

CITY COUNCIL RESOLUTION MAKING CERTAIN FINDINGS OF FACT,
AND DETERMINING THE AREAS NORTH AND SOUTH OF THE
NORTH HIGHWAY URBAN RENEWAL AREA
TO BE A DETERIORATED AREA

APPROVED NOVEMBER 18, 1998

RESOLUTION 98.7

A RESOLUTION MAKING CERTAIN FINDINGS OF FACT, AND DETERMINING THE NORTH HIGHWAY NORTH AND SOUTH AREA TO BE A DETERIORATING AND DETERIORATED AREA AS DEFINED BY IDAHO CODE, SECTION 50-2018(i) AND 50-2903(6)(b), DIRECTING THE REXBURG REDEVELOPMENT AGENCY OF REXBURG TO COMMENCE THE PREPARATION OF AN URBAN RENEWAL PLAN, WHICH PLAN MAY INCLUDE REVENUE ALLOCATION PROVISION, FOR ALL OR PART OF THE AREA, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on 6 November, 1991, the Council and Mayor of Rexburg, Idaho respectively, created the Redevelopment Agency of the City of Rexburg, Idaho (hereinafter "Agency"), authorizing it to transact business and exercise the powers granted by Idaho Urban Renewal Law of 1965, as amended Chapter 20, Title 50, Idaho Code (hereinafter the "Law"), and the Local Economic Development Act, Chapter 20, Title 50, as amended, (hereinafter the "Act"), upon making the findings of necessity required for creating said Urban Renewal Agency; and

WHEREAS, the City Council of the City of Rexburg, Idaho (the "City"), after notice duly published, conducted a public hearing on the North Highway Urban Renewal Plan (the "Urban Renewal Plan"); and

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 728 on 27 December 1991, approving the Urban Renewal Plan and making certain findings; and;

WHEREAS, on 29 October, 1998, the Agency Board authorized a study of a geographic area to consider designating certain property in proximity of the North Highway Redevelopment Area (referenced herein as the North Highway Area) as appropriate for urban renewal activities; and

WHEREAS, it is anticipated that the Urban Renewal Agency intends to prepare an Urban Renewal Plan containing a revenue allocation financing provision, pursuant to the Act (codified at Chapter 29, Title 50, Idaho Code); and

WHEREAS, the City recognizes that there are certain factual prerequisites to the ultimate adoption of an Urban Renewal Plan containing revenue allocation financing provisions; and

WHEREAS, the Agency is obtaining an eligibility report (hereinafter the "Report"), which examines the North Highway North and South Area for the purpose of determining whether such area is a deteriorating area and deteriorated area as defined by Idaho Code, Section 50-2018(i) and 50-2903(6)(b); and

WHEREAS, the Report has been submitted to the agency, a copy of which is attached hereto as Exhibit 1; and

WHEREAS, pursuant to Idaho Code Section 50-2008, an urban renewal project may not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area, or combination thereof, and designated such area as appropriate for an urban renewal project; and

WHEREAS, Idaho Code Section 50-2906, also requires that in order to adopt an urban renewal plan containing a revenue allocation financing provision, the local governing body must make a finding or determination that the area included in such plan is a deteriorated area or deteriorating area; and

WHEREAS, it is desirable and in the best public interest that the Agency prepare an Urban Renewal Plan for the area identified in the Report located in the City of Rexburg, County of Madison, State of Idaho.

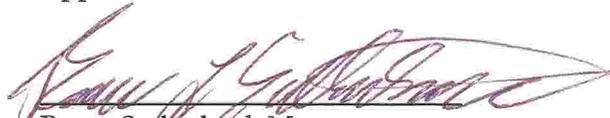
NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF REXBURG AS FOLLOWS:

- Section 1: That the City of Rexburg, Idaho, finds and declares:
- a. That the described area in the Report is a deteriorated or deteriorating area existing in Rexburg, Idaho, as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended;
 - b. That there is a need for the Agency, as an urban renewal agency, to function in accordance with the provisions of said Chapters 20 and 29, Title 50, Idaho Code, as amended, within a designated area for the purpose of establishing an urban renewal plan;
 - c. That the area identified in the Report is determined as a deteriorated or deteriorating area, or a combination thereof, and such area is designated as appropriate for an urban renewal project; and
 - d. That the Agency is hereby directed to prepare an urban renewal plan for the area.
- Section 2: That this Resolution shall be in full force and effect immediately upon its adoption and approval.

ADOPTED By the Council of the City of Rexburg, Idaho, this 18th day of November, 1998.

ADOPTED By the Mayor of the City of Rexburg, Idaho, this 18th day of November, 1998.

Approved:


Bruce Sutherland, Mayor

ATTEST


Rose Bagley, City Clerk

ELIGIBILITY REPORT FOR THE CITY OF REXBURG

DISCUSSION

This report focuses on why the property located north and south of the North Highway (2nd East) Urban Renewal Area qualifies as a deteriorating area as pursuant to I.C. 50-2018(l) and as a deteriorated area pursuant to 50-2903(6)(b) under virtual identical definitions. The first statutory reference is from the urban renewal statute, while the second comes from the revenue allocation law. The report will also discuss why the area is appropriate for an urban renewal project, see attached map.

A. Present Conditions

The attached definition of deteriorating and deteriorated area lists ten different conditions that may be present in such an area, with the tenth being the catch all "any combination of such factors." The presence of these conditions was documented by field trips during 1998 and information provided by various public officials. The whole area was then evaluated and the numbers corresponding to the applicable characteristic were placed at the appropriate locations on the attached map.

The following is a listing of conditions found in the area by their corresponding numbers in the legal definition. A brief explanation of the condition and how it was evaluated is also listed. A corresponding number showing the location of the condition has been placed on the area map.

1. A substantial number of deteriorated or deteriorating structures

A few structures along the railroad line meet this criteria. A large number of structures ten or greater does not exist.

2. Predominance of defective or inadequate street layout

This occurs where a combination of streets, railroad line, and business driveways merge. It also occurs where alley ways have been abandoned or development has stopped extension of a street. This condition is often a result of the change in land use over time. The sawmill site is an example of change in land use over time. The area around the Sugar City Exit off of the North Highway is an example of inadequate street layout.

3. Faculty lot layout in relation to size, adequacy, accessibility or usefulness

This condition exists due to the development of this area over a number of years. Particularly when access to businesses was by horse and wagon. Today trucks and often semi-trucks need access to businesses to deliver goods. Traffic including fire truck access is blocked in the alleyways during deliveries.

4. Insanitary and unsafe conditions

This is a fairly broad category. Properties having excessive weeds and other trash were evaluated with this designation. This occurs most along the railroad line, ditch banks, canals and the Teton River.

5. Deterioration of site and other improvements

This is a broad category. Site improvements include parking lots, fences, and landscaping areas, basically things other than structures that make up a developed property. The term, "other improvements", is the only place to include public improvements, such as streets, sidewalks, curbs, gutters, storm drains, parks, and sanitary sewers. Storm drainage is limited and nonexistent in some areas, paving is in fair condition, sidewalks, curbs, and gutters do not exist or are deteriorating.

6. Diversity of Ownership

The evaluation of this category required a review of land ownership records. Diversity of Ownership was also found along railroad line. Diversity of Ownership results in land locked or abandoned pieces of property.

7. Tax or special assessment delinquency

Tax or special assessment delinquency exceeding the fair market value of the land. No evidence of this condition was found.

8. Defective or unusual conditions of title

This characteristic is applicable to property that can have an incorrect legal descriptions for some portion or the title maybe questionable.

9. The existence of conditions which endanger life or property by fire and other causes

Areas covered with weeds, abandoned buildings and or buildings that are deteriorating. No evidence of this condition was found.

10. Any combination of such factors

This number is placed on the areas where two or more of the other characteristics are present.

B. Effects of Present Conditions

1.(a). Results in economic underdevelopment of the area. A review of the area shows sites that are undeveloped property. Vacant lots and the Sawmill Site are underdeveloped.

2.(b). Substantially impairs or arrests the sound growth of a municipality. The presence of the conditions described particularly access are contributing to the economic underdevelopment of the area.

3.(d). Constitutes an economic or social liability. When an area has vacant businesses it is a slow growth area. It doesn't develop to its full potential for commercial development, it is detrimental to the City because it doesn't produce its expected share of property and other taxes. Hence it is an economic liability for the City in its current condition.

4.(e). And is a menace to the public health, safety, morals or welfare in its present condition or use. The previous discussion has established that these areas have safety problems for both fire protection and access, and as a result, has become an economic liability. Accordingly, a combination of all these conditions represent a menace or threat to the public welfare or prosperity and safety of the community.

C. Appropriateness of the Area for an Urban Renewal Project

The second part of the City Council's determination is the policy decision of whether or not the area is appropriate for an urban renewal project. The purpose of the report was not to plan an urban renewal project. Underdeveloped areas do exist. With appropriate attention and effort by an urban renewal agency, these areas could be developed sooner and hence, could become generators of revenue allocation funds. The potential is clearly there.

This report identified and discussed conditions that qualify the area as a deteriorating area and hence an urban renewal area. A renewal project, using revenue allocation financing and other resources, can eliminate these conditions over a period of time. Traffic safety problems can be corrected with additional sidewalks and street access. The trashy conditions could be eliminated through landscaping and perhaps the addition of a bike/pedestrian path that would enhance public use of this area. Acquisition, relocation, and site clearance could be used to eliminate slum and blight conditions. While a renewal project is not the only method the city could use to upgrade and improve this area but in conjunction with the proposed new private development, it is probably the best overall method.

Open Space

Local Economic Development Act 50-2903 7 (c) Any area which is predominately open and which because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of municipality. The provisions of section 50-2008 (d), Idaho Code, shall apply to open areas.

The open space identified on the map is underdeveloped.

CONCLUSION

This report concludes that the area located north and south of the North Highway Urban Renewal Area are a deteriorating and deteriorated area and, as such, is appropriate for an urban renewal project.

Attachments

DEFINITION OF DETERIORATING AREA, I.C. 50-2018 (I)

and DETERIORATED AREA, I.C. 50-2903 (6) (b)

Any area [which by reason of the presence of (1) a substantial number of deteriorated or deteriorating structures; (2) predominance of defective or inadequate street layout; (3) faulty lot layout in relation to size, adequacy, accessibility or usefulness; (4) insanitary or unsafe conditions; (5) deterioration of site or other improvements; (6) diversity of ownership; (7) tax or special assessment delinquency exceeding the fair value of the land; (8) defective or unusual conditions of title; (9) or the existence of conditions which endanger life or property by fire and other causes; (10) or any combination of such factors], (a) (results in economic underdevelopment of the area)*; (b) substantially impairs or arrests the sound growth of a municipality; (c) retards the provision of housing accommodations; or (d) constitutes an economic or social liability; and (e) is a menace to the public health, safety, morals or welfare in its present condition or use.

*appears only in the revenue allocation statute.

DEFINITION OF URBAN RENEWAL PROJECT, I.C. 50-2018 (j)

"Urban renewal project" may include undertakings and activities of a municipality in an urban renewal area for the elimination of deteriorated or deteriorating areas and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with the urban renewal plan. Such undertakings and activities may include:

(1) acquisition of a deteriorated area or a deteriorating area or portion thereof;

(2) demolition and removal of buildings and improvements;

(3) installation, construction, or reconstruction of streets, utilities, parks, playgrounds, off-street parking facilities, public facilities or buildings and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this act in accordance with the urban renewal plan;

(4) disposition of any property acquired in the urban renewal area (including sale, initial leasing or retention by the agency itself) at its fair value for uses in accordance with the urban renewal plan except for disposition of property to another public body;

(5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of building or other improvements in accordance with the urban renewal plan;

(6) acquisition of real property in the urban renewal area which, under the urban renewal plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property;

(7) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or to prevent the spread of blight or deterioration, or to provide land for needed public facilities;

(8) lending or investing federal funds; and

(9) construction of foundations, platforms and other like structural forms.

