



RESOLUTION NO. 2005-17

BY THE COUNCIL:

ANDERSON, BENFIELD, ERICKSON  
FULLMER, YOUNG

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(h) AND (i) AND 50-2903(8)(b) DIRECTING THE URBAN RENEWAL AGENCY OF REXBURG TO COMMENCE THE PREPARATION OF AN URBAN RENEWAL PLAN, 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 Urban Renewal Agency;

WHEREAS, the City Council of the City of Rexburg, Idaho (the "City Council"), 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 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, as a result of the activities within the North Highway Amended and

Restated Urban Renewal Plan Project Area (“North Highway Amended and Restated Project Area”), the Agency identified a number of issues that are affecting certain geographical areas adjacent or in close proximity to the North Highway Amended and Restated Project Area;

WHEREAS, in September, 2005, the Agency authorized a study or report to consider incorporating certain property in proximity to the North Highway Amended and Restated Project Area and to analyze and determine whether the area is eligible for urban renewal planning and provide the full Agency Board with a report and recommendation as soon as reasonably possible;

WHEREAS, the Agency has obtained an eligibility report (the “Report”) which examines an area in Rexburg adjacent to the North Highway Amended and Restated Project Area, referred to as the South Addition to the North Highway Amended and Restated Project Area (“South Addition”) for the purpose of determining whether such area is a deteriorating area or deteriorated area as defined by Idaho Code, Sections 50-2018(h) and (i) and 50-2903(8)(b);

WHEREAS, pursuant to Idaho Code sections 50-2018(h) and (i) and 50-2903(8)(b), 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 South Addition, *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 result in economic underdevelopment of the area, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations, 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 Report, dated November 7, 2005, has been submitted to the Agency, a copy of which is attached hereto as Exhibit A;

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 Agency, on November 08, 2005, adopted Resolution No. 2005-1 (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 area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, it is desirable and in the best public interest that the Agency prepare an amendment to the North Highway Amended and Restated Plan for the area identified in the 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 described area in the 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; and

(c) That the area identified in the 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.

Section 2: That the Agency commence preparation of an amendment to the North Highway Amended and Restated 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.

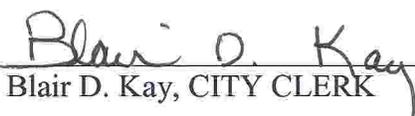
Section 3: That this Resolution shall be in full force and effect immediately upon its adoption and approval.

ADOPTED By the Council of the City of Rexburg, Idaho, this 9th day of November, 2005.  
APPROVED By the Mayor of the City of Rexburg, Idaho, this 9th day of November, 2005.

APPROVED:

  
SHAWN LARSEN, MAYOR

ATTEST:

  
Blair D. Kay, CITY CLERK