



ORDINANCE NO. 1036

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REXBURG, IDAHO, APPROVING THE AMENDED AND RESTATED DOWNTOWN DISTRICT REDEVELOPMENT PLAN, WEST SECOND SOUTH ADDITION (THE "HEMMING SITE") WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY OFFICIALS, STATE OFFICIALS AND OTHER TAXING ENTITIES; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED the City of Rexburg, Idaho:

SECTION I: It is hereby found and determined that:

The Project Area as defined in the Amended Downtown Plan is a deteriorated or a deteriorating area as defined in the Law and the Act and qualifies as an eligible urban renewal area under the Law and Act.

The rehabilitation, conservation, and redevelopment of the Project Area pursuant to the Amended Downtown Plan are necessary in the interest of public health, safety, and welfare of the residents of the City of Rexburg.

There continues to be a need for the Agency to function in the City of Rexburg.

- A. The Amended Downtown Plan conforms to the City of Rexburg Vision 2020 Comprehensive Plan (the "Comprehensive Plan").
- B. The Amended Downtown Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the mixed use components of the Amended Downtown Plan, the need for overall public improvements and the proposed public open space recreation and community facilities opportunity), and shows consideration for the health, safety, and welfare of any residents or businesses in the general vicinity of the Project Area as defined by the Amended Downtown Plan.
- C. The Amended Downtown Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation and redevelopment of the Project Area by private enterprises.
- D. The Amended Downtown Plan provides a feasible method for relocation of any displaced families residing within the Project Area.
- E. That portion of the Project Area which is identified for non-residential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns and the need for the correlation of this area with other areas of the City.
- F. The collective base assessment roll of the Amended Downtown Plan, along with the collective base assessment rolls of the Washington School Plan Area, the North Highway Plan Area, and the University Boulevard Plan Area does not exceed ten percent (10%) of the assessed value of the City of Rexburg.

SECTION II: The City Council finds that one of the Plan objectives to increase the mixed use development opportunity to include housing does meet the sound needs of the City and will provide residential opportunities in an area that does not now contain such residential opportunities, and the portion of the Project Area which is identified for non-residential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Rexburg Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.

SECTION III: The Amended Downtown, a copy of which is attached hereto and marked as Exhibit 3 and made a part hereof by attachment, be and the same hereby is approved. The City Clerk and/or the Agency may make certain technical corrections or revisions in keeping with the information and testimony presented at the December 2, 2009, hearing.

SECTION IV: No direct or collateral action attacking the Amended Downtown Plan shall be brought prior to the effective date of this Ordinance or after the elapse of thirty (30) days from and after the effective date of the Ordinance adopting the Amended Downtown Plan.

SECTION V: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the Madison County Recorder, Madison County Auditor and Tax Assessor of Madison County, and to the appropriate officials of the Madison County Board of County Commissioners, Rexburg Cemetery District, Madison County Library District, Madison School District #321 Board of Trustees, Madison County Ambulance District, Madison County Mosquito Abatement District, the City of Rexburg, and to the State Tax Commission, a copy of this Ordinance, a copy of the legal description of the boundaries of the Urban Renewal/Revenue Allocation Area, and a map or plan indicating the boundaries of the Urban Renewal/Revenue Allocation Area.

SECTION VI: The City Council hereby finds and declares that the Revenue Allocation Area as defined in the Amended Downtown Plan includes that portion of the Urban Renewal Project Area, the equalized assessed valuation of which the Council hereby determines is in and is part of the Amended Downtown Plan has increased and is likely to continue to increase as a result of the initiation and completion of urban renewal projects pursuant to the Amended Downtown Plan.

SECTION 7: The City Council hereby approves and adopts the following statement of policy relating to the appointment of City Council members as members of the Agency's Board of Commissioners: If any City Council members are appointed to the Board, they are not acting in an ex officio capacity but rather as private citizens who, although they are also members of the City Council, are exercising their independent judgment as private citizens when they sit on the Board. Except for the powers to appoint and terminate Board members and to adopt the Amended Downtown Plan the City Council recognizes that it has no power to control the powers or operations of the Agency.

SECTION 8: So long as any Agency bonds are outstanding, the City Council will not exercise its power under Idaho Code Section 50-2006 to designate itself as the Agency Board.

SECTION 9: This Ordinance shall be in full force and effect immediately upon its passage, approval and publication, and shall be retroactive to January 1, 2009, to the extent permitted by the Act, with the original revenue allocation area maintaining its base assessment roll as of January 1, 2003.

SECTION 10: The provisions of this Ordinance are severable and if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this Ordinance.

SECTION 11: The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 4, is hereby approved.

SECTION 12: All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

SECTION 13: Saving Ordinance. This Ordinance does not affect an action or proceeding commenced or right accrued before this Ordinance takes effect.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 2nd day of December, 2009.

EXHIBITS TO THE ORDINANCE

EXHIBIT 1: General Proof of Publication of the Notice providing notice of the public hearing of the University Boulevard Urban Renewal Plan before the City Council.

EXHIBIT 2: Planning and Zoning Commission Resolution

EXHIBIT 3: Amended and Restated Downtown District Redevelopment Plan

EXHIBIT 4: Approved Summary of Ordinance No. 1036.

SUMMARY OF THE AMENDED AND RESTATED DOWNTOWN DISTRICT REDEVELOPMENT PLAN:

The Amended and Restated Downtown District Redevelopment Plan (the “Amended Downtown Plan”), was prepared by the Rexburg Urban Renewal Agency (“Agency”) pursuant to the State of Idaho Urban Renewal Law, The local Economic Development Act, and all applicable laws and ordinances and approved by the Agency. The Amended Downtown Plan provides for the Agency to undertake urban renewal projects pursuant to the Idaho Urban Renewal Law of 1965 as amended (the “Law”), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the “Act”). The major purpose of the Amended Downtown Plan is to provide an update of historical activities of the Agency since 2003, a projection of remaining activities through 2027, and the addition of the West 2nd South Area, also referred to as the Hemming Site. The 2003 Plan provided a term of twenty-four years but showed projections and estimates only through 2013/2014, with the expectation that the Agency might have completed those activities within that time frame. Because of a variety of circumstances, the activities will take longer to achieve along with the added activity related to the Hemming Site. The original Plan provided for a term through 2027 (the allowed twenty-four-year term). This Plan describes those activities through 2027. An additional purpose of this Plan is to include an update of several changes as mandated through the passage of legislative changes since 2003. The Amended Downtown Plan contains a revenue allocation financing provision pursuant to the Act that will cause property taxes resulting from any increases in equalized assessed valuation in excess of the equalized assessed valuation as shown on the original base assessment roll as of January 1, 2003, for the original revenue allocation area and January 1, 2009, for the Hemming Site as set forth in the Amended Downtown Plan to be allocated to the Agency for the urban renewal purposes.

The general scope and objectives of the Amended Downtown Plan are:

1. Acquisition of certain real property (if needed) and through the voluntary measures described in Section 305;
2. Demolition or removal of certain buildings and improvements for public rights-of-way for streets, utilities, walkways, and other improvements for public facility building sites, to eliminate unhealthful, unsanitary, or unsafe conditions, improve density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or to prevent the spread of deterioration;
3. Provision for participation by property owners within the Amended Project Area;
4. Management of any property acquired by any entity under the ownership and control of the Agency;
5. Provision for relocation assistance to displaced Project occupants, as required by law;
6. Installation, construction, or reconstruction of public improvements owned or occupied by the Agency or other public agencies, including the City, public parking, as may be deemed appropriate by the Agency Board, and other public improvements;
7. Disposition of property for uses in accordance with the Amended Downtown Plan;
8. The redevelopment of land by private enterprise or public agencies for uses in accordance with the Amended Downtown Plan;
9. Rehabilitation of structures and improvements by present owners, their successors, and the Agency;

10. Preparation and assembly of adequate sites for the development and construction of facilities for commercial, mixed-use development, office, appropriate retail, and other ancillary uses;
11. As allowed by law, lend or invest federal funds to facilitate urban renewal redevelopment;
12. Construction of foundations, platforms, and other like structural forms necessary for the provision or utilization of air rights, sites for buildings to be used for residential, commercial, and other uses contemplated by the Plan, and to provide utilities to the development site; and
13. Coordinating with the City in the implementation of the City's Comprehensive Plan within the Amended Project Area.

Any such land uses as described in the Amended Downtown Plan will be in conformance with the Comprehensive Plan, City of Rexburg. Land made available will be developed by private enterprises or public agencies as authorized by law. The Amended Downtown Plan identifies various public and private improvements which may be made within the Urban Renewal Project Area. The Project Area and Revenue Allocation Area boundaries herein referred to as follows:

ATTACHMENT 1: Description of the Amended Project Area and Amended Revenue Allocation Area; and more particularly described as:

Amended Project Area – Amended Revenue Allocation Area Boundary Map

Original Revenue Allocation Area

Beginning at a point that is N 89° 59' 59" E 49.5 from the Southeast Corner of Section 19, Township 06 North, Range 40 E, Boise Meridian; running thence N 0° 14' 57" W 825.19 feet to the Southwest Corner of Block 20, Rexburg Original Townsite; thence S 89° 44' 59" W 2373.48 feet to the Southeast Corner of Block 24; thence S 0° 15' 2" E 759 feet; thence S 89° 44' 58" W 759 feet; thence S 0° 15' 1" E 891.02 feet to the Northeast Corner of Block 46; thence N 89° 44' 57" E 3132.51 feet; thence N 0° 15' 11" W 824.8 feet to the point of beginning.

Less the following: Lot 2, Block 39 of the Rexburg Original Townsite.

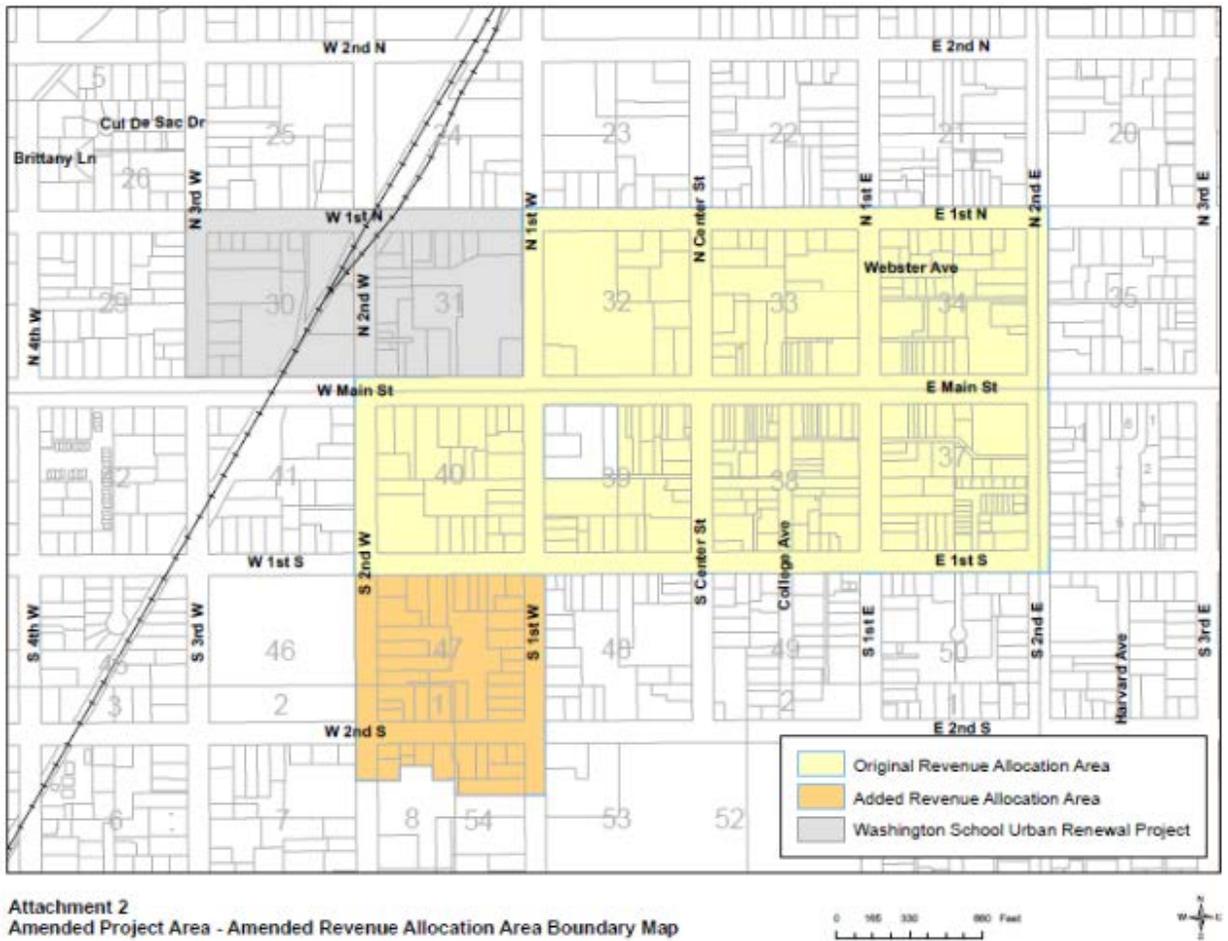
Added Revenue Allocation Area

Beginning at the Northeast Corner of Block 46, Rexburg Original Townsite, Madison County, Idaho; running thence S 0° 15' E 759 feet to the Northeast Corner of Block 7, Southend Addition to the City of Rexburg; thence S 0° 15' 38" E 164.5 feet; thence N 89° 53' 31" E 198 feet; thence N 0° 16' 9" W 65.94 feet; thence N 89° 46' 59" E 148.51 feet; thence S 0° 15' 37" E 65.81 feet; thence N 89° 46' 59" E 82.5 feet; thence N 0° 26' 1" W 8.25 feet; thence N 89° 35' 7" E 17.25 feet; thence S 0° 14' 53" E 74.32 feet; thence N 89° 45' 34" E 409.25 feet; thence N 0° 15' W 231.11 feet to the Northwest Corner of Block 53, Rexburg Original Townsite; thence N 0° 15' W 759 feet to the Northwest Corner of Block 48; thence S 89° 44' 56" W 855.51 feet to the point of beginning.

Overall Urban Renewal Area

Beginning at a point that is N 89° 59' 59" E 49.5 from the Southeast Corner of Section 19, Township 06 North, Range 40 E, Boise Meridian; running thence N 0° 14' 57" W 825.19 feet to the Southwest Corner of Block 20, Rexburg Original Townsite; thence S 89° 44' 59" W 2373.48 feet to the Southeast Corner of Block 24; thence S 0° 15' 2" E 759 feet; thence S 89° 44' 58" W 759 feet; thence S 0° 15' E 1650.02 feet to the Northeast Corner of Block 7, Southend Addition to the City of Rexburg; thence S 0° 15' 38" E 164.5 feet; thence N 89° 53' 31" E 198 feet; thence N 0° 16' 9" W 65.94 feet; thence N 89° 46' 59" E 148.51 feet; thence S 0° 15' 37" E 65.81 feet; thence N 89° 46' 59" E 82.5 feet; thence N 0° 26' 1" W 8.25 feet; thence N 89° 35' 7" E 17.25 feet; thence S 0° 14' 53" E 74.32 feet; thence N 89° 45' 34" E 409.25 feet; thence N 0° 15' W 231.11 feet to the Northwest Corner of Block 53, Rexburg Original Townsite; thence N 0° 15' W 759 feet to the Northwest Corner of Block 48; thence N 89° 44' 57" E 2277 feet; thence N 0° 15' 11" W 824.8 feet to the point of beginning.

(For the purpose of describing the New Revenue Allocation Area, less-out Lot 2, Block 39 of the Rexburg Original Townsite from the Overall Urban Renewal Area description above.) and the Project Area is as depicted on **Attachment 2**, Amended Project Area-Amended Revenue Allocation Area Boundary Map:



The Urban Renewal Area is the entire area referred to as the Project Area. The Revenue Allocation Area includes all of the Project Area except for the Melaleuca property on Block 39. The Agency may use its funding resources, including revenue allocation proceeds, to fund public improvements within the various rights-of-way and Project Area. The Revenue Allocation Area is the area from which revenue allocation proceeds will be received.

For purposes of boundary descriptions and use of proceeds for payment of improvements, the boundary shall be deemed to extend to the outer boundary of rights-of-way.

Sections 300 through 313 discuss the proposed redevelopment actions, participation opportunities and agreements, cooperation with public bodies, property acquisition standards and requirements, relocation, demolition and property disposition.

Sections 402 through 417 discuss the type of land uses authorized in the Project Area and list other controls by referencing the applicable City Ordinances.

Sections 405.1 and 405.2 describe Design Guidelines for Development.

Sections 404.11 through 404.12 and 405.3 address off street loading, off street parking and non-conforming uses.

The Amended Downtown Plan also contains a major section on financing. Among other sources, the Amended Downtown Plan will utilize revenue allocation financing, authorized by the Act.

Section 504 through Section 508 and Attachment No. 5 discuss revenue allocation financing and show how such financing has worked and would work in the Project Area in the future if certain new private developments occur as estimated.

Increases in assessed valuation of real and personal property in the Revenue Allocation Area that occur after January 1, 2009, from the Hemming Site will generate revenue for the Agency to pay project costs. Increases in assessed valuation of real and personal property that has occurred after January 1, 2003, continues to generate revenue for the Agency to pay project costs. Project costs include street improvements, drainage improvement, utilities, public parking, and other public improvements costs. The assessed valuation of real and personal property on the base assessment

roll is still available for use by the other taxing districts, Madison County, City of Rexburg, Rexburg Cemetery District, Madison Library District, Madison School District #321, Madison County Ambulance District and Madison County Mosquito Abatement District, to finance their operations. The Amended Downtown Plan authorizes the Agency to sell revenue bonds to finance project costs and to use annual revenue allocations to pay the debt service.

The program outlined in the Amended Downtown Plan emphasizes the installation of needed public improvements, public parking, drainage and street improvements, utilities, and other costs to encourage private development.

Attachment No. 5 describes in detail the cost and financing methods for complete repayment for the debt incurred used to finance the Project and to also fund the described activities.

No change in the land use designation or the potential uses in the area have been proposed. The Amended Downtown Plan follows the underlying zoning classifications of the City of Rexburg.

Sections 600 and 700 describe cooperative activities by the Agency with the City.

The duration of the Amended Downtown Plan remains at twenty-four (24) years through December 31, 2027. The Agency is required to prepare an annual report each year describing its activities during the previous year.

ATTACHMENTS

Attachment 1:	Description of the Amended Project Area and Amended Revenue Allocation Area
Attachment 2:	Amended Project Area-Amended Revenue Allocation Area Boundary Map
Attachment 3:	Private Properties Which May be Acquired by Agency
Attachment 4:	Map Depicting Expected Land Uses and Current Zoning within Amended Revenue Allocation Area and Amended Project Area
Attachment 5:	Statement of Proposed Public Improvements, Costs, Revenues, Tax Impacts and Financing Methods
Attachment 5A:	Estimated Net Taxable Value of New Private Development (Commercial/Residential) Rexburg Downtown Urban Renewal Project, as Amended
Attachment 5B:	Estimated Annual Tax Revenue Allocations Rexburg Downtown Urban Renewal Project, as Amended
Attachment 5C:	Estimated Annual Revenues and Costs Rexburg Downtown Urban Renewal Project, as Amended

The full text of Ordinance No. 1035 is available at the offices of the City Clerk located at Rexburg City Hall, 35 North 1st East, Rexburg, Idaho 83340.

This summary approved by the Rexburg City Council at its meeting of December 2, 2009.

Richard Woodland
Mayor

ATTEST:

Blair D. Kay, City Clerk

I, Stephen Zollinger, City Attorney for the City of Rexburg, declare that in my capacity as City Attorney of the City of Rexburg, pursuant to Idaho Code Section 50-901A(3) of the Idaho Code as amended, I hereby certify that I have reviewed a copy of the above cited Summary of Ordinance and have found the same to be true and complete and to provide adequate notice to the public of the contents, including the exhibits, of Ordinance No. 1036.

DATED this 2nd day of December 2009.

Stephen Zollinger, City Attorney
City of Rexburg