



RESOLUTION NO. 2014-16

BY THE COUNCIL:

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 Agency;

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 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 a "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 Rexburg City Council, after notice duly published, conducted a public hearing on the Washington School Urban Renewal Plan (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 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 District Redevelopment Plan, and making certain findings;

WHEREAS, the 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, the City Council, after notice duly published, conducted a public hearing on the University Boulevard-South 12th West Urban Renewal Plan (“University Boulevard Plan”);

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 996 on December 19, 2007, approving the University Boulevard Plan, and making certain findings;

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

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 1035 on December 2, 2009, approving the Amended and Restated Downtown Plan, and making

certain findings;

WHEREAS, the above referenced plans and project areas are collectively referred to as the Project Areas;

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 commenced certain discussions concerning examination of the new area as appropriate for an urban renewal project (the “North Interchange Area”);

WHEREAS, the North Interchange Area was originally examined by Harlan W. Mann in 2006 concerning eligibility;

WHEREAS, in August 2013, the Agency authorized Terry Butikofer, Community Development Consultant (the “Consultant”) at the Development Company, to commence an eligibility study and preparation of an eligibility report of the North Interchange Area and surrounding properties;

WHEREAS, the Agency obtained The North Interchange Area Urban Renewal Eligibility Report (the “Original Report”), which examined an area in Rexburg known as the North Interchange Urban Renewal Project Area, which area also included property located in Sugar City and Madison County for the purpose of determining whether such area was a deteriorating area and deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Agency, on December 13, 2013, adopted Resolution No. 2013-3 accepting the Original Report and authorized the Chairman of the Agency to transmit the Original 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 North Interchange Urban Renewal Project Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, the Agency also authorized the transmittal of the Original Report to Sugar City and Madison County for purposes of obtaining resolutions determining such area to be deteriorated and/or deteriorating and appropriate for an urban renewal project;

WHEREAS, based on further inquiries by and at the request of Sugar City, it became apparent that additional property within the city limits of the city of Sugar City and certain properties in unincorporated Madison County and adjacent and /or contiguous to the North Interchange Urban Renewal Project Area may be deteriorating or deteriorated and should be examined as to whether such additional area is eligible for urban renewal planning purposes;

WHEREAS, the Agency, during 2014, requested review of an additional area within the city limits of the city of Sugar City and certain properties in unincorporated Madison County adjacent and contiguous to the North Interchange Urban Renewal Project Area and preparation of a new eligibility report for the area;

WHEREAS, the Agency has obtained the 2014 North Interchange Area Urban Renewal Eligibility Report (the “2014 Report”), which examined an area in Rexburg known as the North Interchange Urban Renewal Project Area, including the additional property within the city limits of the city of Sugar City and certain properties in unincorporated Madison County, for the purpose of determining whether such area is a deteriorating area or deteriorated area 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 North Interchange Urban Renewal Project 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 cited in the 2014 Report result in economic underdevelopment of the area, substantially impairs or arrests the sound growth of a municipality, 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 2014 Report dated June 10, 2014, was submitted to the Agency, a copy of which is attached hereto as Exhibit A;

WHEREAS, the Agency, on June 17, 2014, adopted Resolution No. 2014-3 (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 North Interchange Area, which Plan may include a revenue allocation provision as allowed by law;

WHEREAS, the 2014 Report includes a preliminary analysis concluding the base assessment roll value for the North Interchange Area along with the base assessment rolls for the Project Areas does not exceed 10% of the overall property value of the City;

WHEREAS, under the Law and Act, Sections 50-2018(9) and 50-2903(8)(f), 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, additional analysis concerning any agricultural operations and additional requests for consent of property owners who may have such agricultural operations within the past three (3) consecutive years continues;

WHEREAS, Idaho Code Section 50-2018(18) states that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, a portion of the North Interchange Area includes certain properties within the city limits of the city of Sugar City and certain properties in unincorporated Madison County;

WHEREAS, both Madison County and the city of Sugar City were asked to adopt a resolution finding the need for an urban renewal project for the proposed North Interchange area;

WHEREAS Sugar City adopted the Agency's findings concerning the proposed North Interchange Area by adopting Resolution No. 2014-2 on July 24, 2014, which is attached hereto as Exhibit C.¹

WHEREAS Madison County adopted the Agency's finding concerning the proposed North Interchange Area by adopting Resolution No. 375 on July 28, 2014, which is attached hereto as Exhibit D.¹

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, it is desirable and in the best public interest that the Agency prepare an urban renewal plan for the area identified as the North Interchange Area in the 2014 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 North Interchange Area described in the 2014 Report is a deteriorated or deteriorating area existing in Rexburg as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended;

¹ The exhibits to the Sugar City and Madison County Resolutions are not attached with their resolutions, as they are the same exhibits as exhibits A and B attached to this Resolution.

(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;

(c) That the area identified as the North Interchange Area in the 2014 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;

(d) That the area identified as the North Interchange Area in the 2014 Report includes certain properties within the city limits of the city of Sugar City and certain properties in unincorporated Madison County. Both Madison County and the city of Sugar City have adopted resolutions finding the need for an urban renewal project for the proposed North Interchange area; and

(e) That the Agency will need to receive the required consents from the property owners prior to formally submitting the proposed urban renewal plan to the city of Rexburg for its consideration.

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.

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 20th day of August, 2014.

APPROVED By the Mayor of the City of Rexburg, Idaho, this ___ day of August, 2014.

APPROVED:

RICHARD S. WOODLAND, MAYOR

ATTEST:

BLAIR D. KAY, CITY CLERK

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