

RECORDING FEE \$	<i>None</i>	FILED FOR RECORD THE	<i>19</i>	..... DAY OF	STATE OF IOWA, BUTLER COUNTY:
		.....	<i>Dec</i>	<i>20</i>	<i>12</i>
				AT	<i>8:30</i>
TRANSFER FEE \$		O'CLOCK	<i>2</i>	M. INSTRUMENT NO.	<i>2012-4130</i>
				BY	<i>Janis Jacobs</i> RECORDER
					DEPUTY

RECORDING FEE \$	<i>None</i>	FILED FOR RECORD THE	<i>2</i>	..... DAY OF	STATE OF IOWA, BUTLER COUNTY:
		.....	<i>March</i>	<i>20</i>	<i>11</i>
				AT	<i>7:40</i>
TRANSFER FEE \$		O'CLOCK	<i>2</i>	M. INSTRUMENT NO.	<i>2011-0730</i>
				BY	<i>Janis Jacobs</i> RECORDER
					DEPUTY

BUTLER COUNTY ORDINANCE TITLE ^{VI, NO. 10-A} IV, NO. 10

AN ORDINANCE PROVIDING FOR THE SPECIAL VALUATION OF WIND ENERGY
CONVERSION PROPERTY PURSUANT TO IOWA CODE CHAPTER 427B.26.

PREPARER INFORMATION:

Butler County Board of Supervisors, 428 6th Street, Allison, IA 50602

RETURN DOCUMENT TO:

Butler County Board of Supervisors, 428 6th Street, Allison, IA 50602

This is being re-recorded to correct the Title and No.

BUTLER COUNTY ORDINANCE VI, No. 10-A

Title: Assessment of Wind Energy Conversion Property

BE IT ENACTED by the Board of Supervisors of Butler County, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to provide for the special valuation of wind energy conversion property pursuant to Iowa Code Chapter 427B.26.

SECTION 2. Definitions. For use in this ordinance, certain terms and words used herein shall be interpreted or defined as follows:

- (a) "NET ACQUISITION COST" means the cost of the property including all foundations and installation cost less any excess cost adjustment.
- (b) "WIND ENERGY CONVERSION PROPERTY" means the entire wind plant including, but not limited to, a wind charger, windmill, wind turbine, tower and electrical equipment, pad mount transformers, power lines and substation.

SECTION 3 Authority to Establish. The Board of Supervisors is authorized, pursuant to Iowa Code Chapter 427B.26 to provide by ordinance for special valuation of wind energy conversion property as provided in Section 4.

SECTION 4. Establishment. Pursuant to Iowa Code Chapter 427B.26, a special valuation of wind energy conversion property is allowed in lieu of the valuation assessment provisions in Iowa Code Chapter 441.21(8)(b) and (c), and Iowa Code Chapters 428.24 and 428.29. The special valuation shall only apply to wind energy conversion property first assessed on or after January 1, 1994, and on or after the effective date of this ordinance.

SECTION 5. Amount of Valuation. Wind energy conversion property first assessed on or after the effective date of the ordinance shall be valued by the County Assessor for property tax purposes as follows:

- (a) For the first assessment year, at zero percent (0%) of the net acquisition cost.
- (b) For the second through sixth assessment years, at a percent of the net acquisition cost which rate increases by five percent (5%) each assessment year.
- (c) For the seventh and succeeding assessment years, at thirty percent (30%) of the net acquisition cost.

SECTION 6. Declaration of Special Valuation. The taxpayer shall file with the county assessor by February 1st of the assessment year in which the wind energy conversion property is first assessed for property tax purposes, a declaration of intent to have the property assessed at the value determined under Section 5 lieu of the valuation assessment provisions in Iowa Code Chapter 441.21(9)(b) and (c), and Iowa Code Chapters 428.24 and 428.29.

SECTION 7. Reporting Requirements. The following reports shall be filed annually with the County Assessor by the taxpayer; in the first year, with the declaration of intent as prescribed in Section 6; and by February 1st of each year thereafter:

- (a) Copy of asset ledger sheet to IRS;
- (b) Engineering breakdown of component parts;
- (c) Tower numbering system;
- (d) Name of contact person, phone number, FAX number, and mailing address;
- (e) Report of all leased equipment, the name(s) of the company(s) it is leased from, and the agreement between the lessor and lessee regarding who is responsible for the property tax on the leased equipment.

SECTION 8. Repeal of Special Valuation. If in the opinion of the Board of Supervisors continuation of the special valuation provided under Section 4 ceases to be of benefit to the county, the Board of Supervisors may repeal the ordinance. Property specially valued under Section 4 prior to repeal of the ordinance shall continue to be valued under Section 4 until the end of the nineteenth (19th) assessment year following the assessment year in which the property was first assessed.

SECTION 9. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 10. Severability Clause. If any section, provision or other part of this ordinance shall be adjudged invalid or unconstitutional, said adjudication shall not affect the validity of the ordinance as a whole or any section, provision or other part thereof not adjudged invalid or unconstitutional.

PASSED by the Board and APPROVED this 15th day of March, 2011.

Paul A. Dul
Chairman, Board of Supervisors

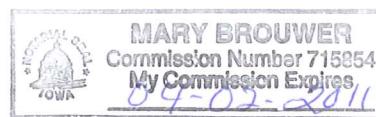
ATTEST: Holly A. Fokkena
Holly Fokkena, County Auditor

STATE OF IOWA

COUNTY OF BUTLER

On this 1st day of March, 2011, before me the undersigned, a Notary Public in and for said County and State, personally appeared Karl Nelson and Holly A. Fokkena, to me personally known, who, being duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor of Butler County, Iowa, respectively; that the seal affixed hereto is the seal of said County; that said instrument was signed and sealed on behalf of the said Butler County, Iowa, by authority of its Board of Supervisors and that said Karl Nelson and Holly A. Fokkena as such officers, acknowledge the execution of said instrument to be the voluntary act and deed of said County, it and by them voluntarily executed.

Mary Brouwer
Notary Public In and For Said County
and State of Iowa



STATE OF IOWA

PROOF OF PUBLICATION

Butler County,

I, **Leon M. Thorne**, being duly depose and say that I am **Publisher** of the **ECLIPSE-NEWS-REVIEW**, a weekly newspaper published at Parkersburg, Butler County, Iowa, and I further state that the annexed and subjoining was duly published in said paper on the

16th day of February, 2011.

Leon M. Thorne

Subscribed and sworn to before me on this

16th day of February, 2011.



Becky Thorne

Notary Public In And For Butler County, Iowa

Cost of Publication \$4.70

PUBLIC NOTICE

A public hearing will be held on March 1, 2011, at 10:00 A.M. in the Office of the Butler County Board of Supervisors in Allison, Iowa. The purpose of the public hearing will be to consider Ordinance Title VI, Number 10, a summary of which is as follows:

The purpose of the ordinance is to provide for the special valuation of wind energy conversion property pursuant to Iowa Code Chapter 427B.26.

Complete copies of the proposed ordinance will be available in the Office of the County Auditor. All parties are encouraged to speak for or against said ordinance. Any written or oral comments may be submitted to the County Auditor.