



RESOLUTION NO. 2015-10

BY THE COUNCIL:

A RESOLUTION BY THE REXBURG CITY COUNCIL DETERMINING CERTAIN ADDITIONAL AREAS 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 Rexburg City Council (“City Council”) and Mayor of Rexburg respectively on or about November 6, 1991, adopted and approved a resolution creating the Rexburg Urban Renewal Agency, also known as the Rexburg Redevelopment Agency (the “Agency”), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the “Law”), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, 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 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  
RESOLUTION NO. 2015-10 - 1

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

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 1123 on November 5, 2014, approving the Second 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 areas are 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 eligibility of the North Interchange Area was originally examined by Harlan W. Mann in 2006;

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 “2013 Eligibility Report”), which examined an area in the City known as the North Interchange Urban Renewal Project Area, which area also included property located in the city of Sugar City and Madison County for the purpose of determining whether such areas were deteriorating areas and deteriorated areas 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 2013 Eligibility Report and authorized the Chairman of the Agency to transmit the 2013 Eligibility 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 2013 Eligibility Report to the Sugar City “City Council” and the Madison County Board of County Commissioners for purposes of obtaining resolutions determining such areas outside the boundaries of the City to be deteriorated and/or deteriorating and appropriate for an urban renewal project;

WHEREAS, based on further inquiries by and at the request of the Sugar City “City Council”, 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 areas were eligible for urban renewal planning purposes;

WHEREAS, the Agency, during 2014, requested the Consultant review certain additional areas within the city limits of the city of Sugar City and certain properties in unincorporated Madison County adjacent and contiguous to the property subject to an eligibility determination in the 2013 Eligibility Report and prepare a new eligibility report for the area;

WHEREAS, the Agency obtained the North Interchange Area Urban Renewal Eligibility Report, dated June 10, 2014 (the “2014 Eligibility Report”), which examined an area in the City known as the North Interchange Urban Renewal Project Area that was originally reviewed in the

2013 Eligibility Report and also included an examination of 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 areas are deteriorating areas or deteriorated areas as defined by Idaho Code, Sections 50-2018(9) and 50-2903(8);

WHEREAS, the 2014 Eligibility Report was submitted to the Agency;

WHEREAS, the Agency, on June 17, 2014, adopted Resolution No. 2014-3 accepting the 2014 Eligibility Report and authorizing the Chairman of the Agency to transmit the 2014 Eligibility Report to the City Council requesting 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, 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, the area considered within the 2014 Eligibility Report included certain properties within Sugar City and certain properties within unincorporated Madison County;

WHEREAS, the 2014 Eligibility Report was submitted to the Sugar City "City Council" and the Madison County Board of County Commissioners, and both the Madison County Board of County Commissioners and the Sugar City "City Council" were asked to adopt a resolution finding the need for an urban renewal project for the proposed North Interchange Area;

WHEREAS, the Sugar City "City Council" adopted the Agency's findings concerning the proposed North Interchange Area by adopting Resolution No. 2014-2 on July 24, 2014;

WHEREAS, the Madison County Board of County Commissioners adopted the Agency's finding concerning the proposed North Interchange Area by adopting Resolution No. 375 on July 28, 2014;

WHEREAS, the City Council, by Resolution No. 2014-16, dated August 20, 2014, declared the North Interchange Area described in the 2014 Eligibility Report to be a deteriorated or deteriorating area as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended, that such area is appropriate for an urban renewal project, that both the Sugar City City Council and the Madison County Board of County Commissioners adopted the necessary resolutions and directed the Agency to commence preparation of an urban renewal plan;

WHEREAS, preparation of the urban renewal plan was delayed in order to obtain the required property owner consents for agricultural property included within the North Interchange Area;

WHEREAS, it has further become apparent that additional property adjacent and contiguous to the North Interchange Area, as described in the 2014 Eligibility Report, may be deteriorating or deteriorated and should be examined as to whether such area is eligible for urban renewal planning purposes;

WHEREAS, the Agency, during 2015, authorized the Consultant and Richard Horner, the Agency Chairman, to review such additional areas within unincorporated Madison County and the City adjacent and contiguous to the North Interchange Area and requested preparation of a supplemental eligibility report for such areas;

WHEREAS, the Agency obtained The North Interchange Area Urban Renewal Supplemental Eligibility Report, dated June 4, 2015 (the “2015 Supplemental Eligibility Report”), which examined additional property within unincorporated Madison County and the City that is adjacent and contiguous to the North Interchange Area as described in the 2014 Eligibility Report, for the purposes 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 additional areas adjacent and contiguous to the North Interchange Area as more fully set forth in the 2015 Supplemental Eligibility Report, *i.e.*,

- a. predominance of defective or inadequate street layout;
- b. faulty lot layout in relation to size, adequacy, accessibility or usefulness;
- c. unsanitary or unsafe conditions;
- d. deterioration of site and other improvements;
- e. existence of conditions which endanger life or property by fire and other causes;  
and
- f. any combination of such factors.

WHEREAS, the effects of the listed conditions cited in the 2015 Supplemental Eligibility 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 2015 Supplemental Eligibility Report includes a preliminary analysis concluding the base assessment roll value for the North Interchange Area, as supplemented by the 2015 Supplemental Eligibility Report, along with the base assessment rolls for the Project Areas does not exceed 10% of the overall property value of the City;

WHEREAS, the Agency accepted the 2015 Supplemental Eligibility Report by way of Resolution No. 2015-2 at the June 4, 2015, meeting of the Agency Board. Attached hereto as Exhibit A is a true and correct copy of the adopted Agency Resolution, which includes the 2015 Supplemental Eligibility Report and a map of the North Interchange Area;

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, the proposed additional areas adjacent and contiguous to the North Interchange Area as described in the 2015 Supplemental Eligibility Report include certain properties within unincorporated Madison County;

WHEREAS, the Madison County Board of County Commissioners was asked to adopt a resolution finding the need for an urban renewal project for the proposed additional areas adjacent and contiguous to the North Interchange area;

WHEREAS the Madison County Board of County Commissioners adopted the Agency's findings concerning the proposed additional areas adjacent and contiguous to the North Interchange Area as set forth in the 2015 Supplemental Eligibility Report by adopting Resolution No. 392 on June 15, 2015, which is attached hereto as Exhibit B.<sup>1</sup>

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 50-2906, also requires that in order to adopt an urban renewal plan containing a revenue allocation financing provision, the local governing body must made 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 overall area, including the area identified as the North Interchange Area in the 2014 Eligibility Report, as previously determined by the City Council to be a deteriorated or deteriorating area and appropriate for an urban renewal project by Resolution No. 2014-16, and including the area described in the 2015 Supplemental Eligibility Report adjacent and contiguous to the area described in the 2014 Eligibility 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 areas described in the 2015 Supplemental Eligibility Report adjacent and contiguous to the North Interchange Area are deteriorated or deteriorating areas existing in the City as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended;

---

<sup>1</sup>The exhibits to the Madison County Resolution No. 293 are not attached as they are the same exhibits as the exhibits to the Agency Resolution No. 2015-2, attached hereto as Exhibit A.

(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 additional areas adjacent and contiguous to the North Interchange Area as identified in the 2015 Supplemental Eligibility Report are determined to be deteriorated or deteriorating areas, or a combination thereof, and such areas are designated as appropriate for an urban renewal project;

(d) That the additional areas adjacent and contiguous to the North Interchange Area as set forth in the 2015 Supplemental Eligibility Report include certain properties within unincorporated Madison County. The Madison County Board of County Commissioners has adopted a resolution finding the need for an urban renewal project for the proposed additional areas; 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 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. This Urban Renewal Plan is for the overall area, including the area identified as the North Interchange Area in the 2014 Eligibility Report, as previously determined by the City Council to be a deteriorated or deteriorating area and appropriate for an urban renewal project by Resolution No. 2014-16, and including the area described in the 2015 Supplemental Eligibility Report adjacent and contiguous to the area described in the 2014 Eligibility Report.

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 17<sup>th</sup> day of June, 2015.

APPROVED By the Mayor of the City of Rexburg, Idaho, this 17<sup>th</sup> day of June, 2015.

APPROVED:

\_\_\_\_\_  
Richard S. Woodland, Mayor

ATTEST:

\_\_\_\_\_  
Blair D. Kay, City Clerk  
4831-2286-6468, v. 2

