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RE: Agency resolution and City Council Resolutions
South Arterial Area

Gentlemen and Judy:

I have enclosed the Agency and City Council resolutions approving the urban renewal area eligibility report for the South Arterial area. Harlan is finishing the report and the report will be forwarded to you immediately upon its completion. I understand the geographic area that

will be shown in the report, by way of either a narrative description and/or map, will include only the area which qualifies as a deteriorating area under Idaho Code Section 50-2018(9). Therefore, the area only includes those properties which directly qualify for inclusion as a deteriorating area, or those properties that may have been used for agricultural operations within the past three years, if an appropriate consent has been obtained, or a representation has been made that such consent will be forthcoming, or the agricultural operation has not been used for three consecutive years. Consequently, both the Agency resolution and City Council resolution track that statement. Additionally, the City Council resolution also advises the Agency to not include within the urban renewal plan area, any property for which there is no consent. This condition should be of some assistance in the unlikely event an owner tries to withdraw his/her consent, or where consent had been committed, but then not materialized. Hopefully, this condition will provide both the Agency and the City some safe harbor, in the event there is some challenge concerning the inclusion of these properties. Under any scenario, however, the boundaries will need to be fixed in final form by the time the Plan is approved by the Agency.

As I understand the sequence of events, the Agency Board will hold a special meeting shortly before the already scheduled October 3, 2007 joint session between the Agency and City for the purpose of discussing the Recreation Center, at which meeting the Board will approve the Agency resolution. Then, at the City Council meeting that same evening, the City Council will approve its resolution accepting the eligibility report.

Please contact me if you have any questions or concerns.

Very truly yours,

ELAM & BURKE
A Professional Association

Ryan P. Armbruster

RPA:jm
Enclosures