNDERTOOK BY ORDINANCE NO. 89-26, ON DECEMBER 26, 1989, TO PROVIDE RETROACTIVE PRIOR APPROVAL FOR THE VALUE-ADDED PROPERTY TAX EXEMPTION ON THE CONSTRUCTION WHICH WAS UNDERTAKEN DURING 1987; AND

WHEREAS, THE ELIGIBILITY OF THE CONSTRUCTION WHICH WAS UNDERTAKEN DURING 1987 FOR THE ACTUAL VALUE-ADDED PROPERTY TAX EXEMPTION UNDER CHAPTER 427B IN ACCORDANCE WITH ORDINANCE NO. 89-26 HAS BEEN BROUGHT INTO QUESTION; AND

WHEREAS, IT IS DEEMED ADVISABLE TO REMOVE FOREVER ANY DOUBT AS TO THE ELIGIBILITY OF THE CONSTRUCTION WHICH WAS UNDERTAKEN IN 1987 FOR THE ACTUAL VALUE-ADDED PROPERTY TAX EXEMPTION UNDER CHAPTER 427B PURSUANT TO ORDINANCE NO. 89-26; NOW, THEREFORE,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The proceedings of the City Council of the City of Urbandale pertaining to Ordinance No. 89-26 granting retroactive prior approval for the actual value-added property tax exemption for the construction which was undertaken during

1987 on Lot 6, Iowa Interstate One, Plat 1, an official plat, Urbandale, Polk County, Iowa, by Interstate Acres Limited Partnership, Petula Associates, Ltd., and Iowa Interstate Acres Corporation are hereby legalized and Ordinance No. 89-26 is deemed to constitute prior approval in accordance with section 427B.4 entitling the property owners to claim the actual value-added property tax exemption on the value added by construction which was undertaken during 1987.

Sec. 2. This Act shall have prospective application only and shall not entitle the property owners to a refund of property taxes already paid on the actual value added by construction which was undertaken during 1987.

Sec. 3. This Act, being deemed of immediate importance, takes effect upon enactment.

MICHAEL E. GRONSTAL
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2356, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 15, 1992

TERRY E. BRANSTAD
Governor