

HOLD HEARING ON AND APPROVE  
DEVELOPMENT AGREEMENT AND  
TAX INCREMENT PAYMENTS

(GELITA USA, Inc.)

424093-17

Sioux City, Iowa

May 9, 2017

A meeting of the Board of Supervisors of Woodbury County, Iowa, was held at 4:50 o'clock p.m., on May 9, 2017, at the Woodbury County Courthouse, Sioux City, Iowa, pursuant to the rules of the Board.

The Chairperson presided and the roll was called, showing Supervisors present and absent as follows:

Present: Taylor, DeWitt, Ung, Pottebaum, Radig  
Absent: None

It was reported that notice of the intention of the Board to conduct a public hearing on a Development Agreement between the County and GELITA USA, Inc., in connection with construction of a collagen peptide processing facility in the Grow Woodbury County Urban Renewal Area, which provides for certain property tax incentives in the form of incremental property tax payments in a total amount not exceeding \$499,612, had been published according to law and as directed by the Board and that this is the time and place at which the Board shall receive oral or written objections from any resident or property owner of the County. All written objections, statements, and evidence heretofore filed were reported to the Board.

The following named persons presented oral objections, statements, or evidence as summarized below; filed written objections or statements, copies of which are attached hereto; or presented other exhibits, copies of which are attached hereto:

(Here list all persons presenting written or oral statements or evidence and summarize each presentation.)

There being no further objections or comments, the Chairperson announced that the hearing was closed.

Supervisor Radig introduced the resolution next hereinafter set out and moved its adoption, seconded by Supervisor DeWitt; and after due consideration thereof by the Board, the Chairperson put the question upon the adoption of said resolution, and the roll being called, the following named Supervisors voted:

Ayes: Taylor, DeWitt, Ung, Pottebaum, Radig

Nays: None

Whereupon, the Chairperson declared said resolution duly adopted, as follows:

RESOLUTION 12,539

Approving Development Agreement with GELITA USA, Inc., Authorizing Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement

WHEREAS, the Board of Supervisors of Woodbury County, Iowa (the "County"), pursuant to and in strict compliance with all laws applicable to the County, and in particular the provisions of Chapter 403 of the Code of Iowa, has adopted an Urban Renewal Plan for the Grow Woodbury County Urban Renewal Area (the "Urban Renewal Area"); and

WHEREAS, this Board has adopted an ordinance providing for the division of taxes levied on taxable property in the Urban Renewal Area pursuant to Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa (the "Urban Renewal Tax Revenue Fund"), which fund and the portion of taxes referred to in that subsection may be irrevocably pledged by the County for the payment of the principal and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

WHEREAS, an agreement between the County and GELITA USA, Inc. (the "Company") has been prepared (the "Agreement"), pursuant to which the Company would construct a collagen peptide processing facility in the Urban Renewal Area (the "GELITA Project") and the County would provide tax increment payments in a total amount not exceeding \$499,612; and

WHEREAS, pursuant to Section 403.6 of the Code of Iowa, the Agreement also provides that all valuation added to the Company's property during the construction of the GELITA Project will be exempt from property taxation for a period of not to exceed two years; and

WHEREAS, this Board, pursuant to Section 403.9 of the Code of Iowa, has published notice, has held a public hearing on the Agreement, and has otherwise complied with statutory requirements for the approval of the Agreement; and

WHEREAS, Chapter 15A of the Code of Iowa ("Chapter 15A") declares that economic development is a public purpose for which a County may provide grants, loans, tax incentives, guarantees and other financial assistance to or for the benefit of private persons; and

WHEREAS, Chapter 15A requires that before public funds are used for grants, loans, tax incentives or other financial assistance, a Board of Supervisors must determine that a public purpose will reasonably be accomplished by the spending or use of those funds; and

WHEREAS, Chapter 15A requires that in determining whether funds should be spent, the Board must consider any or all of a series of factors;

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Woodbury County, Iowa, as follows:

Section 1. Pursuant to the factors listed in Chapter 15A, the Board hereby finds that:

(a) The GELITA Project will add diversity and generate new opportunities for the Woodbury County and Iowa economies;

(b) The GELITA Project will generate public gains and benefits, particularly in the creation and retention of jobs, which are warranted in comparison to the amount of the proposed property tax incentives.

Section 2. This Board further finds that a public purpose will reasonably be accomplished by entering into the Agreement and providing the property tax payments and the construction period valuation exemption to the Company.

Section 3. The Agreement is hereby approved and the Chairperson and County Auditor are hereby authorized and directed to execute and deliver the Agreement on behalf of the County, in substantially the form and content in which the Agreement has been presented to this Board, and such officers are also authorized to make such changes, modifications, additions or deletions as they, with the advice of bond counsel, may believe to be necessary, and to take such actions as may be necessary to carry out the provisions of the Agreement.

Section 4. As provided and required by Chapter 403 of the Code of Iowa, the County's obligations under the Agreement shall be payable solely from a subfund which is hereby established, into which shall be paid that portion of the income and proceeds of the Urban Renewal Tax Revenue Fund attributable to property taxes derived from the property described as follows:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION EIGHTEEN (18), TOWNSHIP EIGHTY-SEVEN (87) NORTH, RANGE FORTY-SEVEN (47) WEST OF THE 5<sup>TH</sup> P.M., WOODBURY COUNTY, IOWA, THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION EIGHTEEN (18), 1,344.6 FEET, THENCE WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE ¼ SE ¼) OF SAID SECTION EIGHTEEN (18), FOR 1,133 FEET TO THE WEST RIGHT OF WAY LINE OF THE CHICAGO AND NORTH WESTERN RAILROAD, THENCE SOUTHEASTERLY AND SOUTH ALONG THE WEST LINE OF THE CHICAGO AND NORTH WESTERN RAILROAD THRU THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE ¼ SE ¼) OF SAID SECTION EIGHTEEN (18) AND THE EAST HALF (E ½) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION NINETEEN (19), SAID TOWNSHIP AND RANGE, TO A POINT 800 FEET SOUTH AND 611 FEET WEST OF THE NORTHEAST CORNER OF SAID SECTION NINETEEN (19), THENCE SOUTHWESTERLY PARALLEL TO AND APPROXIMATELY 10 FEET EASTERLY AND SOUTHERLY FROM THE HIGH BANK OF THE OLD LAKE SHORE TO A POINT 1,841 FEET WEST AND 200 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION NINETEEN (19), THENCE WEST PARALLEL TO AND 200 FEET NORTH FROM THE SOUTH LINE OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION NINETEEN (19), 865.7 FEET TO A POINT 200 FEET NORTH FROM THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION NINETEEN (19), THENCE NORTH ALONG THE

WEST LINE OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION NINETEEN (19) AND SOUTHEAST QUARTER (SE ¼) OF SECTION EIGHTEEN (18), SAID TOWNSHIP AND RANGE, TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION EIGHTEEN (18), THENCE EAST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION EIGHTEEN (18) TO THE POINT OF BEGINNING. THE RIGHT OF WAY OF THE CHICAGO AND NORTH WESTERN RAILROAD IS EXCLUDED FROM THE ABOVE DESCRIBED TRACT.

EXCEPT

BEGINNING AT A POINT 800 FEET SOUTH AND 611 FEET WEST OF THE NORTHEAST CORNER OF SECTION 19, TOWNSHIP 87 NORTH, RANGE 47, WEST OF THE 5<sup>TH</sup> P.M., WOODBURY COUNTY, IOWA; THENCE SOUTHWESTERLY PARALLEL TO AND APPROXIMATELY 10 FEET EASTERLY AND SOUTHERLY FROM THE HIGH BANK OF THE OLD LAKE SHORE TO A POINT 1,841 FEET WEST AND 200 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 19; THENCE WEST PARALLEL TO AND 200 FEET NORTH FROM THE SOUTH LINE OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 19, 865.7 FEET TO A POINT 200 FEET NORTH FROM THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 19; THENCE NORTH ALONG THE WEST LINE OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 19 TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 19; THENCE SOUTHEASTERLY ON A STRAIGHT LINE TO THE POINT OF BEGINNING.

AND EXCEPT

THE WEST 150 FEET OF THE NORTH 75 FEET OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 18, TOWNSHIP 87 NORTH, RANGE 47 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, TOGETHER WITH A NON-EXCLUSIVE RIGHT IN PERPETUITY OF INGRESS TO AND EGRESS FROM SAID PREMISES OVER A PRESENTLY EXISTING ROAD OR A FUTURE SUBSTITUTED ROAD ACROSS ADJACENT LANDS OF THE GRANTOR. PARCEL BEING 0.26 ACRES.

ALSO INCLUDES

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE ¼, SE ¼) OF SECTION EIGHTEEN (SEC. 18), TOWNSHIP EIGHTY-SEVEN NORTH (T87N), RANGE FORTY-SEVEN WEST (R47W) OF THE 5<sup>TH</sup> P.M., WOODBURY COUNTY, IOWA, LYING EAST OF THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT-OF-WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SEC. 18; THENCE SOUTH 79°56'36" WEST ON THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SEC. 18, FOR A DISTANCE OF 521.99 FEET TO THE INTERSECTION WITH THE EAST LINE OF SAID RAILROAD RIGHT-OF-WAY; THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY, ON A NON-TANGENT CURVE CONCAVE WESTERLY,

HAVING A RADIUS OF 2292.38 FEET FOR A DISTANCE OF 1373.05 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 21°12'31" WEST WITH A DISTANCE OF 1352.62 FEET TO THE INTERSECTION OF THE NORTH LINE OF THE SE ¼, SE ¼ OF SAID SEC. 18; THENCE NORTH 80°08'11" EAST ON SAID NORTH LINE FOR A DISTANCE OF 1018.36 FEET TO THE NORTHEAST CORNER OF THE SE ¼, SE ¼ OF SAID SEC. 18; THENCE SOUTH 00°00'00" WEST ON THE EAST LINE OF THE SE ¼ OF SAID SEC. 18 FOR A DISTANCE OF 1344.30 FEET TO THE POINT OF BEGINNING, CONTAINING 21.31 ACRES, 1.02 OF WHICH ARE RESERVED AS PUBLIC RIGHT-OF-WAY FOR PORT NEAL ROAD. ALSO SUBJECT TO ANY EASEMENTS OF RECORD.

THE EAST LINE OF THE SE ¼ OF SAID SEC. 18 IS ASSUMED TO BEAR SOUTH 00°00'00" WEST TO CONFORM TO PREVIOUS SURVEY BY OTHERS.

AND INCLUDES

THE E ½ OF THE SW ¼ OF SECTION 18, TOWNSHIP 87 NORTH, RANGE 47, WEST OF THE 5<sup>TH</sup> P.M.

AND ALL OF PORT NEAL ROAD RIGHT OF WAY BEGINNING AT THE NE CORNER OF THE SE ¼ OF 18-87-47 THENCE SOUTH TO A POINT THAT IS 200 FEET NORTH OF THE SE CORNER OF THE NE ¼ OF 19-87-47.

(the "GELITA Subfund").

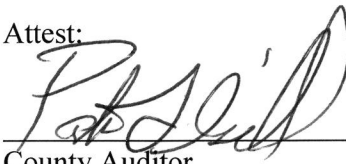
Section 5. The County hereby pledges to the payment of the Agreement the GELITA Subfund and the taxes referred to in Subsection 2 of Section 403.19 of the Code of Iowa to be paid into such Subfund.

Section 6. After its adoption, a copy of this resolution shall be filed in the office of the County Auditor of Woodbury County to evidence the continuing pledging of the GELITA Subfund and the portion of taxes to be paid into such Subfund and, pursuant to the direction of Section 403.19 of the Code of Iowa, the Auditor shall allocate the taxes in accordance therewith and in accordance with the tax allocation ordinance referred to in the preamble hereof.

Section 7. All resolutions or parts thereof in conflict herewith are hereby repealed.

Passed and approved this 9th day of May, 2017.

  
\_\_\_\_\_  
Chairperson

Attest:  
  
\_\_\_\_\_  
County Auditor

•••••

On motion and vote the meeting adjourned.


  
\_\_\_\_\_  
Chairperson

Attest:  
  
\_\_\_\_\_  
County Auditor

STATE OF IOWA  
WOODBURY COUNTY SS:

I, the undersigned, County Auditor of Woodbury County, Iowa, hereby certify that the foregoing is a true and correct copy of the minutes of the Board of Supervisors of the County relating to holding a public hearing and adopting a resolution to approve a Development Agreement.

WITNESS MY HAND this 10<sup>th</sup> day of May, 2017.

  
\_\_\_\_\_  
County Auditor



STATE OF IOWA

SS:

WOODBURY COUNTY

I, the undersigned, County Auditor of Woodbury County, in the State of Iowa, do hereby certify that on the 10<sup>th</sup> day of May, 2017, there was filed in my office a certified copy of a resolution of the County shown to have been adopted by the Board of Supervisors and approved by the Chairperson thereof on May 9, 2017 entitled: "Resolution Approving Development Agreement with GELITA USA, Inc., Authorizing Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement", and that I have duly placed the copy of the resolution on file in my records.

WITNESS MY HAND this 10<sup>th</sup> day of May, 2017.

  
\_\_\_\_\_  
County Auditor

Gelita ~~Grow Woodbury~~ 5-9-17  
Urban Renewal Area  
5-9-17

**PROOF OF PUBLICATION**  
**STATE OF IOWA**  
**COUNTY OF WOODBURY**

The undersigned, of said County, being duly sworn, on oath states the undersigned is an employee of the Sioux City Journal printed and published by Journal Communications, in Sioux City in said County and issued daily and Sunday and that the annexed printed NOTICE OF

NOTICE OF A PUBLIC HEARING ON  
2017 AMENDMENT TO THE GROW  
WOODBURY COUNTY URBAN RE-  
NEWAL AREA AND PLAN  
Notice Is Hereby Given: That at 4:40 o'clock  
p.m., at the Woodbury County Courthouse,

Public Hearing – Development Agreement with Gelita USA, Inc.

In said newspaper one consecutive Friday issues, the first publication thereof being on the 21<sup>st</sup> day of April, 2017.

Sioux City, Iowa, on the 9th day of May, 2017, the Board of Supervisors of Woodbury County will hold a public hearing on the question of amending the Grow Woodbury Urban Renewal Area (the "Urban Renewal Area") and the urban renewal plan for the Urban Renewal Area, pursuant to Chapter 403 of the Code of Iowa, to add new property and to describe a new urban renewal project consisting of a development agreement with GELITA USA, Inc.  
The new project is related to an agreement between the County and GELITA USA, Inc. which involves the construction by the company of a collagen peptide processing facility and the commitment of the County to make economic development tax increment payments in an amount not exceeding \$499,612.  
The property that is being added to the Urban Renewal Area consists of 246.39 acres located at 2445 Port Neal Road, Sergeant Bluff, Iowa. A legal description of the property is attached to the Amendment on file in the office of the County Auditor.  
At the hearing any interested person may file written objections or comments and may be heard with respect to the subject matter of the hearing.  
Published in the Sioux City Journal April 21, 2017. LGL#27986

*Brenda Gries*  
Brenda Gries

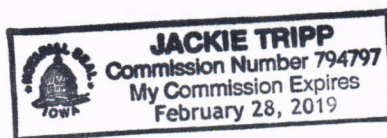
Subscribed and sworn before me in Sioux City, in said County,

this 21<sup>st</sup> day of April, 2017,

*Robert Tripp*

Notary Public

In and for Woodbury County.



Legal #27986      21 Lines      1 Time      \$16.18

2017 APR 26 PM 3 23

PATRICK H. GILL  
WOODBURY COUNTY  
AUDITOR & RECORDER &  
COMM. OF ELECTIONS