

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND  
RESPONSIBILITIES UNDER  
IDAHO CODE SECTIONS 50-2018(18) AND 50-2906

This Intergovernmental Agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by and between Madison County, Idaho (ACounty@), and the City of Rexburg, Idaho (ACity@), and is made for the purpose of complying with Chapter 162, Idaho Session Laws 2000 (House Bill No. 581), codified at Idaho Code Section 50-2906 and Chapter 146, Idaho Session Laws 2003 (House Bill 276) codified at Idaho Code Section 50-2018 (18).

**RECITALS**

WHEREAS, the County is a duly organized and existing county under the laws and the Constitution of the State of Idaho;

WHEREAS, the City is a duly organized existing municipality under the laws and the Constitution of the state of Idaho;

WHEREAS, by Resolution dated November 6, 1991, the City of Rexburg created an urban renewal agency, pursuant to Chapter 20, Title 50, Idaho Code, finding one or more areas within the City of Rexburg to be “deteriorated” or “deteriorating areas” as defined by Idaho Code Sections 50-2018(h)(i) and 50-2903(b) (now codified as Idaho Code Sections 50-2018(9) and 50-2903(8)), finding one such area to include the North Highway, Second Street East, 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 Mayor to appoint five Commissioners for the Agency;

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, during the 55<sup>th</sup> Idaho Legislature, 2<sup>nd</sup> Regular Session, the Idaho Legislature adopted House Bill No. 581, Chapter 162, Idaho Session Laws 2000, amending the Act, to require an agreement between a City and the affected County, governing administration of a revenue allocation financing provision for any area extending beyond that city’s municipal boundary, and such agreement must be formalized by a transfer of power ordinance adopted by the County;

WHEREAS, Chapter 162, Idaho Session Laws 2000, became effective July 1, 2000;

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES  
UNDER IDAHO CODE SECTIONS 50-2018(18) AND 50-2906 - 1

WHEREAS, during the 57<sup>th</sup> Idaho Legislature, 1<sup>st</sup> Regular Session, the Idaho Legislature adopted House Bill 276, Chapter 146, Idaho Session Laws 2003, amending the Law to require the County to declare the need for urban renewal activity for those properties within an urban renewal area, which lie outside the municipal boundaries;

WHEREAS, Chapter 146, Idaho Session Laws 2003 became effective July 1, 2003;

WHEREAS, it has come to the attention of the Agency, the City, and the County that certain parcels contained within the University Boulevard-South 12th West project area lie outside the city limits of the City of Rexburg and should have been the basis for an intergovernmental agreement at the time the University Boulevard-South 12th West plan was under consideration for approval by the Rexburg City Council;

WHEREAS, there are certain properties within the Plan area which extend beyond the municipal boundaries of the City of Rexburg, which properties are more particularly described and depicted on Exhibit 1 attached hereto and incorporated herein by reference;

WHEREAS, under the Act and Law the County may establish an urban renewal agency and adopt an urban renewal plan for an area under its jurisdiction which meets the criteria and eligibility defined under the Law and Act;

WHEREAS, the City and County desire to enter into this Agreement to avoid any uncertainty regarding the City's jurisdiction and authority (acting through its duly organized and constituted urban renewal agency), to implement the Plan concerning those properties which are outside the municipal limits of the City of Rexburg ;

WHEREAS, the City and County deem it in their collective best interest to enter into this Agreement covering said properties and assuring compliance with the Act, Law, and Idaho Code Sections 50-2906 and 50-2018(18);

NOW, THEREFORE, it is mutually agreed as follows:

## **AGREEMENT**

### **1. PURPOSE OF AGREEMENT**

The purpose of this Agreement is to detail the duties, roles, and responsibilities to be provided by the parties with respect to compliance with the Act, Law, and Idaho Code Sections 50-2906 and 50-2018 (18).

## **INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE SECTIONS 50-2018(18) AND 50-2906 - 2**

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## 2. GENERAL PROVISIONS

County does hereby agree that the City shall have the right, power, authority, and obligation to administer the Law, Act and particularly the revenue allocation financing provisions of the Plan for that certain property which is contained within the boundaries of the revenue allocation area as defined in the Act and Plan, which property extends beyond the municipal boundary of the City of Rexburg. The property governed by this Agreement is described, defined, and depicted on Exhibit 1 of this Agreement. County does hereby concur with the findings and conclusions set forth in the several resolutions previously adopted by the City as referenced in City Council Ordinance No. 996 adopted by the City on December 19, 2007, and effective December 22, 2007, and referred to herein as the AUniversity Boulevard-South 12th West Plan. By such action the County also declares the need for urban renewal activity in the area which extends beyond the municipal boundaries of the City of Rexburg.

By agreeing to the administration of this property by the City for the limited purposes of implementing the University Boulevard-South 12th West Plan, County agrees that all revenue allocation proceeds generated from such property shall be available to the Agency for all purposes authorized under the Act and the University Boulevard-South 12th West Plan and as authorized by City Ordinance No. 996. By this Agreement, County also confirms and consents to the Agency's collection of said revenue allocation proceeds for tax year 2008 and waives any claim against said revenue allocation proceeds by the adoption of the University Boulevard-South 12th West Plan.

City (through its urban renewal agency) shall govern and administer the revenue allocation provision affecting this property as allowed under the Act and the University Boulevard-South 12th West Plan.

This agreement shall be deemed to constitute the findings required by Idaho Code Section 50-2018(18), concurring with the findings and declaring that there is a need for an urban renewal project and implementation by the Agency for the University Boulevard-South 12<sup>th</sup> West plan area.

County shall approve this Agreement by the adoption of a transfer of power ordinance and the City shall approve this Agreement by the adoption of a duly authorized City resolution.

Upon approval and adoption of the ordinance and resolution referenced above, City shall take the necessary steps through the Rexburg City Clerk to transmit a copy of the County Transfer of Power Ordinance to the County Auditor, County Assessor, the County Recorder, the other taxing districts of the revenue allocation area, and the Idaho State Tax Commission.

## 3. EFFECTIVE TERM

This Agreement shall be deemed effective upon the execution of this Agreement by both

**INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES  
UNDER IDAHO CODE SECTIONS 50-2018(18) AND 50-2906 - 3**

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Intergovernmental Agreement Ord 996.doc

County and City and shall remain in effect for the duration of the University Boulevard-South 12th West Plan (as defined in the University Boulevard-South 12th West Plan). This Agreement shall be of no further force and effect as it relates to any parcel or parcels described in Exhibit 1 upon those properties or portions of those properties then being included within the municipal boundaries of the City of Rexburg through the City=s annexation process.

4. MODIFICATION

This Agreement may be modified or amended in writing if executed by both County and City.

5. ENTIRE AGREEMENT

Except as provided otherwise herein, this Agreement and any attachments hereto constitute the entire Agreement between the parties concerning the subject matter hereto.

IN WITNESS WHEREOF, County and City have executed this Agreement by proper persons thereunto duly authorized as of the date first hereinabove written.

COUNTY: BOARD OF MADISON COUNTY COMMISSIONERS

By \_\_\_\_\_  
Robert H. Hansen, Chairman

ATTEST:

\_\_\_\_\_  
Marilyn Rasmussen, Madison County Clerk

CITY:

CITY OF REXBURG, IDAHO

By \_\_\_\_\_  
Shawn Larsen, Mayor

ATTEST:

\_\_\_\_\_  
Blair D. Kay, Rexburg City Clerk