

RESOLUTION NO. 2008-3

A RESOLUTION OF THE REXBURG URBAN RENEWAL AGENCY, THE URBAN RENEWAL AGENCY OF THE CITY OF REXBURG, IDAHO, ACCEPTING THAT CERTAIN REPORT ON ELIGIBILITY FOR CERTAIN PROPERTY REFERRED TO AS THE WEST 2ND SOUTH AREA AS AN URBAN RENEWAL AREA AND REVENUE ALLOCATION AREA AND JUSTIFICATION FOR DESIGNATING THE AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT; AUTHORIZING THE CHAIRMAN OR ADMINISTRATOR TO TRANSMIT THE REPORT AND THIS RESOLUTION TO THE CITY COUNCIL OF THE CITY OF REXBURG REQUESTING ITS CONSIDERATION FOR DESIGNATION OF AN URBAN RENEWAL AREA AND SEEKING FURTHER DIRECTION FROM THE COUNCIL; AND PROVIDING AN EFFECTIVE DATE.

THIS RESOLUTION, made on the date hereinafter set forth by the Rexburg Urban Renewal Agency, an independent public body corporate and politic, authorized under the authority of 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 20, Title 50, as amended (hereinafter the AAct@), 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, the City Council of the City of Rexburg, Idaho, after notice duly published, conducted a public hearing on the North Highway Urban Renewal Project pursuant to the North Highway Urban Renewal 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 Rexburg City Council, after notice duly published, conducted a public hearing on the North Highway Amended and Restated Urban Renewal 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 Rexburg 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 "deteriorating area" as defined by Idaho Code Section 50-2018(h), (I) and 50-2903(b) 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;

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

WHEREAS, based on inquiries and information presented by certain interested parties and property owners, 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 additional area as appropriate for an urban renewal project;

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WHEREAS, in May 2008, the Agency authorized the commencement of an eligibility study and preparation of an eligibility report of the Site and surrounding properties;

WHEREAS, the Agency has obtained an eligibility report (the AReport@), which examined an area in downtown Rexburg in an area known as the West 2nd South 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 Report, dated July 22, 2008, 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;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE REXBURG URBAN RENEWAL AGENCY, REXBURG, IDAHO:

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

Section 2. That there are one or more areas within the City of Rexburg which are deteriorating or deteriorated areas as defined by Idaho Code, Sections 50-2018(9) and 50-2903(8).

Section 3. That one such area is an area which includes property generally bounded by West 1st South on the North, South 1st West on the east, the properties fronting West 2nd South on the South, and South 2nd West on the west, now commonly referred to as the West 2nd South Area.

Section 4. That the rehabilitation, conservation, and redevelopment, or a combination thereof, of such area is necessary in the interest of the public health, safety, and welfare of the residents of the City.

Section 5. Based on the July 22, 2008, West 2nd South Area Urban Renewal Eligibility Report of the Area, the Agency makes the findings that:

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- a. The area is determined to be a deteriorating area as defined by Idaho Code, Section 50-2018(9) and a deteriorated area as defined by Idaho Code, Section 50-2903(8);
- b. The area is determined to be appropriate for an urban renewal project.

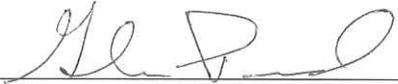
Section 6. That the Chairman of the Board of Directors or Administrator is hereby authorized to transmit the Report to the City of Rexburg City Council requesting that the Council:

- a. Determine whether the area identified in the Report qualifies as an urban renewal project and justification for designating the area, as appropriate, for an urban renewal project;
- b. If such designation is made, whether the Agency should proceed with the preparation of an Urban Renewal Plan for the area, which Plan may include a revenue allocation provision as allowed by law.

Section 7. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

PASSED by the Rexburg Urban Renewal Agency of Rexburg, Idaho, on August 14, 2008. Signed by the Chairman of the Board of Commissioners, and attested by the Secretary to the Board of Commissioners, on August 14, 2008.

REXBURG URBAN RENEWAL AGENCY

By  _____
Glen Pond, Chairman

ATTEST:

By  _____
Jon Weber, Secretary

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