



ORDINANCE NO. 1134

BY THE COUNCIL:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REXBURG, IDAHO, APPROVING THE URBAN RENEWAL PLAN FOR THE NORTH INTERCHANGE URBAN RENEWAL PROJECT, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council and Mayor of the city of Rexburg respectively on or about November 6, 1991, adopted and approved a resolution creating the urban renewal agency for the city of Rexburg, also known as the Rexburg Redevelopment Agency (the "Agency"), authorizing the Agency 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 the 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 Rexburg City Council adopted Ordinance No. 728 on December 27, 1991, approving the North Highway Urban Renewal Plan and making certain findings;

WHEREAS, the Rexburg 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 Rexburg City Council adopted 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 Washington School Urban Renewal Plan (the "Washington School Urban Renewal Plan");

WHEREAS, following said public hearing, the Rexburg City Council adopted Ordinance No. 794 on June 3, 1997, approving the Washington School Urban Renewal 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 North Highway Plan");

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

North Highway Plan, and making certain findings;

WHEREAS, the Rexburg 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 Rexburg City Council adopted Ordinance No. 996 on December 19, 2007, approving the University Boulevard Plan, and making certain findings;

WHEREAS, the Rexburg 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 Rexburg City Council adopted Ordinance No. 1035 on December 2, 2009, approving the Amended and Restated 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 Downtown District Redevelopment Plan, Downtown Urban Renewal Project (the “Second Amended and Restated Downtown Plan”);

WHEREAS, following said public hearing, the Rexburg City Council adopted 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, 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, an urban renewal plan shall (a) conform to the general plan for the municipality as a whole except as provided in section 50-2008(g), Idaho Code; and (b) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions;

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 make a finding or determination that the area included in such plan is a deteriorated area or deteriorating area;

WHEREAS, based on inquiries and information presented by certain interested parties and property owners, it became apparent that additional property within the City or outside the City limits may be deteriorating or deteriorated and should be examined as to whether such area was 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, also known as 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 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 Rexburg City Council requesting its consideration for designation of an urban renewal area and requesting the Rexburg 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 proposed 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 Rexburg City Council requesting consideration for designation of an urban renewal area and requesting the Rexburg 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 Rexburg 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 as mandated by the Law and the Act;

WHEREAS, during the delay, it further became 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 was 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, 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;

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;

WHEREAS, the Rexburg City Council, on June 17, 2015, adopted Resolution No. 2015-10 accepting the 2015 Supplemental Eligibility Report;

WHEREAS, the Mayor and Rexburg City Council considered the steps set forth by the Act and Law, accepting the 2015 Supplemental Eligibility Report finding the area set forth in the 2015 Supplemental Eligibility Report to be a “deteriorated” or “deteriorating” area as defined by Idaho Code sections 50-2018(9) and 50-2903(8)(b) declaring such area as an urban renewal area, making additional findings regarding the characteristics of the 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 Legislature of the state of Idaho enacted the Act authorizing urban renewal agencies, including the Agency, to adopt revenue allocation financing provisions as part of their urban renewal plans;

WHEREAS, in order to implement the provisions of the Act and the Law, either the Agency may prepare a plan or any person, public or private, may submit such plan to the Agency;

WHEREAS, the Agency and its consultants have undertaken the planning process during 2015;

WHEREAS, the Agency has prepared a proposed Urban Renewal Plan for the North Interchange Urban Renewal Project (the “North Interchange Plan”) for the area designated as eligible for urban renewal planning;

WHEREAS, the proposed North Interchange Plan also contains the provisions of revenue allocation financing as allowed by the Act;

WHEREAS, the Agency Board considered all comment and information submitted to the Agency during several Board meetings and the Board meeting held on September 3, 2015;

WHEREAS, on September 3, 2015, the Agency Board passed Resolution No. 2015-4 proposing and recommending the approval of the North Interchange Plan;

WHEREAS, the Agency has, by letter of transmittal dated September 29, 2015, submitted the North Interchange Plan to the Mayor and City;

WHEREAS, the Mayor and City Clerk have taken the necessary action to process the North Interchange Plan;

WHEREAS, pursuant to the Law, the city of Rexburg Planning and Zoning Commission considered the North Interchange Plan and its compliance with the City of Rexburg Vision 2020 Comprehensive Plan on October 15, 2015, and forwarded its findings to the Rexburg City Council, a copy of which is attached hereto as Exhibit 1;

WHEREAS, notice of the public hearing of the North Interchange Plan was caused to be published by the City Clerk in the *Standard Journal* on October 2 and 16, 2015, a copy of said notice being attached hereto as Exhibit 2;

WHEREAS, as of October 5, 2015, the North Interchange Plan was submitted to the affected taxing entities, available to the public, and under consideration by the Rexburg City Council;

WHEREAS, that an agreement on administration of a revenue allocation financing provision extending beyond the municipal boundary of the City has been negotiated with the Madison County Board of County Commissioners, specifically the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code Section 50-2906, and that the Agreement has been formalized by a transfer of power ordinance adopted by the Madison County Board of County Commissioners. A copy of the transfer of power ordinance, Madison County Ordinance No. 403, is attached hereto as Exhibit 3;

WHEREAS, that an agreement on administration of a revenue allocation financing provision extending beyond the municipal boundary of the City has been negotiated with the Sugar City City Council, specifically the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code Section 50-2906, and that the Agreement has been formalized by a resolution adopted by the Sugar City City Council. A copy of the resolution, Sugar City Resolution No. 2015 - 6, is attached hereto as Exhibit 4;

WHEREAS, the Rexburg City Council during its regular meeting of November 4, 2015, has approved the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code Section 50-2906 with Sugar City by adopting Resolution No. 2015 - 13 and has approved the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code Section 50-2906 with Madison County by adopting Resolution No. 2015 - 14. Copies of Rexburg City Council Resolution Nos. 2015 - 13 and 2015 - 14 are attached hereto as Exhibit 5;

WHEREAS, the Rexburg City Council during its regular meeting of November 4, 2015, held such public hearing;

WHEREAS, as required by Idaho Code sections 50-2905 and 50-2906, the North Interchange Plan contains the following information which was made available to the general public and all taxing districts thirty (30) days prior to the public hearing on November 4, 2015, the regular meeting of the City Council, but no more than sixty (60) days prior to the date set for final reading of the ordinance: (1) a statement describing the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all taxable property within the municipality; (2) a statement listing the kind, number, and location of all proposed public works or improvements within the revenue allocation area; (3) an economic feasibility study; (4) a detailed list of estimated project costs; (5) a fiscal impact statement showing the impact of the revenue allocation area, both until and after the bonds, notes and/or other obligations are repaid, upon all taxing districts levying taxes upon property in the revenue allocation area; (6) a description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred; (7) a termination date for the plan and the revenue allocation area as provided for in section 50-2903(20), Idaho Code. In determining the termination date, the plan shall recognize that the agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the urban renewal plan; and (8) a description of the disposition or retention of any assets of the agency upon the termination date. Provided however, nothing herein shall prevent the agency from retaining assets or revenues generated from such assets as long as the agency shall have resources other than revenue allocation funds to operate and manage such assets;

WHEREAS, the North Interchange Plan authorizes certain projects to be financed by revenue allocation bonds, or loans, and proceeds from revenue allocation;

WHEREAS, appropriate notice of the North Interchange Plan and revenue allocation provision contained therein has been given to the taxing districts and to the public as required by Idaho Code section 50-2906;

WHEREAS, it is necessary and in the best interest of the citizens of the City to adopt the North Interchange Plan, including revenue allocation financing provisions, since revenue allocation will help finance urban renewal projects to be completed in accordance with the North Interchange Plan (as now or hereafter amended), in order to: encourage private development in the urban renewal area; prevent and arrest decay of the City due to the inability of existing financing methods to provide needed public improvements; encourage taxing districts to cooperate in the allocation of future tax revenues arising in the urban renewal area in order to facilitate the long-term growth of their common tax base; encourage private investment within the City; and to further the public purposes of the Agency;

WHEREAS, the Rexburg City Council finds that the equalized assessed valuation

of the taxable property in the North Interchange Revenue Allocation Area is likely to increase, and continue to increase, as a result of initiation and continuation of urban renewal projects in accordance with the North Interchange Plan;

WHEREAS, under the Law and Act any such plan should provide for (1) a feasible method for the location of families who will be displaced from the urban renewal area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan should conform to the general plan of the municipality as a whole; (3) the urban renewal plan should give due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of the children residing in the general vicinity of the site covered by the plan; and (4) the urban renewal plan should afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise;

WHEREAS, if the urban renewal area consists of an area of open land to be acquired by the urban renewal agency, such area shall not be so acquired unless (1) if it is to be developed for residential uses, the local governing body shall determine that a shortage of housing of sound standards and design which is decent, safe, and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe, and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; or (2) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in the Law, because of defective or unusual conditions of title, diversity of ownership tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area;

WHEREAS, under the Act a deteriorated area includes any area which is predominantly open and which, because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area, or substantially impairs or arrests the sound growth of a municipality;

WHEREAS, under the Law and the Act, specifically sections 50-2018(9) and 50-2903(8)(f), a deteriorating area may not include an agricultural operation as defined in Idaho Code section 22-4502(1) 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 Agency has received written consents concerning certain property within the urban renewal area, which may have been deemed an agricultural operation as stated above. A true and correct copy of the agricultural consents is included as Attachment 11 to the North Interchange Plan;

WHEREAS, the collective base assessment roll for the revenue allocation areas under the existing Project Areas, and the new North Interchange Plan cannot exceed ten percent (10%) of the assessed value of the City;

WHEREAS, the Rexburg City Council at its regular meeting held on November 4, 2015, considered the North Interchange Plan as proposed and made certain comprehensive findings.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF REXBURG:

SECTION 1: It is hereby found and determined that:

- (a) The North Interchange Project Area as defined in the North Interchange 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.
- (b) The rehabilitation, conservation, and redevelopment of the urban renewal area pursuant to the North Interchange Plan are necessary in the interests of public health, safety, and welfare of the residents of the City.
- (c) There continues to be a need for the Agency to function in the City.
- (d) The North Interchange Plan conforms to the City of Rexburg 2020 Comprehensive Plan.
- (e) The North Interchange 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 North Interchange Plan and the need for overall public improvements), and shows consideration for the health, safety, and welfare of any residents or businesses in the general vicinity of the urban renewal area covered by the North Interchange Plan.
- (f) The North Interchange Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation and redevelopment of the urban renewal area by private enterprises.
- (g) The North Interchange Plan provides a feasible method for relocation of any displaced families residing within the North Interchange Project Area.
- (h) The collective base assessment roll for the existing revenue allocation areas and the new North Interchange Plan do not exceed ten percent (10%) of the assessed value of the City.
- (i) The North Interchange Plan includes the requirements set out in Idaho Code § 50-2905.
- (j) The North Interchange Plan is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.
- (k) The urban renewal area, which includes the deteriorating area, as defined in Idaho Code section 50-2018(9), does not include any agricultural operation for which the Agency has not received a written consent, or has not been used for agricultural purposes for three (3) consecutive years.

SECTION 2: The Rexburg City Council finds that the North Interchange Project Area consists of predominantly open land, that the Agency does not intend to acquire any open land on any widespread basis, and that the North Interchange Project Area is planned to be redeveloped in a manner that will include nonresidential uses. Provided, however, the Rexburg City Council finds that if portions of the North Interchange Project Area are deemed “open land,” the criteria set forth in the Law and Act has been met.

SECTION 3: The Rexburg City Council finds that the North Interchange Plan meets the sound needs of the City and will provide opportunities in an area that does not

now contain such opportunities, and nonresidential uses are necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the City of Rexburg 2020 Comprehensive Plan, as may be amended 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 4: The North Interchange Plan, a copy of which is attached hereto and marked as Exhibit 6 and made a part hereof by attachment, be, and the same hereby is, approved. As directed by the Rexburg City Council, the City Clerk and/or the Agency may make certain technical corrections or revisions in keeping with the information and testimony presented at the November 4, 2015, hearing, and incorporate changes or modifications, if any.

SECTION 5: As required by Idaho Code §§ 50-2906(3)(b) and 50-2907(2), and as further defined above, the Madison County Board of County Commissioners and the City have entered into an Agreement on administration of a revenue allocation financing provision extending beyond the municipal boundary of the City and the Agreement has been formalized by a transfer of power ordinance adopted by the Madison County Board of County Commissioners in Madison County Ordinance No. 403 (attached hereto as Exhibit 3), and by Rexburg City Council Resolution No. 2015 - 14 (attached hereto as Exhibit 5).

SECTION 6: As contemplated by Idaho Code §§ 50-2906(3)(b) and 50-2907(2), and as further defined above, the Sugar City City Council and the City have entered into an Agreement, acknowledged by the Madison County Board of County Commissioners, on administration of a revenue allocation financing provision extending beyond the municipal boundary of the City and the Agreement has been formalized by a resolution adopted by the Sugar City City Council in Sugar City Resolution No. 2015 - 6 (attached hereto as Exhibit 4), and by Rexburg City Council Resolution No. 2015 - 13 (attached hereto as Exhibit 5).

SECTION 7: No direct or collateral action challenging the North Interchange 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 this Ordinance adopting the North Interchange Plan.

SECTION 8: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Tax Assessor of Madison County and to the appropriate officials of Madison County Board of County Commissioners, city of Rexburg, Madison County Road and Bridge, Madison County Library, Madison County Ambulance, Madison County Mosquito Abatement, Rexburg Cemetery, Madison County School #321, Madison County Fire, city of Sugar City, Sugar-Salem School #322, Sugar City Cemetery, Sugar-Salem Library, and the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundaries of the North Interchange Revenue Allocation Area, and a map or plat indicating the boundaries of the North Interchange Revenue Allocation Area.

SECTION 9: The Rexburg City Council hereby finds and declares that the North Interchange Revenue Allocation Area as defined in the North Interchange Plan, the equalized assessed valuation, of which the Rexburg City Council hereby determines is in and is part of the North Interchange Plan, is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the North Interchange Plan.

SECTION 10: The Rexburg City Council hereby approves and adopts the following policy statement relating to the appointment of Rexburg City Council members as members of the Agency's Board of Commissioners: If any Rexburg 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 Rexburg 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 North Interchange Plan, the Rexburg City Council recognizes that it has no power to control the powers or operations of the Agency.

SECTION 11: So long as any Agency bonds, notes, or other obligations are outstanding, the Rexburg City Council will not exercise its power under Idaho Code Section 50-2006 to designate itself as the Agency Board.

SECTION 12: This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2015.

SECTION 13: 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.

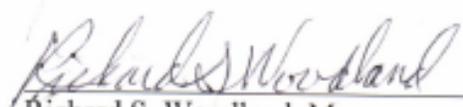
SECTION 14: The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 7, is hereby approved.

SECTION 15: All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

SECTION 16: SAVINGS CLAUSE: This ordinance does not affect an action or proceeding commenced or right accrued before this ordinance takes effect.

PASSED by the City Council of the city of Rexburg, Idaho, on this 2nd day of December 2015.

APPROVED by the Mayor of the city of Rexburg, Idaho, on this 2nd day of December 2015.


Richard S. Woodland, Mayor

ATTEST:


Blair D. Kay, City Clerk

Exhibit 1

**RESOLUTION OF THE REXBURG PLANNING AND ZONING COMMISSION
RELATING TO THE URBAN RENEWAL PLAN FOR THE NORTH INTERCHANGE
URBAN RENEWAL PROJECT**

**RESOLUTION OF THE REXBURG PLANNING AND ZONING COMMISSION
RELATING TO THE URBAN RENEWAL PLAN FOR THE NORTH INTERCHANGE
URBAN RENEWAL PROJECT FOR THE CITY OF REXBURG**

WHEREAS, the Rexburg Redevelopment Agency (hereinafter "Agency"), has submitted a proposed urban renewal plan entitled "Urban Renewal Plan for the North Interchange Urban Renewal Project" (the "Plan") to the city of Rexburg, and the City Council, through the Mayor, referred the Plan to the Rexburg Planning and Zoning Commission for review and recommendations concerning the conformity of said Plan with the Comprehensive Plan known as the City of Rexburg Vision 2020 Comprehensive Plan; and

WHEREAS, the staff of the Rexburg Planning and Zoning Commission has reviewed said Plan and has determined that it is in all respects in conformity with the Comprehensive Plan; and

WHEREAS, the Rexburg Planning and Zoning Commission met on October 15, 2015, to consider the Plan; and

WHEREAS, the Rexburg Planning and Zoning Commission has reviewed said Plan in view of the Comprehensive Plan.

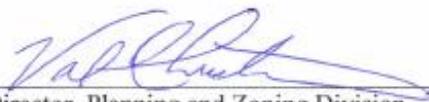
NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF REXBURG, IDAHO:

Section 1. That the Plan, submitted by the Rexburg Redevelopment Agency and referred to this Commission by the City Council for review, is in all respects in conformity with the Comprehensive Plan.

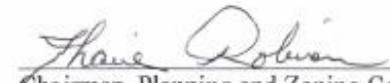
Section 2. That the Director of the Planning and Zoning Division by and hereby is authorized and directed to provide the Rexburg City Council with a certified copy of this Resolution relating to said Plan.

Section 3. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

PASSED by the Planning and Zoning Commission of the City of Rexburg, Idaho, this 15th day of October 2015.



Director, Planning and Zoning Division



Chairman, Planning and Zoning Commission
Thaine Robinson

Exhibit 2

NOTICE PUBLISHED IN THE *STANDARD JOURNAL* NOTICE OF REGULAR MEETING AND PUBLIC HEARING BY THE CITY COUNCIL OF THE CITY OF REXBURG

TO CONSIDER THE URBAN RENEWAL PLAN FOR THE NORTH INTERCHANGE URBAN RENEWAL PROJECT OF THE REXBURG URBAN RENEWAL AGENCY OF THE CITY OF REXBURG

NOTICE IS HEREBY GIVEN that the City Council of the city of Rexburg will hold during its regular meeting, a public hearing in City Council Chambers, 35 North 1st East, Rexburg, Idaho, on November 4, 2015, at 7:00 p.m., to consider the Urban Renewal Plan for the North Interchange Urban Renewal Project (“Plan”) of the Rexburg Urban Renewal Agency (“Agency”). The boundaries of the Plan Area are hereinafter described. The boundaries include both urban renewal and revenue allocation areas. The Plan proposes that the Agency undertake urban renewal projects pursuant to the Idaho Urban Renewal Law of 1965 as amended. The Plan proposes to create an urban renewal area commonly referred to as the North Interchange Urban Renewal Project Area. The Plan being considered for adoption contains a revenue allocation financing provision pursuant to the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, that will cause property taxes resulting from any increase in equalized assessed valuation in excess of the equalized assessed valuation as shown on the base assessment roll as of January 1, 2015, to be allocated to the Agency for urban renewal purposes. The Agency has adopted and recommended approval of the Plan. The City Council will also be considering the first reading of an Ordinance to adopt the Plan at the November 4, 2015, meeting. The third reading of the Ordinance is scheduled for December 2, 2015, at 7:00 p.m.

The general scope and objectives of the Plan are:

1. The acquisition of certain real property (if needed);
2. The 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, enhance density, eliminate obsolete or other uses detrimental to the public welfare or otherwise to remove or to prevent the spread of deteriorating or deteriorated conditions;
3. The provision for participation by property owners within the Project Area to achieve the objectives of this Plan;
4. The management of any property acquired by and under the ownership and control of the Agency;
5. The provision for relocation assistance to displaced Project Area occupants, as required by law;
6. The installation, construction, or reconstruction of streets and intersections, utilities, including electrical distribution and transmission lines in underground configuration, if needed to encourage new developments, fiber optic or other communication systems, parking facilities, and other public improvements, including, but not limited to, irrigation and drainage laterals and ditches, canal crossings, storm drain systems, water and sewer improvements, fire protection systems, streetlights, sidewalks, curbs, gutters, and other public improvements, including public or other community facilities or buildings owned or occupied by the Agency or other public agencies, including the City’s walkways, public open spaces, city hall, courthouse, community centers, cultural centers and visitors or information centers as may be deemed appropriate by the Board;
7. The disposition of property for uses in accordance with this Plan;

8. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
9. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
10. The preparation and assembly of adequate sites for the development and construction of facilities for industrial, commercial, residential, retail, and governmental use;
11. To the extent allowed by law, lend or invest federal funds to facilitate redevelopment; and
12. The 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, industrial, and other uses contemplated by the Plan, and to provide utilities to the development site.

Any such land uses as described in the Plan will be in conformance with zoning for the city of Rexburg and the Comprehensive Plan for the city of Rexburg, as adopted by the City Council or as applicable zoning for the city of Sugar City, the Comprehensive Plan for the city of Sugar City or applicable zoning for Madison County and the Comprehensive Plan for Madison County. Land made available will be developed by private enterprises or public agencies as authorized by law. The Plan identifies various public and private improvements which may be made within the Urban Renewal Area.

The Urban Renewal Project Area and Revenue Allocation Area herein referred to is located generally as follows:

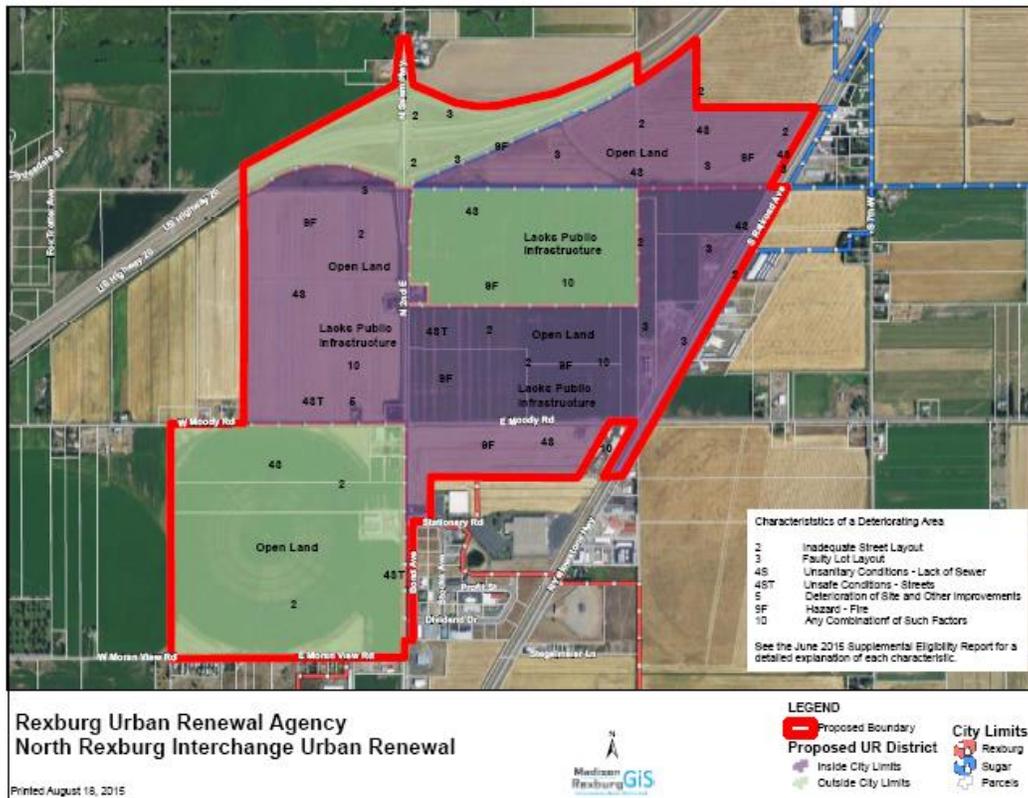
Description of Project Area and Revenue Allocation Area:

This Project Area includes the U.S. Highway 20 and North 2nd East interchange, and is generally bounded on the south by E. Moran View Road, and to the east by South Railroad Avenue.

The Project Area consists of approximately [679] acres as more particularly described as follows:

- 1) All parcels that border North 2nd East from the Highway 20 Interchange on the north, to Moran View Road on the south.
- 2) All parcels that border Moody Road from 1800 feet west of North 2nd East and east to Railroad Avenue, except for one parcel, the fertilizer plant on the southwest corner of the intersection of Moody Road and Railroad Avenue.
- 3) All parcels not included above that are between Highway 20 on the north, Railroad Avenue on the east, Moody Road on the south and North 2nd East on the west.
- 4) The Highways 20 North Rexburg interchange area that borders the above parcels.

The project area is also depicted in the map below:



The urban renewal project area and revenue allocation area includes certain property outside of the corporate city limits of the city of Rexburg. The city of Sugar City and Madison County have adopted resolutions declaring the need for an urban renewal project for that area. The cities of Rexburg and Sugar City and Madison County shall enter into an intergovernmental agreement concerning implementation of the Plan for properties outside the city limits of the city of Rexburg and within the boundaries of Sugar City or Madison County as may be required by Idaho Code § 50-2906(3)(b).

Copies of the proposed Plan are on file for public inspection and copying for the cost of duplication at the office of the City Clerk of Rexburg, 35 North 1st East, Rexburg, Idaho, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, exclusive of holidays.

The hearing will be held in a handicapped accessible facility. All information presented in the hearing shall also be available upon advance request in a form usable by persons with hearing or visual impairments; individuals with other disabilities may receive assistance by contacting the City 24 hours prior to the hearing.

At the hearing date, time, and place noted above, all persons interested in the above matters may appear and be heard. Written comments will also be accepted. Comments should be directed to the City Clerk of Rexburg. Written comments should be submitted prior to the hearing date.

DATED this 29th day of September, 2015.

CITY OF REXBURG

(SEAL)

By Blair D. Kay
 Blair D. Kay, City Clerk

Publish: October 2 and 16, 2015.

Exhibit 3

TRANSFER OF POWER ORDINANCE – MADISON COUNTY

ORDINANCE NO.: 403

AN ORDINANCE STATING THE PURPOSE FOR ADOPTING AN URBAN RENEWAL AREA WITHIN A PORTION OF THE REXBURG AREA OF CITY IMPACT; ADOPTING FINDINGS ON THE NECESSITY OF THE URBAN RENEWAL PLAN; PROVIDING THE CITY OF REXBURG WITH THE RIGHT, POWER, AUTHORITY, AND OBLIGATION TO ADMINISTER THE URBAN RENEWAL AREA PURSUANT TO CHAPTERS 20 AND 29, TITLE 50, IDAHO CODE, AS AMENDED; GRANTING THE REVENUE ALLOCATION PROCEEDS DERIVED FROM THE REXBURG URBAN RENEWAL AREA LYING WITHIN UNINCORPORATED MADISON COUNTY TO THE REXBURG URBAN RENEWAL AGENCY; ADOPTING THE INTERGOVERNMENTAL AGREEMENT IMPLEMENTING THIS ORDINANCE; ACKNOWLEDGING THE INTERGOVERNMENTAL AGREEMENT BETWEEN SUGAR CITY AND REXBURG CONCERNING THE URBAN RENEWAL PLAN; AND AUTHORIZING THE CHAIRMAN TO SIGN THE AGREEMENTS AND SUCH OTHER AND FURTHER DOCUMENTS AS MAY BE NECESSARY TO CARRY OUT THE INTENT OF THIS ORDINANCE.

WHEREAS, that this ordinance is adopted to approve and confirm the duties, roles, and responsibilities of the city of Rexburg, the Rexburg Urban Renewal Agency ("Agency"), and Madison County for that portion of the North Interchange Urban Renewal District lying outside the corporate boundaries of the city of Rexburg as illustrated in Exhibit 1 and to transfer power as provided in Idaho Code §50-2906(3)(b) and the necessary declaration set forth in Idaho Code §50-2018(18).

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 North Interchange Area Urban Renewal Eligibility Report, dated June 10, 2014 (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 Rexburg 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, the 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, during that time it 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 Homer, the Agency Chairman, to review such additional areas within unincorporated Madison County and Rexburg 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 Rexburg 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, 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;

WHEREAS, the proposed additional areas adjacent and contiguous to the North Interchange Area as described in the 2015 Supplemental Eligibility Report included 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;

WHEREAS, on June 17, 2015, the Rexburg City Council passed Resolution 2015-10 determining the North Interchange Area to be deteriorated or deteriorating and directed the Agency to prepare an urban renewal plan for the North Interchange Area;

WHEREAS, the Agency Board on September 3, 2015, passed Resolution 2015-4 proposing the North Interchange Urban Renewal Plan;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY, IDAHO, AS FOLLOWS:

Section 1: The Board of County Commissioners, after reviewing the North Interchange Urban Renewal Plan (the "Plan") delivered to Madison County on October 5, 2015, finds (a) the North Interchange Urban Renewal District is eligible as an urban renewal district under the statutory criteria, (b) the base assessed values of the combined revenue allocation districts within Rexburg will not exceed the statutory limitation of ten percent of the city-wide assessed value, (c) the proposed urban renewal district is financially feasible given the assumptions used in the Plan, (d) the required consents from the owners of agricultural lands within the district have been given, and (e) the city of Rexburg has the authority to proceed with the creation of the North Interchange Urban Renewal District after the adoption of this Ordinance by the Board of Madison County Commissioners.

Section 2: The proceeds of revenue allocation from areas lying within the boundaries of the North Interchange Urban Renewal District shall be devoted to the statutory purposes as authorized in the Rexburg North Interchange Urban Renewal District Plan.

Section 3: The Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code §50-2906(3)(b) (the "Agreement") (which also supports the County's declaration as required by Idaho Code §50-2018(18) and also set forth in Resolution Nos. 375 and 392), are hereby approved and the Chairman of the Board of Madison County Commissioners is hereby authorized to execute the same, and to execute any further documents necessary to carry out the intent of the Board of Madison County Commissioners as expressed in this Ordinance and in the Agreement.

Section 4: The Rexburg City Council and the Sugar City City Council also intend to enter into an Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code § 50-2906(3)(b) concerning certain property within the North Interchange Urban Renewal District located within the city limits of the city of Sugar City. The Chairman of the Board of Madison County Commissioners is hereby authorized to execute an acknowledgment of that agreement, and to execute any further documents necessary to carry out the intent of the Board of Madison County Commissioners as expressed in this Ordinance and regarding the County's acknowledgment of the agreement between the Rexburg City Council and the Sugar City City Council.

ADOPTED this 26th day of October, 2015, to become effective upon publication.

BOARD OF MADISON COUNTY COMMISSIONERS

By: _____
Kimber Ricks, Chairman

By: Jon O. Weber
Jon O. Weber, Commissioner

By: Todd Smith
Todd Smith, Commissioner

ATTEST:

Brenda Stoor for,
Kim Muir, Madison County Clerk

Exhibit 4

SUGAR CITY RESOLUTION NO. 2015 – 6



RESOLUTION NO. 2015-6

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR CITY TO PROVIDE FOR AN INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b) BETWEEN THE CITY OF SUGAR CITY, IDAHO AND THE CITY OF REXBURG, IDAHO; PROVIDING FOR AREAS OUTSIDE THE CITY LIMITS OF THE CITY OF REXBURG AND WITHIN THE CITY LIMITS OF THE CITY OF SUGAR CITY TO BE INCLUDED WITHIN AN URBAN RENEWAL AREA AS SUGAR CITY CONSENTS AND AS ACKNOWLEDGED BY MADISON COUNTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council of the city of Sugar City have the authority (pursuant to Idaho Code §50-302) to establish resolutions not inconsistent with the laws of the state of Idaho as may be expedient, in addition to the special powers therein granted, to maintain the peace, good government and welfare of the corporation and its trade, commerce and industry;

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 North Interchange Area Urban Renewal Eligibility Report, dated June 10, 2014 (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 Rexburg 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, during that time it 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 Homer, the Agency Chairman, to review such additional areas within unincorporated Madison County and Rexburg 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 Rexburg 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, 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;

WHEREAS, the proposed additional areas adjacent and contiguous to the North Interchange Area as described in the 2015 Supplemental Eligibility Report included 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;

WHEREAS, on June 17, 2015, the Rexburg City Council passed Resolution 2015-10 determining the North Interchange Area to be deteriorated or deteriorating and directed the Agency to prepare an urban renewal plan for the North Interchange Area;

WHEREAS, the Agency Board on September 3, 2015, passed Resolution 2015-4 proposing the North Interchange Urban Renewal Plan;

WHEREAS, the Mayor and Sugar City City Council have deemed it expedient and in the best interests of the city of Sugar City to establish and enter into an Intergovernmental Agreement for Roles and Responsibilities under Idaho Code §50-2906(3)(b), and to confirm its consent under Idaho Code §50-2018(18) between Sugar City and the city of Rexburg.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR CITY, IDAHO, as follows:

Section 1: Pursuant to Idaho Code §50-301, et seq., the Mayor and City Council hereby adopt the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code §50-2906(3) (b) (the "Agreement"), and to confirm its consent under Idaho Code §50-2018(18) between the Sugar City City Council and the Rexburg City Council, a copy of the Agreement is attached hereto, and by this reference incorporated herein. A copy of this Resolution and the attached Agreement shall be held on file in the office of the City Clerk.

Section 2: This Resolution shall be in full force and effect upon the execution of this Resolution by the Mayor.

PASSED BY THE COUNCIL OF THE CITY OF SUGAR CITY, IDAHO, this day of
Oct, 24 2015.

APPROVED BY THE MAYOR OF THE CITY OF SUGAR CITY, IDAHO, this day of
Oct 24 2015.

W. Lamont Merrill
W. Lamont Merrill, Mayor

ATTEST:

Wendy McLaughlin
Wendy McLaughlin, City Clerk-Treasurer

Exhibit 5

REXBURG CITY COUNCIL RESOLUTION NOS. 2015 - 13 AND 2015 - 14



CITY OF
REXBURG
America's Family Community

RESOLUTION NO. 2015 - 13

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG TO PROVIDE FOR AN INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b) BETWEEN THE CITY OF SUGAR CITY, IDAHO AND THE CITY OF REXBURG, IDAHO; PROVIDING FOR AREAS OUTSIDE THE CITY LIMITS OF THE CITY OF REXBURG AND WITHIN THE CITY LIMITS OF THE CITY OF SUGAR CITY TO BE INCLUDED WITHIN AN URBAN RENEWAL AREA AS SUGAR CITY CONSENTS AND AS ACKNOWLEDGED BY MADISON COUNTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council of the city of Rexburg have the authority (pursuant to Idaho Code §50-302) to establish resolutions not inconsistent with the laws of the state of Idaho as may be expedient, in addition to the special powers therein granted, to maintain the peace, good government and welfare of the corporation and its trade, commerce and industry;

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 North Interchange Area Urban Renewal Eligibility Report, dated June 10, 2014 (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 Rexburg 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, during that time it 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 Rexburg 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 Rexburg 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, 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;

WHEREAS, the proposed additional areas adjacent and contiguous to the North Interchange Area as described in the 2015 Supplemental Eligibility Report included 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;

WHEREAS, on June 17, 2015, the Rexburg City Council passed Resolution 2015-10 determining the North Interchange Area to be deteriorated or deteriorating and directed the Agency to prepare an urban renewal plan for the North Interchange Area;

WHEREAS, the Agency Board on September 3, 2015, passed Resolution 2015-4 proposing the North Interchange Urban Renewal Plan;

WHEREAS, the Mayor and Rexburg City Council have deemed it expedient and in the best interests of the city of Rexburg to establish and enter into an Intergovernmental Agreement for Roles and Responsibilities under Idaho Code §50-2906(3) (b), and to confirm the consent of the Sugar City City Council and as acknowledged by Madison County Board of County Commissioners under Idaho Code §50-2018(18) between Sugar City and the city of Rexburg.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG, IDAHO, as follows:

Section 1: Pursuant to Idaho Code §50-301, et seq., the Mayor and City Council hereby adopt the Intergovernmental Agreement for Roles and Responsibilities under Idaho Code §50-2906(3)(b) (the "Agreement"), and to confirm the consent of the

Sugar City City Council and as acknowledged by the Madison County Board of County Commissioners under Idaho Code §50-2018(18) between the Sugar City City Council and the Rexburg City Council, a copy of the Agreement is attached hereto, and by this reference incorporated herein. A copy of this Resolution and the attached Agreement shall be held on file in the office of the City Clerk.

Section 2: This Resolution shall be in full force and effect upon the execution of this Resolution by the Mayor.

PASSED BY THE COUNCIL OF THE CITY OF REXBURG, IDAHO, this day of 4th day of November, 2015.

APPROVED BY THE MAYOR OF THE CITY OF REXBURG, IDAHO, this day of 4th day of November, 2015.


Richard S. Woodland, Mayor

ATTEST:



Blair D. Kay, City Clerk

RESOLUTION FOR AN INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE §50-2906(3) (b) - URBAN RENEWAL AREAS OUTSIDE CITY LIMITS - 2



CITY OF
REXBURG
America's Family Community

RESOLUTION NO. 2015 - 14

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG TO PROVIDE FOR AN INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3) (b) BETWEEN MADISON COUNTY, IDAHO AND THE CITY OF REXBURG, IDAHO; PROVIDING FOR AREAS OUTSIDE THE CITY LIMITS TO BE INCLUDED WITHIN AN URBAN RENEWAL AREA AS THE COUNTY CONSENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council of the city of Rexburg have the authority (pursuant to Idaho Code §50-302) to establish resolutions not inconsistent with the laws of the state of Idaho as may be expedient, in addition to the special powers therein granted, to maintain the peace, good government and welfare of the corporation and its trade, commerce and industry;

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 North Interchange Area Urban Renewal Eligibility Report, dated June 10, 2014 (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 Rexburg 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, during that time it 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 Rexburg 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 Rexburg 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, 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;

WHEREAS, the proposed additional areas adjacent and contiguous to the North Interchange Area as described in the 2015 Supplemental Eligibility Report included 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;

WHEREAS, on June 17, 2015, the Rexburg City Council passed Resolution 2015-10 determining the North Interchange Area to be deteriorated or deteriorating and directed the Agency to prepare an urban renewal plan for the North Interchange Area;

WHEREAS, the Agency Board on September 3, 2015, passed Resolution 2015-4 proposing the North Interchange Urban Renewal Plan;

WHEREAS, the Mayor and City Council have deemed it expedient and in the best interests of the city of Rexburg to establish and enter into an Intergovernmental Agreement for Roles and Responsibilities under Idaho Code §50-2906(3)(b), and to confirm the consent of Madison County under Idaho Code §50-2018(18) between Madison County and the city of Rexburg.

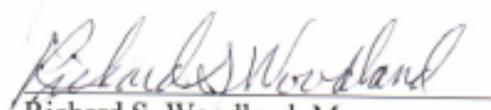
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG, IDAHO, as follows:

Section 1: Pursuant to Idaho Code §50-301, et seq., the Mayor and City Council hereby adopt the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code §50-2906(3)(b) (the "Agreement"), and to confirm the consent of the Madison County Board of County Commissioners under Idaho Code §50-2018(18) between the Madison County Board of County Commissioners and the Rexburg City Council, a copy of the Agreement is attached hereto, and by this reference incorporated herein. A copy of this Resolution and the attached Agreement shall be held on file in the office of the City Clerk.

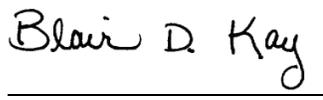
Section 2: This Resolution shall be in full force and effect upon the execution of this Resolution by the Mayor.

PASSED BY THE COUNCIL OF THE CITY OF REXBURG, IDAHO, this 4th day of November, 2015.

APPROVED BY THE MAYOR OF THE CITY OF REXBURG, IDAHO, this day 4th day of November, 2015.


Richard S. Woodland, Mayor

ATTEST:


Blair D. Kay, City Clerk

RESOLUTION FOR AN INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE §50-2906(3) (b) - URBAN RENEWAL AREAS OUTSIDE CITY LIMITS - 2

Exhibit 6
NORTH INTERCHANGE PLAN

URBAN RENEWAL PLAN FOR THE
NORTH INTERCHANGE URBAN RENEWAL PROJECT

THE URBAN RENEWAL AGENCY FOR THE CITY OF REXBURG,
IDAHO

Ordinance No. 1134
Adopted December 02, 2015
Effective December 08, 2015

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Attachment 11	Agricultural Consents, without attachments

**URBAN RENEWAL PLAN FOR THE
NORTH INTERCHANGE URBAN RENEWAL PROJECT
THE URBAN RENEWAL AGENCY FOR THE CITY OF REXBURG
CITY OF REXBURG, IDAHO**

100 INTRODUCTION

This is the Urban Renewal Plan (the “Plan”) for the North Interchange Urban Renewal Project (the “Project”) in the City of Rexburg (the “City”), state of Idaho, and consists of the text contained herein and the following attachments:

Map of the Urban Renewal Project Area and Revenue Allocation Area Map (Attachment 1),

The Description of the Urban Renewal Project Area Boundaries and Revenue Allocation Area (Attachment 2),

Private Properties Which May be Acquired by Agency (Limited to Public Improvements and Facilities) (Attachment 3),

Map Depicting Expected Land Uses and Current Zoning within Project Area (Attachment 4),

Statement of Proposed Public Improvements, Costs, Revenue, Tax Impacts, and Financing Methods (Attachment 5),

Estimated Net Taxable Value of New Private Development (Commercial/Residential) (Attachment 5A),

Estimated Annual Revenue Allocations (Economic Feasibility Study) (Attachment 5B),

Estimated Annual Revenues and Costs (Attachment 5C),

Madison County Board of County Commissioners Resolution No. 375 (Attachment 6),

Sugar City City Council Resolution No. 2014-2 (Attachment 7),

Rexburg City Council Resolution No. 2014-16 (Attachment 8),

Madison County Board of County Commissioners Resolution No. 392 (Attachment 9),

Rexburg City Council Resolution No. 2015-10 (Attachment 10), and

Agricultural Consents, without attachments (Attachment 11).

The term “Project” is used herein to describe the overall activities defined in this Plan and is in conformity with the statutory definition of an urban renewal project. Reference is specifically made to Idaho Code Sections 50-2018(10) and 50-2903(13) for the various activities contemplated by the term “Project.” Such activities include both private and public development of property within the urban renewal area. The term “Project” is not meant to refer to a specific activity or development scheme. The North Interchange Project Area is also referred to as the Project Area.

This Plan was prepared by the Board of Commissioners, consultants, and staff of the Urban Renewal Agency for the City of Rexburg (the “Agency”) and reviewed and recommended by the Agency pursuant to the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the “Law”), the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended

(the “Act”), and all applicable local laws and ordinances.

The proposed redevelopment of the Project Area as described in this Plan conforms to the The City of Rexburg Vision 2020 Comprehensive Plan, as amended (the “Comprehensive Plan”), and adopted by the Rexburg City Council (the “City Council”).

The Agency may create several planning documents that generally describe the overall Project and identify certain specific public and private capital improvement projects. Because of the changing nature of the Project, these documents, by necessity, must be dynamic and flexible. The Agency anticipates that these documents will be modified as circumstances warrant. Any modification, however, shall not be deemed as an amendment of this Plan. No modification will be deemed effective if it is in conflict with this Plan. The planning documents are purposely flexible and do not constitute specific portions of the Plan. Provided, however, prior to the adoption of any planning document or proposed modification to any planning document, the Agency shall notify the City and publish a public notice of such proposed modification at least thirty (30) days prior to the consideration of such proposed modification, thus providing the City and any other interested person or entity an opportunity to comment on said proposed modification. The Board of Commissioners of the Agency (the “Board”) shall consider any such comments and determine whether to adopt the modification. The planning documents apply to redevelopment activity within the Project Area as described herein. In the event of any conflict between this Plan and the appended documents, the provisions of this Plan shall control. The Agency intends to rely heavily on any applicable City design standards which may cover all or part of the Project Area.

This Plan provides the Agency with powers, duties, and obligations to implement and further the program generally formulated in this Plan for the redevelopment, rehabilitation, and revitalization of the area within the boundaries of the Project Area. The Agency retains all powers allowed by the Law and Act. Because of the long-term nature of this Plan, and the need to retain in the Agency flexibility to respond to market and economic conditions, property owner and developer interests, and opportunities from time to time presented for redevelopment, this Plan does not present a precise plan or establish specific projects for the redevelopment, rehabilitation, and revitalization of any area within the Project Area, nor does this Plan present specific proposals in an attempt to solve or alleviate the concerns and problems of the community relating to the Project Area. Instead, this Plan presents a process and a basic framework within which specific plans will be presented, specific projects will be established, and specific solutions will be proposed, and by which tools are provided to the Agency to fashion, develop, and proceed with such specific plans, projects, and solutions.

Implementation of this Plan will require public co-investment to help stimulate desired private development. Typically, the public will fund enhanced public improvements like utilities, streets, and sidewalks which, in turn, create an attractive setting for adjacent private investment for industrial, office, residential and commercial facilities.

The particular projects or redevelopment projects by private entities described herein are not intended to be an exclusive or exhaustive list of potential redevelopment activity. Allowed projects are those activities which comply with the Law and the Act and meet the overall objectives of this Plan. The public-private relationship is crucial in the successful redevelopment of the Project Area.

The purpose of the Urban Renewal Law will be attained through and the major goals of this Plan are:

- a. The elimination of environmental deficiencies in the Project Area, including, among others, deteriorated and inadequate public improvements including certain streets and improvements; improvements to roadways and traffic signals; sidewalk, curb and gutter improvements; improvements to public utilities including water and sewer improvements and fire protection systems; streetlights; other public improvements

(including public buildings and facilities); removal, burying, or relocation of overhead utilities; extension of electrical distribution lines and transformers; improvement of irrigation and drainage ditches and laterals; improvement of storm drainage facilities; and environmental remediation of brownfield sites;

- b. The assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area;
- c. The re-planning, redesign, and development of undeveloped or underdeveloped areas which are stagnant or improperly utilized because of limited traffic access, underserved utilities, and other site conditions;
- d. The strengthening of the economic base of the Project Area and the community by the installation of needed site improvements to stimulate new private development providing, employment, and economic growth;
- e. The provision of adequate land for parks, open space, street rights-of-way and pedestrian rights-of-way; sidewalks, street lights, parking facilities, traffic signals;
- f. The reconstruction and improvement of street corridors to allow traffic flows to move through the Project Area along with the accompanying utility connections, through the Project Area;
- g. The provision of public service utilities such as water system improvements, sewer system improvements and improvements to storm drainage facilities (which may be located outside the Project Area);
- h. The establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, including commitment of funds for planning studies, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;
- i. The strengthening of the tax base by encouraging private development, thus increasing the assessed valuation of properties within the revenue allocation area and the Project Area as a whole and benefiting the various taxing districts in which the urban renewal area is located; and
- j. The funding of necessary public infrastructure to accommodate both public and private development.

101 General Procedures of the Agency

The Agency is a public body, corporate and politic, as defined and described under the Law and the Act. The Agency is also governed by its bylaws as authorized by the Law and adopted by the Agency. Under the Law, the Agency is governed by the Idaho open meeting law, (Chapter 2, Title 74, Idaho Code), the Public Records Act (Chapter 1, Title 74, Idaho Code), the Ethics in Government Act (Chapter 4, Title 74, Idaho Code), financial reporting requirements, and the competitive bidding requirements under Chapter 28, Title 67, Idaho Code.

Generally, the Agency shall conduct all meetings in open session and allow meaningful public input as mandated by the issue considered or by any statutory or regulatory provision. Whenever in this Plan it is stated that the Agency may modify, change, or adopt certain policy statements or contents of this Plan not requiring a formal amendment to the Plan as required by the Law or the Act, it shall be deemed to mean a

consideration by the Board of such policy or procedure, duly noticed upon the Agency meeting agenda and considered by the Agency at an open public meeting and adopted by a majority of the Board members present, constituting a quorum, unless any bylaw, provision of law, or provision herein provides otherwise.

102 Provisions Necessary to Meet State and Local Requirements

102.1 Conformance with the Idaho Urban Renewal Law of 1965, as Amended

- a. The laws of the state of Idaho require that an urban renewal plan be prepared for an area certified as an urban renewal area by the City Council.
- b. As certain properties within the studied area are outside of the boundaries of the City and within the boundaries of unincorporated Madison County, and in accordance with Idaho Code § 50-2018(18), the Madison County Board of County Commissioners adopted Resolution No. 375, on July 28, 2014, finding the area to be a deteriorated and deteriorated area and finding a need for an urban renewal plan. A copy of Resolution No. 375 is attached hereto as **Attachment 6**.
- c. As certain properties within the studied area are outside of the boundaries of the City and within the city limits of the city of Sugar City, and in accordance with Idaho Code § 50-2018(18), the Sugar City City Council adopted Resolution No. 2014-2, on July 24, 2014, finding the area to be a deteriorated and deteriorated area and finding a need for an urban renewal plan. A copy of Resolution No. 2017-2 is attached hereto as **Attachment 7**.
- d. The initially proposed urban renewal area was certified by the Rexburg City Council by Resolution No. 2014-16 on August 20, 2014. With the adoption of Resolution No. 2014-16, the City Council found the area to be a deteriorated and deteriorating area existing in the City as defined by the Law and Act, and authorized the preparation of an urban renewal plan. A copy of Resolution No. 2014-16 is attached hereto as **Attachment 8**.
- e. It became apparent that additional property adjacent and contiguous to the certified area was deteriorating or deteriorated and it was examined to determine whether such additional area was eligible for urban renewal planning purposes.
- f. Certain properties within the proposed additional area are outside of the boundaries of the City and within the boundaries of unincorporated Madison County, and in accordance with Idaho Code § 50-2018(18), the Madison County Board of County Commissioners adopted Resolution No. 392, on June 15, 2015, finding the additional area adjacent and contiguous to the previously certified area to be a deteriorated and deteriorated area and finding a need for an urban renewal plan. A copy of Resolution No. 392 is attached hereto as **Attachment 9**.
- g. The additional area adjacent and contiguous to the originally certified area was certified by the Rexburg City Council by Resolution No. 2015-10 on June 17, 2015. With the adoption of Resolution No. 2015-10, the City Council found the additional area adjacent and contiguous to the originally certified area to be a deteriorated and deteriorating area existing in the City as defined by the Law and Act, and authorized the preparation of an urban renewal plan for the entire certified area, including the additional area. A copy of Resolution No. 2015-10 is attached hereto as **Attachment 10**.

- h. In accordance with the Law and Act, the necessary agricultural consents were obtained from owners of any agricultural operations within the Project Area that have been used as an agricultural operation for three consecutive years. A copy of the agricultural consents are attached hereto as **Attachment 11**.
- i. In accordance with the Law, this Plan was submitted to the Planning and Zoning Commission of the City. After consideration of the Plan, the Commission reported to the City Council stating that this Plan is in conformity with the Comprehensive Plan of the city of Rexburg.
- f. Pursuant to the Law, and Act, the City Council having published due notice thereof, a public hearing was held on this Plan. Notice of the hearing was duly published in a newspaper having general circulation. **The City Council adopted this Plan on December 02, 2015, by Ordinance No. 1134.**

103 History and Current Conditions of the Area

This Project Area includes the U.S. Highway 20 and North 2nd East interchange, and is generally bounded on the south by E. Moran View Road, and to the east by South Railroad Avenue. The Project Area contains an estimated total of [679] acres. In general, the Project Area is under-developed and requires infrastructure improvements to generate development. The area lacks an internal street system connecting the real property to the existing roadways. The parcels included in the Project Area are large and are not usable until developed. Little investment has been made within the Project Area. Many of the streets within the Project Area generally reflect rural standards of development and often lack curb, gutter, sidewalks, street lighting, safe intersections or storm drainage facilities.

The Project Area is generally not served by a public water system; therefore, development potential is restricted due to inadequate water capacity and fire flow issues. Improvements are also needed to the sewer system. The interchange itself is insufficient to handle traffic flow to serve development in the area requiring widening and signal improvements.

Approximately [302 acres] are located within Madison County outside of the city limits of the City and Sugar City. With regard to the properties located outside the City limits and within the boundaries of Madison County, and to meet the requirements of Idaho Code § 50-2018(18), the Madison County Board of County Commissioners, by Resolution No. 375, determined the area reviewed for eligibility to be a deteriorated or deteriorating area and adopted the Agency's findings made on June 17, 2014, in Resolution No. 2014-3. Additionally, the Madison County Board of County Commissioners, by Resolution No. 392, determined the additional area adjacent and contiguous to the original study area to be deteriorated or deteriorating area and adopted the Agency's supplemental findings made on June 4, 2015, in Resolution No. 2015-2. The Madison County Board of County Commissioners further found there is a need for an urban renewal plan for the area. The properties that remain outside of the City limits and within the boundaries of Madison County will be governed by an intergovernmental agreement between the City and Madison County. As required by Idaho Code § 50-2906(3)(b), an intergovernmental agreement will be entered into by, between, and among Madison County and the City. In order to support development, this area will require improvements to roadways and intersections, sidewalks and other pedestrian pathways, water and sewer facilities and lines.

Approximately [78] acres are currently located within the city limits of the City of Sugar City. With regard to the properties located within the boundaries of Sugar City, and to meet the requirements of Idaho Code § 50-2018(18), the Sugar City City Council, by Resolution No. 2014-2, determined the area reviewed for eligibility to be a deteriorated or deteriorating area and adopted the Agency's findings made on June 17, 2014, in Resolution No. 2014-3. The Sugar City City Council further found there is a need for an urban renewal plan for the area. The properties that remain outside of the

City limits and within the boundaries of Sugar City will be governed by an intergovernmental agreement between the City and Sugar City. In order to support development, this area will require improvements to roadways and intersections, sidewalks and other pedestrian pathways, water and sewer facilities and lines.

The Plan will primarily include improvements to public infrastructure, creating the framework for the development of commercial property and enhancement of public parks, open spaces and/or other public recreation areas. Most of the Project Area is underdeveloped and is not being used to its highest and best use due to deteriorating structures, the age and obsolescence of infrastructure, the predominance of defective or inadequate street layout, outmoded street patterns, need for modern traffic requirements, insanitary and unsafe conditions, faulty lot layout and inadequate utility infrastructure needed for a larger development. The foregoing conditions have arrested or impaired growth in the Project Area.

The preparation and approval of an urban renewal plan, including a revenue allocation financing provision, gives the City additional resources to solve the public infrastructure problems in this area. Revenue allocation financing should help to improve the situation. In effect, property taxes generated by new developments within the Project Area may be used by the Agency to finance a variety of needed public improvements and facilities. Finally, some of the new developments may also generate new jobs in the community that would, in turn, benefit the Project Area, City, Sugar City and Madison County residents.

104 Purpose of Activities

The description of activities, public improvements, and the estimated costs of those items are intended to create an outside limit of the Agency's activity. The Agency reserves the right to change amounts from one category to another, as long as the overall total amount estimated is not substantially exceeded. The items and amounts are not intended to relate to any one particular development, developer, or owner. Rather, the Agency intends to discuss and negotiate with any owner or developer who seeks Agency assistance. During such negotiation, the Agency will determine, on an individual basis, the eligibility of the activities sought for Agency funding, the amount the Agency may fund by way of percentage or other criteria including the need for such assistance. The Agency will also take into account the amount of revenue allocation proceeds estimated to be generated from the developer's activities. The Agency also reserves the right to establish by way of policy, its funding percentage or participation, which would apply to all developers and owners.

Throughout this Plan, there are references to Agency activities, Agency funding, and the acquisition, development, and contribution of public improvements. Such references do not necessarily constitute a full, final, and formal commitment by the Agency but, rather, grant to the Agency the discretion to participate as stated subject to achieving the objectives of this Plan and provided such activity is deemed eligible under the Law and the Act. In some respects the activities listed in **Attachment 5C** are concepts which will be determined or prioritized as the overall Project Area develops.

The Agency reserves the right to prioritize the projects described in this Plan. The Agency also reserves the right to retain its flexibility in funding the various activities. The Agency also reserves its discretion and flexibility in deciding which improvements should be funded and what level, whether using its own funds or funds generated by other sources.

The activities listed in **Attachment 5C** are also prioritized by way of importance to the Agency by the amounts funded, and by year of funding, with earlier years reflecting the more important activities, achievement of higher objectives, long term goals, and commitments. As required by the Law and Act, the Agency will adopt more specific budgets annually.

105 Open Land Criteria

Such open land areas may be acquired by the Agency and developed for nonresidential uses if such acquisition is needed to solve various problems, associated with the land or the public infrastructure, that have delayed its development. These problems include defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, and faulty lot layout, all of which are included in one form or another in the Section 50-2903(8)(b) definition of deteriorated area. The problems that are listed only in Section 50-2008(d)(4)(2) (the open land section) include economic disuse, unsuitable topography, and “the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which delay development of the area.”

Such areas qualify if any of the standard 50-2018(8), (9) and 50-2903(8) characteristics apply. But such areas also qualify if any of the problems listed only in 50-2008(d)(4)(2) apply. Clearly, lack of water and sewer facilities, a deficient street system and lack of fire protection facilities are all conditions which delay development of the open land areas.

200 DESCRIPTION OF PROJECT AREA

The boundaries of the Project Area and the Revenue Allocation Area are shown on the Project Area and Revenue Allocation Boundary Map, attached hereto as **Attachment 1** and incorporated herein by reference, and are described in the Description of the Project Area and Revenue Allocation Area, attached hereto as **Attachment 2** and incorporated herein by reference. 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 or other natural boundary unless otherwise indicated or stated.

300 PROPOSED REDEVELOPMENT ACTIONS

301 General

The Agency proposes to eliminate and prevent the spread of deteriorating conditions and deterioration in the Project Area by:

- a. The acquisition of certain real property (if needed);
- b. The 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, enhance density, eliminate obsolete or other uses detrimental to the public welfare or otherwise to remove or to prevent the spread of deteriorating or deteriorated conditions;
- c. The provision for participation by property owners within the Project Area to achieve the objectives of this Plan;
- d. The management of any property acquired by and under the ownership and control of the Agency;
- e. The provision for relocation assistance to displaced Project Area occupants, as required by law;
- f. The installation, construction, or reconstruction of streets and intersections, utilities, including electrical distribution and transmission lines in underground configuration, if needed to encourage new developments, fiber optic or other communication systems, parking facilities, and other public improvements, including, but not limited to, irrigation and drainage laterals and ditches, canal crossings, storm drain systems, water and sewer improvements, fire protection systems, streetlights,

sidewalks, curbs, gutters, and other public improvements, including public or other community facilities or buildings owned or occupied by the Agency or other public agencies, including the City's walkways, public open spaces, city hall, courthouse, community centers, cultural centers and visitors or information centers as may be deemed appropriate by the Board;

- g. The disposition of property for uses in accordance with this Plan;
- h. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
- i. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
- j. The preparation and assembly of adequate sites for the development and construction of facilities for industrial, commercial, residential, retail, and governmental use;
- k. To the extent allowed by law, lend or invest federal funds to facilitate redevelopment; and
- l. The 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, industrial, and other uses contemplated by the Plan, and to provide utilities to the development site.

In the accomplishment of these purposes and activities and in the implementation and furtherance of this Plan, the Agency is authorized to use all the powers provided in this Plan and all the powers now or hereafter permitted by law.

302 Urban Renewal Plan Objectives

Urban renewal action is necessary in the Project Area to combat problems of physical deterioration or deteriorating conditions.

The Project Area and revenue allocation area consist of approximately [679] acres of property, including parcels currently located outside the City limits and within the boundaries of Madison County and parcels located within the boundaries of the City of Sugar City. Those properties that remain outside the City limits will be governed by a negotiated intergovernmental agreements between the City and Madison County, and the City and Sugar City. The Project Area boundaries are specifically identified on **Attachment 1**. As set forth in greater detail in Section 103, the Project Area has a history of a slow-growing tax base primarily attributed to undeveloped or underdeveloped properties, deteriorated and vacant lots, faulty lot layout, lack of adequate public infrastructure, potential environmental issues and other deteriorating factors.

Site preparation, remediation of any environmental issues, enhancement of open areas and public recreation facilities, enhancement of infrastructure, including roadways, intersections and interchanges, sidewalk, curb, gutter, improvements to water and sewer facilities, as well as, remediating any drainage issues will enhance the overall development of the Project Area.

Hence, the Plan for the Project Area is primarily a proposal for street and utility improvements to provide an improved environment for new retail, residential and commercial facilities, public improvements or facilities, including but not limited to construction of public facilities or buildings, the elimination of unsafe conditions, and to otherwise prevent the extension of deterioration and reverse the deteriorating action of the area.

Air rights and subterranean rights may be disposed of for any permitted use within the Project Area boundaries.

Less than fee acquisition may be utilized by the Agency when and if necessary to promote redevelopment in accordance with the objectives of the Plan.

Temporary project improvements shall be provided to facilitate adequate vehicular and pedestrian circulation.

The provisions of this Plan are applicable to all public and private property in the Project Area. The provisions of the Plan shall be interpreted and applied as objectives and goals, recognizing the need for flexibility in interpretation and implementation, while at the same time not in any way abdicating the rights and privileges of the property owners which are vested in the present and future zoning classifications of the properties. All development under an owner participation agreement shall conform to those standards specified in Section 303.1 of this Plan.

This Plan must be practical in order to succeed. Particular attention has been paid to how it can be implemented, given the changing nature of market conditions. Transforming the Project Area into a vital, thriving part of the community requires an assertive strategy. The following list represents the key elements of that effort:

- a. Initiate simultaneous projects designed to revitalize the Project Area. From street and utility improvements to significant new development, the Agency plays a key role in creating the necessary momentum to get and keep things going.
- b. Develop new commercial opportunities and encourage economic development.
- c. Pursue development across all land-use sectors.
- d. Develop parking facilities.
- e. Install, construct, or reconstruct public facilities or buildings, including but not limited to fire stations and/or police stations.

Without direct public intervention, much of the Project Area could conceivably remain unchanged for the next several years. It is anticipated success will come through at least one public-private partnership. The Plan creates the necessary flexible framework for the Project Area to support the City's economic development.

Land use in the Project Area will be modified to the extent that buildings currently vacant and land now devoted to scattered inconsistent uses will be converted to professional offices, residential housing, commercial, public and private parking, and/or public/semi-public uses. In implementing the activities described in this Plan, the Agency shall give due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of residents in the general vicinity of the site covered by the Plan.

303 Participation Opportunities and Agreement

303.1 Participation Agreements

The Agency shall enter into an owner participation agreement with any existing or future owner of property, in the event the property owner seeks and/or receives assistance from the Agency in the redevelopment of the property. In that event, the Agency may allow for an existing or future owner of property to remove his property and/or structure from future Agency acquisition subject to entering into an owner participation agreement.

Each structure and building in the Project Area to be rehabilitated or to be constructed as a condition of the owner participation agreement between the Agency and the owner pursuant to this Plan will be considered to be satisfactorily rehabilitated and

constructed, and the Agency will so certify, if the rehabilitated or new structure meets the following standards through an executed owner participation agreement to meet conditions described below.

a. Any such property within the Project Area shall be required to conform to all applicable provisions, requirements, and regulations of this Plan. The owner participation agreement may require as a condition of financial participation by the Agency a commitment by the property owner to meet the greater objectives of the land use elements identified in the Comprehensive Plan, and applicable zoning ordinances. Upon completion of any rehabilitation each structure must be safe and sound in all physical respects and be refurbished and altered to bring the property to an upgraded marketable condition that will continue throughout an estimated useful life for a minimum of twenty (20) years.

b. All such buildings or portions of buildings which are to remain within the Project Area shall be rehabilitated in conformity with all applicable codes and ordinances of the City.

c. Any new construction shall also conform to all applicable provisions, requirements, and regulations of this Plan.

d. Any new construction shall also conform to all applicable codes and ordinances of the City.

e. Participant shall be charged a fee of one percent (1%) to pay overhead expenses calculated on the private development investment identified in any approved reimbursement agreement or disposition and development agreement or on any public infrastructure project funded by the Agency, setting aside one percent (1%) of the infrastructure project costs for overhead expenses.

f. That the Agency receives actual notice within two (2) business days of filing of any tax appeals and applications for property tax exemption, and that the developer will not challenge the Agency's standing to participate in the proceedings as a party.

All such agreements will address phasing issues, justification and eligibility of project costs, and achievement of the objectives of the Plan. Agency shall retain its discretion in the funding level of its participation, considering among other factors, other economic development benefits obtained or to be pursued by the property owner, including property tax exemption.

In such participation agreements, participants who retain real property shall be required to join in the recordation of such documents as may be necessary to make the provisions of this Plan applicable to their properties. Whether or not a participant enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Project Area.

In the event a participant fails or refuses to rehabilitate, develop, use, and maintain its real property pursuant to this Plan and a participation agreement, the real property or any interest therein may be acquired by the Agency in accordance with Section 305.1 of this Plan and sold or leased for rehabilitation or development in accordance with this Plan.

Owner participation agreements may be used to implement the following objectives:

a. Encouraging established businesses to revitalize deteriorating areas of their parcels to accelerate the enhancement of the street environment in the Plan area.

b. Subject to the limitations of the Law and the Act, providing incentives to existing business owners to encourage continued utilization and expansion of existing

permitted uses to prevent properties from falling into disuse, a proliferation of vacant and deteriorated parcels and a reduction in area employment.

c. Allowing existing nonconforming uses to continue in accordance with local regulations and to accommodate improvements and expansions allowed by local regulations.

d. Subject to the limitations of the Act, providing incentives to improve nonconforming properties so they implement the design guidelines contained in this Plan to the extent possible and to encourage an orderly transition from nonconforming to conforming uses over the next twenty (20) years.

303.2 [Reserved]

304 Cooperation with Public Bodies

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of this Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. All plans for development of property in the Project Area by a public body shall be subject to Agency approval, in the event the Agency is providing any financial assistance.

Subject to applicable authority, the Agency may impose on all public bodies the planning and design controls contained in this Plan to insure that present uses and any future development by public bodies will conform to the requirements of this Plan. The Agency is authorized to financially (and otherwise) assist any public entity in the cost of public land, buildings, facilities, structures, or other improvements of the Project Area.

The Agency specifically intends to cooperate to the extent allowable with the City, Sugar City and the County (as the case may be) for the construction of street and utility improvements. The Agency shall also cooperate with the City, Sugar City and County on various relocation, screening, or underground projects, the providing of fiber optic capability, and the funding of water and sewer improvements. To the extent any public entity, including the City, Sugar City and the County, has funded certain improvements such as water and sewer facilities, the Agency may reimburse those entities for those expenses. The Agency shall also cooperate with any public entity having jurisdiction over rights-of-way for the improvement of roads within the Project Area and with the public bodies responsible for water and sewer improvements. The Agency also intends to cooperate and seek available assistance from state and federal sources for economic development.

In the event the Agency is participating in the public development by way of financial incentive or otherwise, the public body shall enter into a participation agreement with the Agency and then shall be bound by the Plan and other land use elements and shall conform to those standards specified in Section 303.1 of this Plan.

305 Property Acquisition

305.1 Real Property

Generally, the Agency intends to acquire any real property or interests in real property through voluntary measures; however, the Agency is not required to acquire any real property located in the Project Area. Any acquisition shall be by any means authorized by law, including, but not limited to, the Law, the Act, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and the Idaho

Eminent Domain laws set forth in Title 7, Chapter 7, Idaho Code. The Agency is authorized to acquire either the entire fee or any other interest in real property less than a fee, including structures and fixtures upon the real property without acquiring the land upon which those structures and fixtures are located.

The Agency may, in consideration of the obligations of the developer or owner in any development agreement, waive its rights to acquire the real property covered by the development agreement, if the developer or owner fully performed under the development agreement.

Idaho Code Section 7-701A specifically limits the Agency's ability to exercise eminent domain to involuntarily acquire real property in the Project Area for purposes of conveying property for non-public uses:

7-701A. Limitation on eminent domain for private parties, urban renewal or economic development purposes. (1) This section limits and restricts the use of eminent domain under the laws of this state or local ordinance by the state of Idaho, its instrumentalities, political subdivisions, public agencies, or bodies corporate and politic of the state to condemn any interest in property in order to convey the condemned interest to a private interest or person as provided herein.

(2) Eminent domain shall not be used to acquire private property:

(a) For any alleged public use which is merely a pretext for the transfer of the condemned property or any interest in that property to a private party; or

(b) For the purpose of promoting or effectuating economic development; provided however, that nothing herein shall affect the exercise of eminent domain:

(i) Pursuant to chapter 15, title 70, Idaho Code, and title 42, Idaho Code; or

(ii) Pursuant to chapters 19, 20 or 29, title 50, Idaho Code, except that no private property shall be taken through exercise of eminent domain within the area of operation of a housing authority or within an urban renewal area or within a deteriorated or deteriorating area or within a competitively disadvantaged border community area unless the specific property to be condemned is proven by clear and convincing evidence to be in such condition that it meets all of the requirements:

1. The property, due to general dilapidation, compromised structural integrity, or failed mechanical systems, endangers life or endangers property by fire or by other perils that pose an actual identifiable threat to building occupants; and

2. The property contains specifically identifiable conditions that pose an actual risk to human health, transmission of disease, juvenile delinquency or criminal content; and

3. The property presents an actual risk of harm to the public health, safety, morals or general welfare; or

(iii) For those public and private uses for which eminent domain is expressly provided in the constitution of the state of Idaho; or

(c) For trails, paths, greenways or other ways for walking, running, hiking, bicycling or equestrian use, unless adjacent to a highway, road or street.

(3) This section shall not affect the authority of a governmental entity to condemn a leasehold estate on property owned by the governmental entity.

(4) The rationale for condemnation by the governmental entity proposing to condemn property shall be freely reviewable in the course of judicial proceedings involving exercise of the power of eminent domain.

It is in the public interest and is necessary, in order to eliminate the conditions requiring redevelopment and in order to execute this Plan, for the power of eminent domain to be retained by the Agency to acquire real property in the Project Area, which cannot be acquired by gift, devise, exchange, purchase, or any other lawful method, for a

public purpose or for private redevelopment within the limits described above. However, the Agency's authority to invoke eminent domain to acquire real property for disposition to private parties for economic development is limited by Idaho Code § 7-701A.

Under the provisions of the Act, the urban renewal plan "shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area." Idaho Code § 50-2018(12). At the present time the Agency has not identified any particular parcel for acquisition for the construction of public improvements or for private redevelopment. These activities are generally described in **Attachment 3**. Properties which may be subject to acquisition are those parcels which may be vacant or abandoned, parcels which are currently limited in use such as surface parking lots, small parcels that could be assembled for redevelopment and those which are significantly deteriorated, parcels which may be adjacent to right-of-way to improve configuration and enlarge parcels for redevelopment, adapt and possibly enlarge an existing building for a new use, reconfigure sites for development and possible extension street or pathway. Other parcels may be acquired for the purpose of facilitating catalyst or demonstration projects, constructing public parking, constructing new streets or pathways, enhancing public spaces, or to implement other elements of the Plan strategy.

Generally, the Agency reserves the right to determine which properties, if any, should be acquired. The Agency intends to acquire any real property through voluntary or consensual gift, devise, exchange, or purchase. Such acquisition of property may be for the development of any public improvements identified in this Plan, for the assembly of properties for the purpose of redevelopment of those properties to achieve the objectives of this Plan, and/or for purposes of redevelopment and reuse as identified in the Plan. Such properties may include properties owned by private parties or public entities. The Agency shall coordinate any voluntary property acquisition with any other public entity, as may be necessary.

305.2 Personal Property

Generally, personal property shall not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means, including eminent domain. For purposes of this Plan, acquisition of certain permanent fixtures or improvements upon real property shall be governed by this section. The Agency retains the right to purchase those fixtures or improvements (including buildings) for the purpose of eliminating certain deteriorated or deteriorated structures to facilitate the redevelopment of the real property upon which the buildings and structures are located. Such acquisition shall be based upon appraised value of the structures and negotiation with the owner of the structures. The Agency shall take into account, before committing to such acquisition, any environmental or other liability present or potentially present in such structures. In the event, the Agency determines to acquire such property; it shall do so upon the successful negotiation of an owner participation agreement in compliance with the terms of Section 303.1 of this Plan. In addition, such owner shall commit to the redevelopment of the real property and to maintain the real property in a safe and clean manner. The Agency shall acquire such property by way of any acceptable conveyance.

306 Property Management

During the time property, if any, in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for redevelopment, and such rental or lease shall be pursuant to such policies as the Agency may adopt.

307 Relocation of Persons (Including Individuals and Families), Business Concerns, and Others Displaced by the Project

If the Agency receives federal funds for real estate acquisition and relocation, the Agency shall comply with 24 C.F.R. Part 42, implementing the Uniform Relocation

Assistance and Real Property Acquisition Policies Act of 1970, as amended. The Agency may also undertake relocation activities for those not entitled to benefit under federal law, as the Agency may deem appropriate for which funds are available. The Agency's activities should not result in the displacement of families within the area. In the event the Agency's activities result in displacement, the Agency shall compensate such residents by providing reasonable moving expenses into decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families. The Agency will not participate in any private redevelopment activity which will result in displacement of families unless a method exists for the relocation of displaced families in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families. For any other activity, the Agency will comply with the provisions of the Law regarding relocation.

The Agency reserves the right to extend benefits for relocation to those not otherwise entitled to relocation benefits as a matter of state law under the Act or the Law. The Agency may determine to use as a reference the relocation benefits and guidelines promulgated by the federal government, the state government, or local government, including the State Department of Transportation. The intent of this section is to allow the Agency sufficient flexibility to award relocation benefits on some rational basis, or by payment of some lump sum per case basis. The Agency may also consider the analysis of replacement value for the compensation awarded to either owner occupants or businesses displaced by the Agency to achieve the objectives of this Plan. The Agency may adopt relocation guidelines which would define the extent of relocation assistance in non-federally-assisted projects and which relocation assistance to the greatest extent feasible would be uniform. The Agency shall also coordinate with the various local, state, or federal agencies concerning relocation assistance.

For displacement of families, the Agency shall comply with, at a minimum, the standards set forth in the Law. The Agency shall also comply with all applicable state laws concerning relocation benefits. If such a program is considered, it shall be adopted by resolution of the Agency Board.

308 Demolition, Clearance, and Building and Site Preparation

308.1 Demolition and Clearance

The Agency is authorized (but not required) to demolish and clear buildings, structures, and other improvements from any real property in the Project Area as necessary to carry out the purposes of this Plan.

308.2 Preparation of Building Sites

The Agency is authorized (but not required) to prepare, or cause to be prepared, as building sites any real property in the Project Area owned by the Agency, including rock removal and site preparation. In connection therewith, the Agency may cause, provide for, or undertake the installation or construction of streets, utilities, storm drainage facilities, and other public improvements necessary to carry out this Plan. The Agency is also authorized (but not required) to construct foundations, platforms, and other structural forms necessary for the provision or utilization of air rights sites for buildings to be used for industrial, commercial, private, public, and other uses provided in this Plan. To the extent allowed by the Law and Act, the Agency may assist in the preparation of building sites by way of reclamation, remediation, or elimination of deteriorated conditions. The Agency is also authorized (but not required) to purchase certain site or building improvements for purpose of site preparation and development.

309 Property Disposition and Development

309.1 Real Property Disposition and Development

309.1.1 General

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property under the reuse provisions set forth in Idaho Code Section 50-2011. To the extent permitted by law, the Agency is authorized to dispose of real property by negotiated lease, sale, or transfer without public bidding.

Real property acquired by the Agency may be conveyed by the Agency and, where beneficial to the Project Area, without charge to any public body as allowed by law. All real property acquired by the Agency in the Project Area shall be sold or leased to public or private persons or entities for development for the uses permitted in this Plan.

All purchasers or lessees of property acquired from the Agency shall be obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

The Agency shall give due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of residents residing in the general vicinity of the site covered by the Plan.

309.1.2 Disposition and Development Documents

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of deteriorating conditions, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, is subject to the provisions of this Plan.

The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to ensure that development is carried out pursuant to this Plan.

Leases, deeds, contracts, agreements, and declarations of restrictions of the Agency may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provisions necessary to carry out this Plan. Where appropriate, as determined by the Agency, such documents, or portions thereof, shall be recorded in the office of the Recorder of Madison County.

All property in the Project Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, color, creed, religion, sex, age, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, disability/handicap, tenure, or enjoyment of property in the Project Area. All property sold, leased, conveyed, or subject to a participation agreement shall be expressly subject by appropriate documents to the restriction that all deeds, leases, or contracts for the sale, lease, sublease, or other transfer of land in the Project Area shall contain such nondiscrimination and non-segregation clauses as required by law.

The land and/or air rights and subterranean rights acquired by the Agency will be disposed of subject to an agreement between the Agency and the developers. The developers (including owner/participants) will be required by the contractual agreement to observe the Land Use and Building Requirements provision of this Plan and to submit a redevelopment schedule satisfactory to the Agency. Schedule revisions will be made only at the option of the Agency.

As required by law or as determined in the Agency's discretion to be in the best interest of the Agency and the public, the following requirements and obligations shall be included in the agreement.

That the developers, their successors, and assigns agree:

- a. That a plan and time schedule for the proposed development shall be submitted to the Agency.
- b. That the purchase or lease of the land and/or subterranean rights and/or air rights is for the purpose of redevelopment and not for speculation.
- c. That the building of improvements will be commenced and completed as jointly scheduled and determined by the Agency and the developer(s).
- d. That there will be no discrimination or segregation based upon race, color, creed, religion, sex, age, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, disability/handicap, tenure, or enjoyment of the premises or any improvements erected or to be erected thereon, therein conveyed; nor will the developer himself or any person claiming under or through him establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy of tenants, lessees, sublessees, or vendees in the premises or any improvements erected, or to be erected thereon, therein conveyed. The above provision will be perpetual and will be appended to the land disposed of within the Project Area by the Agency.
- e. That the site and construction plans will be submitted to the Agency for review as to conformity with the provisions and purposes of this Plan.
- f. All new construction shall have a minimum estimated life of no less than twenty (20) years.
- g. That rehabilitation of any existing structure must assure that the structure is safe and sound in all physical respects and be refurbished and altered to bring the property to an upgraded marketable condition which will continue throughout an estimated useful life for a minimum of twenty (20) years.
- h. That the Agency receives adequate assurance acceptable to the Agency to ensure performance under the contract for sale.
- i. All such buildings or portions of the buildings which are to remain within the Project Area shall be reconstructed in conformity with all applicable codes and ordinances of the City.
- j. That the Agency receives actual notice within two (2) business days of filing of any tax appeals and applications for property tax exemption, and that the developer will not challenge the Agency's standing to participate in the proceedings as a party.
- k. All disposition and development documents shall be governed by the provisions of Section 408 and 412 of this Plan.
- l. The developer shall be charged a fee of one percent (1%) to pay overhead expenses calculated on the private development investment identified in any approved reimbursement agreement or disposition and development agreement or on any public infrastructure project funded by the Agency, setting aside one percent (1%) of the infrastructure project costs for overhead expenses.

The Agency also reserves the right to determine the extent of its participation based upon the achievements of the objectives of this Plan

309.1.3 Development by the Agency

To the extent now or hereafter permitted by law, the Agency is authorized to pay

for, develop, or construct any publicly-owned building, facility, structure, or other improvement within the Project Area for itself or for any public body or entity, which buildings, facilities, structures, or other improvements are or would be of benefit to the Project Area. Specifically, the Agency may pay for, install, or construct the buildings, facilities, structures, and other improvements identified in **Attachment 5C**, attached hereto and incorporated herein by reference, and may acquire or pay for the land required therefore.

The Agency may also prepare properties for development by renovation or other means as allowed by law. The Agency may also, as allowed by law, assist in the development of private projects.

In addition to the public improvements authorized under Idaho Code Section 50-2007, 50-2018, and 50-2903(9), (13), and (14), the Agency is authorized to install and construct, or to cause to be installed and constructed, within the Project Area for itself or for any public body or entity, public improvements and public facilities, including, but not limited to, the following: (1) utilities; (2) telecommunications (including fiber-optic) facilities; (3) parks, plazas, open space, recreational facilities and pedestrian paths; (4) landscaped areas; (5) street improvements; (6) improvements to intersections; (7) sidewalk, curb and gutter improvements; (8) improvements to lighting; (9) sanitary sewers and lift stations; (10) flood control facilities and storm drains; (11) water mains and pumps; (12) canal crossings; (13) fire prevention; (14) community facilities; (15) remediation of environmental conditions; and (16) other public infrastructure or improvements, including but not limited to construction of public buildings and facilities.

Any public facility ultimately owned by the Agency shall be operated and managed in such a manner to preserve the public purpose nature of the facility. Any lease agreement with a private entity or management contract agreement shall include all necessary provisions sufficient to protect the public interest and public purpose.

The Agency may enter into contracts, leases, and agreements with the City, Sugar City, Madison County or other public body or private entity pursuant to this section, and the obligation of the Agency under such contract, lease, or agreement shall constitute an indebtedness of the Agency as described in Idaho Code Section 50-2909 which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under subdivision (2)(b) of Section 50-2908 of the Act and Section 504 to this Plan or out of any other available funds.

309.1.4 Development Plans

All development plans (whether public or private) prepared, pursuant to disposition and development or owner participation agreements, shall be submitted to the Agency for approval and architectural review. All development in the Project Area must conform to those standards specified in Sections 408 and 412, *infra*.

310 Personal Property Disposition

For the purposes of this Plan, the Agency is authorized to lease, sell, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property which is acquired by the Agency.

311 Rehabilitation and Conservation

The Agency is authorized to rehabilitate, renovate, and conserve, or to cause to be rehabilitated, renovated, and conserved, any building or structure in the Project Area owned by the Agency for preparation of redevelopment and disposition. The Agency is also authorized and directed to advise, encourage, and assist in the rehabilitation and conservation of property in the Project Area not owned by the Agency.

As necessary in carrying out this Plan, the Agency is authorized to move, or to cause to be moved, any substandard structure or building or any structure or building

which can be rehabilitated to a location within or outside the Project Area.

312 Participation with Private Development or Public Development

Under the Law, the Agency has the authority to lend or invest funds obtained from the federal government for the purposes of the Law if allowable under federal laws or regulations. The federal funds that may be available to the Agency are governed by regulations promulgated by the Department of Housing and Urban Development for the Idaho Community Development Block Grant Program (“ICDBG”), the Economic Development Administration, the Small Business Administration, or other federal agencies. In order to enhance such grants, the Agency’s use of revenue allocation funds is critical.

Under those regulations the Agency may participate with the private sector in the development and financing of those private projects that will attain certain federal objectives.

The Agency may, therefore, use the federal funds for the provision of assistance to private for-profit business, including, but not limited to, grants, loans, loan guarantees, interest supplements, technical assistance, and other forms to support, for any other activity necessary or appropriate to carry out an economic development project.

As allowed by law, the Agency may also use funds from any other sources for any purpose set forth under the Law or Act.

The Agency may enter into contracts, leases, and agreements with the City, Sugar City, Madison County or other public body or private entity, pursuant to this section, and the obligation of the Agency under such contract, lease, or agreement shall constitute an indebtedness of the Agency as described in Idaho Code Section 50-2909 which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under subdivision 2(b) of Section 50-2908 of the Local Economic Development Act and Section 504 to this Plan or out of any other available funds.

313 Conforming Owners

The Agency may, at the Agency’s sole and absolute discretion, determine that certain real property within the Project Area presently meets the requirements of this Plan, and the owner of such property will be permitted to remain as a conforming owner without a participation agreement with the Agency, provided such owner continues to operate, use, and maintain the real property within the requirements of this Plan.

314 [Reserved]

400 USES PERMITTED IN THE PROJECT AREA

401 Redevelopment Plan Map and Development Strategy

The Urban Renewal Project Area Map, the Revenue Allocation Map, and the Description of the Urban Renewal Project Area Boundaries, are attached hereto as **Attachments 1 and 2**, and are incorporated by reference. The proposed land uses and permitted land uses in the Project Area for all land, public and private, are described in **Attachment 4**.

402 Designated Land Uses

The Agency intends to rely upon the overall land use designations and zoning classifications of the local entity, as depicted on **Attachment 4** and as set forth in the applicable comprehensive plan, including the future land use map and zoning classifications. For the most part, the Project Area is proposed as commercial development. Provided, however, nothing herein within this Plan shall be deemed to be granting any particular right to zoning classification or use.

403 [Reserved]

404 Public Rights-of-Way

The major public streets within the Project Area are portions of U.S. Highway 20, North 2nd East, South Railroad Avenue (North Yellowstone Highway), Moody Road, Moran View Road, and any others not listed, including new streets to facilitate traffic as necessary, but within the boundaries of the Project Area as more specifically set forth in **Attachment 1**.

Additional improvements to existing streets, newly created streets, and easements may be created, improved, or extended in the Project Area as needed for development. Existing streets, easements, and irrigation or drainage laterals or ditches may be abandoned, closed, or modified as necessary for proper development of the Project Area, in conjunction with any applicable policies and standards of the local entity regarding changes to dedicated rights-of-way, and appropriate irrigation or drainage districts regarding changes to laterals or ditches.

Any changes in the existing interior or exterior street layout shall be in accordance with the objectives of this Plan and the applicable local design standards; shall be effectuated in the manner prescribed by State and local law; and shall be guided by the following criteria:

- a. A balancing of the needs of proposed and potential new developments for adequate vehicular access, vehicular parking, and delivery loading docks with the similar needs of any existing developments permitted to remain. Such balancing shall take into consideration the rights of existing owners and tenants under the rules for owner and tenant participation adopted by the Agency for the Project Area and any participation agreements executed thereunder;
- b. The requirements imposed by such factors as topography, traffic safety, and aesthetics; and
- c. The potential need to serve not only the Project Area and new or existing developments, but to also serve areas outside the Project Area by providing convenient and efficient vehicular access and movement.

The public rights-of-way may be used for vehicular and/or pedestrian traffic, as well as for public improvements, public and private utilities, and activities typically found in public rights-of-way.

405 Other Public, Semi-Public, Institutional, and Nonprofit Uses

The Agency is also authorized to permit the maintenance, establishment, or enlargement of public, semi-public, institutional, or nonprofit uses, including park and recreational facilities; educational, fraternal, employee; philanthropic and charitable institutions; utilities; governmental facilities; equipment; and facilities of other similar associations or organizations. All such uses shall, to the extent possible, conform to the provisions of this Plan applicable to the uses in the specific area involved. The Agency may impose such other reasonable requirements and/or restrictions as may be necessary to protect the development and use of the Project Area.

406 Interim Uses

Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Project Area for interim uses that are not in conformity with the uses permitted in this Plan. However, any interim use must comply with applicable city code.

407 General Controls and Limitations

All real property in the Project Area, under the provisions of either a disposition and development agreement or owner participation agreement, is made subject to the controls and requirements of this Plan. No such real property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of this Plan, except in conformance with the provisions of this Plan.

407.1 Construction

All construction in the Project Area shall comply with all applicable state and local laws and codes in effect from time to time. In addition to applicable codes, ordinances, or other requirements governing development in the Project Area, additional specific performance and development standards may be adopted by the Agency to control and direct redevelopment activities in the Project Area in the event of a disposition and development agreement or owner participation agreement.

407.2 Rehabilitation and Retention of Properties

Any existing structure within the Project Area, subject to either a disposition and development agreement or owner participation agreement, approved by the Agency for retention and rehabilitation, shall be repaired, altered, reconstructed, or rehabilitated in such a manner that it will be safe and sound in all physical respects and be attractive in appearance and not detrimental to the surrounding uses.

407.3 Limitation on Type, Size, and Height of Buildings

Except as set forth in other sections of this Plan, the type, size, and height of buildings shall be as limited by applicable federal, state, and local statutes, ordinances, and regulations.

407.4 Open Spaces, Landscaping, Light, Air, and Privacy

The issues of open space, landscaping, light, air, and privacy shall be governed by applicable federal, state, and local laws and ordinances.

407.5 Signs

All signs shall conform to local sign ordinances as they now exist or are hereafter amended.

407.6 Utilities

The Agency shall require that all utilities be placed underground whenever physically and economically feasible.

407.7 Incompatible Uses

No use or structure which by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors which would be incompatible with the surrounding areas or structures shall be permitted in any part of the Project Area.

407.8 Nondiscrimination and Nonsegregation

There shall be no discrimination or segregation based upon race, color, creed,

religion, sex, age, marital status, disability/handicap, national origin, or ancestry permitted in the sale, lease sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area.

407.9 Subdivision of Parcels

Any parcel in the Project Area shall be subdivided only in compliance with the applicable local subdivision ordinance.

407.10 Minor Variations

Under exceptional circumstances, the Agency is authorized to permit a variation from the limits, restrictions, and controls established by this Plan. In order to permit such variation, the Agency must determine that:

- a. The application of certain provisions of this Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Plan;
- b. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions, and controls;
- c. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area; and
- d. Permitting a variation will not be contrary to the objectives of this Plan.

No variation shall be granted which changes a basic land use or which permits other than a minor departure from the provisions of this Plan. In permitting any such variation, the Agency shall impose such conditions as are necessary to protect the public peace, health, safety, or welfare and to assure compliance with the purposes of the Plan. Any variation permitted by the Agency hereunder shall not supersede any other approval required under applicable local codes and ordinances.

408 Design for Development

Within the limits, restrictions, and controls established in this Plan, the Agency is authorized to establish heights of buildings, land coverage, setback requirements, design criteria, traffic circulation, traffic access, and other development and design controls necessary for proper development of both private and public areas within the Project Area. Any development must also comply with the applicable local zoning ordinance regarding heights, setbacks, and other like standards.

In the case of property which is the subject of a disposition and development or participation agreement with the Agency, no new improvement shall be constructed, and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated, except in accordance with this Plan. Under those agreements the architectural, landscape, and site plans shall be submitted to the Agency and approved in writing by the Agency. One of the objectives of this Plan is to create an attractive and pleasant environment in the Project Area. Therefore, such plans shall give consideration to good design, open space, and other amenities to enhance the aesthetic quality of the Project Area. The Agency shall not approve any plans that do not comply with this Plan. The Agency reserves the right to impose such design standards on an ad hoc, case by case basis through the approval process of the owner participation agreement or disposition and development agreement. Any change to such approved design must be consented to by the Agency and such consent may be conditioned upon reduction of Agency's financial participation towards the Project.

In the event the Agency adopts design standards or controls, those provisions will

thereafter apply to each site or portion thereof in the Project Area. Those controls and standards will be implemented through the provisions of any disposition and development agreement or owner participation agreement or by appropriate covenants appended to the land and instruments of conveyance executed pursuant thereto. These controls are in addition to any standards and provisions of any applicable local building or zoning ordinances; provided, however, each and every development shall comply with all applicable local zoning and building ordinance.

409 Off-Street Loading

Any development and improvements shall provide for off-street loading as required by the applicable local ordinances as they now exist or are hereafter amended.

410 Off-Street Parking

All new construction in the area shall provide off-street parking as required by the applicable local ordinances as they now exist or are hereafter amended. The off-street parking requirement may be met by a public parking facility, including a parking garage and/or parking lot within proximity to the new construction.

411 Nonconforming Uses

The Agency may permit an existing use to remain in an existing building and site usage in good condition, which use does not conform to the provisions of this Plan, provided that such use is generally compatible with existing and proposed developments and uses in the Project Area. The owner of such a property must be willing to enter into a participation agreement and agree to the imposition of such reasonable restrictions as may be necessary to protect the development and use of the Project Area.

The Agency may authorize additions, alterations, repairs, or other improvements in the Project Area for uses which do not conform to the provisions of this Plan where such improvements are within a portion of the Project Area where, in the determination of the Agency, such improvements would be compatible with surrounding Project Area uses and development.

All nonconforming uses shall also comply with the applicable local ordinances.

412 Design Guidelines for Development under a Disposition and Development Agreement or Owner Participation Agreement

Under an owner participation agreement or a disposition and development agreement the design guidelines and land use elements of the Plan shall be achieved to the greatest extent feasible, though the Agency retains the authority to grant minor variations under Section 407.10 of this Plan and subject to a negotiated agreement between the Agency and the developer or property owner.

Under those agreements, the architectural, landscape, and site plans shall be submitted to the Agency and approved in writing by the Agency. In such agreements, the Agency may impose additional design controls. One of the objectives of this Plan is to create an attractive pedestrian environment in the Project Area. Therefore, such plans shall give consideration to good design and amenities to enhance the aesthetic quality of the Project Area. These additional design standards or controls will be implemented through the provisions of any disposition and development agreement or owner participation agreement or by appropriate covenants appended to the land and instruments of conveyance executed pursuant thereto. These controls are in addition to any standard and provisions of any applicable local building or zoning ordinances; provided, however, each and every development shall comply with all applicable local zoning and building ordinances.

500 METHODS OF FINANCING THE PROJECT

501 General Description of the Proposed Financing Method

The Agency is authorized to finance this Project with financial assistance from the City, state of Idaho, federal government, interest income, Agency bonds, donations, loans from private financial institutions, the lease or sale of Agency-owned property, or any other available source, public or private, including assistance from any taxing district or any public entity.

The Agency is also authorized to obtain advances, borrow funds, and create indebtedness in carrying out this Plan. The Agency may also consider an inter-fund transfer from other urban renewal project areas. The principal and interest on such advances, funds, and indebtedness may be paid from any funds available to the Agency. The City, as it is able, may also supply additional assistance through City loans and grants for various public facilities.

The City, Sugar City, County or any other public agency may expend money to assist the Agency in carrying out this Project.

502 Revenue Bond Funds

As allowed by law and subject to restrictions as are imposed by law, the Agency is authorized to issue bonds from time to time, if it deems appropriate to do so, in order to finance all or any part of the Project. Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

503 Other Loans and Grants

Any other loans, grants, guarantees, or financial assistance from the United States, the state of Idaho CDBG funds, or any other public or private source will be utilized if available. The Agency may consider funding sources through Local Improvement Districts as authorized by state law. Neither the members of the Agency nor any persons executing such loans or grants shall be liable on the loans or grants by reason of their issuance.

The Agency also intends to seek appropriate private contributions, where applicable, to assist in the funding of the activities described herein.

504 Revenue Allocation Financing Provisions

The Agency hereby adopts revenue allocation financing provisions as authorized by the Act, effective retroactively to January 1, 2015. These revenue allocation provisions shall apply to all taxing districts which are located in or overlap the Revenue Allocation Area described on **Attachments 1 and 2** to this Plan. The Agency shall take all actions necessary or convenient to implement these revenue allocation financing provisions. The Agency specifically finds that the equalized assessed valuation of property within the Revenue Allocation Area is likely to increase as a result of the initiation of the Project.

The Agency, acting by one or more resolutions adopted by its Board, is hereby authorized to apply all or any portion of the revenues allocated to the Agency pursuant to the Act to pay as costs are incurred or to pledge all or any portion of such revenues to the repayment of any moneys borrowed, indebtedness incurred, or bonds issued by the Agency to finance or to refinance the Project Costs (as defined in Idaho Code Section 50-2903(14)) of one or more urban renewal projects.

Upon enactment of an ordinance by the governing body of the City finally adopting these revenue allocation financing provisions and defining the Revenue Allocation Area described herein as part of the Plan, there shall hereby be created a

special fund of the Agency into which the County Treasurer shall deposit allocated revenues as provided in Idaho Code Section 50-2908. The Agency shall use such funds solely in accordance with Idaho Code Section 50-2909 and solely for the purpose of providing funds to pay the project costs, including any incidental costs, of such urban renewal projects as the Agency may determine by resolution or resolutions of its Board.

A statement listing proposed public improvements and facilities, an economic feasibility study, estimated project costs, fiscal impact upon other taxing districts, and methods of financing project costs required by Idaho Code Section 50-2905 is included in **Attachments 5, 5A, 5B, and 5C** to this Plan. This statement necessarily incorporates estimates and projections based on the Agency's present knowledge and expectations. The Agency is hereby authorized to modify the presently anticipated urban renewal projects and use of revenue allocation financing of the related project costs if the Board deems such modification necessary or convenient to effectuate the general objectives of the Plan.

The Agency may also appropriate funds consisting of revenue allocation proceeds on an annual basis without the issuance of bonds. The Agency has also provided for bonding, obtaining advances or loans from the City or from the Agency's other revenue allocation area, or pursuant to the terms of an owner participation agreement, or private entity and financial institutions in order to immediately commence construction of certain of the public improvements. Revenues will continue to be allocated to the Agency until the improvements identified in **Attachment 5C** are completely constructed or until any obligation to the City or any other public entity, other revenue allocation area, or private entity are fulfilled. **Attachments 5A, 5B, and 5C** incorporate estimates and projections based on the Agency's present knowledge and expectations concerning the length of time to complete the improvements. The activity may take longer depending on the significance and timeliness of development. Alternatively the activity may be completed earlier if revenue allocation proceeds are greater or the Agency obtains additional funds.

The revenue allocation proceeds are hereby irrevocably pledged for the payment of the principal and interest on the advance of monies or making of loans or the incurring of any indebtedness such as bonds, notes, and other obligations (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project in whole or in part.

The Agency is authorized to make such pledges as to specific advances, loans, and indebtedness as appropriate in carrying out the Project.

The Agency reserves the right to either pay for Project Costs from available revenue (pay as you go basis) or borrow funds by incurring debt through notes or other obligations.

The Agency is authorized to make such pledges as to specific advances, loans, and indebtedness as appropriate in carrying out the Project.

Revenue allocation proceeds are deemed to be only a part of the proposed funding sources for the payment of public improvements and other project improvements. Additionally, project funding is proposed to be phased for the improvements, allowing various sources of funds to be accumulated for use.

504.1 Economic Feasibility Study

Attachments 5, 5A, 5B and 5C constitute the Economic Feasibility Study ("Study") for the urban renewal area prepared by Richard Horner, former City of Rexburg Finance Officer and Agency Chairman. The Study constitutes the financial analysis required by the Act and is based upon existing information from the Agency, City and Madison County. Projections are based upon input from the Agency, property owners, developers, and others.

504.2 Assumptions and Conditions/Economic Feasibility Statement

The information contained in **Attachments 5, 5A, 5B, and 5C** assumes certain completed and projected actions. Under the provisions of the Act, the revenue allocation shall continue until the debt or other obligations or other project activity is completed or satisfied. All debt is projected to be repaid no later than the duration period of the Plan. The total amount of bonded indebtedness (and all other loans or indebtedness) and the amount of revenue generated by revenue allocation are dependent upon the extent and timing of private development. Should all of the development take place as projected, the project indebtedness could be extinguished earlier, dependent upon the bond sale documents or other legal obligations. Should private development take longer to materialize or should the private development be substantially less than projected, then the amount of revenue generated will be substantially reduced and debt may continue for its full term.

The Plan and **attachments** incorporate estimates and projections based on the Agency's present knowledge and expectations. The Agency may modify the project if the Agency Board deems such modifications necessary to effectuate the Plan. The Plan proposes certain public improvements, including utility and street improvements, which will facilitate development in the Revenue Allocation Area.

The assumptions set forth in the Study are based upon the best information available to the Agency through public sources or discussions with property owners, developers, and others. The information has been analyzed by the Agency and its consultants in order to provide an analysis that meets the requirements set forth under the Law and Act. At the point in time when the Agency may seek the issuance of a bond or a loan from lenders or others, a more detailed and then-current financial pro forma will be presented to those lenders or underwriters for analysis to determine the borrowing capacity of the Agency. As set forth herein, the Agency reserves the right to fund the Project on a "pay as you go" basis. The Agency Board will prioritize the activities set forth in this Plan and determine what funds are available and what activities can be funded. The Agency will establish those priorities through its mandated annual budgetary process.

The assumptions concerning revenue allocation proceeds are based upon certain assessed value increases and assumed tax levy rates.

House Bill 1 adopted by the 58th Idaho Legislature convening in Special Session in August 2006 (codified at Idaho Code Section 33-802) repealed the operation and maintenance property tax levy imposed by school districts. House Bill 1 also repealed Idaho Code Section 50-2908(2)(a)(iii) which required certain revenue allocation funds to be disbursed to school districts. The financial analysis set forth in **Attachments 5, 5A, 5B, and 5C** has taken into account the provisions of Idaho Code § 33-802.

House Bill 315 adopted by the 62nd Idaho Legislature amends Idaho Code Section 63-602KK, and provides for personal property tax exemption to businesses. Application of the exemption may have the effect of reducing the increment value and the base value. The Agency, for this Project Area, will not receive any backfill funds from the State to replace revenue lost by the imposition of the personal property tax exemption. The Study has taken HB315 into account.

504.3 Ten Percent Limitation

Under the Act, the base assessed valuation for all revenue allocation areas cannot exceed gross/net ten percent (10%) of the current assessed valuation for the entire City. According to the Madison County records, the total assessed value for the City (less homeowner's exemptions and personal property tax exemption) as of January 1, 2015, is \$951,868,331. Therefore, the 10% limit is **\$95,186,833**.

The estimated adjusted base values for the City's four (4) existing revenue allocation areas, plus the Project Area, less homeowner's exemptions are as follows:

North Highway	\$ 6,614,852
Washington School	\$ 1,953,766
Downtown Rexburg	\$35,015,209
University Boulevard – S. 12 th W.	\$ 8,337,015
North Interchange	\$ 4,551,342
TOTAL:	\$56,472,184

The base values for the combined revenue allocation areas total **\$56,472,184**, which is less than 10% of the City's 2015 value.

504.4 Financial Limitation

The Study identifies several capital improvement projects. Use of any particular financing source for any particular purpose is not assured or identified. Use of the funding source shall be conditioned on any limiting authority. If revenue allocation funds are unavailable, then the Agency will need to use a different funding source for that improvement.

The amount of funds available to the Agency from revenue allocation financing is directly related to the assessed value of new improvements within the Revenue Allocation Area. Under the Act, the Agency is allowed the revenue allocation generated from inflationary increases and new development value. Increases have been assumed based upon the projected value of new development as that development occurs along with possible land reassessment based on a construction start.

The Study, with the various estimates and projections, constitutes an economic feasibility study. Costs and revenues are analyzed, and the analysis shows the need for public capital funds during the project. Multiple financing sources including proposed revenue allocation notes and bonds, annual revenue allocations, developer contributions, city contributions, and other funds are shown. This Study identifies the kind, number, and location of all proposed public works or improvements, a detailed list of estimated project costs, a description of the methods of financing illustrating project costs, and the time when costs or monetary obligations are to be incurred. See Idaho Code § 50-2905. Based on these funding sources, the conclusion is that the project is feasible.

The information contained in the Study assumes certain projected actions. Under the provisions of the Act, the revenue allocation may continue until the end of the Plan term. The total amount of indebtedness and the amount of revenue generated by revenue allocation is dependent upon the extent and timing of private development. Should the development take place as projected, indebtedness would be extinguished earlier, dependent upon the note documents and legal obligations therein. Should private development take longer to materialize or should the private development be substantially less than projected, then the amount of revenue generated will be substantially reduced and bonds or other legal obligations may continue for their full term.

The proposed timing for the public improvements may very well have to be modified depending upon the availability of some of the funds and the Agency's ability to sell an initial issue of notes or bonds.

Attachment 5C list those public improvements the Agency intends to construct through the term of the Plan. The costs of improvements are estimates only. Final costs will be determined by way of construction contract public bidding or by an agreement between the developer/owner and Agency.

The listing of public improvements does not commit the Agency to any particular improvement, any particular cost, or any particular order of construction. The Agency reserves its discretion and flexibility in deciding which improvements are more critical

for redevelopment, and the Agency intends to coordinate its public improvements with associated development by private developers/owners. The Agency also intends to coordinate its participation in the public improvements with the receipt of certain grants or loans which may require the Agency's participation in some combination with the grant and loan funding.

Generally, the Agency expects to develop those improvements identified in **Attachment 5C** first, in conjunction with private development within the Project Area generating the increment as identified in **Attachments 5A and 5B**.

The Plan has shown that the equalized valuation of the Revenue Allocation Area as defined in the Plan is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Plan.

504.5 [Reserved]

504.6 Participation with Local Improvement Districts and Business Improvement Districts

Under the Idaho Local Improvement District Code, Chapter 17, Title 50, Idaho Code, the City has the authority to establish local improvement districts for various public facilities, including, but not limited to, streets, curbs, gutters, sidewalks, storm drains, landscaping, and other like facilities. To the extent allowed by the Law and the Act, the Agency reserves the authority to participate in the funding of local improvement district facilities. This participation may include either direct funding to reduce the overall cost of the LID or to participate as an assessed entity to finance the LID project. The Agency also may participate, as allowed by law, in a Business Improvement District (BID) as set forth in Chapter 26, Title 50, Idaho Code.

504.7 Issuance of Debt and Debt Limitation

Any debt incurred by the Agency as allowed by the Law and Act shall be secured by revenues identified in the debt resolution or revenue allocation funds as allowed by the Act. All such debt shall be repaid within the duration of this Plan, except as may be authorized by law.

504.8 Impact on Other Taxing Districts and Levy Rate

A specific delineation of tax dollars generated by revenue allocation upon each taxing district has not been prepared. The overall impact of the revenue allocation project is shown in the Study. Pursuant to Idaho Code, Section 63-802, taxing entities are constrained in establishing levy rates by a function of the amount each budget of each taxing district can increase on an annual basis. The amounts set forth in the Study would constitute the amounts distributed to other taxing entities from the Revenue Allocation Area if there were no urban renewal project. Each individual district's share of that amount would be determined by its particular levy rate as compared to the other districts in any given year. Therefore, the impact of revenue allocation is more a product of the imposition of Section 63-802 than the creation of the Project Area.

The assessed value for each property in a revenue allocation area consists of a base value and an increment value. The base value is the assessed value as of January 1 of the year in which a revenue allocation area is approved by a municipality, with periodic adjustments allowed by Idaho law. The increment value is the difference between the base assessed value and current assessed value in any given year while the property is in a revenue allocation area. Under Section 63-802, Idaho Code, taxing entities are constrained in establishing levy rates by the amount each budget of each taxing district can increase on an annual basis. Taxing entities submit proposed budgets to the County Board of Commissioners, which budgets are required to comply with the limitations set forth in Section 63-802, Idaho Code.

The County Board of Commissioners calculates the levy rate required to produce

the proposed budget amount for each taxing entity using the assessed values which are subject to each taxing entity's levy rate. Assessed values in urban renewal districts which are subject to revenue allocation (incremental values) are not included in this calculation. The combined levy rate for the taxing entities is applied to the incremental property values in a revenue allocation area to determine the amount of property tax revenue which is allocated to an urban renewal agency. The property taxes generated by the property values in the urban renewal districts that are not subject to revenue allocation and by properties outside revenue allocation areas are distributed to the other taxing entities. Properties in revenue allocation areas are subject to the same levy rate as they would be outside a revenue allocation area. The difference is how the revenue is distributed.

In addition, without the Revenue Allocation Area and its ability to pay for public improvements and public facilities, fewer substantial improvements within the Revenue Allocation Area would be expected in the next five to ten years; hence, there would be lower increases in assessed valuation to be used by the other taxing entities. If the overall levy rate is less than as assumed, the Agency shall receive fewer funds from revenue allocation.

One result of Section 63-802, Idaho Code and Section 63-301A, Idaho Code is the likely reduction of the levy rate as assessed values increase for property within each taxing entity's jurisdiction. If the overall levy rate is less than as assumed, the Agency shall receive fewer funds from revenue allocation. Section 63-301A, Idaho Code, prohibits taxing entities from including, as part of the new construction roll, the increased value related to new construction within a revenue allocation area until the revenue allocation authority is terminated. Any new construction within the Project Area is not available for inclusion by the taxing entities to increase their budgets. Less tax revenue will be available to those taxing entities. Upon termination of this Plan, the taxing entities will be able to include the accumulated new construction roll value in setting the following year's budget and revenue from such value is not limited to the three percent increase allowed in Section 63-802(1)(a).

Generally, the impact on the taxing entities would be to determine the Agency's projected revenue and disburse those funds in the same ratio as the respective levy rates in the Revenue Allocation Area of each taxing district. For Tax Year 2014¹, those districts and rates are as follows for properties located within the Revenue Allocation Area:

		2014 Levy Rates				
Rexburg South of Moody Road	Rexburg North of Moody Road	County South of Moody Road	County North of Moody Road	Sugar City	Government	
0.004804785	0.004804785	0.004804785	0.004804785	0.004804785	Madison County	
0.001670826	0.001670826	0.001670826	0.001670826	0.001670826	Madison County Road & Bridge	
0.004171820	0.004171820	0.000000000	0.000000000	0.002495077	City Levy	
0.000046965	0.000016533	0.000046965	0.000016533	0.000016533	School District Levy	
0.000595122	0.000595122	0.000595122	0.000595122	0.000595122	Madison Library District	
0.000400000	0.000400000	0.000400000	0.000400000	0.000400000	Madison Ambulance District	
0.000269840	0.000269840	0.000269840	0.000269840	0.000269840	Madison County Mosquito Abatement	
0.000051370	0.000051370	0.000051370	0.000051370	0.000051370	Cemetery Levy	
0.000000000	0.000000000	0.001093664	0.001093664	0.001093664	Fire District	
0.012010728	0.011980296	0.008932572	0.008902140	0.011397217	TOTAL	
0.012130835	0.012100099	0.009021898	0.008991161	0.011511189	added 1%	

The 2014 levy rates as set forth above, together with additional detail set forth in

¹ Due to the timing of the taxing districts' budget and levy setting process, certification of the 2015 levy rates did not occur until the this Plan had been prepared and considered by the Agency. In order to provide a basis to analyze the impact on the taxing entities, the 2014 levy rates are used. The 2014 levy rates are estimated to increase 1% in 2015.

Attachment 5B hereto, are net of voter approved bonds and levies.

As noted above, Section 63-802, Idaho Code, may have the effect of reducing the levy rate as assessed values increase for property within each taxing entity's jurisdiction; however, it is unclear how Section 63-602KK may impact the levy rate. The Study has made certain assumptions concerning the levy rate. The levy rate is estimated to increase 1% in 2015, and thereafter 1.5% per year for the life of the revenue allocation area. The annual increment value is expected to increase by approximately 3% a year with larger increases expected in tax years 2016, through 2024 due to probable commercial developments. If the overall levy rate is less than projected, the Agency shall receive fewer funds from revenue allocation. Since most of the property expected to be developed during the life of this revenue allocation area is located north of Moody Road and is or will be annexed into the City before it is developed, the 2014 levy rate for the Rexburg North of Moody Road area, plus an estimated 1% increase to the levy rate for 2015, then the estimated levy rate of .012100099 will be used for the Agency's revenue projections and Study. To obtain City services, developments are required to annex into the City's limits.

The 2008 Idaho Legislature passed and Governor Otter signed House Bill 470 as amended in the Idaho Senate, which bill became effective retroactive to January 1, 2008 (Session Laws, Chapter 253). The bill amended Idaho Code Sections 50-2908, 63-803, and 63-811. In brief, the bill provided that an urban renewal agency shall not be entitled to revenue allocation proceeds from certain levy increases which are allowed by either specific statutory authorization or approved by an election of the qualified electors of the particular taxing district. Therefore, for any levy election held after January 1, 2008, the Agency will not receive revenue allocation funds which would have been generated by imposing that levy on the assessed valuation within the Project Area. Additionally, as this Plan has been adopted after January 1, 2008, any voter approved levy adopted prior to January 1, 2008, will not be available for use by the Agency.

Likewise, the Study has taken into account the following legislative changes impacting the revenues that flow to the Agency: (1) House Bill 697, adopted by the 61st Idaho Legislature amending Idaho Code § 50-2908 to provide that urban renewal agencies no longer receive an allocation from levies for the payment of judgments pursuant to section 63-1305A, Idaho Code, until after July 1, 2017; and (2) House Bill 76 adopted by the 63rd Idaho Legislature amending Idaho Code § 50-2908 to provide that urban renewal agencies no longer receive an allocation from the school emergency levies after July 1, 2015.

The Study which is attached as **Attachments 5, 5A, 5B, and 5C** has taken the foregoing amendments into account in estimating the levy rates. The levy rates shown above are the aggregate levy rates as of 2014, less certain levies as described above.

505 Phasing and Other Fund Sources

The Agency anticipates funding only a portion of the entire cost of the public improvements shown on **Attachment 5C**. Other sources of funds shall include developer contributions and City participation. Agency participation shall be determined by the amount of revenue allocation funds generated.

506 Lease Revenue and Bonds

Under the Law, the Agency is authorized to issue revenue bonds to finance certain public improvements identified in the Plan. Under that type of financing, the public entity would pay the Agency a lease payment annually which provides certain funds to the Agency to retire the bond debt. Another variation of this type of financing is sometimes referred to as conduit financing, which provides a mechanism where the Agency uses its bonding authority for the Project, with the end user making payments to the Agency to retire the bond debt. These sources of revenues are not related to revenue allocation funds and may not be particularly noted in the Study, because of the "pass

through” aspects of the financing. Under the Act, the economic feasibility study focuses on the revenue allocation aspects of the Agency’s financial model.

These financing models typically are for a longer period of time than the 20-year period set forth in the Act. However, these financing models do not involve revenue allocation funds, but rather funds from the end users which provide a funding source for the Agency to continue to own and operate the facility beyond the term of the Plan as allowed by Idaho Code Section 50-2905(8) as those resources involve funds not related to revenue allocation funds.

This Plan contemplates the Agency’s issuance of a bond in the estimated amount of \$5,385,000 to be used to complete the first three years of planned construction of public infrastructure. Construction beyond that amount will be funded on a pay-as-you-go basis, unless further bonding is deemed necessary at a later date. Additional details are included in **Attachment 5C**.

507 [Reserved]

600 ACTIONS BY THE CITY AND THE COUNTY

The City, the County, and Sugar City shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing deterioration. Actions by the City, Sugar City and County shall include, but not be limited to, the following:

- a. Institution and completion of proceedings necessary for changes and improvements in private and publicly owned public utilities within or affecting the Project Area.
- b. Revision of zoning (if necessary) within the Project Area to permit the land uses and development authorized by this Plan.
- c. Imposition wherever necessary or appropriate controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.
- d. Provision for administrative enforcement of this Plan by the City after development. The City, Sugar City, County and the Agency may develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Project Area throughout the duration of this Plan.
- e. Building Code enforcement.
- f. Performance of the above actions and of all other functions and services relating to public peace, health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
- g. Institutional and completion of proceedings necessary for the establishment of a local improvement district under Chapter 17, Title 50, Idaho Code, or a BID under Chapter 26, Title 50, Idaho Code.
- h. The undertaking and completing of any other proceedings necessary to carry out the Project.
- i. Administration of Community Development Block Grant funds that may be made available for this Project.
- j. Appropriate agreements with the Agency for administration, supporting services, funding sources, and the like.

k. Imposition, whenever necessary of controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.

l. Joint funding of certain public improvements, including but not limited to improvements to sewer treatment facilities.

m. Use of public entity labor, services, and materials for construction of the public improvements listed in this Plan.

n. Waiver of any hookup or installation fee for sewer, water, or other utility services for any facility owned by any public agency, including any Agency facility.

n. Preservation of historical sites (if possible).

The foregoing actions to be taken by the City do not constitute any commitment for financial outlays by the City.

Actions by the County shall include, but not be limited to, entering into an agreement with the Agency and/or the City as may be necessary to make improvements to the portion of the Project Area located within the boundaries of the County. The foregoing actions to be taken by the County do not constitute any commitment for financial outlays by the County.

Actions by Sugar City shall include, but not be limited to, entering into an agreement with the Agency and/or the City as may be necessary to make improvements to the portion of the Project Area located within the boundaries of Sugar City. The foregoing actions to be taken by Sugar City do not constitute any commitment for financial outlays by Sugar City.

601 Maintenance of Public Improvements

The Agency has not identified any commitment or obligation for long-term maintenance of the public improvements identified. The Agency will need to address this issue with the appropriate entity, public or private, who has benefited from or is involved in the ongoing preservation of the public improvement.

700 ENFORCEMENT

The administration and enforcement of this Plan, including the preparation and execution of any documents implementing this Plan, shall be performed by the Agency and/or the City.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, reentry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.

800 DURATION OF THIS PLAN, TERMINATION, AND ASSET REVIEW

Except for the nondiscrimination and non-segregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan, shall be effective for twenty (20) years from the effective date of the Plan subject to modifications and/or extensions set forth in Idaho Code § 50-2904. The revenue allocation authority will expire on December 31, 2035, except for any revenue allocation proceeds received in calendar year 2036, as contemplated by Idaho Code § 50-2905(7).

This Plan shall terminate no later than December 31, 2035, except for revenues

which may be received in 2036. Idaho Code § 50-2093(5) provides the Agency shall adopt a resolution of intent to terminate the revenue allocation area by September 1. In order to provide sufficient notice of termination to the affected taxing districts to allow them to benefit from the increased budget capacity, the Agency will use its best efforts to provide notice of its intent to terminate this Plan and its revenue allocation authority by May 1, 2036, or if the Agency determines an earlier terminate date, then by May 1 of the early termination year:

a. When the Revenue Allocation Area plan budget estimates that all financial obligations have been provided for, the principal of and interest on such moneys, indebtedness, and bonds have been paid in full or when deposits in the special fund or funds created under this chapter are sufficient to pay such principal and interest as they come due, and to fund reserves, if any, or any other obligations of the Agency funded through revenue allocation proceeds shall be satisfied and the Agency has determined no additional project costs need be funded through revenue allocation financing, the allocation of revenues under Section 50-2908, Idaho Code, shall thereupon cease; any moneys in such fund or funds in excess of the amount necessary to pay such principal and interest shall be distributed to the affected taxing districts in which the Revenue Allocation Area is located in the same manner and proportion as the most recent distribution to the affected taxing districts of the taxes on the taxable property located within the Revenue Allocation Area; and the powers granted to the urban renewal agency under Section 50-2909, Idaho Code, shall thereupon terminate.

b. In determining the termination date, the Plan shall recognize that the Agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the Plan.

c. For the fiscal year that immediately predates the termination date, the Agency shall adopt and publish a budget specifically for the projected revenues and expenses of the Plan and make a determination as to whether the Revenue Allocation Area can be terminated before January 1 of the termination year pursuant to the terms of Section 50-2909(4), Idaho Code. In the event that the Agency determines that current tax year revenues are sufficient to cover all estimated expenses for the current year and all future years, by May 1, but in any event, no later than September 1, the Agency shall adopt a resolution advising and notifying the local governing body, the county auditor, and the State Tax Commission, recommending the adoption of an ordinance for termination of the Revenue Allocation Area by December 31 of the current year, and declaring a surplus to be distributed as described in Section 50-2909, Idaho Code, should a surplus be determined to exist. The Agency shall cause the ordinance to be filed with the office of the county recorder and the Idaho State Tax Commission as provided in Section 63-215, Idaho Code.

Upon termination of the revenue allocation authority of the Plan to the extent the Agency owns or possesses any assets, the Agency shall dispose of any remaining assets by granting or conveying or dedicating such assets to the applicable local entity.

As allowed by Idaho Code Section 50-2905(8), the Agency may retain assets or revenues generated from such assets as loans; the Agency shall have resources other than revenue allocation funds to operate and manage such assets. Similarly, facilities which provide a least income stream to the Agency for full retirement of the facility debt will allow the Agency to meet debt services obligations and provide for the continued operation and management of the facility.

For those assets which do not provide such resources or revenues, the Agency will likely convey such assets to the City, depending on the nature of the asset.

Upon termination of the revenue allocation authority of the Plan, to the extent the Agency owns or possesses any assets, the Agency shall dispose of any remaining assets by granting or conveying or dedicating such assets to the applicable local entity.

900 PROCEDURE FOR AMENDMENT

The Plan may be further modified at any time by the Agency provided that, if modified after disposition of real property in the Project Area, the modifications must be consented to by the developer or developers or his successor or successors of such real property whose interest is substantially affected by the proposed modification. Where the proposed modification will substantially change the Plan, the modifications must be approved by the City Council in the same manner as the original Plan. Substantial changes for City Council approval purposes shall be regarded as revisions in project boundaries, land uses permitted, land acquisition, or extending the years of the Plan, and other changes which will violate the objectives of this Plan. Amendments are subject to certain limitations as set forth in Idaho Code § 50-2033; however, amendments that do not seek to increase the geographic area of the plan, or do not seek to extend the years of the plan beyond the maximum term allowed are permissible, and include amendments to add additional projects that were not originally anticipated.

1000 SEVERABILITY

If any one or more of the provisions contained in this Plan to be performed on the part of the Agency shall be declared by any court of competent jurisdiction to be contrary to law, then such provision or provisions shall be null and void and shall be deemed separable from the remaining provisions in this Plan and shall in no way affect the validity of the other provisions of this Plan.

1100 ANNUAL REPORT AND OTHER REPORTING REQUIREMENTS

Under the Law, the Agency is required to file with the City, on or before March 31 of each year, a report of the Agency's activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such calendar year. This annual report shall be considered at a public meeting to report these findings and take comments from the public.

Additionally, House Bill 560 adopted by the 62nd Idaho Legislature, Second Regular Session, codified at Idaho Code Section 67-450E, requires the Agency to comply with certain reporting requirements. On or before December 1 of each year, the Agency must submit to the online central registry certain administrative information and financial information, including information regarding bonds or other indebtedness. Failure to comply with the mandatory reporting requirements may result in compliance measures imposed by the Madison County Board of County Commissioners.

1101 APPENDICES, ATTACHMENTS, EXHIBITS, TABLES

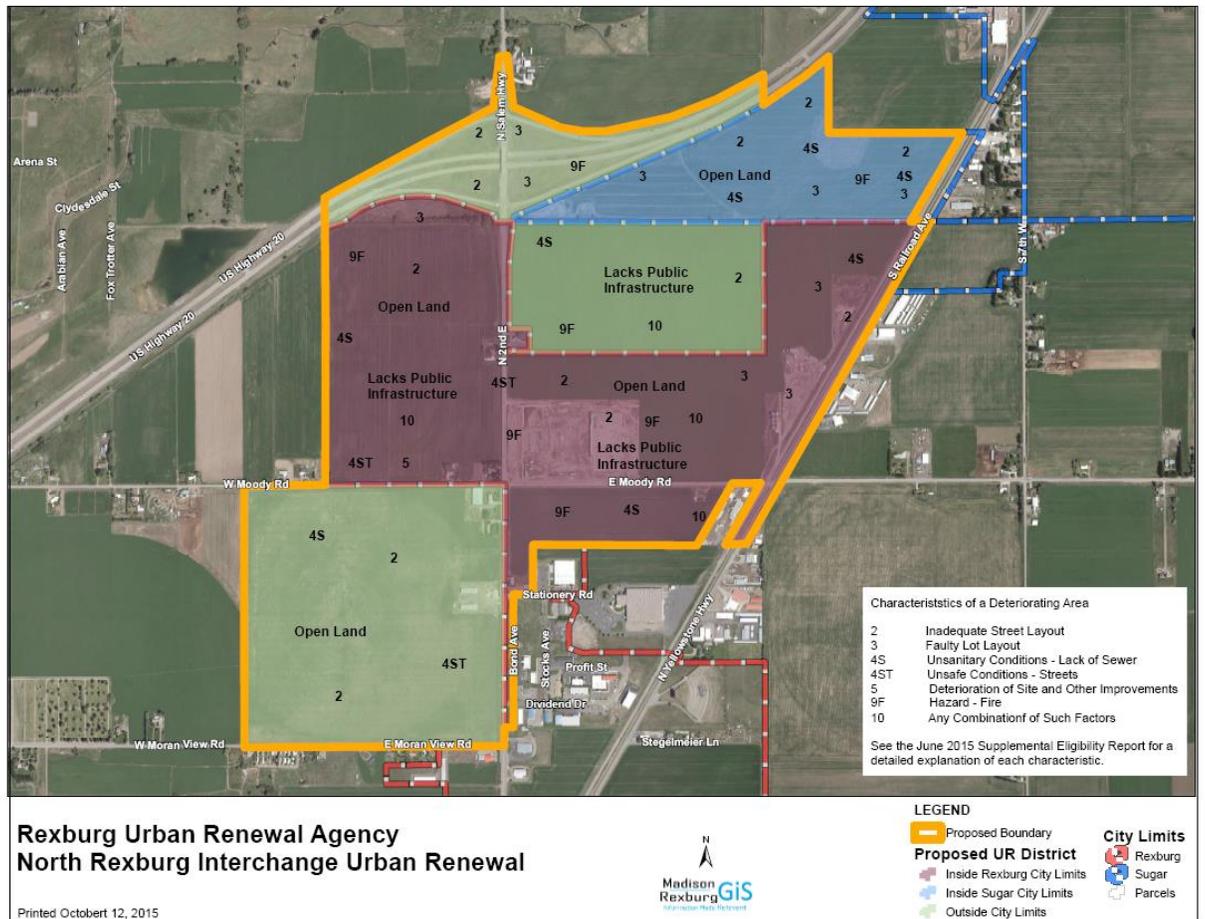
All **attachments** and tables referenced in this Plan are attached and incorporated herein by their reference. All other documents referenced in this Plan but not attached are incorporated by their reference as if set forth fully.

Attachment 1

Project Area and Revenue Allocation Area Boundary Map



Supplemental map (Attachment 1 to the Plan)



Attachment 2

Description of Project Area and Revenue Allocation Area

This Project Area includes the U.S. Highway 20 and North 2nd East interchange, and is generally bounded on the south by E. Moran View Road, and to the east by South Railroad Avenue.

The Project Area consists of approximately [679] acres as more particularly described as follows:

- 1) All parcels that border North 2nd East from the Highway 20 Interchange on the north, to Moran View Road on the south.
- 2) All parcels that border Moody Road from 1800 feet west of North 2nd East and east to Railroad Avenue, except for one parcel, the fertilizer plant on the southwest corner of the intersection of Moody Road and Railroad Avenue.
- 3) All parcels not included above that are between Highway 20 on the north, Railroad Avenue on the east, Moody Road on the south and North 2nd East on the west.
- 4) The Highways 20 North Rexburg interchange area that borders the above parcels.

The Project Area is more particularly described as follows:

North Interchange Urban Renewal Boundary

Beginning at the East Quarter Corner of Section 18, Township 06 North, Range 40 E of the Boise Meridian, Madison County Idaho; running thence west along the South line of the North East Quarter to the Center Quarter corner of said section; thence north along the west line of the North East Quarter to the North Quarter Corner; thence East along the North Section Line of said section 837 feet more or less; thence north 2885 feet more or less to a point which intersects the North ROW line of US 20 ; thence following the North ROW line of US 20 – ITD highway project #F-6471(81) to a point at which said ROW intersects with the center section line of Section 8 using the following 6 calls: (N 61°42'14" E, 1922 feet; thence N 06°05'59" E, 514 feet; thence N 82°47'24" E, 81.5 feet; thence S06°52'19" E 522 feet; then S 66°51'52" E, 520.5 feet; thence easterly along the curve in the ROW to said point, curve having an approximate

cord bearing of N75°27'38" E and a distance of 2119.02 feet); thence south 302.5 feet more or less to the South ROW line of US 20; thence northeasterly along the curve of the South ROW Line of said US 20 with an approximate chord bearing of N 54°37'38" E and chord distance of 807.75 feet; thence S 00°12'49" E, 765.54 feet; thence N 89°56'52" E, 1354.64 feet; to the West ROW line of the Eastern Idaho Railway (EIRR); thence southwesterly along the West Railway ROW 1035.97 feet more or less to the Center Quarter line of Section 8; thence East 202.25 feet more or less to the East ROW line of Idaho Highway 33; thence southwesterly along the East ROW line of Idaho Highway 33 for a distance of 3032.38 feet more or less to South Section line of Section 8; thence continuing along the Highway right of way 702.41 feet; thence West 207.14 feet more or less to the West line of the Railroad ROW; thence northeasterly 718 feet more or less along said ROW to the South line of Section 8; thence west 292.77 feet along the South line of Section 8; thence S 30°08'42"W, 723.18 feet; thence N 89°40'44"W, 1656.41 feet; thence S 00°11'14"E, 496.2 feet more or less to the north boundary of the Artco Business Park; thence west along said boundary 199.12 feet; thence S 00°11'11"W 1339.66 feet to the South boundary of the Rexburg Business Park; thence west 94.62 feet more or less to the East Section line of Section 18; thence south along said Section line 190.44 feet more or less to the point of beginning.

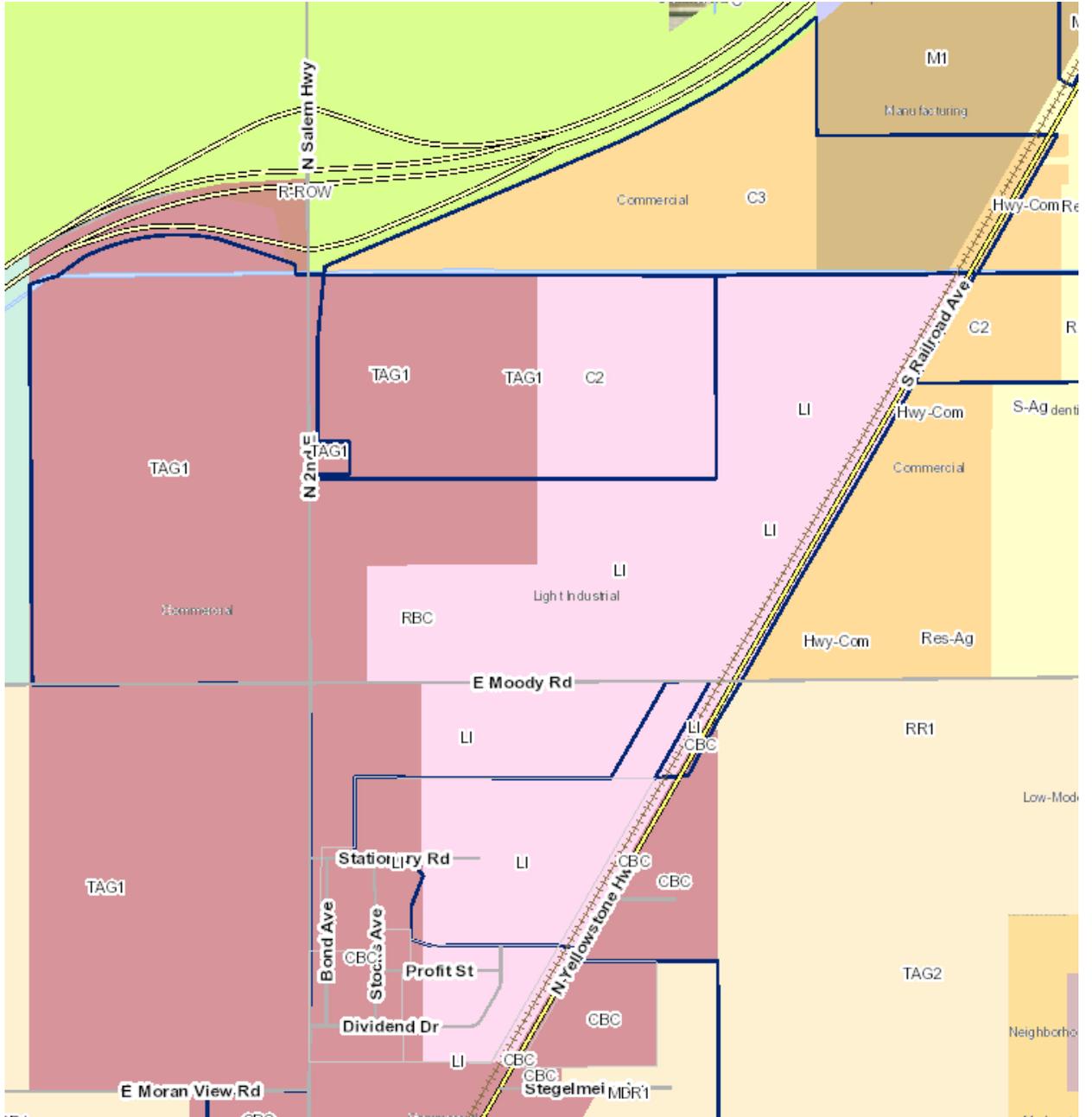
Attachment 3

Private Properties Which May Be Acquired by Agency

1. Property is intended to be acquired that is necessary for the extension or expansion of certain rights-of-way. No other particular properties have been identified for acquisition by the Agency. The Agency does not intend to purchase property for future development by private persons.
2. The Agency reserves the right to acquire any additional right-of-way or access routes near or around existing or planned rights-of-way.
3. The Agency reserves the right to acquire property needed for the development of public improvements and public facilities and/or to further remediation of environmental conditions that may exist on private property.
4. The Agency may reimburse the City for property acquired by the City to fulfill the needs of this plan.

Attachment 4

Map Depicting Expected Land Uses and Current Zoning Within Revenue Allocation Area and Project Area



Attachment 5
North Interchange Urban Renewal Project Area
Statement of Proposed Public Improvements, Costs, Revenue, Tax Impacts, and
Financing Methods

Introduction

The Plan's termination date is December 31, 2035, however, recognizing Idaho Code § 50-2905(7) allows the agency to receive the allocation of revenues in the calendar year following the last year of the revenue allocation provision in the Plan, expenditure of funds for projects is anticipated through 2036.

Anticipated costs of the urban renewal project, revenue sources, estimated revenue allocations, and the amount of indebtedness required to complete the project are shown in **Attachments 5A, 5B, and 5C**. Attachments **5A, 5B and 5C** necessarily incorporate estimates and projections based on the Agency's present knowledge, and expectations. The Agency may modify the presently anticipated urban renewal projects and use of revenue allocation financing or the related project costs if the Agency Board deems such modification necessary or convenient to effectuate the general objectives of the Plan. Any further modification will affect the estimate.

Attachment 5A depicts estimated assessments of the property value located in the revenue allocation area through 2036. Attachment **5B** sets forth the anticipated tax revenues allocated to the revenue allocation area through the same period.

Attachment 5B also demonstrates the overall estimated impact of revenue allocation financing on all taxing districts in which the revenue allocation area is located. The impact on individual taxing districts would be determined by those districts' levies at the time of the establishment of the revenue allocation area and the projected addition of private investment within the revenue allocation area. As set forth in this Plan, the taxing districts have independent authority concerning the setting of their levies.

The information contained in **Attachment 5A, 5B and 5C** assumes certain projected actions. Under the provisions of the act, the revenue allocation shall continue until any obligation is satisfied. All debt is projected to be repaid no later than the duration period of the Plan. Second, the total amount of bonded indebtedness and the amount of revenue generated by revenue allocation is dependent upon the extent and timing of private development. **Attachment 5C** projects expenditures through the term of the Plan. If all of the planned development takes place as projected, bonded or other indebtedness could be extinguished earlier, dependent upon the bond sale documents or other legal obligations. If private investment takes longer to materialize, or should the private development be substantially less than projected, then the amount of revenue generated will be substantially reduced. In that instance certain public improvement projects may not be completed.

This Plan and Attachments **5A, 5B, and 5C** incorporate estimates and projections based on the Agency's present knowledge and expectations. The Agency may modify the project if the Agency Board deems such modifications necessary to implement this Plan. This Plan proposes certain public improvements, including utility improvements, the improvements to streetscapes, street improvement, improvements to intersections and traffic signals, sidewalks, curb and gutters, street lighting, and other infrastructure cost, which will facilitate development in the revenue allocation area.

Economic Feasibility Statement

Attachments 5A, 5B, and 5C, with their various estimates and projections, constitute an economic feasibility study. Costs and revenues are analyzed, and the analysis shows the need for public capital funds during the project. Multiple financing sources including proposed revenue allocation notes and bonds, annual revenue allocations, developer contributions, grant funds, in-kind services, and other public funds are shown. **Attachment 5C** identifies the kind, number, and location of all proposed public works or improvements, a detailed list of estimated project costs, a description of the methods of financing illustrating project cost, and the time when related costs or monetary obligations are to be incurred (See

Idaho Code 50-2905). Based on these funding sources, the conclusion is that the project is feasible.

The proposed timing for the public improvements may very well have to be modified depending upon the availability of some of the funds and the agency's ability or desire to sell an initial issue of notes or bonds, including a developer note.

Attachment 5A, Estimated Net Taxable Value of New Private Development (Commercial/Residential), projects estimated increases in assessed value resulting from new private development in the revenue allocation area beginning in 2016, and illustrates how the Project Area's new development would generate net revenue to the Agency.

Attachment 5B, Estimated Annual Revenue Allocations, shows the estimated sources of funds through 2036.

Attachment 5C, Estimated Annual Revenues and Costs, shows the estimated sources and uses of funds through 2036.

The analysis has assumed certain levy rates as a result of current statutory provisions and projections.

Description of Public Financing Sources

Revenue Allocation-Revenue allocation financing (sometimes referred to as tax increment financing) applies the increase in property taxes within a defined area to public infrastructure improvements. The improvements are designed to enhance the private development potential, thus creating the additional assessed valuation. The process is initiated upon action of a municipality, whereupon the county assessor will establish the assessed valuation within the revenue allocation area for a base year. The incremental revenue may be applied directly as it is received by the authorized redevelopment agency or, more commonly, applied as a long-term revenue stream for the issuance of bonds or other debt obligations. Once this Plan has been fully implemented and/or the bonds or debt obligations have been retired, the incremental revenue flows back to the appropriate taxing districts in the same proportion as the base revenue. Revenue allocation has been available in Idaho since 1988 and is anticipated to be the major, and thus most essential, component for Plan financing.

Loans and Notes – The time delay from initiation of Plan implementation and the establishment of the base assessment role is problematic with revenue allocation. Several years may elapse before the incremental tax revenue stream can adequately demonstrate the strength necessary to issue bonds. Short term notes or loans issued by local lenders or others are a means of providing the bridge financing necessary to begin development work. Bond proceeds can then be used to “take out” the notes. The Agency may borrow other funds from other sources as needed and authorized under the Plan.

Local Improvement Districts (LIDs) – This financing mechanism is used to fund capital improvements and distribute the cost among a number of property owners. Cities, Counties, and highway districts often use LIDs for local street and sewer projects. A series of ordinances are adopted to create the district, approve the assessment roll, and issue construction warrants and long-term bonds. The tax-exempt bonds are issued through bid or negotiated sale with revenue collection tied to the property tax system. Bond terms are usually twenty years.

Community Reinvestment - Local lenders are making funds available at below-market interest rates in order to meet their Community Reinvestment Act obligations.

Community Development Block Grant (CDBG) – The City may choose to submit an application from time to time for Idaho Community Development Block Grant funding in order to achieve the objectives set forth in this plan. A block grant application must meet certain eligibility requirements, and is constrained to a specific list of eligible activities. However, Community Development Block Grant funding may be some assistance in completing portions of the Agency's funding objectives.

Developer Advances – Developer Advances may be a desirable approach to initiate development projects given the delayed flow of revenue under tax increment financing. The terms of the advance are negotiable on a project-by-project basis, but possible uses include; master planning, project administration, necessary legal work, and even preliminary public infrastructure work.

City or Agency Advances – A city or agency may provide advances or contributions for certain public improvements from another existing project area.

Conduit Financing – The Agency reserves the right to participate as a conduit financing vehicle for those projects described in the Plan, using lease or revenue proceeds, rather than revenue allocation proceeds.

Brownfield Loans/Grants - The City may choose to pursue a brownfield grant to assist a private property owner or municipality clean up a contaminated site located within an Urban Renewal Area.

Financing Conclusion

This Plan has shown that the equalized valuation of the revenue allocation area as defined in the Plan is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Plan.

Attachment 5A
Estimated Net Taxable Value of New Private Development (Commercial/Residential)
Rexburg North Interchange Urban Renewal Project
Final 9/2/2015

Construction Year	Tax Year	Fiscal Year Ending	Beginning Balance	New Construction	3% Inflation	Cumulative Total
2015	2016	2017		18,000,000	-	18,000,000
2016	2017	2018	18,000,000	4,000,000	540,000	22,540,000
2017	2018	2019	22,540,000	10,000,000	676,200	33,216,200
2018	2019	2020	33,216,200	10,000,000	996,500	44,212,700
2019	2020	2021	44,212,700	5,000,000	1,326,400	50,539,100
2020	2021	2022	50,539,100	5,000,000	1,516,200	57,055,300
2021	2022	2023	57,055,300	3,000,000	1,711,700	61,767,000
2022	2023	2024	61,767,000	1,000,000	1,853,000	64,620,000
2023	2024	2025	64,620,000	1,000,000	1,938,600	67,558,600
2024	2025	2026	67,558,600	-	2,026,800	69,585,400
2025	2026	2027	69,585,400	-	2,087,600	71,673,000
2026	2027	2028	71,673,000	-	2,150,200	73,823,200
2027	2028	2029	73,823,200	-	2,214,700	76,037,900
2028	2029	2030	76,037,900	-	2,281,100	78,319,000
2029	2030	2031	78,319,000	-	2,349,600	80,668,600
2030	2031	2032	80,668,600	-	2,420,100	83,088,700
2031	2032	2033	83,088,700	-	2,492,700	85,581,400
2032	2033	2034	85,581,400	-	2,567,400	88,148,800
2033	2034	2035	88,148,800	-	2,644,500	90,793,300
2034	2035	2036	90,793,300	-	2,723,800	93,517,100

1 New Construction for the period of 2015-2023 is based largely on projections of development for the area forecasted by WalMart officials

2 Inflation reflects estimated net property value increases based on 75% of the past inflation in the construction cost index.

3 As most of the development is expected to occur in the City of Rexburg, or in areas that will be annexed into the City of Rexburg in order to obtain City services, new construction was not calculated for the area within the Sugar City limits.

Attachment 5B
Estimated Annual Revenue Allocations
Rexburg North Interchange Urban Renewal Project
Final 9/2/2015

Construction Year	Tax Year Assessed	Fiscal Year Taxes Received	Estimated Valuation	Tax Levy Rate	Agency Revenue
2015	2016	2017	18,000,000	0.012130835	218,355
2016	2017	2018	22,540,000	0.012312798	277,530
2017	2018	2019	33,216,200	0.012497490	415,119
2018	2019	2020	44,212,700	0.012684952	560,836
2019	2020	2021	50,539,100	0.012875226	650,702
2020	2021	2022	57,055,300	0.013068355	745,619
2021	2022	2023	61,767,000	0.013264380	819,301
2022	2023	2024	64,620,000	0.013463346	870,001
2023	2024	2025	67,558,600	0.013665296	923,208
2024	2025	2026	69,585,400	0.013870275	965,169
2025	2026	2027	71,673,000	0.014078330	1,009,036
2026	2027	2028	73,823,200	0.014289505	1,054,897
2027	2028	2029	76,037,900	0.014503847	1,102,842
2028	2029	2030	78,319,000	0.014721405	1,152,966
2029	2030	2031	80,668,600	0.014942226	1,205,368
2030	2031	2032	83,088,700	0.015166359	1,260,153
2031	2032	2033	85,581,400	0.015393855	1,317,428
2032	2033	2034	88,148,800	0.015624762	1,377,304
2033	2034	2035	90,793,300	0.015859134	1,439,903
2034	2035	2036	93,517,100	0.016097021	1,505,347

- 1 Estimated valuation is from Attachment 5A.
- 2 The tax levy rates are estimated to generally increase 1.5% per year, starting in 2016.
- 3 New construction was not calculated for the area within the Sugar City limits.
Therefore, the Sugar City levy amount was not used in the levy calculation.
Total levies in Sugar City limits are very similar to those in Rexburg.
- 4 The Fire District levy vs. the Rexburg city levy on properties not annexed
to the City of Rexburg was not considered since very little value resides in those properties.
- 5 New development will be required to be annexed into a city limits in order to receive
water and sewer services; therefore, the city levy should be the one used in the projection of revenue.
- 6 An estimate of the 2015 Madison County Ambulance levy is used (as opposed to the 2014 levy rate)
as the levy is likely to be increased to .0004 for 2015 per County officials.

2014 Levy Rates

Rexburg South of Moody Road	Rexburg North of Moody Road	County South of Moody Road	County North of Moody Road	Sugar City	Government
0.004804785	0.004804785	0.004804785	0.004804785	0.004804785	Madison County
0.001670826	0.001670826	0.001670826	0.001670826	0.001670826	Madison County Road & Bridge
0.004171820	0.004171820	0.000000000	0.000000000	0.002495077	City Levy
0.000046965	0.000016533	0.000046965	0.000016533	0.000016533	School District Levy
0.000595122	0.000595122	0.000595122	0.000595122	0.000595122	Madison Library District
0.000400000	0.000400000	0.000400000	0.000400000	0.000400000	Madison Ambulance District
0.000269840	0.000269840	0.000269840	0.000269840	0.000269840	Mad. Cty. Mosquito Abatement
0.000051370	0.000051370	0.000051370	0.000051370	0.000051370	Cemetery Levy
0.000000000	0.000000000	0.001093664	0.001093664	0.001093664	Fire District
0.012010728	0.011980296	0.008932572	0.008902140	0.011397217	TOTAL
0.012130835	0.012100099	0.009021898	0.008991161	0.011511189	added1%

Attachment 5C
Estimated Annual Revenues and Costs (Figures Shown in 000)
Rexburg North Interchange Urban Renewal Project
Final 9/2/2015

Fiscal Year>	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	Totals	
Beginning Balance		(20)	582	96	250	318	(581)	(961)	(728)	(367)	(645)	(176)	(909)	(447)	(263)	(609)	(35)	571	548	1,408	2,331	3,182		
Sources of Funds:																								
Revenue Allocation Estimate			218	278	415	561	651	746	819	870	923	965	1,009	1,055	1,103	1,153	1,205	1,260	1,317	1,377	1,440	1,505	18,870	
Sale of Property				350																			350	
Clawback from Developers		463																					463	
Contribution		1,400	442			180																	2,022	
City Utility Reimbursement		1,836																					1,836	
Borrowing		5,385																					5,385	
Total Sources of Funds	-	9,084	660	628	415	741	651	746	819	870	923	965	1,009	1,055	1,103	1,153	1,205	1,260	1,317	1,377	1,440	1,505	28,926	
Total Funds Available	-	9,064	1,242	724	665	1,059	70	(215)	91	503	278	789	100	608	840	544	1,170	1,831	1,865	2,785	3,771	4,687	28,926	
Uses of Funds:																								
Admin./Prof. Services	20	5	5	5	5	5	5	5	5	3	3	3	3	3	3	3	3	3	3	3	3	3	10	106
Bond Reserve & Capitalized Interest		733	-																				(455)	278
Bond Costs		250																						250
Bond Payments		-	161	216	322	436	454	454	453	452	451	454	451	453	455	455	450	455	453	451	453	455	455	8,385
Right-of-Way & Property Acquisition		900																						900
15th North Widening		90		48								276		48										462
17th North Signal										360														360
17th North Widening							48								276		48							372
Signal			720																					720
2nd East ID20 North Ramp Widening			163		18								84		18									283
Widening		306		36								210		36										588
2nd East Moody-Moran View Widening		300		48								276		48										672
Walmart		84		12								90		30										216
Signal		77																						77
Curb & Gutter		422																						422
Interior Streets 3rd Lane										120								600				120		840
Lighting		672								144				144					144					1,104
Moody Road Widening		600		84		240		48				266				108	84							1,430
Moody Road Canal Bridge						120																		120
Moody Road/Hwy 33 Signal						360																		360
Moody Road/RR Intersection		1,400																						1,400
Moody Road Sidewalk		41																						41
Paths Walking/Biking						360									600									960
Water & Sewer Oversizing		228					228							67										523
Wastewater Liftstations		240					240																	480
payback)		660																						660
Water Lines (City payback)		1,176																						1,176
Contingency @10%		260	88	23	2	108	52	5	-	62	-	112	8	37	89	11	13	74	-	-	-	12	-	957
Overhead Charges @1%		38	9	2	0	11	5	0	-	6	-	11	1	4	9	1	1	7	-	-	-	1	-	108
Total Uses of Funds	20	8,482	1,146	474	347	1,640	1,032	512	458	1,148	454	1,698	548	870	1,450	578	600	1,283	456	454	589	10	24,249	
Ending Balance	(20)	582	96	250	318	(581)	(961)	(728)	(367)	(645)	(176)	(909)	(447)	(263)	(609)	(35)	571	548	1,408	2,331	3,182	4,677	4,677	

Attachment 6

Madison County Board of County Commissioners Resolution No. 375

RESOLUTION NO. 375

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY, IDAHO, ADOPTING THE FINDINGS OF THE REXBURG URBAN RENEWAL AGENCY, THE URBAN RENEWAL AGENCY OF THE CITY OF REXBURG, IDAHO, ADOPTED BY RESOLUTION ON JUNE 17, 2014, IN RESOLUTION NO. 2014-3; ACCEPTING THAT CERTAIN REPORT PREPARED FOR THE REXBURG URBAN RENEWAL AGENCY ON THE ELIGIBILITY FOR CERTAIN PROPERTY REFERRED TO AS THE NORTH INTERCHANGE AREA AS AN URBAN RENEWAL AREA AND REVENUE ALLOCATION AREA AND JUSTIFICATION FOR DESIGNATING THE AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT SUBJECT TO CERTAIN CONDITIONS; FINDING A PORTION OF THE NORTH INTERCHANGE AREA INCLUDES CERTAIN PROPERTIES WITHIN THE UNINCORPORATED AREA OF MADISON COUNTY; FINDING AND DECLARING THE NEED FOR AN URBAN RENEWAL PROJECT FOR THE NORTH INTERCHANGE AREA; APPROVING CREATION OF THAT PORTION OF THE NORTH INTERCHANGE AREA LYING OUTSIDE OF THE CORPORATE BOUNDARIES OF THE CITY OF REXBURG AND WITHIN THE UNINCORPORATED AREA OF MADISON COUNTY; FINDING THAT THE JURISDICTIONAL BOUNDARIES OF THE CITY OF REXBURG AND MADISON COUNTY REMAIN THE SAME; AND PROVIDING AN EFFECTIVE DATE.

Instrument # 390338
REXBURG, MADISON, IDAHO
7-29-2014 11:30:05 No. of Pages: 4
Recorded for : MADISON COUNTY
KIM H. WUIR Fee: 0.00
Ex-Officio Recorder Deputy 

WHEREAS, the Rexburg Urban Renewal Agency, an independent public body corporate and politic, authorized under the authority of 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 20, Title 50, Idaho Code, as amended (hereinafter the "Act"), is a duly created and functioning urban renewal agency for Rexburg, Idaho, hereinafter referred to as the "Agency."

WHEREAS, by Resolution dated November 6, 1991, the city of Rexburg created an urban renewal agency, pursuant to Chapter 20, Title 50 Idaho Code;

WHEREAS, there are several existing urban renewal project areas in the city of Rexburg;

WHEREAS, it became apparent to the Agency that additional property within and around Rexburg 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 (the "2006 Report");

WHEREAS, in August 2013, the Agency authorized Terry Butikofer, Community Development Consultant (the "Consultant"), to commence an eligibility study and preparation of

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an eligibility report of the North Interchange Area and surrounding properties, supplementing the 2006 Report;

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 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 Original Report dated December 13, 2013, was submitted to the Agency;

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, 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 unincorporated area of Madison County and certain properties within the city limits of the city of Sugar City;

WHEREAS, the Agency accepted the Original Report by way of Resolution No. 2013-3 at the December 13, 2013, meeting of the Agency Board.

WHEREAS, a request was made to the Agency to consider additional property for eligibility in the North Interchange Area;

WHEREAS, the Agency authorized the Consultant to review the additional area for eligibility;

WHEREAS, the Agency obtained the June 10, 2014, North Interchange Area Urban Renewal Eligibility Report (the "2014 Report"), which included the examination of the area studied in the Original Report, and the additional area for the purpose of determining whether such areas are a deteriorating area and deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the 2014 Report dated June 10, 2014, was submitted to the Agency;

WHEREAS, the Agency accepted the 2014 Report by way of Resolution No. 2014-3 at the June 17, 2014, meeting of the Agency Board. Attached hereto as Exhibit A is a true and

correct copy of the adopted Agency Resolution, which includes the 2014 Report and a map of the North Interchange Area;

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 proposed North Interchange Area has no impact on jurisdictional boundaries of Madison County;

WHEREAS, on July 28, 2014, representatives of the Agency presented the 2014 Report to the Madison County Commissioners requesting the Commissioners to consider adopting the findings concerning the proposed North Interchange Area.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY, IDAHO, AS FOLLOWS:

Section 1. That the above statements are true and correct.

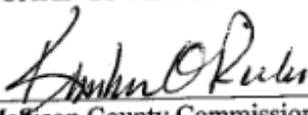
Section 2. That the findings of the Agency made on June 17, 2014, in Resolution No. 2014-3, are hereby adopted by the Board of Madison County Commissioners.

Section 3. That there is a need for an urban renewal plan for the North Interchange Area.

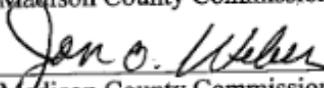
Section 4. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

ADOPTED this 28 day of July, 2014.

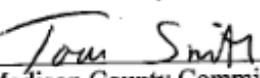
BOARD OF MADISON COUNTY COMMISSIONERS



Madison County Commissioner

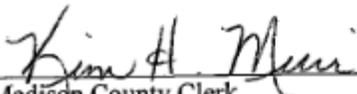


Madison County Commissioner



Madison County Commissioner

ATTEST:



Madison County Clerk

4811-3580-5210, v. 1

RESOLUTION NO. 375 - 4

Attachment 7
Sugar City City Council Resolution No. 2014-2

RESOLUTION NO. 2014-2

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR CITY ADOPTING THE FINDINGS OF THE REXBURG URBAN RENEWAL AGENCY, THE URBAN RENEWAL AGENCY OF THE CITY OF REXBURG, IDAHO, ADOPTED BY RESOLUTION ON JUNE 17, 2014, IN RESOLUTION NO. 2014-3; ACCEPTING THAT CERTAIN REPORT PREPARED FOR THE REXBURG URBAN RENEWAL AGENCY ON THE ELIGIBILITY FOR CERTAIN PROPERTY REFERRED TO AS THE NORTH INTERCHANGE AREA AS AN URBAN RENEWAL AREA AND REVENUE ALLOCATION AREA AND JUSTIFICATION FOR DESIGNATING THE AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT SUBJECT TO CERTAIN CONDITIONS; FINDING A PORTION OF THE NORTH INTERCHANGE AREA INCLUDES CERTAIN PROPERTIES WITHIN THE CITY LIMITS OF THE CITY OF SUGAR CITY; FINDING AND DECLARING THE NEED FOR AN URBAN RENEWAL PROJECT FOR THE NORTH INTERCHANGE AREA; APPROVING CREATION OF THAT PORTION OF THE NORTH INTERCHANGE AREA LYING OUTSIDE OF THE CORPORATE BOUNDARIES OF THE CITY OF REXBURG AND WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF SUGAR CITY; FINDING THAT THE JURISDICTIONAL BOUNDARIES OF THE CITY OF REXBURG AND THE CITY OF SUGAR CITY REMAIN THE SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council of the City of Sugar City have the authority pursuant to Idaho Code § 50-302 to establish resolutions not inconsistent with the laws of the state of Idaho as may be expedient, in addition to the special powers therein granted, to maintain the peace, good government and welfare of the corporation and its trade, commerce and industry;

WHEREAS, the Rexburg Urban Renewal Agency, an independent public body corporate and politic, authorized under the authority of 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 20, Title 50, Idaho Code, as amended (hereinafter the "Act"), is a duly created and functioning urban renewal agency for Rexburg, Idaho, hereinafter referred to as the "Agency."

WHEREAS, by Resolution dated November 6, 1991, the city of Rexburg created an urban renewal agency, pursuant to Chapter 20, Title 50 Idaho Code;

WHEREAS, there are several existing urban renewal project areas in the city of Rexburg;

WHEREAS, it became apparent to the Agency that additional property within and around Rexburg may be deteriorating or deteriorated as defined by the Law and the Act 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");

RESOLUTION NO. 2014 - 2 - 1

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

WHEREAS, in August 2013, the Agency authorized Terry Butikofer, Community Development Consultant (the "Consultant"), to commence an eligibility study and preparation of an eligibility report of the North Interchange Area and surrounding properties, supplementing the 2006 Report;

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 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 Original Report dated December 13, 2013, was submitted to the Agency;

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, 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, the Agency accepted the Original Report by way of Resolution No. 2013-3 at the December 13, 2013, meeting of the Agency Board.

WHEREAS, on or about February 27, 2014, the Consultant presented the proposed North Interchange Area to the City Council of the City of Sugar City;

WHEREAS, the City Council of the City of Sugar City requested the Agency consider additional property for eligibility in the North Interchange Area;

WHEREAS, the Agency authorized the Consultant to review the additional area for eligibility;

WHEREAS, the Agency obtained the June 10, 2014, North Interchange Area Urban Renewal Eligibility Report (the "2014 Report"), which included the examination of the area studied in the Original Report, and the additional area for the purpose of determining whether such areas are a deteriorating area and deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the 2014 Report dated June 10, 2014, was submitted to the Agency;

WHEREAS, the Agency accepted the 2014 Report by way of Resolution No. 2014-3 at the June 17, 2014, meeting of the Agency Board. Attached hereto as Exhibit A is a true and correct copy of the adopted Agency Resolution, which includes the 2014 Report and a map of the North Interchange Area;

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 proposed North Interchange Area has no impact on jurisdictional boundaries of the City of Sugar City;

WHEREAS, on July 10, 2014, representatives of the Agency presented the 2014 Report to the City Council of the City of Sugar City requesting the City Council consider adopting the findings concerning the proposed North Interchange Area.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR CITY, IDAHO, AS FOLLOWS:

Section 1. That the above statements are true and correct.

Section 2. That the findings of the Agency made on June 17, 2014, in Resolution No. 2014-3, are hereby adopted by the City Council.

Section 3. That there is a need for an urban renewal plan for the North Interchange Area.

Section 4. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

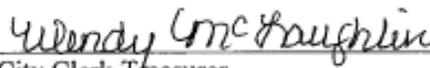
PASSED by the Council of City of Sugar City, Idaho, on this 24th day of July, 2014.

APPROVED by the Mayor of the City of Sugar City, Idaho, on this 24th day of July, 2014.



Mayor

ATTEST:



City Clerk-Treasurer

4812-8680-0154, v. 1

RESOLUTION NO. 2014 - 2 - 4

Attachment 8

Rexburg City Council Resolution No. 2014-16



CITY OF
REXBURG
America's Family Community

RESOLUTION NO. 2014-16

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.²

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 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 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;
- (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.

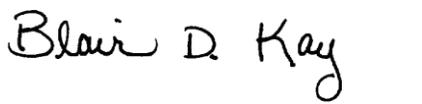
ADOPTED By the Council of the City of Rexburg, Idaho, this 20th day of August, 2014.

APPROVED By the Mayor of the City of Rexburg, Idaho, this 20th day of August, 2014.

APPROVED:


Richard S. Woodland, Mayor

ATTEST:


BLAIR D. KAY, CITY CLERK

Attachment 9

Madison County Board of County Commissioners Resolution No. 392

RESOLUTION NO. 392

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY, IDAHO, ADOPTING THE FINDINGS OF THE REXBURG URBAN RENEWAL AGENCY, THE URBAN RENEWAL AGENCY OF THE CITY OF REXBURG, IDAHO, ADOPTED BY RESOLUTION ON JUNE 4, 2015, IN RESOLUTION NO. 2015-2; ACCEPTING THAT CERTAIN SUPPLEMENTAL REPORT PREPARED FOR THE REXBURG URBAN RENEWAL AGENCY ON THE ELIGIBILITY OF CERTAIN ADDITIONAL PROPERTY ADJACENT AND CONTIGUOUS TO THE NORTH INTERCHANGE AREA AS AN URBAN RENEWAL AREA AND REVENUE ALLOCATION AREA AND JUSTIFICATION FOR DESIGNATING THE ADDITIONAL AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT SUBJECT TO CERTAIN CONDITIONS; FINDING A PORTION OF THE ADDITIONAL AREA ADJACENT AND CONTIGUOUS TO THE NORTH INTERCHANGE AREA INCLUDES CERTAIN PROPERTIES WITHIN THE UNINCORPORATED AREA OF MADISON COUNTY; FINDING AND DECLARING THE NEED FOR AN URBAN RENEWAL PROJECT FOR THE ADDITIONAL AREA ADJACENT AND CONTIGUOUS TO THE NORTH INTERCHANGE AREA; APPROVING CREATION OF AN URBAN RENEWAL AREA AND REVENUE ALLOCATION AREA FOR THAT PORTION OF THE ADDITIONAL AREA ADJACENT AND CONTIGUOUS TO THE NORTH INTERCHANGE AREA LYING OUTSIDE OF THE CORPORATE BOUNDARIES OF THE CITY OF REXBURG AND WITHIN THE UNINCORPORATED AREA OF MADISON COUNTY; FINDING THAT THE JURISDICTIONAL BOUNDARIES OF THE CITY OF REXBURG AND MADISON COUNTY REMAIN THE SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Rexburg Urban Renewal Agency, an independent public body corporate and politic, authorized under the authority of 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 20, Title 50, Idaho Code, as amended (hereinafter the "Act"), is a duly created and functioning urban renewal agency for Rexburg, Idaho, hereinafter referred to as the "Agency;"

WHEREAS, by Resolution dated November 6, 1991, the city of Rexburg created an urban renewal agency, pursuant to Chapter 20, Title 50 Idaho Code;

WHEREAS, there are several existing urban renewal project areas in the city of Rexburg;

WHEREAS, it became apparent to the Agency that additional property within and around Rexburg 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");

RESOLUTION NO. 392 - 1

Instrument # 396032
REXBURG, MADISON, IDAHO
6-16-2015 09:35:09 AM No. of Pages: 5
Recorded for : MADISON COUNTY
KIM H. MUIR Fee: 0.00
Ex-Officio Recorder Deputy 812

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

WHEREAS, in August 2013, the Agency authorized Terry Butikofer, Community Development Consultant (the "Consultant"), to commence an eligibility study and preparation of an eligibility report of the North Interchange Area and surrounding properties, supplementing the 2006 Report;

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 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 Original Report dated December 13, 2013, was submitted to the Agency;

WHEREAS, the Agency accepted the Original Report by way of Resolution No. 2013-3 at the December 13, 2013, meeting of the Agency Board;

WHEREAS, a request was made to the Agency to consider additional property for eligibility in the North Interchange Area;

WHEREAS, the Agency authorized the Consultant to review the additional area for eligibility;

WHEREAS, the Agency obtained the June 10, 2014, North Interchange Area Urban Renewal Eligibility Report (the "2014 Report"), which included the examination of the area studied in the Original Report, and the additional area for the purpose of determining whether such areas are a deteriorating area and deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the 2014 Report dated June 10, 2014, was submitted to the Agency;

WHEREAS, the Agency accepted the 2014 Report by way of Resolution No. 2014-3 at the June 17, 2014, meeting of the Agency Board; ;

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 area examined in the 2014 Report included certain properties within the unincorporated area of Madison County and certain properties within the city limits of the city of Sugar City;

WHEREAS, on or about July 28, 2014, representatives of the Agency presented the 2014 Report to the Madison County Commissioners requesting the Commissioners to consider adopting the findings concerning the proposed North Interchange Area;

WHEREAS, on July 28, 2014, the Madison County Board of County Commissioners by Resolution No. 375 adopted the Agency's findings made on June 17, 2014, in Resolution No. 2014-3 and concluded there was a need for an urban renewal plan for the North Interchange Area, as described in the 2014 Report;

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

WHEREAS, the Rexburg City Council, by Resolution No. 2014-16, dated August 20, 2014, declared the North Interchange Area described in the 2014 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 further become apparent that additional property adjacent and contiguous to the North Interchange Area as described in the 2014 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 of Rexburg 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 of Rexburg that is adjacent and contiguous to the North Interchange Area as described in the 2014 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 deteriorated area, many of the conditions necessary to be present in such an area are found in the additional areas;

WHEREAS, the effects of the listed conditions cited in the 2015 Supplemental Eligibility Report result in economic underdevelopment of the areas, 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, dated June 4, 2015, was submitted to the Agency;

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, 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, 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, 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 make a finding or determination that the area included in such plan is a deteriorated area or deteriorating area;

WHEREAS, the proposed additional area adjacent and contiguous to the North Interchange Area has no impact on the jurisdictional boundaries of Madison County;

WHEREAS, on June 15, 2015, representatives of the Agency presented the 2015 Supplemental Eligibility Report to the Madison County Commissioners requesting the Commissioners consider adopting the findings concerning the additional areas adjacent and contiguous to the North Interchange Area (previously approved by Resolution No. 375);

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY, IDAHO, AS FOLLOWS:

Section 1. That the above statements are true and correct.

Section 2. That the findings of the Agency made on June 4, 2015, in Resolution No. 2015-2, are hereby adopted by the Board of Madison County Commissioners.

RESOLUTION NO. 392 - 4

Section 3. That there is a need for an urban renewal plan for the additional areas contiguous and adjacent to the North Interchange Area (previously approved by the Board of County Commissioners by Resolution No. 375).

Section 4. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

ADOPTED this 15th day of June, 2015.

BOARD OF MADISON COUNTY COMMISSIONERS

Jon O. Weber

Tom Smith

ATTEST:

Kenneth H. Munn
Madison County Clerk

4852-5573-3028, v. 2

Attachment 10

Rexburg City Council Resolution No. 2015-10



CITY OF
REXBURG
America's Family Community

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 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.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 50-2906, 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 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:

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;

(a) 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;

(b) 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;

(c) 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

(d) 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.

(e) 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;

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.

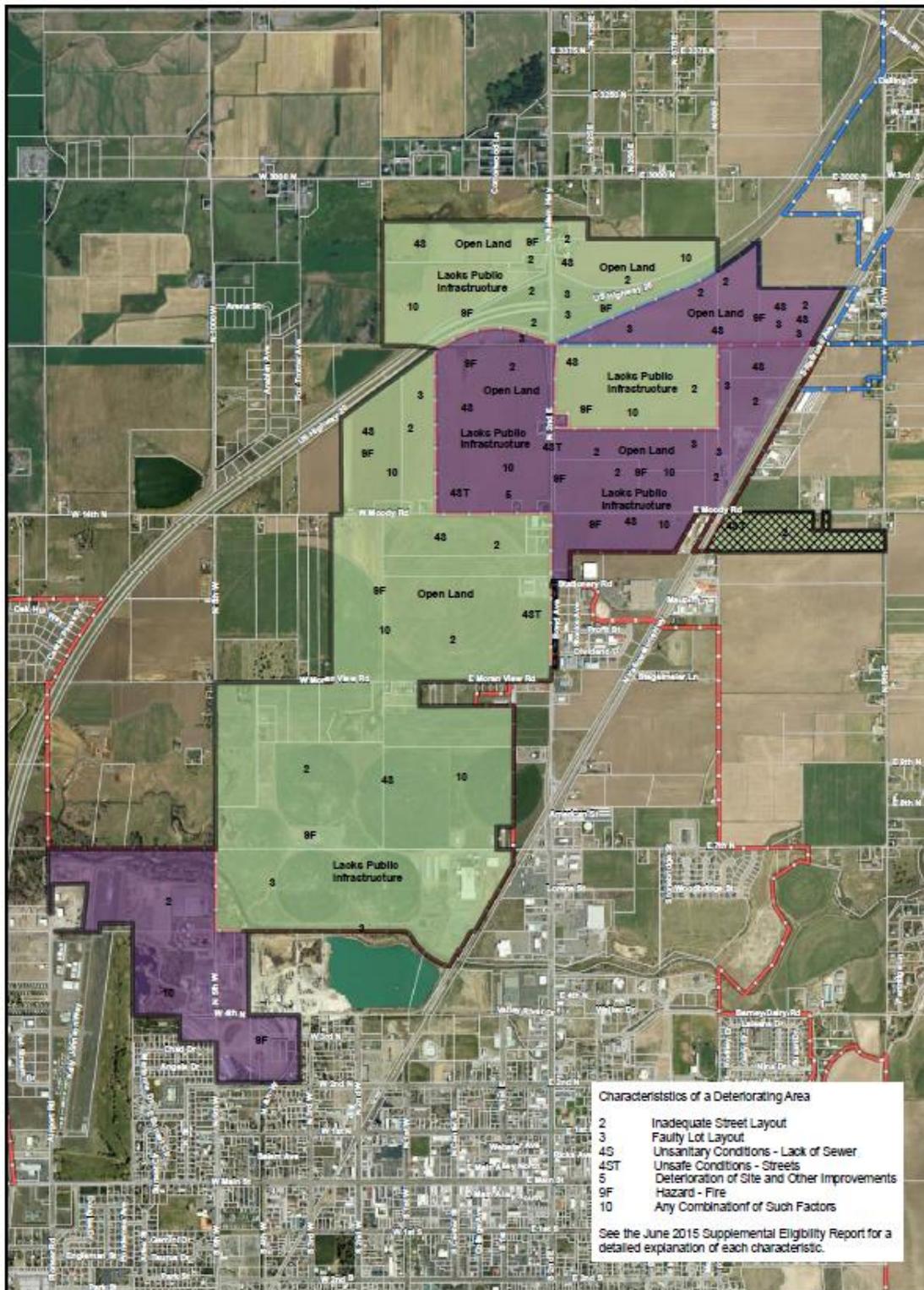
ADOPTED By the Council of the City of Rexburg, Idaho, this 17th day of June, 2015.
APPROVED By the Mayor of the City of Rexburg, Idaho, this 17th day of June, 2015.

APPROVED:


Richard S. Woodland, Mayor

ATTEST


Blair D. Kay, City Clerk



Characteristics of a Deteriorating Area

- 2 Inadequate Street Layout
- 3 Faulty Lot Layout
- 4S Unsanitary Conditions - Lack of Sewer
- 4ST Unsafe Conditions - Streets
- 5 Deterioration of Site and Other Improvements
- 9F Hazard - Fire
- 10 Any Combination of Such Factors

See the June 2015 Supplemental Eligibility Report for a detailed explanation of each characteristic.

Rexburg Urban Renewal Agency North Rexburg Interchange Urban Renewal

Terry L. Butkofer
Community Development Consultant

Printed 03 June 2015



LEGEND

- Proposed Boundary
- Proposed UR District**
- Inside City Limits
- Outside City Limits
- City Limits**
- Rexburg
- Super
- Parcels

Attachment 11
Agricultural Consents

CONSENT FORM

COMES NOW RUSSELL D SQUIRES, Trustee of RUSSELL D SQUIRES REVOCABLE TRUST, a Trust, and states that RUSSELL D SQUIRES REVOCABLE TRUST owns that certain property generally described as Parcel Identification Number: RPRXBCA0172411 and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

- (1) that the Property has been used, within the last three (3) years, as an agricultural operation; and
- (2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated December 13, 2013, entitled The North Interchange Area Urban Renewal Eligibility Report, prepared by Terry Butikofer of The Development Company, and as attached hereto as Exhibit C, currently under consideration by the Rexburg Redevelopment Agency and the city of Rexburg and subject to change.

Further, RUSSELL D SQUIRES, as Trustee of said RUSSELL D SQUIRES REVOCABLE TRUST, hereby provides his consent and approval that the subject Property may be included within a proposed urban renewal area, and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Title 50, Chapter 20, Idaho Code, as amended, and the Local Economic Development Act of 1988, Title 50, Chapter 29, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 25 day of March, 2014.

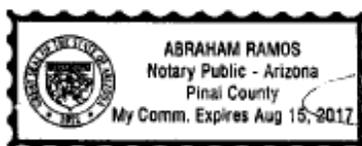
RUSSELL D SQUIRES REV TRUST

Name: Russell D. Squires
RUSSELL D SQUIRES
Title: Trustee

STATE OF AZ)
County of Pinal) ss:

On this 25 day of March, 2014, before me, a notary public in and for said state, personally appeared RUSSELL D SQUIRES, known or identified to me to be the Trustee of RUSSELL D SQUIRES REVOCABLE TRUST, the person who executed the instrument on behalf of said estate as said Trustee of said trust, and acknowledged to me that such estate executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Abraham Ramos

Notary Public for Pinal County.
Residing At Casa Grande, AZ
My Commission Expires 08/15/2017

CONSENT FORM

COMES NOW JOHN HEGSTED, Manager of HEGSTED FAMILY LLC, an Idaho limited liability company, and states that HEGSTED FAMILY LLC owns that certain property generally described as Parcel Identification Number: RPRXBCA0077201, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

- (1) that the Property has been used, within the last three (3) years, as an agricultural operation; and
- (2) that the undersigned has reviewed the materials provided in Exhibit B and has had an opportunity to review the urban renewal eligibility report, dated December 13, 2013, entitled The North Interchange Area Urban Renewal Eligibility Report, prepared by Terry Butikofer of The Development Company, and as attached hereto as Exhibit C, currently under consideration by the Rexburg Redevelopment Agency and the city of Rexburg and subject to change.

Further, JOHN HEGSTED, as Manager of said HEGSTED FAMILY LLC, hereby provides his/her consent and approval that the subject Property may be included within a proposed urban renewal area, and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Title 50, Chapter 20, Idaho Code, as amended, and the Local Economic Development Act of 1988, Title 50, Chapter 29, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 11 day of FEBRUARY, 2014.

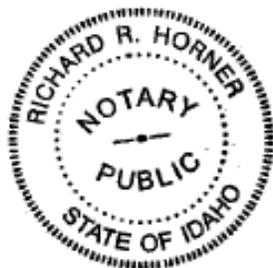
HEGSTED FAMILY LLC

Name: J.B. Hegsted
Title: Manager

STATE OF IDAHO)
) ss:
County of Madison)

On this 11th day of February, 2014, before me, a notary public in and for said state, personally appeared JOHN HEGSTED, known or identified to me to be the Manager of HEGSTED FAMILY LLC, an Idaho limited liability company, the person who executed the instrument on behalf of said entity as said Manager of said limited liability company, and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Richard R. Horner
Richard R. Horner
Notary Public for the State of Idaho
Residing at: 3848 S 4413 W
Rexburg, Idaho 83440
My Commission Expires: 1/29/2020

CONSENT FORM

COMES NOW DARWIN T SAKOTA, Trustee of KAZ & ELEANOR SAKOTA TRUST, a Trust, and states that KAZ & ELEANOR SAKOTA TRUST owns that certain property generally described as Parcel Identification Number: RP06N40E180005 and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

- (1) that the Property has been used, within the last three (3) years, as an agricultural operation; and
- (2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated December 13, 2013, entitled The North Interchange Area Urban Renewal Eligibility Report, prepared by Terry Butikofer of The Development Company, and as attached hereto as Exhibit C, currently under consideration by the Rexburg Redevelopment Agency and the city of Rexburg and subject to change.

Further, DARWIN T SAKOTA, as Trustee of said KAZ & ELEANOR SAKOTA TRUST, hereby provides her consent and approval that the subject Property may be included within a proposed urban renewal area, and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Title 50, Chapter 20, Idaho Code, as amended, and the Local Economic Development Act of 1988, Title 50, Chapter 29, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 24 day of February, 2014.

KAZ & ELEANOR SAKOTA TRUST

Name: Darin Sakota
Title: Trustee

STATE OF IDAHO)
) ss:
County of Madison)

On this 24th day of February, 2014, before me, a notary public in and for said state, personally appeared DARWIN T SAKOTA, known or identified to me to be the Trustee of KAZ & ELEANOR SAKOTA TRUST, the person who executed the instrument on behalf of said trust as said Trustee of said trust, and acknowledged to me that such trust executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Richard R. Horner
Richard R. Horner
Notary Public for the State of Idaho
Residing at: 3848 S 4413 W
Rexburg, Idaho 83440
My Commission Expires: 1/29/2020

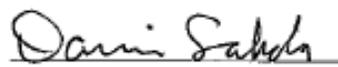
CONSENT FORM

COME NOW DARWIN TORU SAKOTA, an individual, and states that he owns, as his sole and separate property, that certain property generally described as Parcel Identification Number: RP06N40E180008, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

- (1) that the Property has been used, within the last three (3) years, as an agricultural operation; and
- (2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated December 13, 2013, entitled The North Interchange Area Urban Renewal Eligibility Report, prepared by Terry Butikofer of The Development Company, and as attached hereto as Exhibit C.

Further, DARWIN TORU SAKOTA hereby provides his consent and approval that the subject Property may be included within a proposed urban renewal area, and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Title 50, Chapter 20, Idaho Code, as amended.

DATED this 24 day of Feb, 2014.


DARWIN TORU SAKOTA

STATE OF IDAHO)
) ss:
County of Madison)

On this 24th day of February, 2014, before me, a notary public in and for said state, personally appeared DARWIN TORU SAKOTA, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Richard R. Horner
Notary Public for the State of Idaho
Residing at: 3848 S 4413 W
Rexburg, Idaho 83440
My Commission Expires: 1/29/2020

RP06N40E084803
see legal

CONSENT FORM

COMES NOW WANDA HARRIS, Trustee of HARRIS FAMILY TRUST, a Trust, and states that HARRIS FAMILY TRUST owns that certain property generally described as Parcel Identification Number: ~~RP06N40E084803~~ and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

- (1) that the Property has been used, within the last three (3) years, as an agricultural operation; and
- (2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated December 13, 2013, entitled The North Interchange Area Urban Renewal Eligibility Report, prepared by Terry Butikofer of The Development Company, and as attached hereto as Exhibit C, currently under consideration by the Rexburg Redevelopment Agency and the city of Rexburg and subject to change.

Further, WANDA HARRIS, as Trustee of said HARRIS FAMILY TRUST, hereby provides her consent and approval that the subject Property may be included within a proposed urban renewal area, and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Title 50, Chapter 20, Idaho Code, as amended, and the Local Economic Development Act of 1988, Title 50, Chapter 29, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 15 day of July, 2014.

HARRIS FAMILY TRUST

Name: Wanda m Harris
Title: Trustee

STATE OF ^{Utah} IDAHO)
 Davis) ss:
County of Madison)



On this 15th day of July, 2014, before me, a notary public in and for said state, personally appeared WANDA HARRIS, known or identified to me to be the Trustee of HARRIS FAMILY TRUST, the person who executed the instrument on behalf of said trust as said Trustee of said trust, and acknowledged to me that such trust executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Brandelynn Ethridge
Notary Public for Idaho

Residing At 1173 Shepard Creek Farmington UT

My Commission Expires 9-01-16

CONSENT FORM

COMES NOW SCOTT CAMPBELL, Manager of CAMPBELL PROPERTIES I, LLC, and CENTENNIAL GRAIN, LLC, both Idaho limited liability companies, and states that CAMPBELL PROPERTIES I, LLC and CENTENNIAL GRAIN, LLC own certain property generally described as Parcel Identification Number: RPRXBCA0088059, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

- (1) that the Property has been used, within the last three (3) years, as an agricultural operation; and
- (2) that the undersigned has reviewed the materials provided in Exhibit B and has had an opportunity to review the urban renewal eligibility report, dated June 10, 2014, entitled The North Interchange Area Urban Renewal Eligibility Report, prepared by Terry Butikofer of The Development Company, and as attached hereto as Exhibit C, currently under consideration by the Rexburg Redevelopment Agency and the city of Rexburg and subject to change.

Further, SCOTT CAMPBELL, as Manager of said CAMPBELL PROPERTIES I LLC, and CENTENNIAL GRAIN, LLC, hereby provides his/her consent and approval that the subject Property may be included within a proposed urban renewal area, and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Title 50, Chapter 20, Idaho Code, as amended, and the Local Economic Development Act of 1988, Title 50, Chapter 29, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 22 day of May, 2015.

CAMPBELL PROPERTIES I, LLC
CENTENNIAL GRAIN, LLC

Name: Scott Campbell
SCOTT CAMPBELL
Title: Manager

STATE OF IDAHO)
) ss:
County of Madison)

On this 26 day of May, 2015, before me, a notary public in and for said state, personally appeared SCOTT CAMPBELL, known or identified to me to be the Manager of CAMPBELL PROPERTIES I, LLC, and CENTENNIAL GRAIN, LLC, Idaho limited liability companies, the person who executed the instrument on behalf of said entity as said Manager of said limited liability companies, and acknowledged to me that such limited liability companies executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Name: Mary Flanary
Notary Public for the State of Idaho
Residing at: Madison County
My Commission Expires: 10/19/18

CONSENT FORM

COMES NOW KEN BROWN, Director of ILDC LLC, a limited liability company, and states that ILDC LLC owns certain property in Madison County, Idaho, generally described as Parcel Identification Number: RPRXBCA0087870, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

- (1) that the Property has been used, within the last three (3) years, as an agricultural operation; and
- (2) that the undersigned has reviewed the materials provided in Exhibit B and has had an opportunity to review the urban renewal eligibility report, dated June 10, 2014, entitled The North Interchange Area Urban Renewal Eligibility Report, prepared by Terry Butikofer of The Development Company, and as attached hereto as Exhibit C, currently under consideration by the Rexburg Redevelopment Agency and the city of Rexburg and subject to change.
- (3) that the undersigned has been advised by Richard Horner, Agency Chairman, that the Rexburg Urban Renewal Agency would be unable to invoke eminent domain to purchase the property described above and on Exhibit A for purpose of disposing of the property for economic development.
- (4) that in consideration of ILDC LLC allowing the property to be included within the urban renewal project area, the Agency agrees that the property described in Exhibit A will not be subject to purchase by eminent domain.

Further, KEN BROWN, as Director of said ILDC LLC, hereby provides his consent and approval that the subject Property may be included within a proposed urban renewal area, and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Title 50, Chapter 20, Idaho Code, as amended, and the Local Economic Development Act of 1988, Title 50, Chapter 29, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 3 day of September, 2015.

ILDC LLC

Name: 
KEN BROWN
Title: Director


RICHARD R. HORNER
Rexburg Urban Renewal Agency Chairman

CONSENT FORM

COMES NOW KEN BROWN, President of MOUNTAIN GOLD INC, an Idaho corporation, and states that MOUNTAIN GOLD INC owns certain property in Madison County, Idaho, generally described as Parcel Identification Numbers: RPRXBCA0086606, RPRXBCA0086626, RPRXBCA0086693, RPRXBCA0087222, RPRXBCA0088044, RPRXBCA0088437, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

(1) that the Property has been used, within the last three (3) years, as an agricultural operation; and

(2) that the undersigned has reviewed the materials provided in Exhibit B and has had an opportunity to review the urban renewal eligibility report, dated June 10, 2014, entitled The North Interchange Area Urban Renewal Eligibility Report, prepared by Terry Butikofer of The Development Company, and as attached hereto as Exhibit C, currently under consideration by the Rexburg Redevelopment Agency and the city of Rexburg and subject to change.

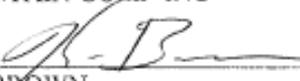
(3) that the undersigned has been advised by Richard Horner, Agency Chairman, that the Rexburg Urban Renewal Agency would be unable to invoke eminent domain to purchase the property described above and on Exhibit A for purpose of disposing of the property for economic development.

(4) that in consideration of Mountain Gold Inc. allowing the property to be included within the urban renewal project area, the Agency agrees that the property described in Exhibit A will not be subject to purchase by eminent domain.

Further, KEN BROWN, as President of said MOUNTAIN GOLD INC, hereby provides his consent and approval that the subject Property may be included within a proposed urban renewal area, and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Title 50, Chapter 20, Idaho Code, as amended, and the Local Economic Development Act of 1988, Title 50, Chapter 29, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 3 day of September, 2015.

MOUNTAIN GOLD INC

Name: 
KEN BROWN
Title: President


RICHARD R. HORNER
Rexburg Urban Renewal Agency Chairman

CONSENT FORM

COME NOW KENNETH T SAKOTA, a single man, and DOUGLAS K SAKOTA, a single man, and state that they own, as their sole and separate property, that certain property generally described as Parcel Identification Number: RP06N40E180007, RP06N40E180289, RP06N40E180435, RP06N40E180444, RP06N40E180450, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

(1) that the Property has been used, within the last three (3) years, as an agricultural operation; and

(2) that the undersigned have reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated June 4, 2015, entitled The North Interchange Area Urban Renewal Supplemental Eligibility Report, prepared by Terry Butikofer of The Development Company, and Richard Horner, of the Rexburg Urban Renewal Agency, and as attached hereto as Exhibit C.

(3) that the undersigned has been advised by Richard Horner, Agency Chairman, that the Rexburg Urban Renewal Agency would be unable to invoke eminent domain to purchase the property described above and on Exhibit A for purpose of disposing of the property for economic development.

Further, KENNETH T SAKOTA and DOUGLAS K SAKOTA hereby provide their consent and approval that the subject Property may be included within a proposed urban renewal area, and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Title 50, Chapter 20, Idaho Code, as amended.

DATED this 2nd day of September, 2015.

Kenneth T. Sakota
KENNETH T SAKOTA

Douglas K Sakota
DOUGLAS K SAKOTA

STATE OF IDAHO)
) ss:
County of Madison)

On this 2nd day of September, 2015, before me, a notary public in and for said state, personally appeared KENNETH T SAKOTA and DOUGLAS K SAKOTA, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Richard R. Horner
Richard R. Horner
Notary Public for the State of Idaho
Residing at: 3848 S 4413 W
Rexburg, Idaho 83440
My Commission Expires: 1/29/2020

Exhibit 7

CITY OF REXBURG

SUMMARY OF ORDINANCE NO. 1134

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REXBURG, IDAHO, APPROVING THE URBAN RENEWAL PLAN FOR THE NORTH INTERCHANGE URBAN RENEWAL PROJECT, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF REXBURG:

SECTION 1: It is hereby found and determined that:

- (a) The North Interchange Project Area as defined in the North Interchange 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.
- (b) The rehabilitation, conservation, and redevelopment of the urban renewal area pursuant to the North Interchange Plan are necessary in the interests of public health, safety, and welfare of the residents of the City.
- (c) There continues to be a need for the Agency to function in the City.
- (d) The North Interchange Plan conforms to the City of Rexburg 2020 Comprehensive Plan.
- (e) The North Interchange 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 North Interchange Plan and the need for overall public improvements), and shows consideration for the health, safety, and welfare of any residents or businesses in the general vicinity of the urban renewal area covered by the North Interchange Plan.
- (f) The North Interchange Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation and redevelopment of the urban renewal area by private enterprises.
- (g) The North Interchange Plan provides a feasible method for relocation of any displaced families residing within the North Interchange Project Area.
- (h) The collective base assessment roll for the existing revenue allocation areas and the new North Interchange Plan do not exceed ten percent (10%) of the assessed value of the City.
- (i) The North Interchange Plan includes the requirements set out in Idaho Code § 50-2905.
- (j) The North Interchange Plan is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation

financing provisions.

- (k) The urban renewal area, which includes the deteriorating area, as defined in Idaho Code section 50-2018(9), does not include any agricultural operation for which the Agency has not received a written consent, or has not been used for agricultural purposes for three (3) consecutive years.

SECTION 2: The Rexburg City Council finds that the North Interchange Project Area consists of predominantly open land, that the Agency does not intend to acquire any open land on any widespread basis, and that the North Interchange Project Area is planned to be redeveloped in a manner that will include nonresidential uses. Provided, however, the Rexburg City Council finds that if portions of the North Interchange Project Area are deemed “open land,” the criteria set forth in the Law and Act has been met.

SECTION 3: The Rexburg City Council finds that the North Interchange Plan meets the sound needs of the City and will provide opportunities in an area that does not now contain such opportunities, and nonresidential uses are necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the City of Rexburg 2020 Comprehensive Plan, as may be amended 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 4: The North Interchange Plan, a copy of which is attached hereto and marked as Exhibit 6 and made a part hereof by attachment, be, and the same hereby is, approved. As directed by the Rexburg City Council, the City Clerk and/or the Agency may make certain technical corrections or revisions in keeping with the information and testimony presented at the November 4, 2015, hearing, and incorporate changes or modifications, if any.

SECTION 5: As required by Idaho Code §§ 50-2906(3)(b) and 50-2907(2), and as further defined above, the Madison County Board of County Commissioners and the City have entered into an Agreement on administration of a revenue allocation financing provision extending beyond the municipal boundary of the City and the Agreement has been formalized by a transfer of power ordinance adopted by the Madison County Board of County Commissioners in Madison County Ordinance No. 403 (attached hereto as Exhibit 3), and by Rexburg City Council Resolution No. 2015 - 14 (attached hereto as Exhibit 5).

SECTION 6: As contemplated by Idaho Code §§ 50-2906(3)(b) and 50-2907(2), and as further defined above, the Sugar City City Council and the City have entered into an Agreement, acknowledged by the Madison County Board of County Commissioners, on administration of a revenue allocation financing provision extending beyond the municipal boundary of the City and the Agreement has been formalized by a resolution adopted by the Sugar City City Council in Sugar City Resolution No. 2015 - 6 (attached hereto as Exhibit 4), and by Rexburg City Council Resolution No. 2015 - 13 (attached hereto as Exhibit 5).

SECTION 7: No direct or collateral action challenging the North Interchange 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 this Ordinance adopting the North Interchange Plan.

SECTION 8: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Tax Assessor of Madison County and to the appropriate officials of Madison County Board of County Commissioners, city of Rexburg, Madison County Road and Bridge, Madison County Library, Madison County Ambulance, Madison County Mosquito Abatement, Rexburg Cemetery, Madison County School #321, Madison County Fire, city of Sugar City, Sugar-Salem School #322, Sugar City Cemetery, Sugar-Salem Library, and the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundaries of the North Interchange Revenue Allocation Area, and a map or plat indicating the boundaries of the North Interchange Revenue Allocation Area.

SECTION 9: The Rexburg City Council hereby finds and declares that the North Interchange Revenue Allocation Area as defined in the North Interchange Plan, the equalized assessed valuation, of which the Rexburg City Council hereby determines is in and is part of the North Interchange Plan, is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the North Interchange Plan.

SECTION 10: The Rexburg City Council hereby approves and adopts the following policy statement relating to the appointment of Rexburg City Council members as members of the Agency's Board of Commissioners: If any Rexburg 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 Rexburg 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 North Interchange Plan, the Rexburg City Council recognizes that it has no power to control the powers or operations of the Agency.

SECTION 11: So long as any Agency bonds, notes, or other obligations are outstanding, the Rexburg City Council will not exercise its power under Idaho Code Section 50-2006 to designate itself as the Agency Board.

SECTION 12: This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2015.

SECTION 13: 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 14: The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 7, is hereby approved.

SECTION 15: All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

SECTION 16: SAVINGS CLAUSE: This ordinance does not affect an action or proceeding commenced or right accrued before this ordinance takes effect.

PASSED by the City Council of the city of Rexburg, Idaho, on this 2nd day of December 2015.

APPROVED by the Mayor of the city of Rexburg, Idaho, on this 2nd day of December 2015.

EXHIBITS TO THE ORDINANCE

Exhibit 1	Resolution of the Rexburg Planning and Zoning Commission Relating to the Urban Renewal Plan for the North Interchange Urban Renewal Project for the City of Rexburg
Exhibit 2	Notice Published in the <i>Standard Journal</i>
Exhibit 3	Transfer of Power Ordinance, Madison County Ordinance No. 403
Exhibit 4	Sugar City Resolution No. 2015 - 6
Exhibit 5	Rexburg City Council Resolution Nos. 2015 - 13 and 2015 - 14
Exhibit 6	North Interchange Plan
Exhibit 7	Ordinance Summary

SUMMARY OF NORTH INTERCHANGE PLAN

The Urban Renewal Plan for the North Interchange Urban Renewal Project (“Plan”) was prepared by the urban renewal agency of the city of Rexburg, the Rexburg Redevelopment Agency (“Agency”) pursuant to the Law, the Act, the Idaho Constitution, and all applicable laws and ordinances and was approved by the Agency. The Plan provides for the Agency to undertake urban renewal projects pursuant to the Law and Act. The Plan contains a revenue allocation financing provision pursuant to the Act that will cause property taxes related to the North Interchange Area 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, 2015, to be allocated to the Agency for the urban renewal purposes.

The general scope and objectives of the Plan are:

1. The acquisition of certain real property (if needed);
2. The 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, enhance density, eliminate obsolete or other uses detrimental to the public welfare or otherwise to remove or to prevent the spread of deteriorating or deteriorated conditions;
3. The provision for participation by property owners within the Project Area to achieve the objectives of this Plan;
4. The management of any property acquired by and under the ownership and control of the Agency;
5. The provision for relocation assistance to displaced Project Area occupants, as required by law;
6. The installation, construction, or reconstruction of streets and intersections, utilities, including electrical distribution and transmission lines in underground configuration, if needed to encourage new developments, fiber optic or other communication systems, parking facilities, and other public improvements, including, but not limited to, irrigation and drainage laterals and ditches, canal crossings, storm drain systems, water and sewer improvements, fire protection systems, streetlights, sidewalks, curbs, gutters, and other public improvements, including public or other community facilities or buildings owned or occupied by the Agency or other public agencies, including the City’s walkways, public open spaces, city hall, courthouse, community centers, cultural centers and visitors or information centers as may be deemed appropriate by the Board;
7. The disposition of property for uses in accordance with this Plan;
8. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
9. The rehabilitation of structures and improvements by present owners, their successors, and the Agency;
10. The preparation and assembly of adequate sites for the development and construction of facilities for industrial, commercial, residential, retail, and governmental use;
11. To the extent allowed by law, lend or invest federal funds to facilitate redevelopment; and

12. The 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, industrial, and other uses contemplated by the Plan, and to provide utilities to the development site.

Any such land uses as described in the Plan will be in conformance with zoning for the city of Rexburg and the City of Rexburg Vision 2020 Comprehensive Plan as adopted by the City Council. Land made available will be developed by private enterprises or public agencies as authorized by law. The Plan identifies various public and private improvements which may be made within the Project Area.

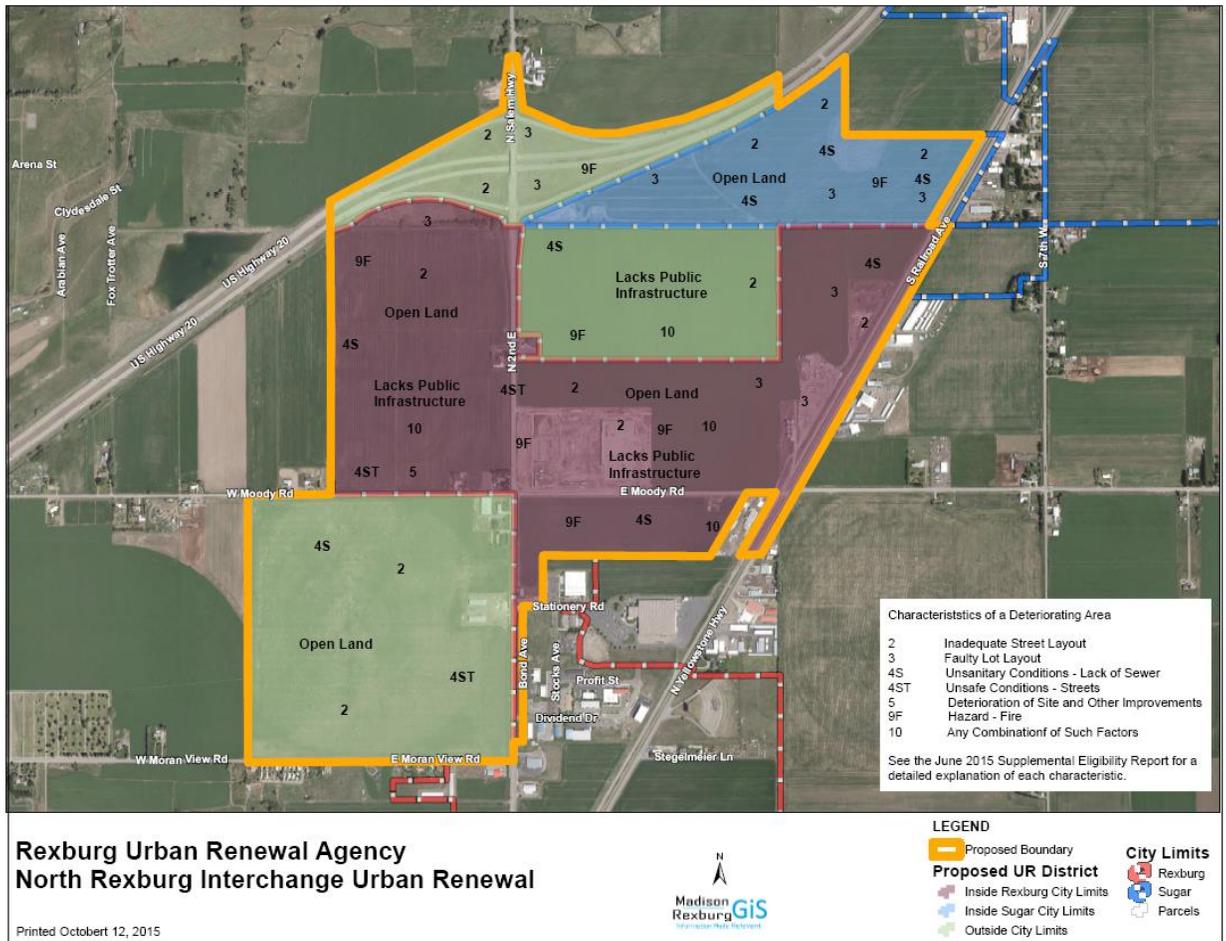
The Project Area herein referred to generally include the U.S. Highway 20 and North 2nd East interchange, and is generally bounded on the south by E. Moran View Road, and to the east by South Railroad Avenue. The Project Area contains an estimated total of 679 acres.

The Project Area is more particularly described as follows:

North Interchange Urban Renewal Boundary

Beginning at the East Quarter Corner of Section 18, Township 06 North, Range 40 E of the Boise Meridian, Madison County Idaho; running thence west along the South line of the North East Quarter to the Center Quarter corner of said section; thence north along the west line of the North East Quarter to the North Quarter Corner; thence East along the North Section Line of said section 837 feet more or less; thence north 2885 feet more or less to a point which intersects the North ROW line of US 20 ; thence following the North ROW line of US 20 – ITD highway project #F-6471(81) to a point at which said ROW intersects with the center section line of Section 8 using the following 6 calls: (N 61°42'14" E, 1922 feet; thence N 06°05'59" E, 514 feet; thence N 82°47'24" E, 81.5 feet; thence S06°52'19" E 522 feet; then S 66°51'52" E, 520.5 feet; thence easterly along the curve in the ROW to said point, curve having an approximate cord bearing of N75°27'38" E and a distance of 2119.02 feet); thence south 302.5 feet more or less to the South ROW line of US 20; thence northeasterly along the curve of the South ROW Line of said US 20 with an approximate chord bearing of N 54°37'38" E and chord distance of 807.75 feet; thence S 00°12'49" E, 765.54 feet; thence N 89°56'52" E, 1354.64 feet; to the West ROW line of the Eastern Idaho Railway (EIRR); thence southwesterly along the West Railway ROW 1035.97 feet more or less to the Center Quarter line of Section 8; thence East 202.25 feet more or less to the East ROW line of Idaho Highway 33; thence southwesterly along the East ROW line of Idaho Highway 33 for a distance of 3032.38 feet more or less to South Section line of Section 8; thence continuing along the Highway right of way 702.41 feet; thence West 207.14 feet more or less to the West line of the Railroad ROW; thence northeasterly 718 feet more or less along said ROW to the South line of Section 8; thence west 292.77 feet along the South line of Section 8; thence S 30°08'42"W, 723.18 feet; thence N 89°40'44"W, 1656.41 feet; thence S 00°11'14"E, 496.2 feet more or less to the north boundary of the Artco Business Park; thence west along said boundary 199.12 feet; thence S 00°11'11"W 1339.66 feet to the South boundary of the Rexburg Business Park; thence west 94.62 feet more or less to the East Section line of Section 18; thence south along said Section line 190.44 feet more or less to the point of beginning.

The Project Area is also depicted in the map below:



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.

Section 402 discusses the type of land uses authorized in the Project Area.

Section 408 describes design guidelines for development.

The Plan also contains a major section on financing. Among other sources, the Plan will utilize revenue allocation financing, authorized by the Act. This statute was approved in 1988 by the Idaho Legislature. Section 504 and Attachment 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 Project Area that occur after January 1, 2015, will generate revenue for the Agency to pay project costs. Project costs include: the purchase of land for public improvements, utility improvements, the improvements to streetscapes, street improvement, improvements to intersections and traffic signals, sidewalks, curb and gutters, street lighting, and other infrastructure cost, which will facilitate development in the revenue allocation area.

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, Madison County Road and Bridge, Madison County Library, Madison County Ambulance, Madison County Mosquito Abatement, Rexburg Cemetery, Madison County School #321, Madison County Fire, city of Sugar City, Sugar-Salem School #322, Sugar City Cemetery, Sugar-Salem Library to finance their operations. The 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 Plan emphasizes the installation of needed public improvements, street improvements, utility work, and other costs to encourage private development.

Attachment 5 describes in detail the cost and financing methods for complete repayment of the debt incurred used to finance the projects and to also fund the additional described activities.

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

Sections 600 and 700 describe cooperative activities by the Agency with the City, Madison County and the city of Sugar City.

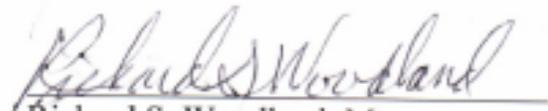
The duration of the Plan is for twenty (20) years. A termination process is described in Section 800 of the Plan. The Agency is required to prepare an annual report each year describing its activities during the previous year.

ATTACHMENTS TO THE NORTH INTERCHANGE PLAN

Attachment 1	Map of Urban Renewal Project Area and Revenue Allocation Area
Attachment 2	Description of Urban Renewal Project Area and Revenue Allocation Area
Attachment 3	Private Properties Which May be Acquired by the Agency (Limited to Public Improvements and Facilities)
Attachment 4	Map Depicting Expected Land Use and Current Zoning Map of the Project Area
Attachment 5	Statement of Proposed Public Improvements, Costs, Revenue, Tax Impacts, and Financing Methods
Attachment 5A	Estimated Net Taxable Value of New Private Development (Commercial/Residential)
Attachment 5B	Estimated Annual Revenue Allocations (Economic Feasibility Study)
Attachment 5C	Estimated Annual Revenues and Costs
Attachment 6	Madison County Board of County Commissioners Resolution No. 375
Attachment 7	Sugar City City Council Resolution No. 2014-2
Attachment 8	Rexburg City Council Resolution No. 2014-16
Attachment 9	Madison County Board of County Commissioners Resolution No. 392
Attachment 10	Rexburg City Council Resolution No. 2015-10
Attachment 11	Agricultural Consents, without attachments

The full text of Ordinance 1134 is available at the offices of the City Clerk, 35 North 1st East, Rexburg, Idaho.

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


Richard S. Woodland, Mayor

2015.

ATTEST:



Blair D. Kay, City Clerk

I, Stephen Zollinger, City Attorney for the city of Rexburg, Idaho, hereby declare and certify 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 have reviewed a copy of the above Summary of Ordinance, have found the same to be true and complete, and said Summary of Ordinance provides adequate notice to the public of the contents, including the exhibits, of Ordinance No. 1134.

DATED this 2nd day of December 2015.


Stephen Zollinger, City Attorney
Rexburg, Idaho