

Instrument # 361477

REXBURG, MADISON, IDAHO

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Recorded for : CITY OF REXBURG

MARILYN R. RASMUSSEN

Ex-Officio Recorder Deputy

Fee: 0.00

ORDINANCE NO. 728

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REXBURG, IDAHO, APPROVING THE NORTH HIGHWAY 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 AND STATE OFFICIALS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Rexburg Redevelopment Agency (hereinafter "Agency") has embarked on an Urban Renewal Project to redevelop a portion of the City of Rexburg pursuant to the Idaho Urban Renewal Act of 1965, as amended, Chapter 20, Title 50, Idaho Code (the "Urban Renewal Act"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code (the "Economic Development Act");

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, on November 6, 1991, the City of Rexburg, through its Mayor and City Council, appointed Commissioners of the Agency;

WHEREAS, by the Resolution dated November 6, 1991, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, the City of Rexburg, through its Mayor and City Council, determined the North Highway area to be a deteriorated and deteriorating area as defined by Idaho Code, Sections 50-2018(h) and (i) and 50-2903(6) (b);

WHEREAS, on November 22, 1991, the Agency passed Resolution No. 3 proposing the North Highway Urban Renewal Plan, a copy of which is attached hereto as Exhibit "B" (on file) (hereinafter "Plan");

WHEREAS, the Agency has by letter of transmittal dated November 22, 1991, submitted the Plan to the Mayor and City Council of Rexburg;

WHEREAS, the City has forwarded the proposed Plan to the Planning and Zoning Commission for its review and recommendation as to the Plan's conformity with the Madison County--Rexburg Comprehensive Plan 2000;

WHEREAS, at a meeting held November 26, 1991, the Rexburg Planning and Zoning Commission considered the Plan and found by Resolution that the Plan is in all respects in conformity with the Comprehensive Plan, a copy of the Resolution is attached hereto as Exhibit "C";

WHEREAS, notice of the public hearing of the Plan was caused to be published by the City Clerk in the Rexburg Standard Journal on November 26, 1991, a copy of said Notice is attached hereto as Exhibit "D";

WHEREAS, the project area which is predominantly nonresidential in character is to be redeveloped for predominantly nonresidential uses under the Plan;

WHEREAS, the Legislature of the State of Idaho has enacted the Economic Development Act authorizing certain urban renewal agencies (including the Agency) to adopt revenue allocation financing provisions as part of their urban renewal plans;

WHEREAS, the Plan presented by the Agency contains a revenue allocation financing provision;

WHEREAS, as required by Idaho Code, Sections 50-2905 and 50-2906, the 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 27, 1991, special 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 on 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, Agency Resolution No. 3 authorizes certain projects to be financed by revenue allocation bonds and proceeds from revenue allocation;

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

WHEREAS, it is necessary and in the best interest of the citizens of the City of Rexburg, Idaho, to adopt the Plan, including revenue allocating financing provisions since revenue allocation will help finance urban renewal projects to be completed in accordance with the Plan (as now or hereafter amended), in order: to encourage private development in the urban renewal area; to prevent and arrest decay of the Rexburg area 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; and to encourage private investment within the City of Rexburg and to further public purposes of the Agency,

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

Section 1: It is hereby found and determined that:

(a) The Project area as defined in the Plan is a deteriorated or a deteriorating area as defined in the Urban Renewal Act and the Economic Development Act and qualifies as an eligible urban renewal area under the Urban Renewal Act;

(b) The rehabilitation, conservation, and redevelopment of the urban renewal area pursuant to the Plan is necessary in the interest of the 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 Plan conforms to the Comprehensive Plan of the City of Rexburg;

(e) The Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement 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 Plan;

(f) The Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation or redevelopment of the urban renewal area by private enterprises; and

(g) The redevelopment of the Project Area for predominantly nonresidential uses is necessary for the proper development of the community in accordance with sound planning standards and local community objectives.

(h) The Plan does not provide for acquisition of real property by the agency which would displace families residing within the Urban Renewal Area. By passage of this Ordinance the Agency will comply with the following statement of policy:

"The Agency will not participate in any activity which will result in displacement of families unless a feasible 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."

Section 2: Based upon the foregoing, the Plan, a copy of which is attached hereto as a part of Exhibit "B", is hereby approved.

Section 3: No direct or collateral action attacking the 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 Plan.

Section 4: 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 School District No. 321, Madison County, Rexburg Cemetery, Madison County Library, Mosquito Abatement District, Madison County Fire District, and City, 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 plat indicating the boundaries of the revenue allocation area.

Section 5: The City Council finds and declares that the equalized assessed valuation of the revenue allocation area as defined in the Plan and included as a portion of the Urban Renewal Area (also defined as the Project Area in the Plan) is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Plan.

Section 6: 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 Plan, the City Council recognizes that it has no power to control the powers or operations of the Agency.

Section 7: So long as any Agency bonds are outstanding, the City Council shall not exercise its power under Idaho Code, Section 50-2006 to designate itself as the Agency Board.

Section 8: This Ordinance shall be in full force and effect from and after its passage, execution, and publication in the manner required by law and shall be retroactive to January 1, 1991, to the extent permitted by the Economic Development Act.

Section 9: 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 the remaining portions of this Ordinance.

APPROVED by the Mayor of the City of Rexburg, Idaho,
this 27th day of December, 1991.

Mayor Nile L. Boyle

ATTEST:

Rose Bagley
City Clerk

(SEAL)

STATE OF IDAHO)
 : ss.
County of Madison)

I, ROSE BAGLEY, City Clerk of the City of Rexburg,
Idaho, do hereby certify: That the above and foregoing is a
full, true and correct copy of the Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF REXBURG, IDAHO, APPROVING THE NORTH HIGHWAY
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 AND STATE OFFICIALS; AND PROVIDING AN
EFFECTIVE DATE.

Passed by the City Council and approved by the Mayor this 27th
day of December, 1991.

Rose Bagley
City Clerk

(SEAL)