

BY THE COUNCIL:

BENFIELD, ERICKSON, MANN,
SCHWENDIMAN, STEVENS, YOUNG

A RESOLUTION BY THE REXBURG CITY COUNCIL
DETERMINING A CERTAIN AREA WITHIN THE CITY TO
BE A DETERIORATED OR DETERIORATING AREA AS
DEFINED BY IDAHO CODE SECTIONS 50-2018(9) AND 50-
2903(8); DIRECTING THE URBAN RENEWAL AGENCY OF
REXBURG TO COMMENCE THE PREPARATION OF AN
URBAN RENEWAL PLAN SUBJECT TO CERTAIN
CONDITIONS, WHICH PLAN MAY INCLUDE REVENUE
ALLOCATION PROVISIONS FOR ALL OR PART OF THE
AREA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Council and Mayor of Rexburg respectively on or about November 6, 1991, adopted and approved a resolution creating the Rexburg Redevelopment Agency (the "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, as amended, Chapter 20, Title 50, Idaho Code as amended (hereinafter the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, as amended (hereinafter the "Act") upon making the findings of necessity required for creating said Urban Renewal Agency;

WHEREAS, the City Council of the City of Rexburg, Idaho (the "City Council"), after notice duly published, conducted a public hearing on the North Highway Urban Renewal Project pursuant to the North Highway Urban Renewal Plan (the "North Highway Plan") to redevelop a portion of the City, pursuant to the Law and the Act;

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

WHEREAS, the City Council, after notice duly published, conducted a public hearing on April 9, 1997, and passed Resolution No. 97.01, finding the Washington School Site Area as "deteriorated" or "deteriorating area" as defined by Idaho Code Section 50-2018(h), (i) and 50-2903(b), now codified as Idaho Code Section 50-2018(8) and (9) and 50-2903(8) respectively, declaring such area as an urban renewal area, making the necessary findings as required by Idaho Code Section 50-2008(a) and authorizing the Agency to prepare an urban renewal plan;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Washington School Urban Renewal Plan;

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 794 on June 3, 1997, approving the Washington School Urban Renewal Plan, and making certain findings;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the North Highway Amended and Restated Urban Renewal Plan (the “North Highway Amended and Restated Plan”);

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 815 on December 30, 1998, approving the North Highway Amended and Restated Plan and making certain findings;

WHEREAS, the Rexburg City Council, after notice duly published, conducted a public hearing on the Downtown District Redevelopment Plan (the “Downtown Plan”);

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 910, on December 17, 2003, approving the Downtown Plan, and making certain findings;

WHEREAS, the Rexburg City Council, after notice duly published, conducted a public Hearing on the Second Amended and Restated urban Renewal Plan, North Highway Urban Renewal Project, Including South Addition (the “Second Amended and Restated Plan”);

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 950, on December 21, 2005, approving the Second Amended and Restated Plan;

WHEREAS, it has become apparent that additional property within the City may be deteriorating or deteriorated and should be examined as to whether such an area is eligible for urban renewal planning purposes;

WHEREAS, the Agency, in July, 2006, requested Harlan W. Mann, Real Estate Consultant (“Consultant”), to review two areas known as the South Arterial Area and the North Interchange Area and to prepare an eligibility report for the areas;

WHEREAS, the Agency has obtained the South Arterial Area Urban Renewal Eligibility Report (the “Report”), dated September 28th, 2007, which examined an area in Rexburg known as the South Arterial Area (the “South Arterial Area”), for the purpose of determining whether such areas are deteriorating areas or deteriorated areas as defined by Idaho Code, Sections 50-2018(9) and 50-2903(8);

WHEREAS, pursuant to Idaho Code Sections 50-2018(9) and 50-2903(8), which lists the definition of deteriorating and a deteriorated area, many of the conditions necessary to be present in such an area are found in the South Arterial Area, *i.e.*,

- a. substantial number of deteriorated or deteriorating structures;
- b. predominance of defective or inadequate street layout;
- c. faulty lot layout in relation to size, adequacy, accessibility or usefulness;
- d. unsanitary or unsafe conditions;

- e. deterioration of site and other improvements;
- f. diversity of ownership;
- g. tax and special assessment delinquency;
- h. defective and unusual conditions of title;
- i. existence of conditions which endanger life or property by fire and other causes;
and
- j. any combination of such factors.

WHEREAS, the effects of the listed conditions result in economic underdevelopment of the area, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations, constitutes an economic or social liability, and is a menace to the public health, safety, morals or welfare in its present condition or use.

WHEREAS, the Report, dated September 28th, 2007, has been submitted to the Agency, a copy of which is attached hereto as Exhibit A;

WHEREAS, under the Idaho Urban Renewal Law, Section 50-2018(9), the definition of a deteriorating area shall not apply to any agricultural operation as defined in Section 22-4502(1), Idaho Code, absent the consent of the owner of the agricultural operation except for an agricultural operation that has not been used for three (3) consecutive years;

WHEREAS, the Report identifies only those properties that qualify as a deteriorating area under Idaho Code Section 50-2018(9), or those properties for which a consent concerning the agricultural operation described above has been obtained, the Consultant has been advised such consent has been committed, or the agricultural operation has not been used for three (3) consecutive years;

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 deteriorating area, or combination thereof, and designated such area as appropriate for an urban renewal project;

WHEREAS, Idaho Code Section 50-2904 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;

WHEREAS, the Agency, on October 3, 2007, adopted Resolution No. 2007-11 (a copy of which is attached hereto as Exhibit B) accepting the Report and authorizing the Chairman of the Agency to transmit the Report to the City Council requesting its consideration for designation of an urban renewal area and requesting the City Council to direct the Agency to prepare an Urban Renewal Plan for the South Arterial Area, which Plan may include a revenue allocation provision as allowed by law;

WHEREAS, it is desirable and in the best public interest that the Agency prepare an Urban Renewal Plan for the area identified as the South Arterial Area 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, IDAHO:

Section 1: That the City Council of Rexburg finds and declares:

(a) That the South Arterial Area described in the Report is a deteriorated or deteriorating area existing in Rexburg as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended;

(b) That there is a need for the Agency, 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; and

(c) That the area identified as the South Arterial Area in the Report is determined to be a deteriorated or deteriorating area, or a combination thereof, and such area is designated as appropriate for an urban renewal project.

Section 2: That the Agency commence preparation of an Urban Renewal Plan for consideration by the Agency Board and, if acceptable, final consideration by the City Council in compliance with Chapters 20 and 29, Title 50, Idaho Code, as amended. Provided, however, any urban renewal plan prepared by the Agency shall not include as part of the urban renewal area, any property which has been used as an agricultural operation as defined in section 22-4502(1), Idaho Code, absent the consent of the owner of the agricultural operation, except for an agricultural operation that has not been used for three (3) consecutive years.

Section 3: 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 03rd day of October, 2007.

APPROVED By the Mayor of the City of Rexburg, Idaho, this 03rd day of October, 2007.

APPROVED:

SHAWN LARSEN
MAYOR

ATTEST:

BLAIR D. KAY
CITY CLERK

RESOLUTION NO. 2007-11- 4

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