



ORDINANCE NO. 815

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

WHEREAS, on or about November 6, 1991, the City of Rexburg, through its Mayor and City Council, passed its City Council Resolution creating an Urban Renewal Agency, pursuant to Chapter 20, Title 50, Idaho Code, finding one or more areas within the City of Rexburg to be Adeteriorated@ or Adeteriorating areas@ as defined by Idaho Code Sections 50-2018(h)(I) and 50-2903(b), finding one such area to include the North Highway in the city limits, declaring such area as the Rexburg Urban Renewal Area, making additional findings regarding the characteristics of the area, making the necessary findings as required by Idaho Code Section 50-208(a) and authorizing the Mayor to appoint five Commissioners for the Agency;

WHEREAS, on November 6, 1991, the Council and Mayor of Rexburg, Idaho, respectively, created the Redevelopment Agency of the City of Rexburg, Idaho (hereinafter AAgency@), authorizing it to transact business and exercise the powers granted by Idaho urban Renewal Law of 1965, as amended, Chapter 20, Title 50, Idaho Code (hereinafter the ALaw@), and the Local Economic Development Act, Chapter 20, Title 50, as amended (hereinafter the AAct@), upon making the findings of necessity required for creating said Urban Renewal Agency;

WHEREAS, the City Council of the City of Rexburg, Idaho (the ACity@), after notice duly published, conducted a public hearing on the North Highway Urban Renewal Plan (the AUrban Renewal Plan@);

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

WHEREAS, on October 29, 1998, the Agency Board authorized a study of a geographic area to consider designating certain property in proximity of the North Highway Redevelopment Area (hereinafter the ANorth Highway Area@), as appropriate for urban renewal activities;

WHEREAS, the Agency obtained an eligibility report (hereinafter the ANorth Highway Report@), which examines the North Highway Area for the purpose of determining whether such area is a deteriorating area and deteriorated area as defined by Idaho Code Sections 50-2018(i) and 50-2903(b);

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, at the City Council meeting of November 18, 1998, the Council considered the issue of declaring the geographic area described within the North Highway Report as deteriorated or deteriorating and directing the Agency to prepare an urban renewal plan for the area;

WHEREAS, the Law provides that the City Council shall adopt a resolution determining such area to be deteriorated or deteriorating or a combination thereof and designate such area as appropriate for an urban renewal project;

WHEREAS, the City Council at its meeting of November 18, 1998, adopted Resolution No.98-7 making certain findings, determine the North Highway Area to be a deteriorating and deteriorated area, directing the Agency to commence the preparation of an urban renewal plan, which plan includes revenue allocation financing provisions.

WHEREAS, the Mayor and City Council have taken the steps set forth by the Act and Law, accepting the North Highway Report finding the area set forth therein to be "deteriorated" or "deteriorating" areas as defined by Idaho Code Sections 50-2018(h), (i) and 50-2903(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 has enacted the Act, authorizing certain 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 Act authorizes certain 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 prepared a proposed North Highway Amended and Restated Urban Renewal Plan (hereinafter the "North Highway Amended and Restated Urban Renewal Plan"), for the areas previously designated as eligible for urban renewal planning;

WHEREAS, such proposed North Highway Amended and Restated Urban Renewal Plan also contains provisions of revenue allocation financing as allowed by the Act;

WHEREAS, at a special meeting of the Agency Board on November 24, 1998, the Board adopted Resolution No. 98-1 which recommended the adoption of the North Highway Amended and Restated Urban Renewal Plan and North Highway Urban Renewal Project (hereinafter referred to as the "North Highway Project"), and authorized the Chairman and Secretary to take appropriate actions to submit the North Highway Amended and Restated Urban Renewal Plan to the Rexburg City Council for its consideration in compliance with the Law and the Act;

WHEREAS, the Chairman of the Agency Board formally submitted the North Highway Amended and Restated Urban Renewal Plan to the Mayor of Rexburg and the City Clerk of Rexburg requesting the City schedule the necessary meetings and public hearing for consideration of the North Highway Amended and Restated Urban Renewal Plan in compliance with the Law and the Act;

WHEREAS, pursuant to the Law, the City of Rexburg Planning and Zoning Commission considered the North Highway Amended and Restated Urban Renewal Plan and its compliance with the Comprehensive Plan of the City of Rexburg on 9 December 1998 and forwarded its findings to the City Council;

WHEREAS, as of November 25, 1998, the North Highway Amended and Restated Urban Renewal Plan was submitted to the effected taxing entities (with the exception of Madison School District No. 21, which did not have a representative available, but did receive notice on November 30, 1998), to the public, and is under consideration by the City Council;

WHEREAS, notice of the public hearing of the North Highway Amended and Restated Urban Renewal Plan was caused to be published by the City Clerk of Rexburg, Idaho, in the *Rexburg Standard Journal*, on 27 November 1998, a copy of said notice being attached hereto as Exhibit 1;

WHEREAS, the Council of Rexburg during its regular meeting of December 28, 1998, held such public hearing;

WHEREAS, as required by Idaho Code Section 50-2905 and 50-2906, the North Highway Amended and Restated Urban Renewal Plan, contains the following information which was made available to the general public and all taxing districts at least thirty (30) days prior to the December 28, 1998, regular meeting of the City Council: (1) the kind, number and location of all proposed public works or improvements within the revenue allocation area; (2) an economic feasibility study; (3) a detailed list of estimated project costs; (4) a fiscal impact statement showing the impact of the revenue allocation area, both until and after the bonds are repaid, upon all taxing districts levying taxes upon property in the revenue allocation area; and (5) a description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred;

WHEREAS, the North Highway Amended and Restated Urban Renewal Plan authorizes certain projects to be financed by revenue allocation bonds and proceeds from revenue allocation;

WHEREAS, appropriate notice of the North Highway Amended and Restated Urban Renewal Plan and revenue allocation provisions contained therein have 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 of Rexburg, Idaho to adopt the North Highway Amended and Restated Urban Renewal Plan, including revenue allocation financing provisions since revenue allocation will help finance urban renewal projects to be completed in accordance with the North Highway Amended and Restated Urban Renewal Plan (as now or hereafter amended), in order: to encourage private development in the urban renewal area; to prevent and arrest decay of the City of Rexburg due to the inability of existing financing methods to provide needed public improvements; to 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; to encourage private investment within the City of Rexburg and to further the public purposes of the Agency;

WHEREAS, the City Council finds that the equalized assessed valuation of the taxable property in the revenue allocation area described in Attachments 1 and 2 of the North Highway Amended and Restated Urban Renewal Plan is likely to increase as a result of initiation of urban renewal projects in accordance with the North Highway Amended and Restated Urban Renewal 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, under the Law and the Act certain additional findings must be made concerning predominately open land to be included within the urban renewal area or revenue allocation area;

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, since the submittal of the North Highway Amended and Restated Urban Renewal Plan certain changes have been suggested by Agency staff and others to correct certain technical errors, clarify certain provisions, and better describe compliance with the Law;

WHEREAS, such changes are incorporated within the Change Sheet attached hereto as Exhibit 2 of this Ordinance;

WHEREAS, the City at its special meeting held on December 28, 1998, did consider the North Highway Amended and Restated Urban Renewal Plan as proposed and made certain findings;

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF Rexburg, IDAHO:

SECTION I: It is hereby found and determined that:

- A. The Project Area as defined in the North Highway Amended and Restated Urban Renewal 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 Highway Amended and Restated Urban Renewal Plan is necessary in the interest of public health, safety, and welfare of the residents of the City of Rexburg.
- C. There continues to be a need for the Agency to function in the City of Rexburg.
- D. The North Highway Amended and Restated Urban Renewal Plan conforms to the Comprehensive Plan of the City of Rexburg.
- E. The North Highway Amended and Restated Urban Renewal Plan gives due consideration to the provision of adequate park plazas and open spaces and facilities that may be desirable for neighborhood improvement (recognizing the primary commercial component of the Plan and the need for public improvement), and shows consideration for the health, safety, and welfare of any residents or businesses in the general vicinity of the urban renewal areas covered by the North Highway Amended and Restated Urban Renewal Plan. The City Council also finds that there exists other adequate park and recreational areas and facilities without the need for any additional areas for the North Highway Amended and Restated Urban Renewal Plan and Project.
- F. The North Highway Amended and Restated Urban Renewal Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation and redevelopment of the Project Area by private enterprises.
- G. The North Highway Amended and Restated Urban Renewal Plan provides a feasible method for relocation of any displaced families residing within the Project Area.
- H. The redevelopment of the Project Area for predominantly non-residential uses is necessary for the proper development of the community in accordance with sound planning standards and local community objectives.
- I. The base assessment roll with the North Highway Amended and Restated Urban Renewal Plan Revenue Allocation plus the base assessment roll within the Washington School Revenue Allocation Area does not exceed ten percent (10%) of the 1998 assessed value of the property within the City of Rexburg.

SECTION II: That the City Council finds that the Project Area and Revenue Allocation Area contains certain open land, that the Agency does not intend to acquire any open land on any widespread basis, and that the Project Area is planned to be redeveloped in a manner that will include non-residential uses. Provided, however, that the City Council does find that if portions of the Project Area and Revenue Allocation Area are deemed "open land" the criteria set forth in the Law and Act have been met.

SECTION III: That the North Highway Amended and Restated Urban Renewal Plan, a copy of which is attached hereto and marked as Exhibit 3, which includes the revisions contained in Exhibit 2 and made a part hereof by attachment, be and the same hereby is approved.

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

SECTION V: That 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 for the taxing districts in the Urban Renewal Area and to the State Tax Commission, a copy of this Ordinance, a copy of the legal description of the boundaries of the Revenue Allocation Area, and a map or plan indicating the boundaries of the Revenue Allocation Area.

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

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

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

SECTION IX: That pursuant to the affirmative vote of one-half (2) plus one (1) of the Members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same hereby is, dispensed with, and accordingly, this Ordinance shall be in full force and effect immediately upon its passage, approval and publication, and shall be retroactive to January 1, 1998, to the extent permitted by the Act.

SECTION X: This Ordinance shall be in full force and effect immediately upon its passage, approval and publication, and shall be retroactive to January 1, 1998, to the extent permitted by the Act, with the effective date of the base assessment roll for the area covered by the original revenue allocation area remaining at January 1, 1991.

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

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 28th day of December, 1998.

