

ORDINANCE NO. 1035

BY THE COUNCIL:

CHRISTOPHER MANN - COUNCIL PRESIDENT  
BART STEVENS, RANDALL SCHWENDIMAN  
REX ERICKSON, BRAD EGBERT, ADAM STOUT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REXBURG, IDAHO, APPROVING THE AMENDED AND RESTATED DOWNTOWN DISTRICT REDEVELOPMENT PLAN, WEST SECOND SOUTH ADDITION (THE "HEMMING SITE") WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY OFFICIALS, STATE OFFICIALS AND OTHER TAXING ENTITIES; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Resolution dated November 6, 1991, the city of Rexburg, Idaho, 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" as defined now by 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 City Council of the city of Rexburg, Idaho (hereinafter the "City"), 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 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 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") which added a certain geographic area adjacent to the original urban renewal and revenue allocation area;

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 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 Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 950, on December 21, 2005, approving the Second Amended and Restated Plan;

WHEREAS, the 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 now by Idaho Code Section 50-2018(9) and 50-2903(8) 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;

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Recorded for: CITY OF REXBURG

MARILYN R. RASMUSSEN

Ex-Officio Recorder Deputy

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Washington School Urban Renewal Plan (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 City Council, after notice duly published, conducted a public Hearing on the University Boulevard-South 12th West Urban Renewal Plan (the "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;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Downtown District Redevelopment Plan (the "Downtown Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance 910, on December 17, 2003, approving the Downtown Plan, and making certain findings;

WHEREAS, the Agency has had certain discussions concerning examination of an area adjacent to the Downtown Plan Area for an expansion of the Downtown Plan Site urban renewal and revenue allocation area;

WHEREAS, the Agency Board determined that the Agency staff or consultant should prepare and review a report on the eligibility of the proposed Downtown District Urban Renewal Area, West Second South Addition area of Rexburg, which is inside the Rexburg city limits;

WHEREAS, 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, in May 2008, requested Harlan W. Mann, Real Estate Consultant ("Consultant"), to review an area in downtown Rexburg in an area known as the West 2nd South Urban Renewal Project Area and to prepare an eligibility report for the areas;

WHEREAS, the Agency has obtained the West 2nd South Area Eligibility Report (the "Report"), dated July 22, 2008, which examined an area in Rexburg known as the West 2nd South Area (the "West 2nd South Area" or "Hemming Site"), for the purpose of determining whether such areas are deteriorating areas or deteriorated areas as defined by Idaho Code, Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Agency accepted the Eligibility Report by way of Resolution No. 2008-3 at the August 14, 2008, meeting of the Agency Board;

WHEREAS, pursuant to the Resolution adopted by the Agency on August 14, 2008, the Agency has sought authorization to pursue the development of an urban renewal plan for the City within a geographical area which the Agency seeks the City Council determination of qualification for urban renewal activity;

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 Mayor and Council considered the steps set forth by the Act and Law, accepting the Report finding the area set forth therein to be "deteriorated" or

“deteriorating” areas as defined by Idaho Code Sections 50-2018(9), and 50-2903(8)(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, at its September 3, 2008, meeting the City Council considered the Eligibility Report for designation of an urban renewal area;

WHEREAS, by approval of City Council Resolution No. 2008-18, the City Council directed the Agency to commence preparation of an urban renewal plan for the area designated;

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 Agency prepared a proposed Amended And Restated Downtown District Redevelopment Plan (hereinafter referred to as the “Amended Downtown Plan”) for the area previously designated as eligible for urban renewal planning and the area proposed to be eligible;

WHEREAS, such proposed Amended Downtown Plan also contains provisions of revenue allocation financing as allowed by the Act;

WHEREAS, the Amended Downtown Plan updates certain provisions and financial information from the prior version of the Downtown Plan, adopted in 2003, the addition of the Hemming Site, changes in the Law and Act since 2003, and provide a projection concerning remaining improvements, projected expenses, and anticipated revenues through 2029;

WHEREAS, the Agency Board, at several meetings in late 2008 and through 2009, has considered public improvements related to the Hemming Site and original downtown project area;

WHEREAS, the Amended Downtown Plan was presented to the Agency Board at its October 15, 2009, meeting;

WHEREAS, as required by the Act, the Agency reviewed the information within the Amended Downtown Plan concerning use of revenue allocation funds and approved such information;

WHEREAS, at the regular meeting of the Agency Board on October 15, 2009, the Board adopted Resolution No. 2009-04 which recommended the adoption of the Amended Downtown Plan;

WHEREAS, the Agency has, by letters of transmittal dated October 28, 2009, submitted the Amended Downtown Plan to the Acting Mayor and City Council of Rexburg requesting the City schedule the necessary meetings and public hearing for consideration of the Amended Downtown Plan in compliance with the Law and the Act;

WHEREAS, the Acting Mayor and City Clerk have taken the necessary action to process the Amended Downtown Plan;

WHEREAS, pursuant to the Law, the City of Rexburg Planning and Zoning Commission considered the Amended Downtown Plan and its compliance with the Comprehensive Plan of the City of Rexburg on November 19, 2009, and forwarded its findings to the City Council, a copy of which is attached hereto as Exhibit 1;

WHEREAS, as of October 28, 2009, the Amended Downtown Plan was submitted to the affected taxing entities, available to the public, and under consideration by the City Council;

WHEREAS, notice of the public hearing of the Amended Downtown Plan was caused to be published by the City Clerk of Rexburg Idaho, in the *Standard Journal*, on October 31, 2009, and again on November 14, 2009, a copy of said notice being attached hereto as Exhibit 2;

WHEREAS, as required by Idaho Code Sections 50-2905 and 50-2906, the Amended Downtown Plan, a copy of which is attached hereto and incorporated herein by reference as Exhibit 3, 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 2, 2009, 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 Amended Downtown Plan authorizes certain projects to be financed by revenue allocation bonds and proceeds from revenue allocation;

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

WHEREAS, the City Council of the City of Rexburg during its regular meeting of December 2, 2009, held a public hearing and did consider the Amended Downtown Plan as proposed;

WHEREAS, it is necessary and in the best interests of the citizens of the City to recommend approval of the Amended Downtown Plan and to adopt, as part of the Amended Downtown Plan, revenue allocation financing provisions that will help finance urban renewal projects to be completed in accordance with the Amended Downtown Plan (as now or hereafter amended), in order to (1) encourage private development in the urban renewal area; (2) to prevent and arrest decay of the Amended Downtown Plan Area due to the inability of existing financing methods to provide needed public improvements; (3) to encourage taxing districts to cooperate in the allocation of future tax revenues arising in the Amended Downtown Plan Area in order to facilitate the long-term growth of their common tax base; (4) to encourage the long-term growth of their common tax base; (5) to encourage private investment within the city of Rexburg and (6) to further the public purposes of the Rexburg Redevelopment Agency;

WHEREAS, the Board of Commissioners of the Agency finds that the equalized assessed valuation of the taxable property in the revenue allocation area described in Attachments 1 and 2 of the Amended Downtown Plan is likely to continue to increase as a result of initiation and implementation of urban renewal projects in accordance with the Amended Downtown 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, the overall Amended and Restated Downtown District Redevelopment Plan Area base assessment roll, along with the Washington School Plan Area and the North Highway Plan Area, as amended, and the University Boulevard Plan Area cannot exceed ten percent (10%) of the Base Assessment Value of the City;

WHEREAS, the City at its regular meeting held on December 2, 2009, did consider the Amended Downtown Plan as proposed, conducted the public hearing, and made certain comprehensive findings;

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

Section 1: It is hereby found and determined that:

- (a) The Project Area as defined in the Amended Downtown 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 Project Area pursuant to the Amended Downtown Plan are 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 Amended Downtown Plan conforms to the City of Rexburg Vision 2020 Comprehensive Plan (the "Comprehensive Plan").
- (e) The Amended Downtown Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the mixed use components of the Amended Downtown Plan, the need for overall public improvements and the proposed public open space recreation and community facilities opportunity), and shows consideration for the health, safety, and welfare of any residents or businesses in the general vicinity of the Project Area as defined by the Amended Downtown Plan.
- (f) The Amended Downtown 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 Amended Downtown Plan provides a feasible method for relocation of any displaced families residing within the Project Area.
- (h) That portion of the Project Area which is identified for non-residential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns and the need for the correlation of this area with other areas of the City.
- (i) The collective base assessment roll of the Amended Downtown Plan, along with the collective base assessment rolls of the Washington School Plan Area, the North Highway Plan Area, and the University Boulevard Plan Area does not exceed ten percent (10%) of the assessed value of the City of Rexburg.

Section 2: The City Council finds that one of the Plan objectives to increase the mixed use development opportunity to include housing does meet the sound needs of the City and will provide residential opportunities in an area that does not now contain such residential opportunities, and the portion of the Project Area which is identified for non-residential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Rexburg Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.

Section 3: The Amended Downtown, a copy of which is attached hereto and marked as Exhibit 3 and made a part hereof by attachment, be and the same hereby is approved. The City Clerk and/or the Agency may make certain technical corrections or

revisions in keeping with the information and testimony presented at the December 2, 2009, hearing.

Section 4: No direct or collateral action attacking the Amended Downtown 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 Amended Downtown Plan.

Section 5: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the Madison County Recorder, Madison County Auditor and Tax Assessor of Madison County, and to the appropriate officials of the Madison County Board of County Commissioners, Rexburg Cemetery District, Madison County Library District, Madison School District #321 Board of Trustees, Madison County Ambulance District, Madison County Mosquito Abatement District, the City of Rexburg, and to the State Tax Commission, a copy of this Ordinance, a copy of the legal description of the boundaries of the Urban Renewal/Revenue Allocation Area, and a map or plan indicating the boundaries of the Urban Renewal/Revenue Allocation Area.

Section 6: The City Council hereby finds and declares that the Revenue Allocation Area as defined in the Amended Downtown Plan includes that portion of the Urban Renewal Project Area, the equalized assessed valuation of which the Council hereby determines is in and is part of the Amended Downtown Plan has increased and is likely to continue to increase as a result of the initiation and completion of urban renewal projects pursuant to the Amended Downtown Plan.

Section 7: 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 Amended Downtown Plan the City Council recognizes that it has no power to control the powers or operations of the Agency.

Section 8: 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 9: This Ordinance shall be in full force and effect immediately upon its passage, approval and publication, and shall be retroactive to January 1, 2009, to the extent permitted by the Act, with the original revenue allocation area maintaining its base assessment roll as of January 1, 2003.

Section 10: 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.

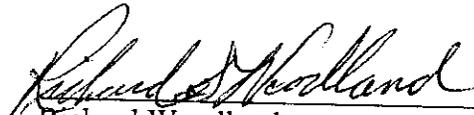
Section 11: The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 4, is hereby approved.

Section 12: All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

Section 13: **SAVINGS CLAUSE:** This Ordinance does not affect an action or proceeding commenced or right accrued before this Ordinance takes effect.

PASSED by the Council of the City of Rexburg, Idaho, this 2nd day of December 2009.

APPROVED by the Mayor of the City of Rexburg, Idaho this 2nd day of December, 2009.

  
Richard Woodland  
Mayor

ATTEST:

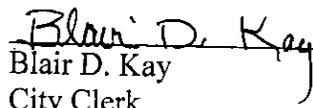
  
Blair D. Kay  
City Clerk





EXHIBIT 1

NOTICE PUBLISHED IN THE *STANDARD JOURNAL*  
October 31, and November 14, 2009

**NOTICE OF REGULAR MEETING AND PUBLIC HEARING  
BY THE CITY COUNCIL OF THE CITY OF REXBURG TO CONSIDER  
THE AMENDED AND RESTATED  
DOWNTOWN DISTRICT REDEVELOPMENT PLAN  
OF THE REXBURG REDEVELOPMENT AGENCY**

Notice is hereby given that the Rexburg City Council will hold, during its regular meeting on Wednesday, December 2, 2009, at 7:30 p.m., a public hearing in the City Council Chambers, 35 North 1st East, Rexburg, Idaho, to consider the Amended and Restated Downtown District Redevelopment Plan ("Plan") of the Rexburg Redevelopment Agency ("Agency"). The boundaries of the Plan area are hereinafter described. The Plan proposes that the Agency continue to undertake urban renewal projects pursuant to the Idaho Urban Renewal Law of 1965, as amended. Generally, the Plan updates the Downtown District Redevelopment Plan originally adopted in 2003 and adds an additional revenue allocation/urban renewal area referred to as the West 2nd South, Hemming Site. The Plan being considered for adoption contains a revenue allocation financing provision pursuant to the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, that will cause property taxes resulting from any increases in equalized assessed valuation in excess of the equalized assessed valuation as shown on the base assessment roll as of January 1, 2009, for the proposed additional revenue allocation area, to be allocated to the Agency for urban renewal purposes. The base assessment roll for the original Downtown area remains January 1, 2003. The boundaries of the revenue allocation area are also hereinafter described. The Agency has recommended approval of the Plan. The Council will also be considering the final reading of an ordinance adopting the Plan on December 2, 2009.

The general scope and objectives of the Plan and the Downtown Urban Renewal Project are:

elimination of environmental deficiencies in the Amended Project Area including, among others, obsolete and aged building types and inadequate public improvements and facilities;

assembly of land into parcels suitable for modern, integrated development with improved setback, parking, pedestrian, and vehicular circulation in the Amended Project Area;

replanning, redesign, and development of undeveloped and underdeveloped areas which are stagnant or improperly utilized;

strengthening of the economic base of the Amended Project Area and the community by installation of needed public improvements and facilities to stimulate new commercial expansion, employment, and economic growth;

establishment and implementation of performance criteria to assure high site design standards, environmental quality, and other design elements which provide unity and integrity to the entire Amended Project Area;

strengthening of the tax base by encouraging private development, thus, increasing the assessed valuation of properties within the Amended Project Area as a whole and benefiting the various taxing districts in which the Amended Project Area is located;

creating of public spaces, gateway entries, and the like;

provision of civic buildings and public facilities owned or occupied by the Agency or other public entities including the City;

provision of adequate land for open space, street rights-of-way and pedestrian rights-of-way, alley improvements, sidewalks, street lights, parking facilities, traffic signals; and

implementation of the Comprehensive Plan by the Agency within the Amended Project Area to the extent funding is available and the implementation of activities are eligible activities under the Law and Act.

Any such land uses as described in the Plan will be in conformance with the Comprehensive Plan of the City of Rexburg. Land made available will be developed by private enterprises or public agencies as authorized by law. The Plan defines various public and private improvements which may be made within the Downtown District Urban Renewal area.

The project area and revenue allocation area herein referred are described as follows:

**A. Original Revenue Allocation Area:**

Beginning at a point that is N 89° 59' 59" E 49.5 from the Southeast Corner of Section 19, Township 06 North, Range 40 E, Boise Meridian; running thence N 0° 14' 57" W 825.19 feet to the Southwest Corner of Block 20, Rexburg Original Townsite; thence S 89° 44' 59" W 2373.48 feet to the Southeast Corner of Block 24; thence S 0° 15' 2" E 759 feet; thence S 89° 44' 58" W 759 feet; thence S 0° 15' 1" E 891.02 feet to the Northeast Corner of Block 46; thence N 89° 44' 57" E 3132.51 feet; thence N 0° 15' 11" W 824.8 feet to the point of beginning.

*Less the following:* Lot 2, Block 39 of the Rexburg Original Townsite.

**B. Added Revenue Allocation Area:**

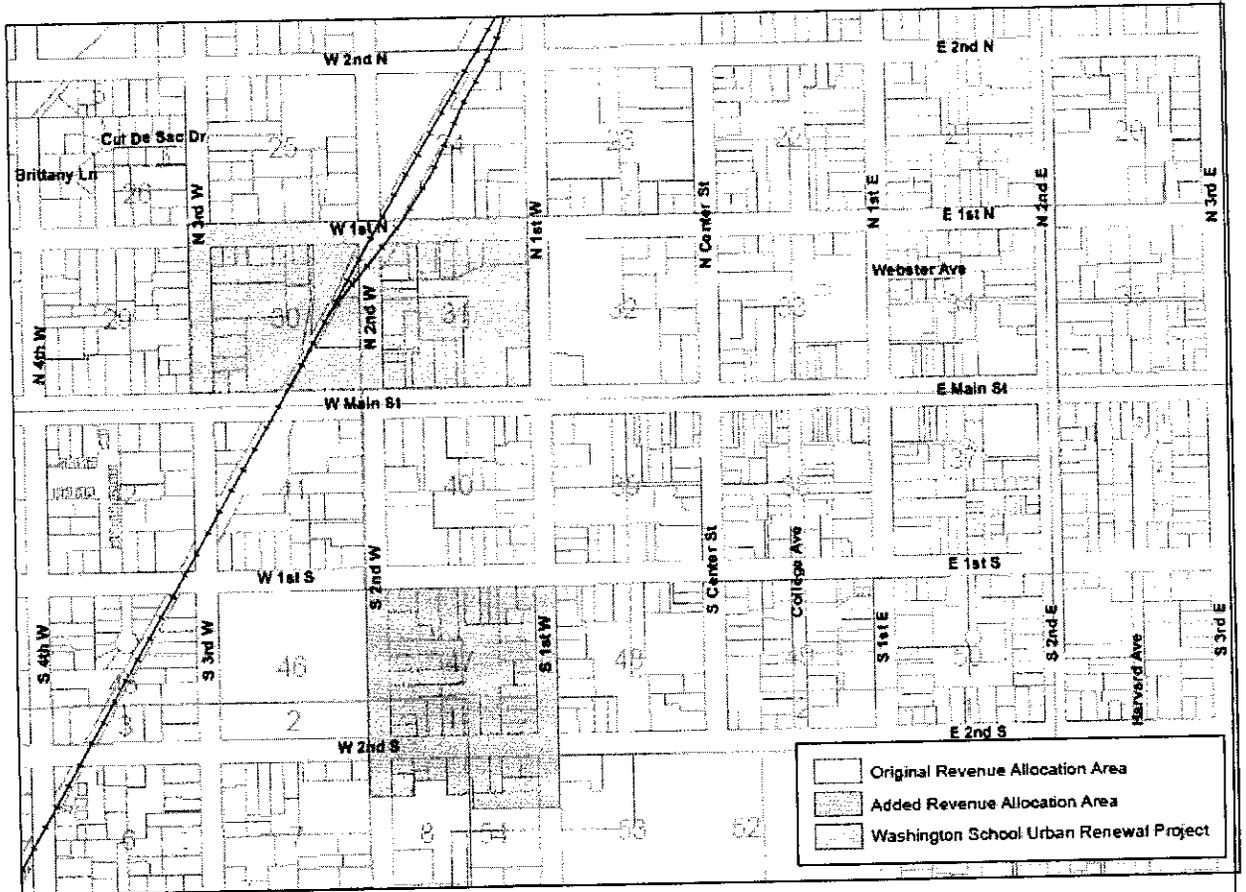
Beginning at the Northeast Corner of Block 46, Rexburg Original Townsite, Madison County, Idaho; running thence S 0° 15' E 759 feet to the Northeast Corner of Block 7, Southend Addition to the City of Rexburg; thence S 0° 15' 38" E 164.5 feet; thence N 89° 53' 31" E 198 feet; thence N 0° 16' 9" W 65.94 feet; thence N 89° 46' 59" E 148.51 feet; thence S 0° 15' 37" E 65.81 feet; thence N 89° 46' 59" E 82.5 feet; thence N 0° 26' 1" W 8.25 feet; thence N 89° 35' 7" E 17.25 feet; thence S 0° 14' 53" E 74.32 feet; thence N 89° 45' 34" E 409.25 feet; thence N 0° 15' W 231.11 feet to the Northwest Corner of Block 53, Rexburg Original Townsite; thence N 0° 15' W 759 feet to the Northwest Corner of Block 48; thence S 89° 44' 56" W 855.51 feet to the point of beginning.

**C. Overall Urban Renewal Area:**

Beginning at a point that is N 89° 59' 59" E 49.5 from the Southeast Corner of Section 19, Township 06 North, Range 40 E, Boise Meridian; running thence N 0° 14' 57" W 825.19 feet to the Southwest Corner of Block 20, Rexburg Original Townsite; thence S 89° 44' 59" W 2373.48 feet to the Southeast Corner of Block 24; thence S 0° 15' 2" E 759 feet; thence S 89° 44' 58" W 759 feet; thence S 0° 15' E 1650.02 feet to the Northeast Corner of Block 7, Southend Addition to the City of Rexburg; thence S 0° 15' 38" E 164.5 feet; thence N 89° 53' 31" E 198 feet; thence N 0° 16' 9" W 65.94 feet; thence N 89° 46' 59" E 148.51 feet; thence S 0° 15' 37" E 65.81 feet; thence N 89° 46' 59" E 82.5 feet; thence N 0° 26' 1" W 8.25 feet; thence N 89° 35' 7" E 17.25 feet; thence S 0° 14' 53" E 74.32 feet; thence N 89° 45' 34" E 409.25 feet; thence N 0° 15' W 231.11 feet to the Northwest Corner of Block 53, Rexburg Original Townsite; thence N 0° 15' W 759 feet to the Northwest Corner of Block 48; thence N 89° 44' 57" E 2277 feet; thence N 0° 15' 11" W 824.8 feet to the point of beginning.

(For the purpose of describing the New Revenue Allocation Area, less-out Lot 2, Block 39 of the Rexburg Original Townsite from the Overall Urban Renewal Area description above.)

SEE ATTACHED MAP:



Attachment 2  
Amended Project Area - Amended Revenue Allocation Area Boundary Map

Copies of the proposed Plan are on file for public inspection and copying for the cost of duplication at the office of the City Clerk, City Hall, 35 North 1st East, Rexburg, Idaho, 83340, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, exclusive of holidays.

At the time and place noted above, all persons interested in the above matter may appear and be heard. Written comments will also be accepted. Comments should be directed to the City Clerk of the city of Rexburg. Written comments should be submitted prior to the hearing date.

Individuals who will require special assistance to accommodate physical, vision, hearing, or other impairment, please contact the City Clerk at (208) 359-3020 three (3) days prior to the public hearing so that arrangements can be made.

DATED this 22nd day of October, 2009.

Blair Kay, City Clerk of Rexburg

Publication Date: October 31st and November 14th, 2009.

EXHIBIT 2

PLANNING & ZONING COMMISSION RESOLUTION

**RESOLUTION OF THE REXBURG PLANNING AND ZONING COMMISSION  
RELATING TO THE AMENDED AND RESTATED DOWNTOWN DISTRICT  
REDEVELOPMENT PLAN FOR THE CITY OF REXBURG**

WHEREAS, the Rexburg Redevelopment Agency (hereinafter "Agency"), has submitted a proposed Urban Renewal Plan entitled "Amended and Restated Downtown District Redevelopment Plan" (the "Plan") to the City of Rexburg, and the City Council, through the Mayor, referred the Plan to the Rexburg Planning and Zoning Commission for review and recommendations concerning the conformity of said Plan with the Comprehensive Plan known as the City of Rexburg Vision 2020 Comprehensive Plan; and

WHEREAS, the staff of the Rexburg Planning and Zoning Commission has reviewed said Plan and has determined that it is in all respects in conformity with the Comprehensive Plan; and

WHEREAS, the Rexburg Planning and Zoning Commission met on November 19, 2009, to consider the Plan; and

WHEREAS, the Rexburg Planning and Zoning Commission has reviewed said Plan in view of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF REXBURG, IDAHO:

Section 1. That the Plan, submitted by the Rexburg Redevelopment Agency and referred to this Commission by the City Council for review, is in all respects in conformity with the Comprehensive Plan.

Section 2. That the Director of the Planning and Zoning Division by and hereby is authorized and directed to provide the Rexburg City Council with a certified copy of this Resolution relating to said Plan.

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

PASSED by the Planning and Zoning Commission of the City of Rexburg, Idaho, this 19th day of November 2009.

  
\_\_\_\_\_  
Winston Dyer, Chairman  
Planning and Zoning Commission

  
\_\_\_\_\_  
Val Christensen, Director,  
Planning and Zoning Division

EXHIBIT 3

AMENDED AND RESTATED DOWNTOWN DISTRICT REDEVELOPMENT  
PLAN

**AMENDED AND RESTATED DOWNTOWN DISTRICT REDEVELOPMENT PLAN**

**REXBURG URBAN RENEWAL PROJECT**

**REXBURG REDEVELOPMENT AGENCY**

**CITY OF REXBURG, IDAHO**

**Ordinance No. 910  
Adopted December 17, 2003  
Effective December 22, 2003, Publication**

**Amended  
Ordinance No. 1035  
Adopted December 2, 2009  
Effective December 12, 2009, Publication**

## TABLE OF CONTENTS

[§100]	INTRODUCTION .....	1
	[§100.1] General Procedures of the Agency .....	6
[§101]	Provisions Necessary to Meet State and Local Requirements .....	7
	[§101.1] Conformance with State of Idaho Urban Renewal Law of 1965, as Amended .....	7
	[§101.2] History and Current Conditions .....	8
	[§102] Purpose of Activities .....	9
[§200]	DESCRIPTION OF AMENDED PROJECT AREA .....	10
[§300]	PROPOSED REDEVELOPMENT ACTIONS .....	11
	[§301] General .....	11
	[§302] Urban Renewal Plan Objectives .....	12
	[§303] Participation Opportunities and Agreement .....	15
	[§ 303.1] Participation Agreements .....	15
	[§304] Cooperation with Public Bodies .....	17
	[§305] Property Acquisition .....	18
	[§305.1] Real Property .....	18
	[§305.2] Personal Property .....	20
	[§306] Property Management .....	21
	[§307] Relocation of Persons (Including Individuals and Families), Business Concerns, and Others Displaced by the Project .....	21
	[§308] Demolition, Clearance, Building Site Preparation and Construction Activities .....	22
	[§308.1] Demolition and Clearance .....	22
	[§308.2] Building Site Preparation and Construction Activities .....	23
	[§309] Property Disposition and Development .....	23
	[§309.1] Real Property Disposition Development .....	23
	[§309.1.1] General .....	23
	[§309.1.2] Disposition and Development Documents .....	24
	[§309.1.3] Development by the Agency .....	26
	[§309.1.4] Development Plans .....	27
	[§310] Personal Property Disposition .....	27
	[§311] Rehabilitation and Conservation .....	27
	[§312] Participation with Private or Public Development .....	28
	[§313] Conforming Owners .....	29
[§400]	USES PERMITTED IN THE AMENDED PROJECT AREA .....	29
	[§401] Redevelopment Plan Map and Development Strategy .....	29
	[§402] Designated Land Uses .....	29
	[§402.1] Land Use Classifications .....	29
	[§403] Other Land Uses .....	30
	[§403.1] Public Rights-of-Way .....	30
	[§403.2] Other Public, Semi-Public, Institutional, and Nonprofit Uses .....	31
	[§403.3] Interim Uses .....	31
	[§404] General Controls and Limitations .....	32



## ATTACHMENTS

Attachment 1	Description of the Amended Project Area and Amended Revenue Allocation Area
Attachment 2	Amended Project Area-Amended Revenue Allocation Area Boundary Map
Attachment 3	Private Properties Which May be Acquired by Agency
Attachment 4	Map Depicting Expected Land Uses and Current Zoning within Amended Revenue Allocation Area and Amended Project Area
Attachment 5	Statement of Proposed Public Improvements, Costs, Revenues, Tax Impacts and Financing Methods
Attachment 5A	Estimated Net Taxable Value of New Private Development (Commercial/Residential) Rexburg Downtown Urban Renewal Project, as Amended
Attachment 5B	Estimated Annual Tax Revenue Allocations Rexburg Downtown Urban Renewal Project, as Amended
Attachment 5C	Estimated Annual Revenues and Costs Rexburg Downtown Urban Renewal Project, as Amended

**AMENDED AND RESTATED DOWNTOWN DISTRICT REDEVELOPMENT PLAN  
FOR  
REXBURG URBAN RENEWAL PROJECT  
  
REXBURG REDEVELOPMENT AGENCY  
CITY OF REXBURG, IDAHO**

**[§100] INTRODUCTION**

This is the Amended and Restated Downtown District Redevelopment Plan (the “Plan”)<sup>1</sup> for the Downtown Urban Renewal Project (the “Amended Project Area,” which includes the Downtown Project Area of 2003 and a new area described below as the “West 2nd South Hemming Site”), in the city of Rexburg (the “City”), county of Madison, state of Idaho, and consists of the text contained herein and the:

Description of the Amended Project Area and Amended Revenue Allocation Area (Attachment 1);

Amended Project Area-Amended Revenue Allocation Area Boundary Map (Attachment 2);

Private Properties Which May be Acquired by Agency (Attachment 3);

Map Depicting Expected Land Uses and Current Zoning within Amended Revenue Allocation Area and Amended Project Area (Attachment 4);

Statement of Proposed Public Improvements, Costs, Revenues, Tax Impacts and Financing Methods (Attachment 5);

Estimated Net Taxable Value of New Private Development (Commercial/ Residential) Rexburg Downtown Urban Renewal Project, as Amended (Attachment 5A);

Estimated Annual Tax Revenue Allocations Rexburg Downtown Urban Renewal Project, as Amended (Attachment 5B); and

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<sup>1</sup> This Amended and Restated Downtown District Redevelopment Plan is organized in a manner which, instead of showing new text redlined and text deleted as crossed out, simply restates in total the text of this Plan. Many of the tables and exhibits from the 2003 Plan are not repeated in this Amended and Restated Plan for ease of review and analysis. Additionally, much of the financial information and improvement list has been replaced or superseded. The original work for the 2003 Plan is available through the Agency or the city of Rexburg.

Estimated Annual Revenues and Costs Rexburg Downtown Urban Renewal Project, as Amended (Attachment 5C).

The term "Project" is used herein to describe the overall activities defined in this Plan and conforms with the statutory definition of the urban renewal project. Reference is specifically made to Idaho Code Section 50-2018(10) and 50-2903(13) for the various activities contemplated by the term "Project." Such activities include both private and public development of property within the Amended Project Area. The term "Project" is not meant to refer to a specific activity or development scheme.

This Plan was prepared for the Rexburg Urban Renewal Agency, aka the Rexburg Redevelopment Agency (the "Agency"), Board of Commissioners, by its consultants and staff of the Agency pursuant to the state of Idaho Urban Renewal Law (Chapter 20, Title 50, Idaho Code) (the "Law"), as amended, the Local Economic Development Act (Chapter 29, Title 50, Idaho Code) (the "Act"), as amended, the Idaho Constitution, and all applicable local laws and ordinances.

The proposed redevelopment of the Amended Project Area as described in this Plan conforms to the City of Rexburg Vision 2020 Comprehensive Plan (the "Comprehensive Plan"), adopted by the City Council of the city of Rexburg ("City Council") on March 4, 2009, pursuant to Resolution No. 2009-03.

The Agency may create several planning documents that generally describe the overall Project and identify certain specific public and private capital improvement projects. Because of the changing nature of the Project, these documents, by necessity, must be dynamic and flexible. The Agency anticipates that these documents will be modified as circumstances warrant. Any modification, however, shall not be deemed as an amendment of this Plan. No modification will be deemed effective if it is in conflict with this Plan. The planning documents are purposely flexible

and do not constitute specific portions of the Plan. Provided, however, prior to the adoption of any planning document or proposed modification to any planning document, the Agency shall notify the City and publish a public notice of such proposed modification at least thirty (30) days prior to the consideration of such proposed modification, thus, providing the City and any other interested person or entity an opportunity to comment on said proposed modification. The Agency Board shall consider any such comments and determine whether to adopt the modification. The planning documents apply to redevelopment activity within the Amended Project Area as described herein. In the event of any conflict between this Plan and the appended documents, the provisions of this Plan shall control. The Agency intends to rely heavily on any applicable City design standards which may cover all or part of the Amended Project Area.

This Plan provides the Agency with powers, duties, and obligations to implement and further the program generally formulated in this Plan for urban renewal, rehabilitation, and revitalization of the area within the boundaries of the Project. The Agency retains all powers allowed by the Law and Act. Because of the long-term nature of this Plan and the need to retain flexibility to respond to market and economic conditions, property owner and developer interests, and opportunities from time to time presented for redevelopment, this Plan does not present a precise plan or establish specific projects for redevelopment, rehabilitation, and revitalization of any area within the Amended Project Area nor does this Plan present specific proposals in an attempt to solve or alleviate the concerns and problems of the community relating to the Amended Project Area. Instead, this Plan presents a process and a basic framework within which specific plans will be presented, specific projects will be established, and specific solutions will be proposed, and by which tools are provided to the Agency to fashion, develop, and proceed with such specific plans, projects, and solutions.

Implementation of this Plan will require public co-investment to help stimulate desired private development. Typically, the public will fund enhanced public facilities like streets, alley improvements, storm drainage facilities, sidewalks, street lights, traffic signals, parking facilities,

**AMENDED AND RESTATED URBAN RENEWAL PLAN - 3**

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public buildings, or open space/plazas which, in turn, create an attractive setting for adjacent private investment in the office, retail, housing, or other commercial facilities.

The particular projects or redevelopment projects by private entities described herein are not intended to be an exclusive or exhaustive list of potential redevelopment activity. Allowed projects are those activities which comply with the Law and the Act and meet the overall objectives of this Plan.

The purposes of the Law which will be attained through and the major goals of this Plan are:

elimination of environmental deficiencies in the Amended Project Area including, among others, obsolete and aged building types and inadequate public improvements and facilities;

assembly of land into parcels suitable for modern, integrated development with improved setback, parking, pedestrian, and vehicular circulation in the Amended Project Area;

replanning, redesign, and development of undeveloped and underdeveloped areas which are stagnant or improperly utilized;

strengthening of the economic base of the Amended Project Area and the community by installation of needed public improvements and facilities to stimulate new commercial expansion, employment, and economic growth;

establishment and implementation of performance criteria to assure high site design standards, environmental quality, and other design elements which provide unity and integrity to the entire Amended Project Area;

strengthening of the tax base by encouraging private development, thus, increasing the assessed valuation of properties within the Amended Project Area as a whole and benefiting the various taxing districts in which the Amended Project Area is located;

creating of public spaces, gateway entries, and the like;

provision of civic buildings and public facilities owned or occupied by the Agency or other public entities including the City;

provision of adequate land for open space, street rights-of-way and pedestrian rights-of-way, alley improvements, sidewalks, street lights, parking facilities, traffic signals; and

implementation of the Comprehensive Plan by the Agency within the Amended Project Area to the extent funding is available and the implementation of eligible activities under the Law and Act.

The Agency retains all powers allowed by law. The Agency will encourage projects with those activities which comply with the Law and the Act and meet the overall objectives of this Plan.

The major purpose of this Plan is to provide an update of historical activities of the Agency since 2003, a projection of remaining activities through 2027, and the addition of the West 2nd South Area, also referred to as the Hemming Site. The 2003 Plan provided a term of twenty-four years but showed projections and estimates only through 2013/2014, with the expectation that the Agency might have completed those activities within that time frame. Because of a variety of circumstances, the activities will take longer to achieve along with the added activity related to the Hemming Site. The original Plan provided for a term through 2027 (the allowed twenty-four-year term). This Plan describes those activities through 2027. An additional purpose of this Plan is to include an update of several changes as mandated through the passage of legislative changes since 2003.

This Plan provides the Agency with powers, duties, and obligations to implement and further the program generally formulated in this Plan for the redevelopment, rehabilitation, and revitalization of the area within the boundaries of the original project area, which area includes by way of amendment the Hemming Site (collectively the "Amended Project Area"). The Agency retains all powers allowed by the Law and the Act. Because of the long-term nature of this Plan and the need to retain in the Agency flexibility to respond to market and economic conditions, property owner and developer interests, and opportunities from time to time presented for redevelopment, this Plan does not present a precise plan or establish specific

projects for the redevelopment, rehabilitation, and revitalization of any area within the Amended Project Area, nor does this Plan present specific proposals in an attempt to solve or alleviate the concerns and problems of the community relating to the Amended Project Area. Instead, this Plan presents a process and a basic framework within which specific plans will be presented, specific projects will be established, and specific solutions will be proposed and by which tools are provided to the Agency to fashion, develop, and proceed with such specific plans, projects, and solutions. In particular this Plan attempts to respond to the challenges created by the development and enhancement of Brigham Young University-Idaho campus located in Rexburg, Idaho.

Implementation of this Plan will require public co-investment to help stimulate desired private development. Typically, the public will fund enhanced public facilities like streets, sidewalks, signals, parking facilities, plazas/open space, and public buildings which, in turn, create an attractive setting for adjacent private investment.

This Plan provides the Agency with powers, duties, and obligations to implement and further the program generally formulated in this Plan for the redevelopment, rehabilitation, economic enhancement, and revitalization of the Amended Project Area. The Agency retains all powers allowed by law. The Agency will encourage projects with those activities which comply with the Law and the Act and meet the overall objectives of this Plan.

#### **[§100.1] General Procedures of the Agency**

Under the Law, the Agency is governed by the Idaho open meeting law, the Public Records Act, the Ethics in Government Act, financial reporting requirements under Idaho Code Section 67-450B, and the competitive bidding requirements under Chapter 28, Title 67, Idaho Code.

Generally, the Agency shall conduct all meetings in open session and allow meaningful public input as mandated by the issue considered or by any statutory or regulatory provision. Whenever in this Plan it is stated that the Agency may modify, change, or adopt certain policy statements or contents of this Plan not requiring a formal amendment to the Plan as required by the Law or the Act, it shall be deemed to mean a consideration by the Board of such policy or procedure, duly noticed upon the Agency meeting agenda, considered by the Agency at an open public meeting, and adopted by a majority of the members present, constituting a quorum, unless any provision herein provides otherwise.

**[§101] Provisions Necessary to Meet State and Local Requirements**

**[§101.1] Conformance with State of Idaho Urban Renewal Law of 1965, as Amended**

The laws of the state of Idaho allow for an Urban Renewal Plan to be submitted by the Agency or any interested person or entity in an area certified as an urban renewal area by the City Council. The original urban renewal/revenue allocation area was certified by the City Council by its actions taken by adopting Resolution No. 2003-06 on March 19, 2003.

On October 29, 2003, the Agency formally recommended adoption of the initial plan by passage of Resolution No. 2003-2. The plan was then formally submitted to the Mayor of the City.

In accordance with the Idaho Urban Renewal Law of 1965, the 2003 Plan was submitted to the Planning and Zoning Commission of the City. The Planning and Zoning Commission considered this Plan and forwarded its findings concerning the compliance of the Plan with the Comprehensive Plan of Rexburg to the City Council.

Pursuant to the Idaho Urban Renewal Law of 1965, the City Council, having published due notice thereof, a public hearing was held on the original plan. Notice of the hearing was

duly published in a newspaper having general circulation. The City Council adopted the 2003 Plan on December 17, 2003, by Ordinance No. 910, deemed effective upon publication on December 22, 2003.

The proposed expansion area to add the West 2nd South Hemming Site was certified by the City Council on September 3, 2008, by adoption of City Council Resolution 2008-18.

On October 15, 2009, the Agency Board formally recommended adoption of this Plan by passage of Agency Resolution No. 2009-04. The Plan was then formally submitted to the Mayor and City Council. The Rexburg Planning and Zoning Commission considered the Plan at its meeting of \_\_\_\_\_, 2009, and forwarded its findings and conclusions concerning the compliance of the Plan with the Comprehensive Plans of the City to the City Council.

In accordance with the Idaho Urban Renewal Law of 1965, the City Council having published due notice thereof, a public hearing was held on this Plan on December 2, 2009. Notice of the hearing was duly published in a newspaper of general circulation on \_\_\_\_\_, 2009. The City Council adopted this Plan on December 2, 2009, by passing Ordinance \_\_\_\_\_, deemed effective upon publication on \_\_\_\_\_, 2009.

#### **[§101.2] History and Current Conditions**

A summary of the Agency's activities since 2003 is described on Attachment 5C. Since the adoption of the initial Plan in 2003, the Agency has focused on approving an overall downtown planning document. The Agency has also acquired certain property and undertaken certain demolition of structures to provide enhanced access to public parking.

The original project area was the subject of an initial Eligibility Report dated January 31, 2003. The Downtown District Area is a deteriorating area because of the presence of various conditions, most of which are related to the public infrastructure or certain private improvements or facilities which are deteriorating in nature. Either public infrastructure is older and needs to

be replaced and/or upgraded or it is grossly inadequate to serve planned new development. In either case, the result is the same; existing development is often discouraged from upgrading and expanding, and new development is often slowed or thwarted because of the lack of necessary public infrastructure. Certain parcelization, inadequate parking, and/or potential of the loss of parking hinder development opportunity.

During 2008 and 2009, the Agency and other interested parties began to examine the need for an expansion of the original project area to include what has sometimes been referred to as the West 2nd South Hemming Site. This additional project area responds to certain deteriorating conditions, development opportunity, and the need for public services and improvements.

The preparation and approval of an urban renewal plan, including a revenue allocation financing provision, gives the City additional resources to solve the public infrastructure problems in this area. Revenue allocation financing should help to improve the situation. In effect, property taxes generated by new developments within the area may be used by the City's urban renewal agency to finance a variety of needed public improvements and facilities. Finally, some of the new developments may also generate new jobs in the community that would, in turn, benefit area residents.

#### **[§102] Purpose of Activities**

The description of activities, public improvements, and the estimated costs of those items are intended to create an outside limit of the Agency's activity. The Agency reserves the right to change amounts from one category to another as long as the overall total amount estimated is not substantially exceeded. The items and amounts are not intended to relate to any one particular development, developer, or owner. Rather, the Agency intends to discuss and negotiate with any owner or developer who seeks Agency assistance. During such negotiation, the Agency will

determine, on an individual basis, the eligibility of the activities sought for Agency funding and the amount the Agency may fund by way of percentage or other criteria. The Agency will also take into account the amount of revenue allocation proceeds estimated to be generated from the developer's activities. The Agency also reserves the right to establish, by way of policy, its funding percentage or participation, which would apply to all developers and owners.

The activities listed in Attachment 5 are also prioritized by way of importance to the Agency by the amounts funded and by year of funding, with earlier years reflecting the more important activities. As required by the Law and Act, the Agency will adopt more specific budgets annually.

Throughout this Plan there are references to Agency activities, Agency funding, and the acquisition, development, and contribution of public improvements. Such references do not necessarily constitute a full, final, and formal commitment by the Agency but rather grant to the Agency the discretion to participate as stated subject to achieving the objectives of this Plan and provided such activity is deemed eligible under the Law and the Act.

The Agency reserves the right to prioritize the projects described in this Plan. The Agency also reserves the right to retain its flexibility in funding the various activities. The Agency also reserves its discretion and flexibility in deciding which improvements should be funded and at what level, whether using its own funds or funds generated by other sources.

#### **[§200] DESCRIPTION OF AMENDED PROJECT AREA**

The boundaries of the Amended Project Area and of the Amended Revenue Allocation Area are described in Attachment 1, which is attached hereto and incorporated herein by reference, and are shown on the "Amended Project Area and Amended Revenue Allocation Boundary Map," attached hereto as Attachment 2 and incorporated herein by reference. The Amended Project Area now includes the geographic area initially determined to be eligible for

#### **AMENDED AND RESTATED URBAN RENEWAL PLAN - 10**

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urban renewal activity by virtue of the 2003 Eligibility Report dated January 31, 2003 and the West 2nd South Area Hemming Site. As originally adopted in 2003, the urban renewal area and revenue allocation area were not co-terminous, as the revenue allocation area does not include the Melaleuca property on Block 39. This distinction continues through this amendment and the addition of the West 2nd South Area Hemming Site.

For purposes of boundary descriptions and use of proceeds for payment of improvements, the boundary shall be deemed to extend to the outer boundary of rights-of-way.

### **[§300] PROPOSED REDEVELOPMENT ACTIONS**

#### **[§301] General**

The Agency proposes to eliminate and prevent the spread of deterioration and deterioration in the Amended Project Area by:

1. Acquisition of certain real property (if needed) and through the voluntary measures described in Section 305;
2. Demolition or removal of certain buildings and improvements for public rights-of-way for streets, utilities, walkways, and other improvements for public facility building sites, to eliminate unhealthful, unsanitary, or unsafe conditions, improve density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or to prevent the spread of deterioration;
3. Provision for participation by property owners within the Amended Project Area;
4. Management of any property acquired by any entity under the ownership and control of the Agency;
5. Provision for relocation assistance to displaced Project occupants, as required by law;
6. Installation, construction, or reconstruction of public improvements owned or occupied by the Agency or other public agencies, including the City, public parking, as may be deemed appropriate by the Agency Board, and other public improvements;
7. Disposition of property for uses in accordance with this Plan;

8. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
9. Rehabilitation of structures and improvements by present owners, their successors, and the Agency;
10. Preparation and assembly of adequate sites for the development and construction of facilities for commercial, mixed-use development, office, appropriate retail, and other ancillary uses;
11. As allowed by law, lend or invest federal funds to facilitate urban renewal redevelopment;
12. Construction of foundations, platforms, and other like structural forms necessary for the provision or utilization of air rights, sites for buildings to be used for residential, commercial, and other uses contemplated by the Plan, and to provide utilities to the development site; and
13. Coordinating with the City in the implementation of the City's Comprehensive Plan within the Amended Project Area.

In the accomplishment of these purposes and activities and in the implementation and the furtherance of this Plan, the Agency is authorized to use all the powers provided in this Plan and all the powers now or hereafter permitted by law. The Agency intends to encourage development of a mixed-use project consisting of governmental, residential, office, and supporting commercial and retail. For purposes of this Plan, the reference to "Mixed-Use Development" shall mean this objective.

**[§302] Urban Renewal Plan Objectives**

Urban renewal action is necessary in the Amended Project Area to combat problems of physical deterioration and economic obsolescence.

Urban renewal action is necessary in the Amended Project Area to combat problems of physical deterioration and economic underdevelopment.

The Amended Project Area consists of the original approximately seven (7) city blocks bordered by 2nd West on the west, 2nd East on the east, 1st North on the north, and 1st South on

the south. The West 2nd South Area Hemming Site adds the area of West 1st South on the north, South 1st West on the east, properties on West 2nd South on the south, and South 2nd West on the west. The area has a history of a slow-growing tax base primarily attributed to inadequate and deteriorating public improvements and facilities, poorly maintained properties, undeveloped and underdeveloped properties, diverse property ownership, parcel site and configuration, and other deteriorating factors.

Hence, the Plan for the Amended Project Area is a proposal for public improvements and facilities to: provide an improved environment for new commercial and Mixed-Use Development developments; eliminate unsafe conditions; assist potential owner participation and other developers to create appropriate development sites through parcelization of existing larger parcels and, where necessary, through acquisition, demolition, and disposition activities; and otherwise prevent the extension of deterioration and reverse the deteriorating action of the area.

Any streets or other rights-of-way to be vacated or relocated will create additional building area for Mixed-Use Development or public use. Vacations or relocations must be requested from the City of Rexburg or any agency having jurisdiction over the particular public right-of-way.

Air rights and subterranean rights may be disposed of for any permitted use within the Amended Project Area boundaries.

Less than fee acquisition of any interest in real property may be utilized by the Agency when and if necessary to promote urban renewal in accordance with the objectives of the Plan.

The Agency may act to improve transportation opportunities throughout the Amended Project Area.

The Agency may participate in the cost of removal of extraordinary site conditions. A further objective of the Plan is to provide for the acquisition and clearance of property to be used for other public facilities. Off-street parking facilities may be developed to serve new commercial uses within the Amended Project Area. Over the life of the Plan, land use in the Amended Project Area will be modified to the extent that buildings currently vacant and land underdeveloped may be converted to Mixed-Use Development, public and private parking, and public/semi-public uses.

The provisions of this Plan are applicable to all public and private property in the Amended Project Area. The provisions of the Plan shall recognize the need for flexibility in interpretation and implementation. All development under an owner participation agreement shall conform to those standards specified in Section 303.1 of this Plan.

The Agency will play a key role in creating the necessary momentum. The following list represents the key elements of the plan:

1. Initiate simultaneous projects designed to revitalize the Amended Project Area.
2. Secure certain public open space in critical areas (e.g., plazas and pathways); this public open space will greatly increase property values adjacent to it and greatly contribute simultaneously to a new sense of place.
3. Develop new Mixed-use Development projects.
4. Pursue development across all land-use sectors.
5. Develop parking facilities.

Without Agency intervention, much of the Amended Project Area could conceivably remain unchanged for the next several years. Success will come through numerous public-

private partnerships. The Plan creates the necessary flexible framework for the Amended Project Area to capture a share of Rexburg's growing population and economy.

Without Agency intervention, much of the Amended Project Area could remain unchanged through the remaining term of the Plan. The Plan creates the necessary flexible framework for the project to capture a share of improvement in the City.

### **[§303] Participation Opportunities and Agreement**

#### **[§ 303.1] Participation Agreements**

The Agency shall enter into an owner participation agreement with any existing or future owner of property in the event the property owner seeks and/or receives assistance from the Agency in the redevelopment of the property. In that event, the Agency may allow for an existing or future owner of property to remove the owner's property and/or structure from future Agency acquisition subject to entering into an owner participation agreement.

Each structure and building in the Amended Project Area to be rehabilitated or new projects to be constructed as a condition of the owner participation agreement between the Agency and the owner pursuant to this Plan will be considered to be satisfactorily rehabilitated and constructed, and the Agency will so certify, if the rehabilitated or new structure meets the following standards:

1. There is an executed owner participation agreement to meet conditions described below.
2. Any such property within the Amended Project Area conforms to all applicable provisions, requirements, and regulations of this Plan. Upon completion of any rehabilitation or new development, each structure must be safe and sound in all physical respects and be refurbished and altered to bring the property to an upgraded marketable condition which will continue throughout an estimated useful life for a minimum of twenty (20) years.
3. All such buildings or portions of buildings which are to remain within the Amended Project Area are rehabilitated in conformity with all applicable codes and ordinances of the City.

4. Any new construction conforms to all applicable provisions, requirements, and regulations of this Plan.
5. Any new construction conforms to all applicable codes and ordinances of the City.

In such participation agreements, participants who retain real property shall be required to join in the recordation of such documents as may be necessary to make the provisions of this Plan applicable to their properties. Whether or not a participant enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Amended Project Area.

In the event a participant fails or refuses to rehabilitate, develop, use, and maintain the participant's real property pursuant to this Plan and a participation agreement, the real property or any interest therein may be acquired by the Agency in accordance with Section 305 of this Plan and sold or leased for rehabilitation or development in accordance with this Plan.

Owner participation agreements may be used to implement the following objectives:

1. Encouraging property owners or tenants to revitalize deteriorating areas of their parcels and to incorporate elements of the Plan;
2. Subject to the limitations of the Law and the Act, providing incentives to existing property owners or tenants to encourage continued utilization and expansion of existing permitted uses to prevent properties from falling into disuse, a proliferation of vacant and deteriorated parcels;
3. Allowing existing nonconforming uses to continue in accordance with City regulations and to accommodate improvements and expansions allowed by City regulations; and
4. Subject to the limitations of the Act, providing incentives to improve nonconforming properties so they implement the design guidelines recommended by this Plan to the extent possible and to encourage an orderly transition from nonconforming to conforming uses over the planning horizon.

All such agreements will address phasing issues, justification and eligibility of project costs, and achievement of the objectives of this Plan. Agency shall retain its discretion in the funding level of its participation.

**[§304] Cooperation with Public Bodies**

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of this Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency may impose on all public bodies the provisions and controls contained in this Plan to ensure that present uses and any future development by public bodies will conform to the requirements of this Plan. The Agency is authorized to financially (and otherwise) assist any public entity in the cost of public land, buildings, facilities, structures, or other improvements within the Amended Project Area.

The Agency specifically intends to cooperate to the extent allowable by law with the City, Madison County, the State of Idaho, and School District 321 for the construction and reconstruction of public improvements and facilities, including water and sewer systems, and improvements to city streets and the state highway. Specifically, the Agency intends to address traffic issues in the Amended Project Area with the City. The Agency seeks to provide input, guidance, and financial assistance, if available, to improve traffic flow, roadway/access improvements, streetscapes, parking, and related traffic issues. The Agency also intends to cooperate with local authorities to improve other transportation opportunities in the Amended Project Area.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies that own or intend to acquire property in the Amended Project Area. Any public body that owns or leases property in the Amended Project Area will be afforded all the privileges of an owner participant if such public body is willing to enter into a participation agreement with the Agency. All plans for development of property in the Amended Project Area by a public body shall comply with the provisions of this Plan, in the event the Agency is providing any financial assistance.

In the event the Agency is participating in the public development by way of financial incentive or otherwise, the public body shall enter into a participation agreement with the Agency and then shall be bound by the Plan and other land use elements and shall conform to those standards specified in Section 405 of this Plan.

**[§305] Property Acquisition**

**[§305.1] Real Property**

Only as specifically authorized herein, and only through voluntary sale by the property owner, the Agency may acquire, but is not required to acquire, any real property located in the Amended Project Area where it is determined that the property is needed for construction of public improvements or required to eliminate or mitigate the deteriorated or deteriorating conditions. The acquisition shall be by any means authorized by law, including, but not limited to, the Law, the Act, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The Agency is authorized to acquire either the entire fee or any other interest in real property less than a fee, including structures and fixtures upon the real property, without acquiring the land upon which those structures and fixtures are located.

The Agency shall not acquire real properties to be retained by an owner pursuant to a participation agreement if the owner fully performed under the agreement.

The Agency intends to acquire any real property through voluntary or consensual gift, devise, exchange, or purchase. Such acquisition of property may be for the development of the public improvements identified in this Plan or for the assembly of properties for the redevelopment of those properties to achieve the objectives of this Plan. Such properties may include properties owned by private parties or public entities. This Plan does not anticipate the Agency's widespread use of its resources for property acquisition, except for the construction of public improvements, any ability to engage in certain demonstration and strategic projects, and other major objectives outlined in this Plan, and to assemble certain critical or strategic parcels to dispose to the private sector to assist in the redevelopment of the Amended Project Area.

In the event the Agency identifies certain property which should be acquired to develop certain public improvements intended to be constructed under the provisions of this Plan, the Agency shall coordinate such property acquisition, with any other public entity (e.g., without limitation, the City or the State of Idaho, or any of its authorized agencies), including the assistance of the Agency of funds to acquire said property either through a voluntary acquisition or the public entity's invoking of its eminent domain authority. The Agency shall not be entitled to invoke its statutory eminent domain authority without an express amendment to this Plan, properly approved by the City Council.

Under the provisions of the Act, the urban renewal plan "shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area." Idaho Code § 50-2018(12)(b). The Agency has not identified any particular parcel for

acquisition for the construction of public improvements with the exception of the School District site. However, certain parcels may be acquired for development of public improvements, assemblage of parcels, or other demonstration projects. These activities are generally described in Attachment 3. The Agency may also acquire property for the purpose of developing public parking facilities, public open space, and to enhance the opportunity for other uses. At the present time, the Agency cannot specifically identify which parcels may be necessary for acquisition for the parking facilities or for site assembly for private development. The Agency reserves the right to determine which properties, if any, should be acquired. Generally, the Agency will invoke its acquisition authority only for the elimination or mitigation of deteriorated or deteriorating buildings, structures, or properties in order to enhance public open space in the Amended Project Area or assist or participate in site reclamation, remediation, or elimination of deteriorated areas, and then only by voluntary means. The Agency's authority to invoke eminent domain to acquire real property for disposition to private parties for economic development is limited by House Bill 555 adopted by the 58th Idaho Legislature, Second Session, 2006, Session Law Chapter 96, codified at Idaho Code Section 7-701A. Under this Plan, only voluntary acquisition is authorized.

#### **[§305.2] Personal Property**

Generally, personal property shall not be acquired. However, where necessary in the execution of this Plan and where allowed by law, the Agency is authorized to acquire personal property in the Amended Project Area by any lawful means. For purposes of this Plan, acquisition of certain permanent fixtures or improvements upon real property shall be governed by this section. The Agency retains the right to purchase those fixtures or improvements (including buildings) for the purpose of eliminating certain deteriorated or deteriorating structures to facilitate the Urban Renewal of the real property upon which the buildings and

#### **AMENDED AND RESTATED URBAN RENEWAL PLAN - 20**

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structures are located. Such acquisition shall be based upon appraised value of the structures and negotiation with the owner of the structures. The Agency shall take into account, before committing to such acquisition, any environmental or other liability present or potentially present in such structures. In the event, the Agency determines to acquire such property; it shall do so upon the successful negotiation of an owner participation agreement in compliance with the terms of Section 303.1 of this Plan. In addition, such owner shall commit to the redevelopment of the real property and to maintain the real property in a safe and clean manner. The Agency shall acquire such property by way of any acceptable conveyance.

**[§306] Property Management**

During such time such property, if any, in the Amended Project Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for redevelopment, and such rental or lease shall be pursuant to such policies as the Agency may adopt.

**[§307] Relocation of Persons (Including Individuals and Families), Business Concerns, and Others Displaced by the Project**

If the Agency receives federal funds for real estate acquisition and relocation, the Agency shall comply with 24 C.F.R. Part 42, implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The Agency may also undertake relocation activities for those not entitled to benefit under federal law, as the Agency may deem appropriate for which funds are available. The Agency's activities should not result in the displacement of families within the area. In the event the Agency's activities result in displacement, the Agency will provide for relocation into decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families. For any other

activity, the Agency will comply with the provisions of the Idaho Urban Renewal Law regarding relocation.

The Agency reserves the right to extend benefits for relocation to those not otherwise entitled to relocation benefits as a matter of state law under the Act or the Law. The Agency may determine to use as a reference the relocation benefits and guidelines promulgated by the federal government, the state government, or local government, including the Idaho Transportation Department. The intent of this section is to allow the Agency sufficient flexibility to award relocation benefits on some rational basis, or by payment of a lump sum amount on a per case basis. The Agency may also consider the analysis of replacement value for the compensation awarded to either owner occupants or businesses displaced by the Agency to achieve the objectives of this Plan. The Agency may adopt relocation guidelines which would define the extent of relocation assistance in non-federally-assisted projects and which relocation assistance to the greatest extent feasible would be uniform.

For displacement of families, the Agency shall comply with, at a minimum, the standards set forth in the Law. The Agency shall also comply with all applicable state laws concerning relocation benefits. If such a program is considered, it shall be adopted by Resolution by the Agency Board.

**[§308] Demolition, Clearance, Building Site Preparation and Construction Activities**

**[§308.1] Demolition and Clearance**

The Agency is authorized, but not required, to demolish and clear buildings, structures, and other improvements from any real property in the Amended Project Area as necessary to carry out the purposes of this Plan.

**[§308.2] Building Site Preparation and Construction Activities**

The Agency is authorized, but not required, to prepare or cause to be prepared as building sites any real property in the Amended Project Area owned by the Agency. In connection therewith, the Agency may cause, provide for, or undertake the installation or construction of certain public improvements including signals, street lights, plazas/open space, parking facilities, alley improvements, and storm drainage facilities. The Agency is also authorized, but not required, to construct foundations, platforms, and other structural forms necessary for the provision or utilization of air rights sites for buildings to be used for industrial, commercial, private, public, and other uses provided in this Plan. To the extent allowed by the Law and Act, the Agency may assist in the preparation of building sites by way of reclamation, remediation, or elimination of deteriorated conditions. The Agency is also authorized, but not required, to purchase certain site or building improvements for purposes of site preparation and development.

**[§309] Property Disposition and Development**

**[§309.1] Real Property Disposition Development**

**[§309.1.1] General**

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property under the reuse provisions set forth in Idaho Code Section 50-2011 and as otherwise allowed by law. To the extent permitted by law, the Agency is authorized to dispose of real property by negotiated lease, sale, or transfer without public bidding.

All purchasers or lessees of property acquired from the Agency shall be obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

Real property acquired by the Agency may be conveyed by the Agency and, where beneficial to the Amended Project Area, without charge to any public body as allowed by law. All real property acquired by the Agency in the Amended Project Area may be sold or leased to public or private persons or entities for development for the uses permitted in this Plan.

**[§309.1.2] Disposition and Development Documents**

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of deterioration, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, is subject to the provisions of this Plan.

The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to ensure that development is carried out pursuant to this Plan.

Leases, deeds, contracts, agreements, and declarations of restrictions of the Agency may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provisions necessary to carry out this Plan. Where appropriate, as determined by the Agency, such documents, or portions thereof, shall be recorded in the office of the Recorder of Madison County.

All property in the Amended Project Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, color, creed, religion, sex, age, handicap, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Amended Project Area. All property sold, leased, conveyed or subject to a participation agreement shall be expressly subject by appropriate documents to the restriction that all deeds, leases, or contracts for the sale, lease, sublease, or other transfer of land in the Amended Project Area shall contain such nondiscrimination and nonsegregation clauses as

required by law. The developers (including owner/participants) shall be required by the contractual agreement to observe the Land Use and Building Requirements provision of this Plan and to submit a redevelopment schedule satisfactory to the Agency. Schedule revisions may be made only at the option of the Agency.

In addition, the following requirements and obligations shall be included in the agreement:

The developers, their successors, and assigns agree:

1. A plan and time schedule for the proposed development shall be submitted to the Agency.
2. The purchase or lease of the land and/or subterranean rights and/or air rights is for the purpose of redevelopment and not for speculation.
3. The building of improvements will be commenced and completed as jointly scheduled and determined by the Agency and the developer(s).
4. There will be no discrimination against any person or group of persons because of handicap, disability, age, race, sex, creed, color, national origin or ancestry, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises or any improvements erected or to be erected thereon, therein conveyed, nor will the developer or any person claiming under or through the developer establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy of tenants, lessees, sublessees, or vendees in the premises or any improvements therein conveyed. The above provision is perpetual and is appended to the land disposed of within the Urban Renewal Amended Project Area by the Agency.
5. The site and construction plans shall be submitted to the Agency for review as to conformity with the provisions and purposes of this Urban Renewal Plan.
6. At the discretion of the Agency a bond or other surety shall be provided acceptable to the Agency to ensure performance under the contract of the sale.
7. Rehabilitation of any existing structure must assure that the structure is safe and sound in all physical respects and be refurbished and altered to bring the property to an upgraded marketable condition which shall continue throughout an estimated useful life for a minimum of twenty (20) years.

8. All such buildings or portions of the buildings which are to remain within the Amended Project Area shall be reconstructed in conformity with all applicable codes and ordinances of the City.
9. All new construction shall have a minimum estimated life of no less than twenty (20) years.
10. All disposition and development documents and owner participation agreements shall be governed by the provisions of Section 405 of this Plan.

#### **[§309.1.3] Development by the Agency**

To the extent now or hereafter permitted by the Law or Act, the Agency is authorized to pay for, develop, or construct any publicly-owned building, facility, structure, or other improvement within the Amended Project Area for itself or for any public body or entity, which buildings, facilities, structures, or other improvements are or would be of benefit to the Amended Project Area. Specifically, the Agency may pay for, install, or construct the buildings, facilities, structures, and other improvements identified in Attachment 5, attached hereto and incorporated herein by reference, and may acquire or pay for the land required therefor.

The Agency may also prepare properties for development by renovation or other means as allowed by law. The Agency may also, as allowed by law, assist in the development of private projects.

In addition to the public improvements authorized under Idaho Code Section 50-2007, the Agency is authorized to install and construct, or to cause to be installed and constructed, within the Amended Project Area or outside the Amended Project Area for improvements or facilities that are needed to support new development in the Amended Project Area, for itself or for any public body or entity, public improvements and public facilities, including, but not limited to, the following: (1) utilities; (2) pedestrian paths; (3) traffic signals; (4) landscaped areas; (5) street and alley improvements, including new access roads and streets; (6) sanitary

sewers; (7) storm drainage facilities; (8) water mains and pumps; (9) plazas and open space; and (10) parking facilities.

Any public facility ultimately owned by the Agency shall be operated and managed in such a manner to preserve the public purpose nature of the facility. Any lease agreement with a private entity or management contract agreement shall include all necessary provisions sufficient to protect the public interest and public purpose.

The Agency may enter into contracts, leases, and agreements with the City, other public body, or private entity pursuant to this section, and the obligation of the Agency under such contract, lease, or agreement shall constitute an indebtedness of the Agency as described in Idaho Code Section 50-2909 which may be made payable out of the taxes levied in the Amended Project Area and allocated to the Agency under subdivision (2)(b) of Section 50-2908 of the Act and Section 504 to this Plan or out of any other available funds.

#### **[§309.1.4] Development Plans**

All development plans, whether public or private, prepared pursuant to disposition and development or owner participation agreements shall be submitted to the Agency for approval and architectural review. All development in the Amended Project Area must conform to those standards specified in Section 404 herein.

#### **[§310] Personal Property Disposition**

For the purposes of this Plan, the Agency is authorized to lease, sell, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property which is acquired by the Agency.

#### **[§311] Rehabilitation and Conservation**

The Agency is authorized to rehabilitate, renovate, and conserve, or to cause to be rehabilitated, renovated, and conserved, any building or structure in the Amended Project Area

owned by the Agency for preparation of redevelopment and disposition. The Agency is also authorized and directed to advise, encourage, and assist in the rehabilitation and conservation of property in the Amended Project Area not owned by the Agency.

As necessary in carrying out this Plan, the Agency is authorized to move, or to cause to be moved, any substandard structure or building or any structure or building which can be rehabilitated to a location within or outside the Amended Project Area.

**[§312] Participation with Private or Public Development**

Under the Law the Agency has the authority to lend or invest funds obtained from the federal government for the purposes of the urban renewal law if allowable under federal laws or regulations. The federal funds that may be available to the Agency are governed by regulations promulgated by the Department of Housing and Urban Development for the Community Development Block Grant Program or other available federal grant programs.

Under those regulations the Agency may participate with the private sector in the development and financing of those private projects which likely will attain certain federal objectives.

The Agency may, therefore, use the federal funds for the provision of assistance to private, for-profit business, including, but not limited to, grants, loans, loan guarantees, interest supplements, technical assistance, and other forms of support, for any other activity necessary or appropriate to carry out an economic development project.

As allowed by law, the Agency may also use funds from any other sources for any purpose set forth under the Law.

The Agency may enter into contracts, leases, and agreements with the City or other public body or private entity pursuant to this section, and the obligation of the Agency under such contract, lease, or agreement shall constitute an indebtedness of the Agency as described in

Idaho Code Section 50-2909 which may be made payable out of the taxes levied in the Amended Project Area and allocated to the Agency under subdivision (2)(b) of Section 50-2908 of the Act and Section 504 of this Plan or out of any other available funds.

**[§313] Conforming Owners**

The Agency may, at the Agency's sole and absolute discretion, determine that certain real property within the Amended Project Area presently meets the requirements of this Plan, and the owner of such property may be permitted to remain as a conforming owner without a participation agreement with the Agency provided such owner continues to operate, use, and maintain the real property within the requirements of this Plan.

**[§400] USES PERMITTED IN THE AMENDED PROJECT AREA**

**[§401] Redevelopment Plan Map and Development Strategy**

The Description of the Amended Project Area and Amended Revenue Allocation Area Boundaries and the Amended Project Area-Amended Revenue Allocation Area Boundary Map, are collectively attached hereto as Attachment 1 and Attachment 2 and incorporated by reference. As indicated in Section 200 of this Plan, the Amended Project Area and Amended Revenue Allocation Area are not co-terminus because the Melaleuca property on Block 39 is excluded from the Amended Revenue Allocation Area. The proposed land uses to be permitted in the Amended Project Area for all land, public and private, are depicted in Attachment 4.

**[§402] Designated Land Uses**

**[§402.1] Land Use Classifications**

The land use classifications for the Amended Project Area are as shown and depicted in Attachment 4 and include general commercial, service commercial, residential, and office, all as more specifically defined in the Rexburg City Code. The Agency also recognizes those land

uses permitted by conditional uses under each zoning classification, subject to the conditions imposed by Rexburg pursuant to the conditional use process.

**[§403] Other Land Uses**

**[§403.1] Public Rights-of-Way**

Additional public streets, alleys, and easements may be created in the Amended Project Area as needed for proper development. Existing streets, alleys, and easements may be abandoned, closed, expanded, or modified as necessary for proper development of the Project in accordance with any applicable policies and standards of Rexburg regarding changes to dedicated rights-of-way.

The major public streets within the Amended Project Area include 1st North, Main, 1st South, 2nd West, 1st West, Center, College, 1st East, 2nd East, South 2nd West, West 2nd South, South 1st West, and other major rights-of-way which may be developed in the Amended Project Area.

Additional public streets, alleys, and easements may be created in the Amended Project Area as needed for proper development. Existing streets, alleys, and easements may be abandoned, closed, expanded, or modified as necessary for proper development of the Project in conjunction with any applicable policies and standards of the City or Idaho Department of Transportation as may be applicable regarding changes to dedicated rights-of-way.

Any changes in the existing interior or exterior street layout shall be in accordance with the objectives of this Plan and the City's design standards; shall be effectuated in the manner prescribed by State and local law; and shall be guided by the following criteria:

1. A balancing of the needs of proposed and potential new developments for adequate pedestrian and vehicular access, vehicular parking, and delivery loading docks with the similar needs of any existing developments permitted to remain. Such balancing shall take into consideration the rights of existing owners and

tenants under the rules for owner and tenant participation adopted by the Agency for the Project and any participation agreements executed thereunder;

2. The requirements imposed by such factors as topography, traffic safety, and aesthetics; and
3. The potential need to serve not only the Amended Project Area and new or existing developments, but to also serve areas outside the Project by providing convenient and efficient vehicular access and movement.

The public rights-of-way may be used for vehicular and/or pedestrian traffic, as well as for public improvements, public and private utilities, and activities typically in public rights-of-way.

#### **[§403.2] Other Public, Semi-Public, Institutional, and Nonprofit Uses**

The Agency may impose such other reasonable requirements and/or restrictions as may be necessary to protect the development and use of the Amended Project Area.

The Agency is also authorized to permit the maintenance, establishment, or enlargement of public, semi-public, institutional, or nonprofit uses, including park and recreational facilities; educational, fraternal, employee, philanthropic, and charitable institutions; utilities; governmental facilities; and facilities of other similar associations or organizations. All such uses shall, to the extent possible, conform to the provisions of this Plan applicable to the uses in the specific area involved. The Agency may impose such other reasonable requirements and/or restrictions as may be necessary to protect the development and use of the Amended Project Area.

#### **[§403.3] Interim Uses**

Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Amended Project Area for interim uses that are not in conformity with the uses permitted in this Plan. However, any interim use must comply with applicable Rexburg City Code.

**[§404] General Controls and Limitations**

All real property in the Amended Project Area, under the provisions of either a disposition and development agreement or owner participation agreement is made subject to the controls and requirements of this Plan. No such real property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of this Plan, except in conformance with the provisions of this Plan.

**[§404.1] Construction**

All construction in the Amended Project Area shall comply with all applicable state and local laws and codes in effect from time to time. In addition to applicable codes, ordinances, or other requirements governing development in the Amended Project Area, additional specific performance and development standards may be adopted by the Agency to control and direct redevelopment activities in the Amended Project Area in the event of a disposition and development agreement or owner participation agreement.

**[§404.2] Rehabilitation and Retention of Properties**

Any existing structure within the Amended Project Area, subject to either a disposition and development agreement or owner participation agreement, approved by the Agency for retention and rehabilitation shall be repaired, altered, reconstructed, or rehabilitated in such a manner that it will be safe and sound in all physical respects, be attractive in appearance, and not be detrimental to the surrounding uses.

**[§404.3] Limitation on Type, Size, and Height of Building**

Except as set forth in other sections of this Plan, the type, size, and height of buildings shall be as limited by applicable federal, state, and local statutes, ordinances, and regulations.

**[§404.4] Open Spaces, Landscaping, Light, Air, and Privacy**

The issues of open space, landscaping, light, air, and privacy shall be governed by applicable federal, state, and local ordinances.

**[§404.5] Signs**

All signs shall conform to City sign ordinances as they now exist or are hereafter amended.

**[§404.6] Utilities**

The Agency shall require that all utilities be placed underground whenever physically and economically feasible.

**[§404.7] Incompatible Uses**

No use or structure which by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors which would be incompatible with the surrounding areas or structures shall be permitted in any part of the Amended Project Area.

**[§404.8] Nondiscrimination and Nonsegregation**

There shall be no discrimination or segregation based upon race, color, creed, age, religion, sex, marital status, national origin, handicap, disability, or ancestry permitted in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the property in the Amended Project Area.

**[§404.9] Subdivision of Parcels**

Any parcel in the Amended Project Area shall be subdivided only in compliance with the City subdivision ordinance.

#### **[§404.10] Minor Variations**

Under exceptional circumstances, the Agency is authorized to permit a variation from the limits, restrictions, and controls established by this Plan. In order to permit such variation, the Agency must determine that:

1. The application of certain provisions of this Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Plan;
2. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions, and controls;
3. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area; and
4. Permitting a variation will not be contrary to the objectives of this Plan.

No variation shall be granted which changes a basic land use or which permits other than a minor departure from the provisions of this Plan without amendment of this Plan. In permitting any such variation, the Agency shall impose such conditions as are necessary to protect the public peace, health, safety, or welfare and to assure compliance with the purposes of this Plan. Any variation permitted by the Agency hereunder shall not supersede any other approval required under City codes and ordinances.

#### **[§404.11] Off-Street Loading**

Any development and improvements shall provide off-street loading as required by the City ordinances as they now exist or are hereafter amended.

#### **[§404.12] Off-Street Parking**

All new construction in the area shall provide off-street parking as required by the City ordinances as they now exist or are hereafter amended.

**[§405] Design for Development**

**[§405.1] Design Guidelines for Development**

Within the limits, restrictions, and controls established in this Plan, and to the extent allowed by law, the Agency is authorized to establish heights of buildings, land coverage, setback requirements, design criteria, traffic circulation, traffic access, and other development and design controls necessary for proper development of both private and public areas within the Amended Project Area. Any development must also comply with the Rexburg Zoning Ordinance regarding heights, setbacks, and other like standards.

In the case of property which is the subject of a disposition and development or owner participation agreement with the Agency, no new improvement shall be constructed and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated except in accordance with this Plan. Under those agreements the architectural, landscape, and site plans shall be submitted to the Agency and approved in writing by the Agency. One of the objectives of this Plan is to create an attractive and pleasant environment in the Amended Project Area. Therefore, such plans shall give consideration to good design and other amenities to enhance the aesthetic quality of the Amended Project Area. The Agency shall not approve any plans that do not comply with this Plan.

In the event the Agency adopts design standards or controls, those provisions will thereafter apply to each site or portion thereof in the Amended Project Area. Those controls and standards will be implemented through the provisions of any disposition and development agreement or owner participation agreement or by appropriate covenants appended to the land and instruments of conveyance executed pursuant thereto. These controls are in addition to any standards and provisions of any applicable City building or zoning ordinances; provided, however, each and every development shall comply with all applicable City zoning and building

ordinance. Absent the Agency developing and promulgating specific design standards or controls, the Agency shall review all projects by applying and/or deferring to the usual approval process imposed by the City.

**[§405.2] Design Guidelines for Development under a Disposition and Development Agreement or Owner Participation Agreement**

Under an owner participation agreement or a disposition and development agreement the design guidelines and land use elements as imposed shall be achieved to the greatest extent feasible, though the Agency retains the authority to grant minor variations under Section 404.10 of this Plan and subject to a negotiated agreement between the Agency and the developer or property owner.

Under those agreements, the architectural, landscape, and site plans shall be submitted to the Agency and approved in writing by the Agency. In such agreements, the Agency may impose additional design controls. One of the objectives of this Plan is to create an attractive pedestrian environment in the Amended Project Area. Therefore, such plans shall give consideration to good design and amenities to enhance the aesthetic quality of the Amended Project Area. These additional design standards or controls will be implemented through the provisions of any disposition and development agreement or owner participation agreement or by appropriate covenants appended to the land and instruments of conveyance executed pursuant thereto. These controls are in addition to any standard and provisions of any applicable City building or zoning ordinances; provided, however, each and every development shall comply with all applicable City zoning and building ordinances.

**[§405.3] Nonconforming Uses**

The Agency may permit an existing use to remain in an existing building and site usage in good condition, which use does not conform to the provisions of this Plan, provided that such

use is generally compatible with existing and proposed developments and uses in the Amended Project Area. The owner of such a property must be willing to enter into a participation agreement and agree to the imposition of such reasonable restrictions as may be necessary to protect the development and use of the Amended Project Area.

The Agency may authorize additions, alterations, repairs, or other improvements in the Amended Project Area for uses which do not conform to the provisions of this Plan where such improvements are within a portion of the Project where, in the determination of the Agency, such improvements would be compatible with surrounding Project uses and development.

All nonconforming uses shall also comply with the Rexburg City Code.

#### **[§405.4] Design Review**

By submitting this Plan and attachments for approval by the City Council, the Agency requests the City formally recognize the Agency as a commenting entity for all zoning applications filed for property within the Amended Project Area. As a commenting entity, the Agency shall be provided the type of information submitted to other commenting entities. The Agency, through the Agency Board or a subcommittee of the Board, shall provide its comments on the application and its compliance with the Plan provisions and design guidelines, if any, adopted by the Agency.

#### **[§500] METHODS OF FINANCING THE PROJECT**

##### **[§501] General Description of the Proposed Financing Method**

The Agency is authorized to finance this Project with financial assistance from the City, state of Idaho, federal government, interest income, Agency bonds, donations, loans from private financial institutions, the lease or sale of Agency-owned property, or any other available source, public or private, including assistance from any taxing district or any public entity.

The Agency is also authorized by the Law and Act to obtain advances, borrow funds, and create indebtedness in carrying out this Plan. The principal and interest on any such advances, funds, and indebtedness may be paid from any other funds available to the Agency. The City, as it is able, may also supply additional assistance through City funds for various public facilities.

The City or any other public agency may expend money to assist the Agency in carrying out this Project. The Agency may also provide certain grants or loans to property owners or others as may be allowed by law.

**[§502] Revenue Bond Funds**

As allowed by law and subject to such restrictions as are imposed by law, the Agency is authorized to issue bonds from time to time, if it deems appropriate to do so, in order to finance all or any part of the Project. Neither the members of the Agency nor any persons executing the bonds shall be liable on the bonds by reason of their issuance.

**[§503] Other Loans and Grants**

Any other loans, grants, guarantees, or financial assistance from the United States, the state of Idaho, or any other public or private source will be utilized if available. The Agency may seek funds from either federal or state agencies. The Agency may consider funding sources through Local Improvements Districts and/or Business Improvements Districts as authorized by state law. Neither the members of the Agency nor any persons executing such loans or grants shall be liable on the loans or grants by reason of their issuance. As currently projected Attachment 5C does not show the receipt of such loans or grants. Should the Agency obtain such loans or grants, the reliance on Revenue Allocation funds will be reduced.

**[§504] Revenue Allocation Financing Provisions**

The Agency hereby adopts revenue allocation financing provisions as authorized by the Act, effective retroactively to January 1, 2003, for the original revenue allocation area and

January 1, 2009, for the West 2nd South Area Hemming Site. These revenue allocation provisions shall apply to all taxing districts in which the Amended Revenue Allocation Area is located and described on Attachments 1 and 2 to this Plan. The Agency shall take all actions necessary or convenient to implement these revenue allocation financing provisions. The Agency specifically finds that the equalized assessed valuation of property within the Amended Revenue Allocation Area is likely to continue to increase as a result of the initiation of the Urban Renewal Project.

The Agency, acting by one or more resolutions adopted by its Board of Commissioners, is hereby authorized to apply all or any portion of the revenues allocated to the Agency pursuant to the Act to pay such costs as are incurred or to pledge all or any portion of such revenues to the repayment of any moneys borrowed, indebtedness incurred, or bonds issued by the Agency to finance or to refinance the Project costs (as defined in Idaho Code Section 50-2903[14]) of one or more urban renewal projects.

Upon enactment of an ordinance by the governing body of the City, finally adopting these revenue allocation financing provisions and defining the Amended Revenue Allocation Area described herein as part of the Plan, there shall hereby be created a special fund of the Agency into which the County Treasurer shall deposit allocated revenues as provided in Idaho Code Section 50-2908. The Agency shall use such funds solely in accordance with Idaho Code Section 50-2909 and solely for the purpose of providing funds to pay the project costs, including any incidental costs, of such urban renewal projects as the Agency may determine by resolution or resolutions of its Board of Commissioners.

A statement listing proposed public improvements and facilities, an economic feasibility study, estimated project costs, fiscal impact upon other taxing districts, and methods of financing

project costs required by Idaho Code Section 50-2905 is included in Attachment 5 to this Plan. This statement necessarily incorporates estimates and projections based on the Agency's present knowledge and expectations. The Agency is hereby authorized to modify the presently anticipated urban renewal projects and use of revenue allocation financing of the related project costs if the Board of Commissioners of the Agency deems such modification necessary or convenient to effectuate the general objectives of the Plan.

The Agency has also provided for expenditure of revenue allocation proceeds on an annual basis without the issuance of bonds or incurring additional debt. The Agency may obtain advances or loans from the City, private entities (including banks and other lending institutions) on a short-term basis in order to immediately commence construction of certain of the public improvements based upon financial capacity. Revenues will continue to be allocated to the Agency until the improvements identified in Attachment 5 are completely constructed or until any obligations to the City or other public entity or private entity are fulfilled. Attachment 5 incorporates estimates and projections based on the Agency's present knowledge and expectations concerning the length of time to complete the improvements. The activity may take longer depending on the significance and timeliness of development. Alternatively the activity may be completed earlier if revenue allocation proceeds are greater or the Agency obtains additional funds.

The revenue allocation proceeds are hereby irrevocably pledged for the payment of the principal and interest on the advance of monies or making of loans or the incurring of any indebtedness such as bonds, notes, and other obligations (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project in whole or in part, as well as payment for costs incurred for activities of the Project.

Under legislation adopted in 2000 by the 55<sup>th</sup> Idaho Legislature, 2<sup>nd</sup> Regular Session, effective July 1, 2000, Sess. Laws, Ch. 275, Idaho Code § 50-2904(2), revenue allocation authority is limited to twenty-four (24) years from the date the ordinance was passed by the City Council, except for those urban renewal plans which were adopted prior to 2000. 56<sup>th</sup> Idaho Legislature, 2<sup>nd</sup> Regular Session, Sess. Laws, Ch. 143. *See* Idaho Code § 50-2904(3). With this amendment, the term remains through December 31, 2027.

The Agency is authorized to make such pledges as to specific advances, loans, and indebtedness as appropriate in carrying out the Project.

Revenue allocation proceeds are deemed to be the major part of the proposed funding sources for the payment of public improvements and other project improvements. Additionally, project funding is proposed to be phased for the improvements, allowing various sources of funds to be accumulated for use.

House Bill 1 adopted by the 58<sup>th</sup> Idaho Legislature convening in Special Session in August 2006 repeals the operation and maintenance property tax levy imposed by school districts. House Bill 1 also repealed Idaho Code Section 50-2908(2)(a)(iii) which required certain revenue allocation funds to be disbursed to school districts. The financial analysis set forth in Attachment 5 has taken into account the provisions of House Bill 1. Idaho Code § 33-802.

#### **[§504.1] Economic Feasibility Study**

Attachment 5 consists of the Economic Feasibility Study for the Amended Project Area prepared by Harlan W. Mann, Urban Renewal Consultant and Richard Horner, City of Rexburg Finance Officer and Agency Treasurer. The Study constitutes the financial analysis required by the Act.

**[§504.2] Assumptions and Conditions/Economic Feasibility Statement**

The information contained in Attachment 5 assumes certain completed and projected actions. Under the provisions of the Act, the revenue allocation shall continue until any bond debt, other obligation, or activity is satisfied through the termination date of the Plan. The Economic Feasibility Study provides estimates and projections through 2027, the Agency's activities may continue through the termination date of the Plan. The total amount of expenditures and the amount of revenue generated by revenue allocation is dependent upon the extent and timing of private development. Should all of the development take place as projected, indebtedness could be extinguished earlier, dependent upon the note or loan documents or other legal obligations. Should private development take longer to materialize, or should the private development be substantially less than projected, then the amount of revenue generated will be substantially reduced and those obligations may continue for their full term.

The Plan and attachments incorporate estimates and projections based on the Agency's present knowledge and expectations. Valuation increases for the years 2009-10 through 2015-16 are based largely on five phases of the planned Hemming Site development and projections of four phases of development for the Junior High site. Net property value increases are based on trends from the initial six-year period commencing 2009-2010. The original seven-block area is projected to increase at \$1,000,000 while the West 2nd South Hemming Site is projected to increase at \$200,000 per year starting 2014. The Plan proposes certain public improvements which will facilitate development in the Amended Project Area.

**[§504.3] Ten Percent Limitation**

Under the Act the base assessed valuation for all revenue allocation areas cannot exceed gross/net ten percent (10%) of the current assessed valuation for the entire City.

County records show that the 2009 adjusted base assessment roll values for the City's four existing revenue allocation areas are as follows:

North Highway	\$9,590,494
Washington School	\$2,764,960
Downtown Rexburg	\$32,308,111
University Boulevard- S. 12th W.	<u>\$11,556,521</u>
TOTAL	\$56,220,086

The City's 2009 total assessed value is \$744,903,057. Ten percent of that value is \$74,490,306, which is the limit for 2009. In 2008, the eligibility report for the West 2nd South Area was approved by the City Council. The estimated 2009 assessed value for this proposed additional revenue allocation area is \$10,460,007. The base assessment roll for the several revenue allocation areas does not exceed ten percent (10%) of the assessed value for the City.

#### **[§504.4] Financial Limitation**

The Study identifies several capital improvement projects and property acquisition along with demolition. Use of any particular financing source for any particular purpose is not assured or identified. Use of revenue allocation funds will be limited by the authority of the Act. If revenue allocation funds are unavailable, then the Agency will need to use a different funding source for that improvement, including grant funds. The Study has examined the potential of grant funding and certain funds which may be received from the state of Idaho or the federal government.

The amount of funds available to the Agency from revenue allocation financing is directly related to the assessed value of new improvements within the Amended Revenue Allocation Area. Under the Act, the Agency is allowed the revenue allocation generated from inflationary increases and new development value. The tax levy rates are estimated to generally increase 1% per year from 2009 through 2011, remain level for ten years and decrease 1% per

year for the remaining years. The rates vary for the original seven-block area and the proposed addition, the West 2nd South Hemming Site. The rate for the Hemming Site in 2010 is 25% lower from the 2009 levy rate area wide because all of the voter-approved levies (passed prior to December 31, 2007), which includes two school bond issues, school plant facilities, library bond, and county jail bond cannot be used to generate revenue for the urban renewal agency because of House Bill 470 passed by the 2008 Idaho Legislature. The levy rate for the original seven-block area is also impacted by House Bill 470 because levies from the 2008 bonds approved by library and school district patrons are excluded from urban renewal agency revenue.

The Study, with the various estimates and projections, constitutes an economic feasibility study. Costs and revenues are analyzed, and the analysis shows the need for public capital funds during the Project. Multiple financing sources are shown. This Study identifies the kind, number, and location of all proposed public works or improvements, a detailed list of estimated project costs, a description of the methods of financing illustrating project costs, and the time when related costs or monetary obligations are to be incurred. *See Idaho Code 50-2905.* Based on these funding sources, the conclusion is that the Project is feasible.

Under the provisions of the Act, the revenue allocation may continue until the end of the Plan term. Second, the total amount of expenses and the amount of revenue generated by revenue allocation is dependent upon the extent and timing of private development. Should assessed values increase and no substantial decrease in levy rates, the project may be terminated earlier. Should assessed values decrease with no substantial levy increase, then the amount of revenue generated will be substantially reduced and the Agency will continue to complete the improvement.

The proposed timing for the public improvements may very well have to be modified depending upon the availability of revenues. The Agency anticipates financing the improvements on an annual cash basis as well as possible borrowing as may be available.

The Plan has shown that the equalized valuation of the Amended Revenue Allocation Area, as defined in the Plan, has increased, as a result of the initiation and completion of urban renewal projects pursuant to the Plan, an additional incremental value increase of approximately \$18,400,000.

**[§505] Participation with Local Improvement Districts and Business Improvement Districts**

Under the Idaho Local Improvement District Code, Chapter 17, Title 50, Idaho Code, the City has the authority to establish local improvement districts for various public facilities, including, but not limited to, streets, curbs, gutters, sidewalks, drains, landscaping, and other like facilities. To the extent allowed by the Law and the Act, the Agency reserves the authority to participate in the funding of local improvement district facilities. This participation may include either direct funding to reduce the overall cost of the LID. The Agency also may participate, as allowed by law, in a Business Improvement District (BID) as set forth in Chapter 26, Title 50, Idaho Code.

**[§506] Issuance of Debt and Debt Limitation**

Any debt incurred by the Agency as allowed by the Law and Act shall be secured by revenues identified in the debt resolution or revenue allocation funds as allowed by the Act. All such debt shall be repaid within the duration of this Plan. The Agency reserves the discretion based upon its financial capacity and the ability to pay to complete the authorized projects in a more expedited manner.

### **[§507] Impact on Other Taxing Districts**

A specific delineation of tax dollars generated by revenue allocation upon each taxing district has not been prepared. The overall impact of the revenue allocation project is shown in the Study. Since the passage of House Bill 156 in 1995 (now codified in Section 63-802, Idaho Code), taxing entities are constrained in establishing levy rates by a function of the amount each budget of each taxing district can increase on an annual basis. The amounts set forth in the Study would constitute the amounts distributed to other taxing entities from the Amended Revenue Allocation Area if there were no urban renewal project. Each individual district's share of that amount would be determined by its particular levy rate as compared to the other districts in any given year. Therefore, the impact of revenue allocation is more of a product of the imposition of Section 63-802, Idaho Code. In addition, without the revenue allocation district and its ability to pay for public improvements and public facilities, fewer substantial improvements within the Amended Revenue Allocation Area would be expected; hence there would be lower increases in assessed valuation to be used by the taxing entities. If the overall levy rate is less than assumed, the Agency will receive fewer funds from revenue allocation. The assessed value for each property in a revenue allocation area consists of a base value and an increment value. The base value is the assessed value as of January 1 of the year in which a revenue allocation area is approved by a municipality (in this instance, 2003 and 2009), with periodic adjustments allowed by Idaho State Code. The increment value is the difference between the base assessed value and current assessed value in any given year while the property is in a revenue allocation area. Under Section 63-802, Idaho Code, taxing entities are constrained in establishing levy rates by the amount each budget of each taxing district can increase on an annual basis. Taxing entities submit proposed budgets to the County Board of

Commissioners, which budgets are required to comply with the limitations set forth in Section 63-802, Idaho Code.

The County Board of Commissioners calculates the levy rate required to produce the proposed budget amount for each taxing entity using the assessed values which are subject to each taxing entity's levy rate. Assessed values in urban renewal districts which are subject to revenue allocation (incremental values) are not included in this calculation. The combined levy rate for the taxing entities is applied to the incremental property values in the revenue allocation area to determine the amount of property tax revenue which is allocated to an urban renewal agency. The property taxes generated by the property values in the urban renewal districts that are not subject to revenue allocation and by properties outside revenue allocation areas are distributed to the other taxing entities. Properties in revenue allocation areas are subject to the same levy rate as they would be outside a revenue allocation area. The difference is how the revenue is distributed.

Additionally, the Study has taken the existing 2009 levy rate and imposed a one percent increase of the annual gross levy rate for 2009 through 2011, a level levy rate for ten years, and a decrease of 1% per year for the remaining years. One result of Section 63-802 and House Bill 79 (2007), codified as Section 63-301A, Idaho Code, is the likely reduction of the levy rate as assessed values increase for property within each taxing entity's jurisdiction. House Bill 79, became effective retroactive to January 1, 2007, upon the Governor's signature on March 21, 2007. However, because of certain conditions, the Study assumes the levies will increase. If the overall levy rate is less than as assumed, the Agency shall receive fewer funds from revenue allocation. Section 63-301A, Idaho Code, prohibits taxing entities from including, as part of the new construction roll, the increased value related to new construction within the revenue

allocation area until the revenue allocation authority is terminated. Any new construction within the Amended Revenue Allocation Area will no longer be available for inclusion by the taxing entities to increase their budgets. Therefore, less tax revenue will be available to those taxing entities. Generally, the impact on the taxing entities would be to determine the Agency's projected revenue and disburse those funds in the same ratio as the respective levy rates of each taxing district. For Tax Year 2009, those districts and rates are as follows:<sup>2</sup>

Madison County	0.004171559
City of Rexburg	0.003512374
Madison County Road and Bridge	0.001376900
Madison County Library	0.000538844
Madison County Ambulance	0.000346945
Madison County Mosquito Abatement	0.000347842
Rexburg Cemetery	0.000044834
Madison County School #321	<u>0.003913393</u>
TOTAL	0.014252691

**[§508] Phasing and Other Fund Sources**

The Agency anticipates funding only a portion of the entire cost of the public improvements shown on Attachment 5. Other sources of funds could include developer contributions, loans or bonds, federal and state funds, grants, and City participation. Agency participation shall be determined by the amount of revenue allocation funds generated.

**[§509] Rebate of Revenue Allocation Funds**

In any year during which the Agency receives revenue allocation proceeds, the Agency, as allowed by law, is authorized, but not required, to return or rebate to the other taxing entities identified in Attachment 5 of this Plan any revenue allocation funds not previously pledged or committed for the purposes identified in the Plan. Under the Act, the Agency must first apply all

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<sup>2</sup> These levy rates do not include voter approved levy rates since January 1, 2008. This levy rate cannot be used to generate revenue for the Agency because of HB 470, approved by the 2008 Idaho Legislature. Additionally, for the West 2nd South Hemming Site, voter approved levies approved prior to December 31, 2007, are not applicable to that area. Attachment 5B has made all those calculations.

such revenues for the payment of the projected costs of the urban renewal project identified and repayment of principal and interest on any moneys borrowed, indebtedness incurred, or bonds issued by the Agency and maintain any required reserve for payments of such obligation or indebtedness. Only to the extent revenues of the Agency exceed these obligations shall the Agency consider any rebate or return of revenue allocation funds to the other taxing entities. The Agency shall rebate such funds in a manner that corresponds to each taxing entity's relative share of the revenue allocation proceeds or on the basis of extraordinary service requirements generated by the Project. All other taxing entities shall first receive any such rebate before such rebate shall be disbursed to the City.

Attachment 5 describes the Agency's financing plan for the Project. The Project will be financed, in part, through tax increment financing, using revenue allocation funds as allowed by the Act. The Agency anticipates that on an annual basis, tax increment, and other funds may be sufficient to satisfy the obligations incurred by the Agency, even though the entire amount of revenue allocation funds must be pledged for the term of any bonds or other debts incurred by the Agency. Therefore, on an annual basis, the Agency will consider the rebate of funds, which funds may not be revenue allocation funds but may be other funds available to the Agency.

**[§510] Lease Revenue Bonds**

One other potential use of financing is lease revenue bonds from the user of a public facility. For example, a lease base revenue bond may be a way to finance certain public buildings without the use or obligation of revenue allocation proceeds.

**[§600] ACTIONS BY THE CITY**

The City shall institute the normal processes to aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of

the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing deterioration. Actions by the City shall include, but not be limited to, the following:

1. Institution and completion of proceedings necessary for changes and improvements in private and publicly-owned property, rights-of-way, or public utilities within or affecting the Amended Project Area;
2. Assuring that all project activities are consistent with the City Comprehensive Plan, zoning ordinances, and all applicable laws and regulations within the Amended Project Area to permit the land uses and development authorized by this Plan;
3. Imposition, wherever necessary, by conditional use permits or other means of appropriate controls within the limits of this Plan upon parcels in the Amended Project Area to ensure their proper development and use;
4. Provision for administrative enforcement of this Plan by the City after development, wherein the City and the Agency may develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Amended Project Area throughout the duration of this Plan;
5. Building code enforcement;
6. Performance of the above actions and of all other functions and services relating to public peace, health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Amended Project Area to be commenced and carried to completion without unnecessary delays;
7. Institution and completion of proceedings necessary for the establishment of an LID under Chapter 17, Title 50, Idaho Code, or a BID under Chapter 26, Title 50, Idaho Code;
8. The undertaking and completing of any other proceedings necessary to carry out the Project;
9. Administration of Community Development Block Grants and other state and federal grant funds that may be made available for the Project;
10. Appropriate agreements with the Agency for administration, supporting services, funding sources, and the like;

11. The imposition, whenever necessary (by conditional use permits or other means as appropriate), of controls within the limits of this Plan upon parcels in the Amended Project Area to ensure their proper development and use;
12. Joint funding of certain public improvements and coordination with the City's programs; and
13. Use of City labor, services, and materials for construction of the public improvements listed in the Urban Renewal Plan, where appropriate and available.

The foregoing actions to be taken by the City do not constitute any commitment for additional financial outlays by the City.

#### **[§601] Maintenance of Public Improvements**

The Agency has not identified any commitment or obligation for long-term maintenance of the public improvements identified. The Agency will need to address this issue with the appropriate entity, public or private, who has benefited from or is involved in the ongoing preservation of the public improvement.

#### **[§700] ENFORCEMENT**

The administration and enforcement of this Plan, including the preparation and execution of any documents implementing this Plan, shall be performed by the Agency and/or the City.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, reentry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Amended Project Area may be enforced by such owners.

#### **[§800] DURATION OF THIS PLAN**

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan and the provisions of other documents formulated pursuant

to this Plan shall be effective from the date of the original adoption of the 2003 Plan by the City Council through December 31, 2027, which date shall be deemed the termination date of this Plan except for any revenue allocation proceeds received in calendar year 2028.

This Plan shall terminate no later than December 31, 2027, except for revenues which may be received in 2028. Either on January 1, 2028, or if the Agency determines an earlier termination date:

1. When the Amended Revenue Allocation Area plan budget estimates that all financial obligations have been provided for, the principal of and interest on such moneys, indebtedness, and bonds have been paid in full, or when deposits in the special fund or funds created under this Plan are sufficient to pay such principal and interest as they come due and to fund reserves, if any, or any other obligations of the Agency funded through revenue allocation proceeds shall be satisfied and the Agency has determined no additional project costs need be funded through revenue allocation financing, the allocation of revenues under Section 50-2908, Idaho Code, shall thereupon cease; any moneys in such fund or funds in excess of the amount necessary to pay such principal and interest shall be distributed to the affected taxing districts in which the Amended Revenue Allocation Area is located in the same manner and proportion as the most recent distribution to the affected taxing districts of the taxes on the taxable property located within the Amended Revenue Allocation Area; and the powers granted to the urban renewal agency under Section 50-2909, Idaho Code, shall thereupon terminate.
2. In determining the termination date, the Plan shall recognize that the Agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the urban renewal plan.
3. For the fiscal year that immediately predates the termination date, the Agency shall adopt and publish a budget specifically for the projected revenues and expenses of the Plan and make a determination as to whether the Amended Revenue Allocation Area can be terminated before January 1 of the termination year pursuant to the terms of Section 50-2909(4), Idaho Code. In the event that the Agency determines that current tax year revenues are sufficient to cover all estimated expenses for the current year and all future years, by September 1, of the then-current year, the Agency shall adopt a resolution advising and notifying the local governing body, the county auditor, and the State Tax Commission, recommending the adoption of an ordinance for termination of the Amended Revenue Allocation Area by December 31 of the current year and declaring a surplus to be distributed as described in Section 50-2909, Idaho Code, should a surplus be determined to exist. The Agency shall cause the ordinance to be filed

with the office of the County Recorder for Madison and the Idaho State Tax Commission as provided in Section 63-215, Idaho Code.

The Agency will likely convey any assets to the City depending on the nature of the asset.

Upon termination of the revenue allocation authority of the urban renewal plan to the extent the Agency owns or possesses any assets, the Agency shall dispose of any remaining assets by granting or conveying or dedicating such assets to the City.

**[§900] PROCEDURE FOR AMENDMENT**

The Urban Renewal Plan may be further modified at any time by the Agency provided that, if modified after disposition of real property in the Amended Project Area or after execution of an owner participation agreement, the modifications must be consented to by the developer or developers or the developer's or developers' successor or successors of such real property whose interest is substantially affected by the proposed modification. Where the proposed modification will substantially change the Plan, the modifications must be approved by the City Council in the same manner as the original Plan. Substantial changes for City Council approval purposes shall be regarded as revisions in project boundaries, land uses permitted, land acquisition, and other changes, which would violate the objectives of this Plan.

**[§1000] SEVERABILITY**

If any one or more of the provisions contained in this Plan to be performed on the part of the Agency shall be declared by any court of competent jurisdiction to be contrary to law, then such provision or provisions shall be null and void, shall be deemed separable from the remaining provisions in this Plan, and shall in no way affect the validity of the other provisions of this Plan.

**[§ 1100] PERFORMANCE REVIEW**

Under the Idaho Urban Renewal Law, the Agency is required to file with the City, on or before March 31 of each year, a report of the Agency's activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such calendar year.

Amended Project Area – Amended Revenue Allocation Area Boundary Map

**Original Revenue Allocation Area**

Beginning at a point that is N 89° 59' 59" E 49.5 from the Southeast Corner of Section 19, Township 06 North, Range 40 E, Boise Meridian; running thence N 0° 14' 57" W 825.19 feet to the Southwest Corner of Block 20, Rexburg Original Townsite; thence S 89° 44' 59" W 2373.48 feet to the Southeast Corner of Block 24; thence S 0° 15' 2" E 759 feet; thence S 89° 44' 58" W 759 feet; thence S 0° 15' 1" E 891.02 feet to the Northeast Corner of Block 46; thence N 89° 44' 57" E 3132.51 feet; thence N 0° 15' 11" W 824.8 feet to the point of beginning.

*Less the following:* Lot 2, Block 39 of the Rexburg Original Townsite.

**Added Revenue Allocation Area**

Beginning at the Northeast Corner of Block 46, Rexburg Original Townsite, Madison County, Idaho; running thence S 0° 15' E 759 feet to the Northeast Corner of Block 7, Southend Addition to the City of Rexburg; thence S 0° 15' 38" E 164.5 feet; thence N 89° 53' 31" E 198 feet; thence N 0° 16' 9" W 65.94 feet; thence N 89° 46' 59" E 148.51 feet; thence S 0° 15' 37" E 65.81 feet; thence N 89° 46' 59" E 82.5 feet; thence N 0° 26' 1" W 8.25 feet; thence N 89° 35' 7" E 17.25 feet; thence S 0° 14' 53" E 74.32 feet; thence N 89° 45' 34" E 409.25 feet; thence N 0° 15' W 231.11 feet to the Northwest Corner of Block 53, Rexburg Original Townsite; thence N 0° 15' W 759 feet to the Northwest Corner of Block 48; thence S 89° 44' 56" W 855.51 feet to the point of beginning.

**Overall Urban Renewal Area**

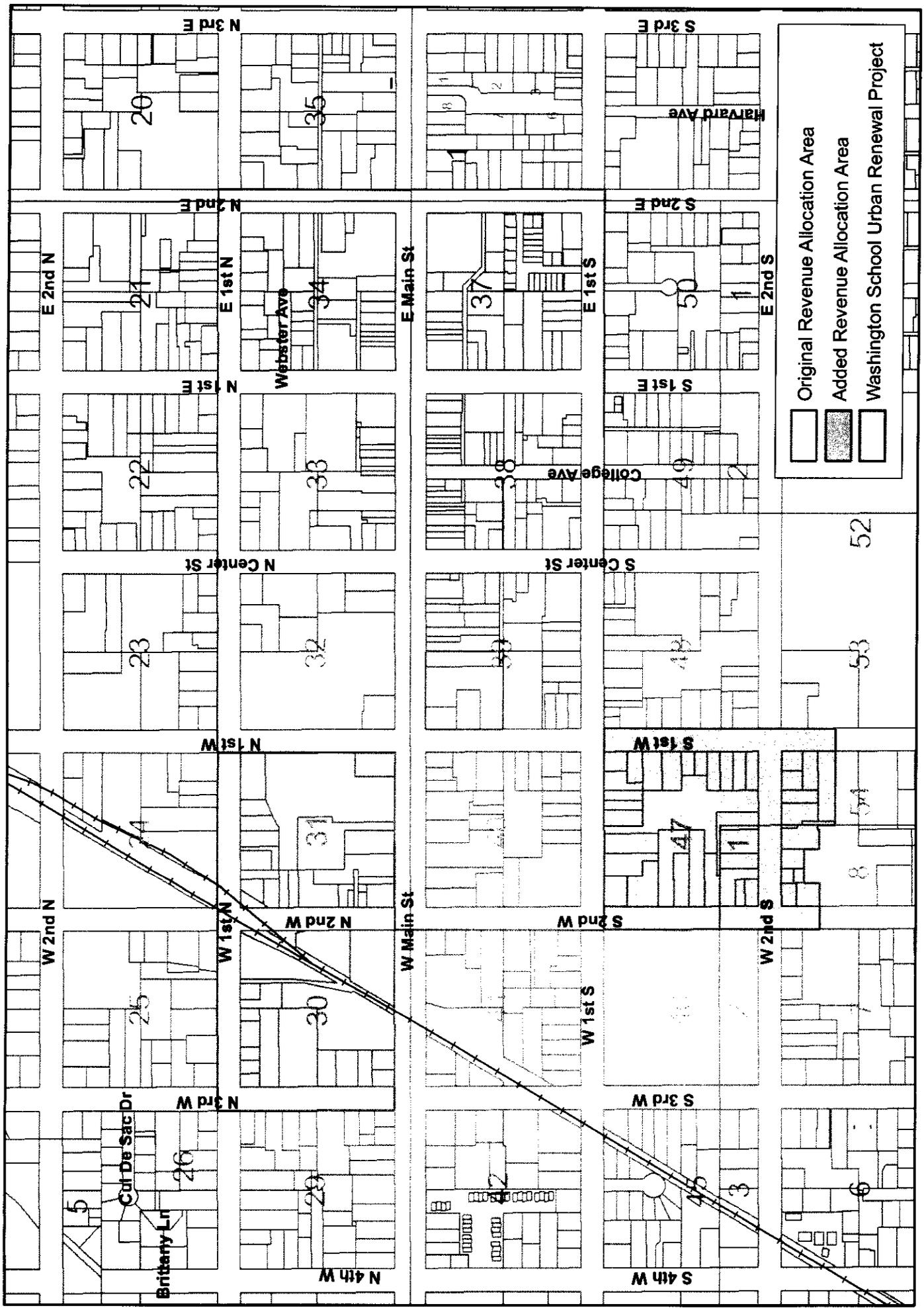
Beginning at a point that is N 89° 59' 59" E 49.5 from the Southeast Corner of Section 19, Township 06 North, Range 40 E, Boise Meridian; running thence N 0° 14' 57" W 825.19 feet to the Southwest Corner of Block 20, Rexburg Original Townsite; thence S 89° 44' 59" W 2373.48 feet to the Southeast Corner of Block 24; thence S 0° 15' 2" E 759 feet; thence S 89° 44' 58" W 759 feet; thence S 0° 15' E 1650.02 feet to the Northeast Corner of Block 7, Southend Addition to the City of Rexburg; thence S 0° 15' 38" E 164.5 feet; thence N 89° 53' 31" E 198 feet; thence N 0° 16' 9" W 65.94 feet; thence N 89° 46' 59" E 148.51 feet; thence S 0° 15' 37" E 65.81 feet; thence N 89° 46' 59" E 82.5 feet; thence N 0° 26' 1" W 8.25 feet; thence N 89° 35' 7" E 17.25 feet; thence S 0° 14' 53" E 74.32 feet; thence N 89° 45' 34" E 409.25 feet; thence N 0° 15' W 231.11 feet to the Northwest Corner of Block 53, Rexburg Original Townsite; thence N 0° 15' W 759 feet to the Northwest Corner of Block 48; thence N 89° 44' 57" E 2277 feet; thence N 0° 15' 11" W 824.8 feet to the point of beginning.

(For the purpose of describing the New Revenue Allocation Area, less-out Lot 2, Block 39 of the Rexburg Original Townsite from the Overall Urban Renewal Area description above.)

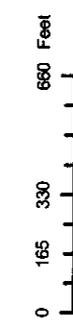
**Attachment 2**

**Amended Project Area-Amended Revenue Allocation Area Boundary Map**

**(To be inserted)**



**Attachment 2**  
**Amended Project Area - Amended Revenue Allocation Area Boundary Map**



### Attachment 3

#### Private Properties Which May be Acquired by Agency on a Voluntary Basis

1. No particular properties have been identified for acquisition by Agency, except as may be required for the objectives of the Plan.
2. The Agency also reserves the right to acquire any additional right-of-way or access routes near or around existing or planned rights-of-way.
3. The Agency reserves the right to acquire property needed to provide adequately sized sites for high priority projects such as public buildings, infrastructure, public parking facilities, transit and transportation facilities, etc. (the exact location of which has not been determined).
4. The Agency reserves the right to acquire property needed to encourage certain demonstration projects which achieve the objectives of the Plan (the exact location of which has not been determined)
5. The Agency reserves the right to voluntarily acquire the junior high school site from Madison County School District No. 321 for redevelopment for both public and private projects.

**Attachment 4**

**Map Depicting Expected Land Uses and Current Zoning within  
Amended Revenue Allocation Area and Amended Project Area**



## **ATTACHMENT 5**

### **Statement of Proposed Public Improvements, Costs, Revenue, Tax Impacts, and Financing Methods**

#### **Introduction**

Expenditure of funds for projects is anticipated through 2028 with the assumption the project could be completed by that date.

Anticipated costs of the urban renewal project, revenue sources, estimated revenue allocations, and the amount of indebtedness required to complete the project are shown in Attachment 5. Attachment 5 necessarily incorporates estimates and projections based on the Agency's completed activities, present knowledge, and expectations. The Agency may modify the presently anticipated urban renewal projects and use of revenue allocation financing or the related project costs if the Board of Commissioners of the Agency deems such modification necessary or convenient to effectuate the general objectives of this Plan. Any future modification will affect the estimate.

Attachment 5A also depicts estimated tax assessments through 2027, anticipated increases in tax assessments through the development process, and increases as described in Section 504.4 of this Plan.

Attachment 5 also demonstrates the overall estimated impact of revenue allocation financing on all taxing districts in which the Amended Revenue Allocation Area is located. The impact on individual taxing districts would be determined by those districts' then-current levies and the projected addition of private investment within the Amended Revenue Allocation Area. Section 507 also addresses the impact on taxing districts and the levy rate.

The information contained in Attachment 5 assumes certain completed and projected actions. Under the provisions of the Act, the revenue allocation shall continue until any indebtedness is satisfied or the Project activity is completed. All activity and debt are projected to be repaid and completed no later than the duration period of this Plan. The total amount of any obligation and the amount of revenue generated by revenue allocation is dependent upon the extent and timing of private development. The total amount of any obligation and the amount of revenue generated by revenue allocation is dependent upon the extent and timing of private development. Attachment 5C summarizes actual expenses and revenues from 2003-2009. Attachment 5C provides estimated annual revenues and costs from 2009 through 2028. Should private development take longer to materialize or should the private development be substantially less than projected, then the amount of revenue generated could be substantially reduced and activity may continue for the full term of this Plan.

This Plan and attachments incorporate estimates and projections based on the Agency's present knowledge and expectations. The Agency may modify the project if the Board of Commissioners deem such modifications necessary to effectuate this Plan. This Plan proposes certain public improvements including utility improvements, streetscapes, street improvements, property acquisition, relocation costs, water and sewer improvements, public facilities, and community facilities which will facilitate development in the Amended Project Area.

### **Economic Feasibility Statement**

The attachments with their various estimates and projections constitute an economic feasibility study. Costs and revenues are analyzed, and the analysis shows the need from public capital funds during the project. Multiple financing sources including proposed revenue allocation notes and bonds, annual revenue allocations, developer contributions, grant funds, City in-kind services, and other funds may be available. This attachment identifies the kind, number, and location of all proposed public works or improvements, a detailed list of estimated project costs, a description of the methods of financing illustrating project costs, and the time when related costs or monetary obligations are to be incurred (see Idaho Code § 50-2905). Based on these funding sources, the conclusion is that the project is feasible. The Agency may fund activities on a "pay as you go" basis.

The proposed timing for the public improvements may very well have to be modified depending upon the availability of funds anticipated.

Attachment 5A, Estimated Net Taxable Value of New Private Development (Commercial/Residential), lists actual and historical increases in tax assessments resulting from new development in the revenue allocation area from 2003 to 2009. The table illustrates how the project's new development would generate net revenue to the Agency including reassessment cycles. Valuation increases for the years 2009-10 through 2015-16 are based largely on five phases of the planned Hemming development and projections of four phases of development for the Junior High site. Net property value increases are based on trends from the initial six-year period commencing 2009-2010. The original seven-block area is projected to increase at \$1,000,000, while the Hemming block is projected to increase at \$200,000 per year starting 2014.

Attachment 5B, Estimated Annual Revenues, shows the estimated revenue allocation funds through 2028 dependent upon assumptions of the annual levy rates.

Attachment 5C, Estimated Annual Revenues and Costs, shows the contemplated schedule for expenditure of funds for the Agency's activities from 2009 through 2028. The attachment also provides a description of the activity proposed. Attachment 5C provides a historical summary of revenues and expenses from 2003 through 2009.

### **Description of Public Financing Sources**

Revenue Allocation. Revenue allocation financing (sometimes referred to as tax increment financing) applies the increase in property taxes within a defined area to public

infrastructure improvements. The improvements are designed to enhance the private development potential, thus, creating the additional assessed valuation. The process is initiated upon action of a municipality, whereupon the county assessor will establish the assessed valuation within the revenue allocation area for a base year. The incremental revenue may be applied directly as it is received by the authorized redevelopment agency or, more commonly, applied as a long-term revenue stream for the issuance of bonds or other debt obligations. Once this Plan has been fully implemented, the incremental revenue flows back to the appropriate taxing districts in the same proportion as the base revenue. Revenue Allocation has been available in Idaho since 1988 and is anticipated to be the major, and thus most essential, component for Plan financing.

Loans and Notes. Problematic with Revenue Allocation financing is the time delay from initiation of plan implementation and establishment of the base assessment roll. Several years may elapse before the incremental tax revenue stream can adequately demonstrate the strength necessary to issue bonds. Short-term bond anticipation notes issued by local lenders or underwriters are a means of providing the bridge financing necessary to begin development work. Bond proceeds can then be used to "take out" the notes. The Agency may borrow other funds from other sources as needed and authorized under this Plan.

Local Improvement Districts (LIDs). This financing mechanism is used to fund capital improvements and distribute the cost among a number of property owners. Cities and highway districts often use LIDs for local street and sewer projects. A series of ordinances are adopted to create the district, approve the assessment roll, and issue construction warrants and long-term bonds. The tax-exempt bonds are issued through bid or negotiated sale with revenue collection tied to the property tax system. Bond terms may vary between ten and twenty years.

SBA 504 Program. This program uses the public sale of reduced interest debentures to write-down commercial loans for commercial and limited industrial projects.

Community Reinvestment. Local lenders are making funds available at below-market interest rates in order to meet their Community Reinvestment Act obligations.

Community Development Block Grant (CDBG). In order to achieve the objectives set forth in this Plan, the City may submit an application from time to time for Community Development Block Grant funding. Such application must meet certain eligibility objectives. The grant is constrained to a specific list of eligible activities. However, Community Development Block Grant funding may be of some assistance in portions of the Agency's funding objectives.

Other State or Federal Funding. The City may seek direct state or federal funding for several of the projects shown on Attachment 5C.

Developer Advances. Given the delayed flow of revenue under tax increment financing, developer advances may be a desirable approach to initiate development projects. The terms of the advance would be negotiable on a project-by-project basis, but possible uses could be master

planning, project administrations, necessary legal work, and even preliminary public infrastructure work.

City Advances. City may provide advances or contributions for certain public improvements.

Conduit Financing. The Agency reserves the right to participate as a conduit financing vehicle for those projects described in this Plan using lease or revenue proceeds rather than revenue allocation proceeds.

### **Financing Conclusion**

This Plan has shown that the equalized valuation of the Amended Revenue Allocation Area as a result of the initiation and completion of urban renewal projects pursuant to this Plan has increased from a base assessment value in 2003 to a current value (not including the base) of approximately \$18,400,000 in 2009. With additional Agency activity, values should continue to increase.

Attachment 5A  
 Estimated Net Taxable Value<sup>1</sup> of New Private Development (Commercial/Residential)  
 Rexburg Downtown Urban Renewal Project, as Amended  
 (10-16-09)

Year	Existing Downtown Area <sup>2</sup>	Hemming Site <sup>2</sup>	Cumulative Total
2004-2009	18,389,201		18,389,201
2009-2010 <sup>3</sup>	1,000,000	6,160,000	25,549,000 <sup>4</sup>
2010-2011	4,850,000	11,188,000	41,587,000
2011-2012	1,000,000	3,292,000	45,879,000
2012-2013	6,300,000	4,558,000	56,737,000
2013-2014	5,200,000		61,937,000
2014-2015	4,270,000	200,000 <sup>5</sup>	66,407,000
2015-2016	3,050,000	200,000	69,657,000
2016-2017	1,000,000	200,000	70,857,000
2017-2018	1,000,000	200,000	72,057,000
2018-2019	1,000,000	200,000	73,257,000
2019-2020	1,000,000	200,000	74,457,000
2020-2021	1,000,000	200,000	75,657,000
2021-2022	1,000,000	200,000	76,857,000
2022-2023	1,000,000	200,000	78,057,000
2023-2024	1,000,000	200,000	79,257,000
2024-2025	1,000,000	200,000	80,457,000
2025-2026	1,000,000	200,000	81,657,000
2026-2027	1,000,000	200,000	82,857,000

<sup>1</sup> Generally reflects value of construction completed in the first year indicated and assessed in the following year but can include occupancy roll (buildings) and subsequent/missed roll (personal property) values for the following year.

<sup>2</sup> Figures in the left column reflect estimated values from the existing Downtown area; figures in the right column reflect estimated values from the Hemming site.

<sup>3</sup> Valuation increases for the years 2009-10 through 2015-16 are based largely on five phases of the planned Hemming development and projections of four phases of development for the Junior High site.

<sup>4</sup> Previous total rounded to nearest thousand.

<sup>5</sup> Reflects estimated net property value increases based on trends from the initial six-year period commencing 2009-2010. The original seven-block area is projected to increase at \$1,000,000 while the Hemming block is projected to increase at \$200,000 per year starting 2014.

Attachment 5B  
 Estimated Annual Revenue Allocations  
 Rexburg Downtown Urban Renewal Project, as Amended  
 (10-16-09)

Year Assessed	Year Taxes Received	Estimated Valuation <sup>1</sup>		Tax Levy Rate <sup>2</sup>		Agency Revenue
2009	2010	18,389,201		0.0142527	0.0142527	262,096
2010	2011	19,389,000	6,160,000	0.0143952	0.0107964	345,615
2011	2012	24,239,000	17,348,000	0.0145392	0.0109043	541,584
2012	2013	25,239,000	20,640,000	0.0145392	0.0109043	592,020
2013	2014	31,539,000	25,198,000	0.0145392	0.0109043	733,319
2014	2015	36,739,000	25,198,000	0.0145392	0.0109043	808,923
2015	2016	41,009,000	25,398,000	0.0145392	0.0109043	873,185
2016	2017	44,059,000	25,598,000	0.0145392	0.0109043	919,711
2017	2018	45,059,000	25,798,000	0.0145392	0.0109043	936,431
2018	2019	46,059,000	25,998,000	0.0145392	0.0109043	953,151
2019	2020	47,059,000	26,198,000	0.0145392	0.0109043	969,871
2020	2021	48,059,000	26,398,000	0.0145392	0.0109043	986,591
2021	2022	49,059,000	26,598,000	0.0145392	0.0109043	1,003,312
2022	2023	50,059,000	26,798,000	0.0143938	0.0107953	1,009,931
2023	2024	51,059,000	26,998,000	0.0142499	0.0106873	1,016,122
2024	2025	52,059,000	27,198,000	0.0141074	0.0105804	1,022,183
2025	2026	53,059,000	27,398,000	0.0139663	0.0104745	1,028,018
2026	2027	54,059,000	27,598,000	0.0138266	0.0103697	1,033,636
2027	2028	55,059,000	27,798,000	0.0136883	0.0102660	1,039,038
<b>Total</b>						<b>16,074,737</b>

<sup>1</sup> Estimated valuation to nearest (000) is based on cumulative net values from Attachment 5A, rounded.

<sup>2</sup> The tax levy rates are estimated to generally increase 1% per year from 2009 through 2011, remain level for ten years and decrease 1% per year for the remaining years. The rate in the left column applies to the original seven-block area. The rate in the right column applies to the proposed addition, the Hemming site. The rate for 2010 in the second column is 25% lower from 2009 because the voter-approved levies, two school bond issues, school plant facilities, library bond, and county jail bond cannot be used to generate revenue for the urban renewal agency because of House Bill 470 passed by the 2008 Idaho Legislature.

Attachment 5C  
 Estimated Annual Revenues and Costs (Figures Shown in 000)  
 Downtown Urban Renewal Project, as Amended  
 as of: 10/16/2009

Fiscal Year	03-09	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Totals
Beginning Balance		291	333	1,259	581	253	66	5	58	58	74	257	7	374	257	147	143	45	253	317	
Sources of Funds:																					
Revenue Allocation Estimate	495	262	346	542	592	733	809	873	920	936	953	970	987	1,003	1,010	1,016	1,022	1,028	1,034	1,039	16,570
Interest Income	1																				1
Borrowing Proceeds			6,000																		6,000
Borrowing Reserve			(600)																		(600)
Total Sources of Funds	496	262	5,746	542	592	733	809	873	920	936	953	970	987	1,003	1,010	1,016	1,022	1,028	1,034	1,039	21,971
Total Funds Available	496	553	6,079	1,801	1,173	986	875	878	978	994	1,027	1,227	994	1,377	1,267	1,163	1,165	1,073	1,287	1,356	
Uses of Funds:																					
Debt P&I Payments	9			600	600	600	600	600	600	600	600	600	600	600	600	600	600	600	600	600	9,009
Street Reconstruction									300	300				500	500					800	2,400
Property Acquisition & Demo	84		4,200																		4,284
Downtown Plan	64																				64
Hemming Infrastructure				200	300	300	100														900
Street Signals				100								200							200		400
Street Lights																					100
Town Square		50																			50
County Parking Lot		150																			150
Parking Facilities			200									400								500	1,700
Storm Drainage							150				150									150	450
Alley Improvements				300													500			800	1,600
Admin./Prof. Services	48	20	420	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	828
Total Uses of Funds	205	220	4,820	1,220	920	920	870	820	920	920	770	1,220	620	1,120	1,120	1,020	1,120	820	970	1,320	21,935
END BALANCE	291	333	1,259	581	253	66	5	58	58	74	257	7	374	257	147	143	45	253	317	36	36

2011 Bond Proceeds (000's)

Land Acquisition	4,000
Demolition	200
Other Improvements	800
Borrowing Costs	400
Reserve	600
<b>Total</b>	<b>6,000</b>

CITY OF REXBURG

SUMMARY OF ORDINANCE NO. 1036

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REXBURG, IDAHO, APPROVING THE AMENDED AND RESTATED DOWNTOWN DISTRICT REDEVELOPMENT PLAN, WEST SECOND SOUTH ADDITION (THE "HEMMING SITE") WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY OFFICIALS, STATE OFFICIALS AND OTHER TAXING ENTITIES; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

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

Section 1: It is hereby found and determined that:

- (a) The Project Area as defined in the Amended Downtown 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 Project Area pursuant to the Amended Downtown Plan are 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 Amended Downtown Plan conforms to the City of Rexburg Vision 2020 Comprehensive Plan (the "Comprehensive Plan").
- (e) The Amended Downtown Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the mixed use components of the Amended Downtown Plan, the need for overall public improvements and the proposed public open space recreation and community facilities opportunity), and shows consideration for the health, safety, and welfare of any residents or businesses in the general vicinity of the Project Area as defined by the Amended Downtown Plan.
- (f) The Amended Downtown 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 Amended Downtown Plan provides a feasible method for relocation of any displaced families residing within the Project Area.
- (h) That portion of the Project Area which is identified for non-residential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns and the need for the correlation of this area with other areas of the City.
- (i) The collective base assessment roll of the Amended Downtown Plan, along with the collective base assessment rolls of the Washington School Plan Area, the North Highway Plan Area, and the University Boulevard

Plan Area does not exceed ten percent (10%) of the assessed value of the City of Rexburg.

Section 2: The City Council finds that one of the Plan objectives to increase the mixed use development opportunity to include housing does meet the sound needs of the City and will provide residential opportunities in an area that does not now contain such residential opportunities, and the portion of the Project Area which is identified for non-residential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Rexburg Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.

Section 3: The Amended Downtown, a copy of which is attached hereto and marked as Exhibit 3 and made a part hereof by attachment, be and the same hereby is approved. The City Clerk and/or the Agency may make certain technical corrections or revisions in keeping with the information and testimony presented at the December 2, 2009, hearing.

Section 4: No direct or collateral action attacking the Amended Downtown 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 Amended Downtown Plan.

Section 5: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the Madison County Recorder, Madison County Auditor and Tax Assessor of Madison County, and to the appropriate officials of the Madison County Board of County Commissioners, Rexburg Cemetery District, Madison County Library District, Madison School District #321 Board of Trustees, Madison County Ambulance District, Madison County Mosquito Abatement District, the City of Rexburg, and to the State Tax Commission, a copy of this Ordinance, a copy of the legal description of the boundaries of the Urban Renewal/Revenue Allocation Area, and a map or plan indicating the boundaries of the Urban Renewal/Revenue Allocation Area.

Section 6: The City Council hereby finds and declares that the Revenue Allocation Area as defined in the Amended Downtown Plan includes that portion of the Urban Renewal Project Area, the equalized assessed valuation of which the Council hereby determines is in and is part of the Amended Downtown Plan has increased and is likely to continue to increase as a result of the initiation and completion of urban renewal projects pursuant to the Amended Downtown Plan.

Section 7: 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 Amended Downtown Plan the City Council recognizes that it has no power to control the powers or operations of the Agency.

Section 8: 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 9: This Ordinance shall be in full force and effect immediately upon its passage, approval and publication, and shall be retroactive to January 1, 2009, to the extent permitted by the Act, with the original revenue allocation area maintaining its base assessment roll as of January 1, 2003.

Section 10: 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 11: The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 4, is hereby approved.

Section 12: All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

Section 13: **SAVINGS CLAUSE:** This Ordinance does not affect an action or proceeding commenced or right accrued before this Ordinance takes effect.

PASSED by the City Council of Rexburg this 2nd day of December 2009.

APPROVED by the Mayor on this 2nd day of December 2009.

#### EXHIBITS TO THE ORDINANCE

EXHIBIT 1: General Proof of Publication of the Notice providing notice of the public hearing of the University Boulevard Urban Renewal Plan before the City Council.

EXHIBIT 2: Planning and Zoning Commission Resolution

EXHIBIT 3: Amended and Restated Downtown District Redevelopment Plan

EXHIBIT 4: Approved Summary of Ordinance No. 1036.

#### SUMMARY OF THE AMENDED AND RESTATED DOWNTOWN DISTRICT REDEVELOPMENT PLAN:

The Amended and Restated Downtown District Redevelopment Plan (the "Amended Downtown Plan"), was prepared by the Rexburg Urban Renewal Agency ("Agency") pursuant to the State of Idaho Urban Renewal Law, The local Economic Development Act, and all applicable laws and ordinances and approved by the Agency. The Amended Downtown Plan provides for the Agency to undertake urban renewal projects pursuant to the Idaho Urban Renewal Law of 1965 as amended (the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the "Act"). The major purpose of the Amended Downtown Plan is to provide an update of historical activities of the Agency since 2003, a projection of remaining activities through 2027, and the addition of the West 2nd South Area, also referred to as the Hemming Site. The 2003 Plan provided a term of twenty-four years but showed projections and estimates only through 2013/2014, with the expectation that the Agency might have completed those activities within that time frame. Because of a variety of circumstances, the activities will take longer to achieve along with the added activity related to the Hemming Site. The original Plan provided for a term through 2027 (the allowed twenty-four-year term). This Plan describes those activities through 2027. An additional purpose of this Plan is to include an update of several changes as mandated through the passage of legislative changes since 2003. The Amended Downtown Plan contains a revenue allocation financing provision pursuant to the Act that will cause property taxes resulting from any increases in equalized assessed valuation in excess of the equalized assessed valuation as shown on the original base assessment roll as of January 1, 2003, for the original revenue allocation area and January 1, 2009, for the Hemming Site as set forth in the Amended Downtown Plan to be allocated to the Agency for the urban renewal purposes.

The general scope and objectives of the Amended Downtown Plan are:

1. Acquisition of certain real property (if needed) and through the voluntary measures described in Section 305;

2. Demolition or removal of certain buildings and improvements for public rights-of-way for streets, utilities, walkways, and other improvements for public facility building sites, to eliminate unhealthful, unsanitary, or unsafe conditions, improve density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or to prevent the spread of deterioration;
3. Provision for participation by property owners within the Amended Project Area;
4. Management of any property acquired by any entity under the ownership and control of the Agency;
5. Provision for relocation assistance to displaced Project occupants, as required by law;
6. Installation, construction, or reconstruction of public improvements owned or occupied by the Agency or other public agencies, including the City, public parking, as may be deemed appropriate by the Agency Board, and other public improvements;
7. Disposition of property for uses in accordance with the Amended Downtown Plan;
8. The redevelopment of land by private enterprise or public agencies for uses in accordance with the Amended Downtown Plan;
9. Rehabilitation of structures and improvements by present owners, their successors, and the Agency;
10. Preparation and assembly of adequate sites for the development and construction of facilities for commercial, mixed-use development, office, appropriate retail, and other ancillary uses;
11. As allowed by law, lend or invest federal funds to facilitate urban renewal redevelopment;
12. Construction of foundations, platforms, and other like structural forms necessary for the provision or utilization of air rights, sites for buildings to be used for residential, commercial, and other uses contemplated by the Plan, and to provide utilities to the development site; and
13. Coordinating with the City in the implementation of the City's Comprehensive Plan within the Amended Project Area.

Any such land uses as described in the Amended Downtown Plan will be in conformance with the Comprehensive Plan, City of Rexburg. Land made available will be developed by private enterprises or public agencies as authorized by law. The Amended Downtown Plan identifies various public and private improvements which may be made within the Urban Renewal Project Area. The Project Area and Revenue Allocation Area boundaries herein referred to as follows:

**Attachment 1:** Description of the Amended Project Area and Amended Revenue Allocation Area; and more particularly described as:

**Amended Project Area – Amended Revenue Allocation Area Boundary Map**

**Original Revenue Allocation Area**

Beginning at a point that is N 89° 59' 59" E 49.5 feet from the Southeast Corner of Section 19, Township 06 North, Range 40 E, Boise Meridian; running thence N 0° 14' 57" W 825.19 feet to the Southwest Corner of Block 20, Rexburg Original Townsite; thence S 89° 44' 59" W 2373.48 feet to the Southeast Corner of Block 24; thence S 0° 15' 2" E 759 feet; thence S 89° 44' 58" W 759 feet; thence S 0° 15' 1" E 891.02 feet to the Northeast Corner of Block 46; thence N 89° 44' 57" E 3132.51 feet; thence N 0° 15' 11" W 824.8 feet to the point of beginning.

*Less the following:* Lot 2, Block 39 of the Rexburg Original Townsite.

**Added Revenue Allocation Area**

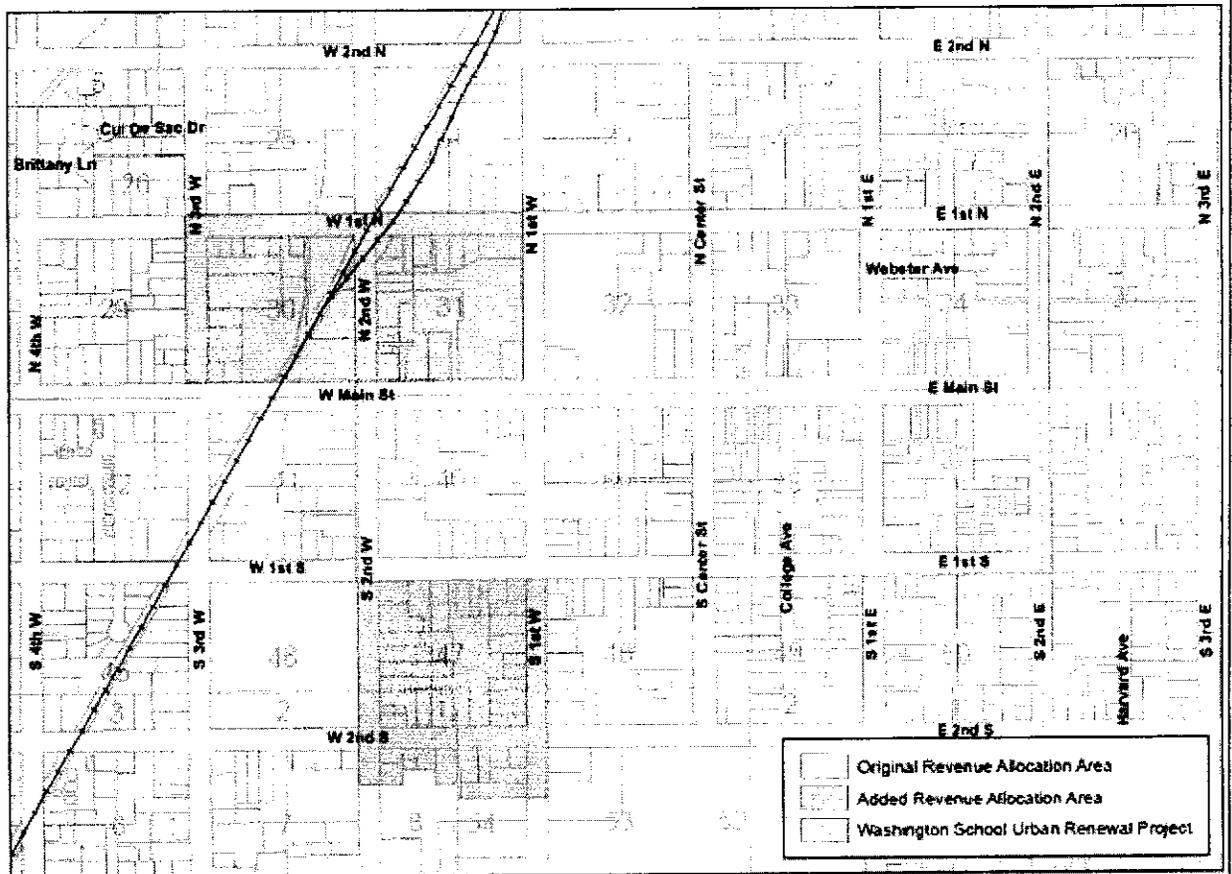
Beginning at the Northeast Corner of Block 46, Rexburg Original Townsite, Madison County, Idaho; running thence S 0° 15' E 759 feet to the Northeast Corner of Block 7, Southend Addition to the City of Rexburg; thence S 0° 15' 38" E 164.5 feet; thence N 89° 53' 31" E 198 feet; thence N 0° 16' 9" W 65.94 feet; thence N 89° 46' 59" E

148.51 feet; thence S 0° 15' 37" E 65.81 feet; thence N 89° 46' 59" E 82.5 feet; thence N 0° 26' 1" W 8.25 feet; thence N 89° 35' 7" E 17.25 feet; thence S 0° 14' 53" E 74.32 feet; thence N 89° 45' 34" E 409.25 feet; thence N 0° 15' W 231.11 feet to the Northwest Corner of Block 53, Rexburg Original Townsite; thence N 0° 15' W 759 feet to the Northwest Corner of Block 48; thence S 89° 44' 56" W 855.51 feet to the point of beginning.

**Overall Urban Renewal Area**

Beginning at a point that is N 89° 59' 59" E 49.5 from the Southeast Corner of Section 19, Township 06 North, Range 40 E, Boise Meridian; running thence N 0° 14' 57" W 825.19 feet to the Southwest Corner of Block 20, Rexburg Original Townsite; thence S 89° 44' 59" W 2373.48 feet to the Southeast Corner of Block 24; thence S 0° 15' 2" E 759 feet; thence S 89° 44' 58" W 759 feet; thence S 0° 15' E 1650.02 feet to the Northeast Corner of Block 7, Southend Addition to the City of Rexburg; thence S 0° 15' 38" E 164.5 feet; thence N 89° 53' 31" E 198 feet; thence N 0° 16' 9" W 65.94 feet; thence N 89° 46' 59" E 148.51 feet; thence S 0° 15' 37" E 65.81 feet; thence N 89° 46' 59" E 82.5 feet; thence N 0° 26' 1" W 8.25 feet; thence N 89° 35' 7" E 17.25 feet; thence S 0° 14' 53" E 74.32 feet; thence N 89° 45' 34" E 409.25 feet; thence N 0° 15' W 231.11 feet to the Northwest Corner of Block 53, Rexburg Original Townsite; thence N 0° 15' W 759 feet to the Northwest Corner of Block 48; thence N 89° 44' 57" E 2277 feet; thence N 0° 15' 11" W 824.8 feet to the point of beginning.

(For the purpose of describing the New Revenue Allocation Area, less-out Lot 2, Block 39 of the Rexburg Original Townsite from the Overall Urban Renewal Area description above.) and the Project Area is as depicted on **Attachment 2**, Amended Project Area-Amended Revenue Allocation Area Boundary Map:



**Attachment 2**  
Amended Project Area - Amended Revenue Allocation Area Boundary Map

The Urban Renewal Area is the entire area referred to as the Project Area. The Revenue Allocation Area includes all of the Project Area except for the Melaleuca property on Block 39. The Agency may use its funding resources, including revenue allocation proceeds, to fund public improvements within the various rights-of-way and Project Area. The Revenue Allocation Area is the area from which revenue allocation proceeds will be received.

For purposes of boundary descriptions and use of proceeds for payment of improvements, the boundary shall be deemed to extend to the outer boundary of rights-of-way.

Sections 300 through 313 discuss the proposed redevelopment actions, participation opportunities and agreements, cooperation with public bodies, property acquisition standards and requirements, relocation, demolition and property disposition.

Sections 402 through 417 discuss the type of land uses authorized in the Project Area and list other controls by referencing the applicable City Ordinances.

Sections 405.1 and 405.2 describe Design Guidelines for Development.

Sections 404.11 through 404.12 and 405.3 address off street loading, off street parking and non-conforming uses.

The Amended Downtown Plan also contains a major section on financing. Among other sources, the Amended Downtown Plan will utilize revenue allocation financing, authorized by the Act.

Section 504 through Section 508 and Attachment No. 5 discuss revenue allocation financing and show how such financing has worked and would work in the Project Area in the future if certain new private developments occur as estimated.

Increases in assessed valuation of real and personal property in the Revenue Allocation Area that occur after January 1, 2009, from the Hemming Site will generate revenue for the Agency to pay project costs. Increases in assessed valuation of real and personal property that has occurred after January 1, 2003, continues to generate revenue for the Agency to pay project costs. Project costs include street improvements, drainage improvement, utilities, public parking, and other public improvements costs. The assessed valuation of real and personal property on the base assessment roll is still available for use by the other taxing districts, Madison County, City of Rexburg, Rexburg Cemetery District, Madison Library District, Madison School District #321, Madison County Ambulance District and Madison County Mosquito Abatement District, to finance their operations. The Amended Downtown Plan authorizes the Agency to sell revenue bonds to finance project costs and to use annual revenue allocations to pay the debt service.

The program outlined in the Amended Downtown Plan emphasizes the installation of needed public improvements, public parking, drainage and street improvements, utilities, and other costs to encourage private development.

Attachment No. 5 describes in detail the cost and financing methods for complete repayment for the debt incurred used to finance the Project and to also fund the described activities.

No change in the land use designation or the potential uses in the area have been proposed. The Amended Downtown Plan follows the underlying zoning classifications of the City of Rexburg.

Sections 600 and 700 describe cooperative activities by the Agency with the City.

The duration of the Amended Downtown Plan remains at twenty-four (24) years through December 31, 2027. The Agency is required to prepare an annual report each year describing its activities during the previous year.

ATTACHMENTS

- Attachment 1: Description of the Amended Project Area and Amended Revenue Allocation Area
- Attachment 2: Amended Project Area-Amended Revenue Allocation Area Boundary Map
- Attachment 3: Private Properties Which May be Acquired by Agency
- Attachment 4: Map Depicting Expected Land Uses and Current Zoning within Amended Revenue Allocation Area and Amended Project Area
- Attachment 5: Statement of Proposed Public Improvements, Costs, Revenues, Tax Impacts and Financing Methods
- Attachment 5A: Estimated Net Taxable Value of New Private Development (Commercial/ Residential) Rexburg Downtown Urban Renewal Project, as Amended
- Attachment 5B: Estimated Annual Tax Revenue Allocations Rexburg Downtown Urban Renewal Project, as Amended
- Attachment 5C: Estimated Annual Revenues and Costs Rexburg Downtown Urban Renewal Project, as Amended

The full text of Ordinance No. 1035 is available at the offices of the City Clerk located at Rexburg City Hall, 35 North 1st East, Rexburg, Idaho 83340.

This summary approved by the Rexburg City Council at its meeting of December 2, 2009.

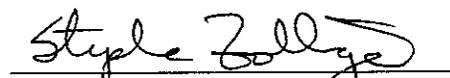
  
Richard Woodland  
Mayor

ATTEST:

By Blair D. Kay  
Blair D. Kay  
City Clerk

I, Stephen Zollinger, City Attorney for the City of Rexburg, declare that in my capacity as City Attorney of the City of Rexburg, pursuant to Idaho Code Section 50-901A(3) of the Idaho Code as amended, I hereby certify that I have reviewed a copy of the above cited Summary of Ordinance and have found the same to be true and complete and to provide adequate notice to the public of the contents, including the exhibits, of Ordinance No. 1036.

DATED this 2<sup>nd</sup> day of December 2009.

  
Stephen Zollinger, City Attorney  
City of Rexburg

December 10, 2009

**LETTERS TO THE STATE TAX COMMISSION,  
THE MADISON COUNTY AUDITOR, THE  
RECORDER OF MADISON COUNTY, AND  
MADISON COUNTY ASSESSOR**

RE: Amended and Restated Downtown District Redevelopment Plan

Idaho Tax Commission  
PO Box 36  
Boise ID 83722-0410

Dear Idaho State Tax Commission:

As provided for under Idaho Code Sections 50-2907 and 63-215, you are being provided copies of the following documents:

1. Rexburg City Council Ordinance No. 1035 and Summary of Ordinance No. 1036 approving the Amended and Restated Downtown District Redevelopment Plan, which Plan contains a revenue allocation area. The City Council approved the Ordinance at its meeting of December 2, 2009. The Mayor signed the Ordinance on December 02, 2009. Publication of the Ordinance occurred on December 12, 2009.

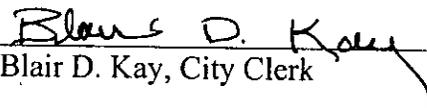
2. A legal description of the Amended and Restated Downtown District Redevelopment Plan Area and Revenue Allocation Area, which areas are not co-terminous.

3. A map showing the boundaries of the urban renewal area and revenue allocation area.

Please file these documents in your official records.

Should you desire a copy of the entire Amended and Restated Downtown District Redevelopment Plan and its attachments, copies can be obtained from the Offices of the City Clerk, City Hall, 35 North 1st East, Rexburg, Idaho.

Sincerely,

  
Blair D. Kay, City Clerk

c: Mayor Richard Woodland  
Ryan Armbruster, Esquire  
Glen Pond  
Judy Coy

**RECEIVED**  
DEC 16 2009

TEC...

Amended Project Area – Amended Revenue Allocation Area Boundary Map

**Original Revenue Allocation Area**

Beginning at a point that is N 89° 59' 59" E 49.5 from the Southeast Corner of Section 19, Township 06 North, Range 40 E, Boise Meridian; running thence N 0° 14' 57" W 825.19 feet to the Southwest Corner of Block 20, Rexburg Original Townsite; thence S 89° 44' 59" W 2373.48 feet to the Southeast Corner of Block 24; thence S 0° 15' 2" E 759 feet; thence S 89° 44' 58" W 759 feet; thence S 0° 15' 1" E 891.02 feet to the Northeast Corner of Block 46; thence N 89° 44' 57" E 3132.51 feet; thence N 0° 15' 11" W 824.8 feet to the point of beginning.

*Less the following:* Lot 2, Block 39 of the Rexburg Original Townsite.

**Added Revenue Allocation Area**

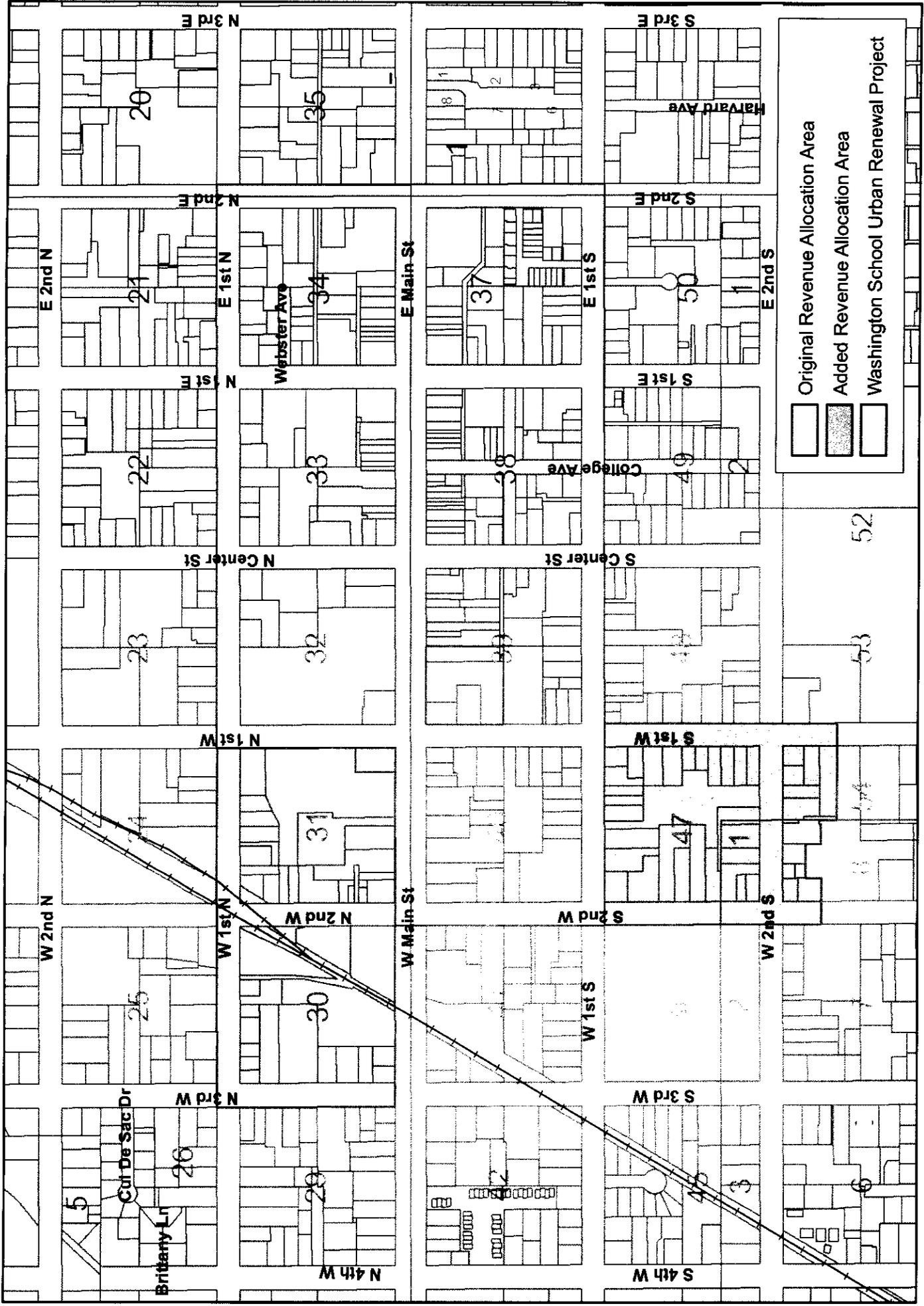
Beginning at the Northeast Corner of Block 46, Rexburg Original Townsite, Madison County, Idaho; running thence S 0° 15' E 759 feet to the Northeast Corner of Block 7, Southend Addition to the City of Rexburg; thence S 0° 15' 38" E 164.5 feet; thence N 89° 53' 31" E 198 feet; thence N 0° 16' 9" W 65.94 feet; thence N 89° 46' 59" E 148.51 feet; thence S 0° 15' 37" E 65.81 feet; thence N 89° 46' 59" E 82.5 feet; thence N 0° 26' 1" W 8.25 feet; thence N 89° 35' 7" E 17.25 feet; thence S 0° 14' 53" E 74.32 feet; thence N 89° 45' 34" E 409.25 feet; thence N 0° 15' W 231.11 feet to the Northwest Corner of Block 53, Rexburg Original Townsite; thence N 0° 15' W 759 feet to the Northwest Corner of Block 48; thence S 89° 44' 56" W 855.51 feet to the point of beginning.

**Overall Urban Renewal Area**

Beginning at a point that is N 89° 59' 59" E 49.5 from the Southeast Corner of Section 19, Township 06 North, Range 40 E, Boise Meridian; running thence N 0° 14' 57" W 825.19 feet to the Southwest Corner of Block 20, Rexburg Original Townsite; thence S 89° 44' 59" W 2373.48 feet to the Southeast Corner of Block 24; thence S 0° 15' 2" E 759 feet; thence S 89° 44' 58" W 759 feet; thence S 0° 15' E 1650.02 feet to the Northeast Corner of Block 7, Southend Addition to the City of Rexburg; thence S 0° 15' 38" E 164.5 feet; thence N 89° 53' 31" E 198 feet; thence N 0° 16' 9" W 65.94 feet; thence N 89° 46' 59" E 148.51 feet; thence S 0° 15' 37" E 65.81 feet; thence N 89° 46' 59" E 82.5 feet; thence N 0° 26' 1" W 8.25 feet; thence N 89° 35' 7" E 17.25 feet; thence S 0° 14' 53" E 74.32 feet; thence N 89° 45' 34" E 409.25 feet; thence N 0° 15' W 231.11 feet to the Northwest Corner of Block 53, Rexburg Original Townsite; thence N 0° 15' W 759 feet to the Northwest Corner of Block 48; thence N 89° 44' 57" E 2277 feet; thence N 0° 15' 11" W 824.8 feet to the point of beginning.

(For the purpose of describing the New Revenue Allocation Area, less-out Lot 2, Block 39 of the Rexburg Original Townsite from the Overall Urban Renewal Area description above.)

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**Attachment 2**  
**Amended Project Area - Amended Revenue Allocation Area Boundary Map**



December 10, 2009

**LETTERS TO THE STATE TAX COMMISSION,  
THE MADISON COUNTY AUDITOR, THE  
RECORDER OF MADISON COUNTY, AND  
MADISON COUNTY ASSESSOR**

RE: Amended and Restated Downtown District Redevelopment Plan

Idaho Tax Commission  
PO Box 36  
Boise ID 83722-0410

Dear Idaho State Tax Commission:

As provided for under Idaho Code Sections 50-2907 and 63-215, you are being provided copies of the following documents:

1. Rexburg City Council Ordinance No. 1035 and Summary of Ordinance No. 1036 approving the Amended and Restated Downtown District Redevelopment Plan, which Plan contains a revenue allocation area. The City Council approved the Ordinance at its meeting of December 2, 2009. The Mayor signed the Ordinance on December 02, 2009. Publication of the Ordinance occurred on December 12, 2009.

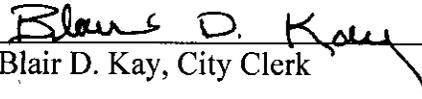
2. A legal description of the Amended and Restated Downtown District Redevelopment Plan Area and Revenue Allocation Area, which areas are not co-terminous.

3. A map showing the boundaries of the urban renewal area and revenue allocation area.

Please file these documents in your official records.

Should you desire a copy of the entire Amended and Restated Downtown District Redevelopment Plan and its attachments, copies can be obtained from the Offices of the City Clerk, City Hall, 35 North 1st East, Rexburg, Idaho.

Sincerely,

  
Blair D. Kay, City Clerk

c: Mayor Richard Woodland  
Ryan Armbruster, Esquire  
Glen Pond  
Judy Coy

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DEC 15 2009

TECHNICAL SUPPORT