



## SUMMARY OF ORDINANCE 815

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REXBURG, IDAHO, APPROVING THE NORTH HIGHWAY AMENDED AND RESTATED URBAN RENEWAL PLAN, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY, STATE OFFICIALS AND OTHER TAXING ENTITIES; APPROVING THE SUMMARY OF THE ORDINANCE; PROVIDING FOR A WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF REXBURG, IDAHO:

**SECTION I:** It is hereby found and determined that:

- A. The Project Area as defined in the North Highway Amended and Restated Urban Renewal Plan is a deteriorated or a deteriorating area as defined in the Law and the Act and qualifies as an eligible urban renewal area under the Law and Act.
- B. The rehabilitation, conservation, and redevelopment of the urban renewal area pursuant to the North Highway Amended and Restated Urban Renewal Plan is necessary in the interest of public health, safety, and welfare of the residents of the City of Rexburg.
- C. There continues to be a need for the Agency to function in the City of Rexburg.
- D. The North Highway Amended and Restated Urban Renewal Plan conform to the Comprehensive Plan of the City of Rexburg
- E. The North Highway Amended and Restated Urban Renewal Plan gives due consideration to the provision of adequate park plazas and open spaces and facilities that may be desirable for neighborhood improvement (recognizing the primary commercial component of the Plan and the need for public improvement), and shows consideration for the health, safety, and welfare of any residents or businesses in the general vicinity of the urban renewal areas covered by the North Highway Amended and Restated Urban Renewal Plan. The City Council also finds that there exists other adequate park and recreational areas and facilities without the need for any additional areas for the North Highway Amended and Restated Urban Renewal Plan and Project.
- F. The North Highway Urban Renewal Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation and redevelopment of the Project Area by private enterprises.
- G. The North Highway Urban Renewal Plan provides a feasible method for relocation of any displaced families residing within the Project Area.
- H. The redevelopment of the Project Area for predominantly non-residential uses is necessary for the proper development of the community in accordance with sound planning standards and local community objectives.

- I. The base assessment roll with the North Highway Amended and Restated Plan Revenue Allocation plus the base assessment roll within the Washington School Revenue Allocation Area does not exceed ten percent (10%) of the 1998 assessed value of the property within the City of Rexburg.

**SECTION II:** That the City Council finds that the Project Area and Revenue Allocation Area contains certain open land, that the Agency does not intend to acquire any open land on any widespread basis, and that the Project Area is planned to be redeveloped in a manner that will include non-residential uses. Provided, however, that the City Council does find that if portions of the Project Area and Revenue Allocation Area are deemed "open land" the criteria set forth in the Law and Act have been met.

**SECTION III:** That the North Highway Amended and Restated Urban Renewal Plan, a copy of which is attached hereto and marked as Exhibit 3, which includes the revisions contained in Exhibit 2 and made a part hereof by attachment, be and the same hereby is approved.

**SECTION IV:** No direct or collateral action attacking the North Highway Amended and Restated Urban Renewal Plan shall be brought prior to the effective date of this Ordinance or after the elapse of thirty (30) days from and after the effective date of the Ordinance adopting the North Highway Amended and Restated Urban Renewal Plan.

**SECTION V:** That upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the county auditor and tax assessor of Madison County, and to the appropriate officials for taxing districts in the Urban Renewal Area and to the State Tax Commission, a copy of this Ordinance, a copy of the legal description of the boundaries of the Revenue Allocation Area, and a map or plan indicating the boundaries of the Revenue Allocation Area.

**SECTION VI:** The City Council hereby finds and declares that the Revenue Allocation Area as defined in the North Highway Amended and Restated Urban Renewal Plan includes that portion of the Project Area, the equalized assessed valuation of which the Council hereby determines in and as part of the North Highway Amended and Restated Urban Renewal Plan is likely to continue to increase as a result of the initiation and completion of urban renewal projects pursuant to the North Highway Amended and Restated Urban Renewal Plan.

**SECTION VII:** The City Council hereby approves and adopts the following statement of policy relating to the appointment of City Council members as members of the Agency's Board of Commissioners: If any City Council members are appointed to the Board, they are not acting in an ex officio capacity but rather as private citizens who, although they are also members of the City Council, are exercising their independent judgment as private citizens when they sit on the Board. Except for the powers to appoint and terminate Board members and to adopt the North Highway Urban Renewal Plan the City Council recognizes that it has no power to control the powers or operations of the Agency.

**SECTION VIII:** So long as any Agency bonds are outstanding, the City Council will not exercise its power under Idaho Code Section 50-2006 to designate itself as the Agency Board.

**SECTION IX:** That pursuant to the affirmative vote of one-half (2) plus one (1) of the Members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same hereby is, dispensed with, and accordingly, this Ordinance shall be in full force and effect immediately upon its passage, approval and publication, and shall be retroactive to January 1, 1998, to the extent permitted by the Act.

**SECTION X:** This Ordinance shall be in full force and effect immediately upon its passage, approval and publication, and shall be retroactive to January 1, 1998, to the extent permitted by the Act, with the effective date of the base assessment roll for the area covered by the original revenue allocation area remaining at January 1, 1991.

**SECTION XI:** Severability.

**SECTION XII:** Approval of Summary.

PASSED BY THE CITY COUNCIL OF REXBURG AND APPROVED BY THE MAYOR on this 28th day of December 1998.

#### EXHIBITS TO THE ORDINANCE

**EXHIBIT 1:** General Proof of Publication of the Notice providing notice of the public hearing of the Plan before the City Council.

**EXHIBIT 2:** Change sheet to North Highway Amended and Restated Urban Renewal Plan.

**EXHIBIT 3:** The North Highway Amended and Restated Urban Renewal Plan (which includes the changes to the North Highway Amended and Restated Urban Renewal Plan identified in Exhibit 2 of the Ordinance).

**EXHIBIT 4:** Approved Summary of Ordinance No. 815.

#### SUMMARY OF THE PLAN:

The Plan was prepared by the Rexburg Redevelopment Agency ("Agency") pursuant to the State of Idaho Urban Renewal Law, the Local Economic Development Act, the Idaho Constitution and all applicable laws and ordinances and approved by the Agency. The Plan provides for the Agency to undertake urban renewal projects pursuant to the Idaho Urban Renewal Law of 1965 as amended (the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the "Act"). The Plan contains a revenue allocation financing provision pursuant to the Act that will cause property taxes resulted from any increases in equalized assessed valuation in excess of the equalized assessed valuation as shown on the original base assessment roll as of January 1, 1999, and for the newly included area effective as of January 1, 1998, to be allocated to the Agency for the urban renewal purposes.

The general scope and objectives of the Plan are:

1. The elimination of environmental deficiencies in the Project Area, including, among others, obsolete and aged building types, and deteriorated inadequate public improvements; including certain streets and alleys.
2. The assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area.
3. The replanning, redesign, and development of underdeveloped areas which are stagnant or improperly utilized.
4. The strengthening of the economic base of the Project Area and the community by the installation of needed site improvements to stimulate new commercial expansion, employment and economic growth.

5. The establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project.
6. The strengthening of the tax base by encouraging private development thus increasing the assessed valuation of properties within the Revenue Allocation Area and the Project Area as a whole, and benefitting the various taxing districts in which the Urban Renewal Area is located.

Any such land uses as described in the North Highway Amended and Restated Urban Renewal Plan, will be in conformance with the Comprehensive Plan, City of Rexburg. Land made available will be developed by private enterprises or public agencies as authorized by law. The North Highway Amended and Restated Urban Renewal Plan, identifies various public and private improvements which may be made within the Urban Renewal Project Area.

The Project Area herein referred to is located as follows and as depicted on the map of the Project Area:

**North Highway Amended and Restated URBAN RENEWAL PLAN**  
**LEGAL DESCRIPTION OF URBAN RENEWAL PROJECT AREA AND**  
**REVENUE ALLOCATION AREA**  
**REXBURG, IDAHO**

The amended and restated project area, including the revenue allocation area, is an area consisting of approximately 100.7 acres enclosed within the following boundaries:

Beginning at the intersection of the centerline of the South Fork of the Teton River and the easterly right-of-way line of the Eastern Idaho Railroad in Section 19, Township 6 North, Range 40 East; thence Easterly along the centerline of said river to the West right-of-way line of State Highway 33; thence South along said right-of-way to the North right-of-way of 350 North; thence Northeasterly to the intersection of the East right-of-way line of State Highway 33 and the North right-of-way line of Barney Dairy Road; thence North along the Highway right-of-way to the centerline of the Teton River; thence Easterly along the centerline of the river for approximately 860 feet; thence North 397.06 feet; thence North 89E2y=12" East 330.00 feet; thence North 0E13'46" West 288.45 feet; thence North 89E27'7" East 330.00 feet; thence North 0E13'46" West 994.00 feet; thence South 89E27'7" West 343.14 feet; then North 0E11'9" East 656.58 feet; thence South 89E27'7" West 772.75 feet; thence South 74E57'19" West 211.54 feet to the Easterly right-of-way line of the Eastern Idaho Railroad; thence Southwesterly along the Railroad right-of-way to the point of beginning at the centerline of the South Fork of the Teton River.

Sections 300 through 312 discuss the proposed redevelopment actions, participation opportunities and agreements, cooperation with public bodies, property acquisition standards and requirements, relocation, demolition and property disposition.

Sections 402 through 404 discuss the type of land uses authorized in the Project Area and list other controls by referencing the applicable City Ordinances. Section 405 describes certain design development standards.

The North Highway Amended and Restated Urban Renewal Plan, also contains a major section on financing. Among other sources, the Amended and Restated Plan will utilize revenue allocation financing, authorized by the Act. Section 504 and Attachment No. 5 discuss revenue

allocation financing and show how such financing has worked and would work in the Project Area in the future if certain new private developments occur as estimated.

Increases in assessed valuation of real and personal property in the Original Project Area remain as of January 1, 1991, with the additional area having a base assessment roll as of January 1, 1991, that occur after January 1, 1998, will generate revenue for the Agency to pay project costs. Project costs include street and alley improvements, drainage improvement, and pedestrian paths, landscape areas, and other public improvements costs. The assessed valuation of real and personal property on the base assessment roll is still available for use by the other taxing districts, City of Rexburg, Madison County, School District No. 321, Rexburg Cemetery District, Library District, Ambulance District, and the Mosquito Abatement District to finance their operations. The North Highway Amended and Restated Urban Renewal Plan, authorizes the Agency to sell revenue bonds to finance project costs and to use annual revenue allocations to pay the debt service.

The program outlined in the North Highway Amended and Restated Urban Renewal Plan emphasizes the installation of needed public improvements, drainage and street improvements, and other costs to encourage private development.

Attachment No. 5 describes in detail the cost and financing methods for complete repayment for the debt incurred used to finance the Project and to also fund the described activities.

No change in the land use designation or the potential uses in the area have been proposed. The North Highway Amended and Restated Urban Renewal Plan, follows the underlying zoning classifications of the City of Rexburg.

Section 600 describes cooperative activities between the Agency and the City.

Section 805 describes the duration of the North Highway Amended and Restated Urban Renewal Plan, is through year 2021.

Section 1100 requires the Agency to prepare an annual report each year describing its activities during the previous year.

## ATTACHMENTS

- Attachment No. 1: Description of the Urban Renewal Project Area and Revenue Allocation Area
- Attachment No. 2: Project Area Revenue Allocation Area Boundary Map
- Attachment No. 3: Properties to Be Acquired
- Attachment No. 4: Map Depicting Land Uses within the Project Area
- Attachment No. 5: Statement of Proposed Public Improvements, Costs, Revenues, Tax Impacts and Financing Method
- Attachment No. 5A: Estimated Net Value of New Private Development In River Front Urban Renewal Project
- Attachment No. 5B: Estimated Annual Revenue Allocations
- Attachment No. 5C: Impact of Revenue Allocation Financing on Madison County Property Taxing Entities, Tax Code Areas, Revenues and Costs
- Attachment No. 6: Agency Resolution Adopting the North Highway Amended and Restated Urban Renewal Plan
- Attachment No. 7: City Council Resolution No.98.7 adopted 18 November 1998, implementing the statutory criteria and findings of fact for the North Highway Amended and Restated Urban Renewal Plan.

Attachment No. 8: Resolution of the City of Rexburg Planning and Zoning Commission Relating to the North Highway Amended and Restated Urban Renewal Plan for the City of Rexburg.

The full text of Ordinance No. 815 is available at the offices of the City Clerk located at the Rexburg City Hall, 12 North Center, Rexburg, Idaho 83440.

THIS SUMMARY APPROVED BY THE REXBURG CITY COUNCIL at its meeting of 28 December 1998.

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Bruce Sutherland, Mayor

(SEAL)

ATTEST:

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Rose Bagley, City Clerk

Stephen Zollinger, City Attorney for the City of Rexburg, declares that in his capacity as City Attorney of the City of Rexburg, pursuant to Idaho Code Section 50-901A(3) of the Idaho Code as amended, hereby certifies that he has reviewed a copy of the above cited Summary of Ordinance and has found the same to be true and complete and provides adequate notice to the public of the contents, including the exhibits, of Ordinance No. 815.

DATED this 28 day of December 1998.

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Stephen Zollinger, City Attorney

City of Rexburg