



208

CITY OF DRIGGS

OFFICE OF CITY CLERK

'The Heart of Teton Valley'
Inc. 1910

Craig Johnson
Idaho State Tax Commission
PO Box 36
Boise ID 83722-0410

November 10, 2016

RE: Urban Renewal Plan for the Front Street Urban Renewal Project

Dear Mr. Johnson:

As provided for under Idaho Code Sections 50-2907 and 63-215, and Rule 225 of the Property Tax Administrative Rules IDAPA 35.01.03.225.02, you are being provided copies of the following recorded documents for filing:

1. Driggs Ordinance No. 375-16 and Summary of Ordinance No. 375-16 (without exhibits or attachments) approving the Urban Renewal Plan for the Front Street Urban Renewal Project ("Front Street Plan"), which plan contains a revenue allocation area. The City Council approved the Ordinance at its meeting of November 1, 2016. The Mayor signed the Ordinance on November 1, 2016. Publication of the Ordinance in the Teton Valley News occurred on November 10, 2016.
2. A legal description of the Front Street Plan Area and Revenue Allocation Area, which areas are coterminous.
3. A map showing the boundaries of the Front Street Plan Area and Revenue Allocation Area.

Please file these documents in your official records.

Please be advised that the contact person for the Driggs Urban Renewal Agency is Doug Self, Driggs Community Development Director, P.O. Box 48, Driggs, Idaho, 83422, 208-354-2605.

Should you desire a copy of the entire Front Street Plan and its attachments, copies can be obtained from Doug Self.

Sincerely,

Kreslyn Schuehler, City Clerk

REC'D NOV 14 2016

Enclosures

cc: Dan Powers
Ryan P. Armbruster
Doug Self

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 10th day of November, 2016, I caused a true and correct copy of the foregoing document to be served as follows:

Alan Dornfest
Alan.dornfest@tax.idaho.gov

Mail
 Email **If email, please
confirm receipt and follow up
telephonically

Craig Johnson
Craig.johnson@tax.idaho.gov
State Tax Commission

Attn: Adam Confair
Teton County Auditor

Hand Delivery

Attn: Julie Wenger
Teton County Recorder

Hand Delivery

Attn: Bonnie Beard
Teton County Assessor

Hand Delivery


Kreslyn Schuehler

CITY OF DRIGGS, IDAHO

ORDINANCE NO. 375-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DRIGGS, IDAHO, APPROVING THE URBAN RENEWAL PLAN FOR THE FRONT STREET URBAN RENEWAL PROJECT, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS AND 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 DRIGGS, IDAHO

WHEREAS, on or about April 6, 2004, by Resolution No. 95, the Driggs City Council ("City Council") and Mayor of the city of Driggs, Idaho ("City") created an urban renewal agency, the Urban Renewal Agency of the City of Driggs ("Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the "Law") and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the "Act"), upon making the findings of necessity required for creating said Agency;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on December 7, 2004, on the Driggs Urban Renewal Plan (the "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. 249-04 on December 7, 2004, approving the Plan and making certain findings;

WHEREAS, the City Council after notice duly published, conducted a public hearing on the First Amended and Restated Urban Renewal Plan, Downtown Driggs Urban Renewal Project, Including Southeast Main Addition ("Amended Plan");

WHEREAS, following said public hearing, the City Council adopted Ordinance 285-07, on December 18, 2007, approving the Amended Plan and making certain findings;

WHEREAS, the Plan and the Amended Plan are referred to as the Project Area;

WHEREAS, pursuant to Idaho Code § 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 § 50-2906, also requires that in order to adopt an urban renewal plan containing a revenue allocation financing provision, the local governing body must make a finding or determination that the area included in such plan is a deteriorated area or deteriorating area;

WHEREAS, the Agency commenced certain discussions concerning examination of a certain area as appropriate for an urban renewal project;

WHEREAS, the Front Street Area Urban Renewal Eligibility Report, dated April 12, 2016 (the "Eligibility Report"), prepared by Doug Self, AICP and Community Development Director for the City, examined an area in the City bounded generally by Huntsman Springs Planned Unit Development on the west, Main Street on the east, Depot Street on the south, and Ross Avenue on the north, for the purpose of determining whether such area was a deteriorating area or deteriorated area as defined by Idaho Code §§ 50-2018(9) and 50-2903(8);

WHEREAS, the Agency, on April 13, 2016, by way of Resolution No. 2016.04.13 accepted the Eligibility Report and authorized the Agency Chairman and Executive Director to submit the Resolution and Eligibility Report to the City Council for its consideration;

WHEREAS, the City Council, on April 19, 2016, by Resolution No. 314-16, accepted the Eligibility Report and declared the Front Street Area described in the Eligibility Report to be a deteriorated or deteriorating area as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended, that such area is appropriate for an urban renewal project and directed the Agency to commence preparation of an urban renewal plan for the area designated;

WHEREAS, the Act authorizes urban renewal agencies 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 staff and its consultants have undertaken the planning process;

WHEREAS, the Agency has embarked on an urban renewal project referred to as The Urban Renewal Plan for the Front Street Urban Renewal Project ("Front Street Plan") to redevelop a portion of the City, pursuant to the Law and the Act;

WHEREAS, the Front Street Plan proposes to create an urban renewal area commonly known as the Front Street Project Area, which area is shown on the Map of Urban Renewal Project Area and Revenue Allocation Area and described in the Description of Urban Renewal Project Area and Revenue Allocation Area, which are attached to the Front Street Plan as Attachments 1 and 2 respectively;

WHEREAS, the Front Street Project Area is eligible and appropriate for an urban renewal plan;

WHEREAS, the Front Street Plan also contains the provisions of revenue allocation financing as allowed by the Act;

WHEREAS, the Agency Board considered all comment and information submitted to the Agency during several Board meetings and the Board meeting held on September 7, 2016;

WHEREAS, on September 7, 2016, the Agency Board passed Resolution No. 2016.09.07 proposing and recommending the approval of the Front Street Plan;

WHEREAS, the Agency submitted the Front Street Plan to the Mayor and City;

WHEREAS, the Mayor and City Clerk have taken the necessary action to process the Front Street Plan;

WHEREAS, notice of the public hearing of the Front Street Plan was published in the *Teton Valley News* on September 22 and 29, 2016, a copy of said notice being attached hereto as Exhibit 1;

WHEREAS, as required by Idaho Code §§ 50-2905 and 50-2906, the Front Street Plan contains the following information with specificity which was made available to the general public and all taxing districts prior to the public hearing on October 25, 2016, at least thirty (30) days but no more than sixty (60) days prior to the date set for final reading of the ordinance: (1) a statement describing the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all taxable property within the municipality; (2) the kind, number, and location of all proposed public works or improvements within the revenue allocation area; (3) an economic feasibility study; (4) a detailed list of estimated project costs; (5) a fiscal impact statement showing the impact of the revenue allocation area, both until and after the bonds, notes and/or other obligations are repaid, upon all taxing districts levying taxes upon property in the revenue allocation area; (6) a description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred; (7) a termination date for the plan and the revenue allocation area as provided for in section 50-2903(20), Idaho Code. 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; and (8) a description of the disposition or retention of any assets of the agency upon the termination date. Provided however, nothing herein shall prevent the agency from retaining assets or revenues generated from such assets as long as the agency shall have resources other than revenue allocation funds to operate and manage such assets;

WHEREAS, appropriate notice of the Front Street Plan and the impact on the revenue allocation provision contained therein has been given to the taxing districts and to the public as required by Idaho Code §§ 50-2008 and 50-2906;

WHEREAS, as of September 23, 2016, the Front Street Plan was submitted to the affected taxing entities, available to the public, and under consideration by the City Council;

WHEREAS, at a meeting held September 28, 2016, the Driggs Planning and Zoning Commission considered the Front Street Plan and found that the Front Street Plan is in all respects in conformity with the Comprehensive Plan. A copy of the Resolution of the Driggs Planning and Zoning Commission Relating to the Urban Renewal Plan for the Front Street Urban Renewal Project is attached hereto as Exhibit 2;

WHEREAS, the City Council during its special meeting on October 25, 2016, held the public hearing;

WHEREAS, the Front Street Plan authorizes certain projects to be financed by revenue allocation bonds, or loans, and proceeds from revenue allocation;

WHEREAS, it is necessary and in the best interest of the citizens of the City to adopt the Front Street Plan, including revenue allocation financing provisions since revenue allocation will help finance urban renewal projects to be completed in accordance with the Front Street Plan, in order to: encourage private development in the urban renewal area; prevent and arrest decay of the City due to the inability of existing financing methods to provide needed public improvements; encourage taxing districts to cooperate in the allocation of future tax revenues arising in the urban renewal area in order to facilitate the long-term growth of their common tax base; encourage private investment within the City; and to further the public purposes of the Agency;

WHEREAS, the City Council finds that the equalized assessed valuation of the taxable property in the Front Street Project Area is likely to increase, and continue to increase, as a result of initiation and continuation of urban renewal projects in accordance with the Front Street 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 collective base assessment roll for the revenue allocation area under the Plan, as subsequently amended by the Amended Plan in 2007, and the Front Street Plan revenue allocation area, cannot exceed ten percent (10%) of the assessed value of the City;

WHEREAS, the City Council at its regular meeting held on November 1, 2016, considered the Front Street Plan as proposed, and made certain comprehensive findings.

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

SECTION 1: It is hereby found and determined that:

- (a) The Front Street Project Area as defined in the Front Street 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 urban renewal area pursuant to the Front Street Plan are necessary and in the interests of public health, safety, and welfare of the residents of the City.
- (c) There continues to be a need for the Agency to function in the City.
- (d) The Front Street Plan conforms to the Comprehensive Plan.
- (e) The Front Street Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the commercial component of the Front Street Plan and the need for overall public improvements) and shows consideration for the health, safety, and welfare of any residents or businesses in the general vicinity of the urban renewal area covered by the Front Street Plan.
- (f) The Front Street Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation and redevelopment of the urban renewal area by private enterprises.
- (g) Pursuant to Idaho Code §§ 50-2007(h) and 50-2008(d)(1), the Front Street Plan provides a feasible method for relocation obligations and there is not anticipated to be any activity by the Agency that would result in relocation.
- (h) The collective base assessment roll for the revenue allocation area under the Plan, as amended by the Amended Plan in 2007, and the new Front Street Plan revenue allocation area does not exceed ten percent (10%) of the assessed value of the City.
- (i) The Front Street Plan includes the requirements set out in Idaho Code § 50-2905 with specificity.
- (j) The Front Street Plan is 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, zoning and planning changes, if any, land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.
- (k) The urban renewal area, which includes the deteriorating area, as defined in Idaho Code §§ 50-2018(9) and 50-2903(8)(f), does not include any agricultural operation or any forest land requiring written consent.

- (l) The portion of the Front Street 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.

SECTION 2: The City Council finds that the Front Street Plan meets the sound needs of the City and will provide opportunities in an area that does not now contain such opportunities, and nonresidential uses are necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Comprehensive Plan, as may be amended, 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 Front Street Plan, 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. As directed by the City Council, the City Clerk and/or the Agency may make certain technical corrections or revisions in keeping with the information and testimony presented at the October 25, 2016, hearing, and incorporate changes or modifications, if any.

SECTION 4: No direct or collateral action challenging the Front Street 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 this Ordinance adopting the Front Street Plan.

SECTION 5: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Tax Assessor of Teton County and to the appropriate officials of Teton County, the City, Teton School District #401, Teton County Fire Protection District, Teton County Library District, Teton County Ambulance Service District, Driggs-Darby Cemetery District, Teton County Mosquito Abatement District, and the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundary of the area and a map or plat indicating the boundaries of the revenue allocation area.

SECTION 6: The City Council hereby finds and declares the equalized assessed valuation of the Revenue Allocation Area, as defined in the Front Street Plan, is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Front Street Plan.

SECTION 7: The City Council hereby approves and adopts the following statement 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 Front Street 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, notes or other obligations are outstanding,

the City Council will not exercise its power under Idaho Code § 50-2006 to designate itself as the Agency Board.

SECTION 9: So long as any Agency bonds, notes or other obligations are outstanding, the City Council will not modify the Front Street Plan in a manner that would result in a reset of the base assessment value to current value in the year modification occurs as further set forth in the Act.

SECTION 10: This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2016, to the extent permitted by the Act.

SECTION 11: 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 12: At least one-half plus one of the City Council members finding good cause, the City Council hereby dispenses with the rule that this Ordinance be read on three different days, two readings of which shall be in full, and have hereby adopted this Ordinance, having considered it at two readings.

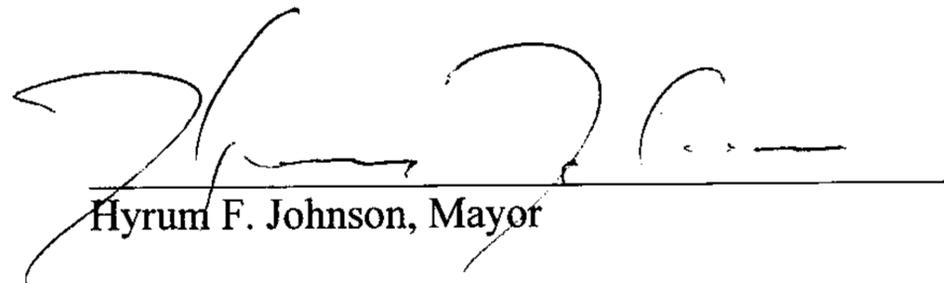
SECTION 13: The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 4, is hereby approved.

SECTION 14: All ordinances, resolutions, orders, or parts thereof in conflict herewith are hereby repealed, rescinded, and annulled.

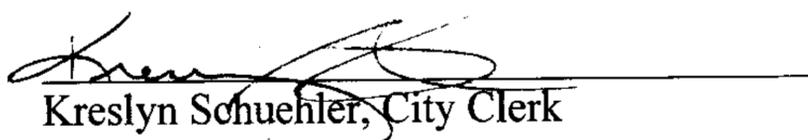
SECTION 15: SAVINGS CLAUSE: This ordinance does not affect an action or proceeding commenced or right accrued before this ordinance takes effect.

PASSED by the City Council of the city of Driggs, Idaho, on this 1st day of November, 2016.

APPROVED by the Mayor of the city of Driggs, Idaho, on this 1st day of November, 2016.


Hyrum F. Johnson, Mayor

ATTEST:


Kreslyn Schuehler, City Clerk

First Reading: October 25, 2016

Second Reading: November 1, 2016

Adopted after second reading by suspension of the Rule as allowed pursuant to Idaho Code 50-902.

Yes X No

Third Reading: November 1, 2016

STATE OF IDAHO)

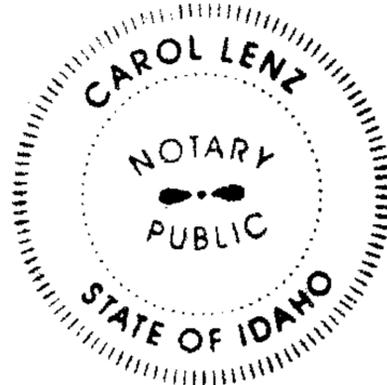
: ss:

County of Driggs)

On this 25th day of November, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Myron Johnson and Kreslyn Schuehler, known to me to be the Mayor and City Clerk, respectively of the City of Driggs, Idaho, and who executed the within instrument, and acknowledged to me that the City of Driggs executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)



Notary Public for Idaho

Residing at: TETON County - Driggs

My Commission Expires: 10.26.21

**LEGAL DESCRIPTION
FOR
FRONT STREET URBAN RENEWAL AREA AND
REVENUE ALLOCATION DISTRICT
CITY OF DRIGGS
TETON COUNTY, IDAHO**

A Parcel of Land located in the South 1/2 of Section 26, Township 5 North, Range 45 East of the Boise Meridian, Teton County, Idaho more particularly described as follows:

Beginning at the Southwest Corner of Section 26, Township 5 North, Range 45 East of the Boise Meridian, running thence S89°40'24"E along the Section line 2640.21 feet to the South 1/4 Corner of said Section 26; thence N00°08'03"E along the North-South Center Section line of said Section 26 a distance of 593.92 feet to the TRUE POINT OF BEGINNING, running thence N89°39'46"W 49.32 to a point on the West Right-of-way line of State Highway 33 and the North Right-of-Way line of Depot Street; thence N89°39'46"W along said North Right-of-Way line of Depot Street a distance of 477.53 feet to the Southwest Corner of Block 2, Driggs Main Street Annex; thence S79°37'27"W 62.36 feet to the East Boundary line of Huntsman Springs PUD, Phase 2, Addition to the City of Driggs, Teton County, Idaho; thence northerly along said East Boundary line the following four (4) courses: N00°22'58"E 646.66 feet; thence N07°28'40"W 87.77 feet; thence N89°51'12"W 140.00 feet; thence N00°22'58"E 1328.65 feet to the East-West Center Section line of said Section 26; thence S89°56'36"E along said East-West Center Section line a distance of 731.22 feet to the Center 1/4 Corner of said Section 26; thence S89°56'36"E along said East-West line 53.95 feet to the East Right-of-Way line of said State Highway 33; thence southerly along said East Right-of-Way line the following two (2) courses: S00°17'01"W 1583.56 feet; thence S00°09'04"W 470.49 feet; thence N89°39'46"W 49.68 feet to the TRUE POINT OF BEGINNING.

LESS AND ACCEPTING THEREFROM:

A Parcel of Land as described in Quitclaim Deed recorded as Instrument Number 127762, located in the South 1/2 of Section 26, Township 5 North, Range 45 East of the Boise Meridian, Teton County, Idaho more particularly described as follows:

TRACT 1:

Beginning at a point 199.5 feet West and 111 feet south of the Northeast corner of the Southwest Quarter of Section 26, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, and running thence West 150 feet; thence South 200 feet; thence East 150 feet; thence North 200 feet to the Point of Beginning.

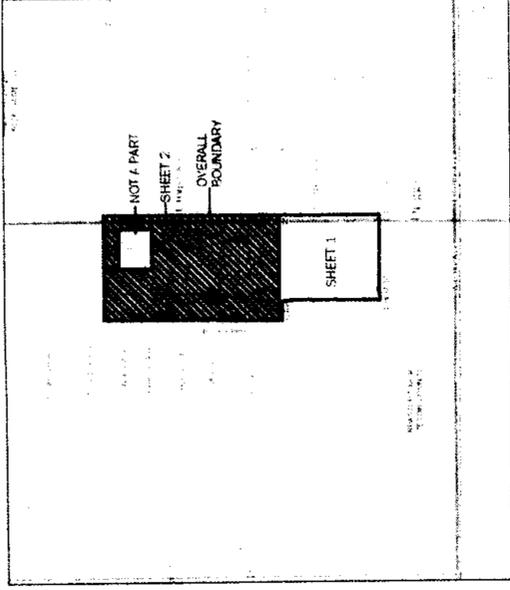
TRACT 2:

Beginning at a point 49.5 feet West and 111 feet South of the Northeast corner of the Southwest Quarter of Section 26, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, and running thence West 150 feet; thence South 200 feet; thence West 150 feet; thence South 50 feet; thence East 300 feet; thence North 250 feet to the Point of Beginning.

Subject Area Contains 32.86, acres more or less.



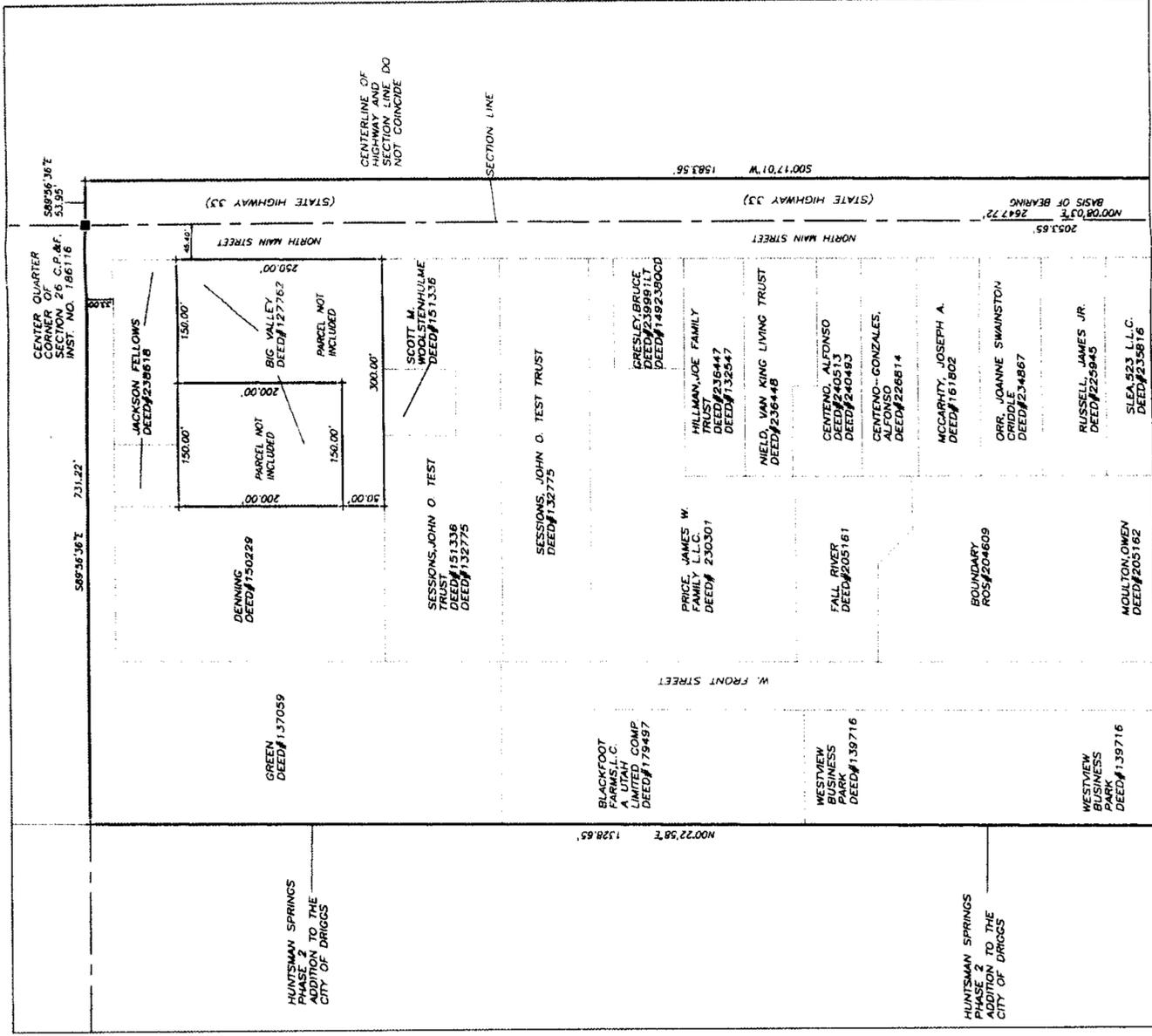
we define, design & deliver
 COMMERCIAL & RESIDENTIAL



VICINITY MAP DRIGGS, ID
 N.T.S.

LEGEND

- + Indicates a record or calculated point. Nothing found or set.
- Indicates a Section Corner as Noted
- Lot Boundary Line
- - - Adjacent Lot Line
- - - Quarter Section Line
- - - Section Line
- - - Parcel - Not a Part



FRONT STREET URBAN RENEWAL AREA
 AND REVENUE ALLOCATION DISTRICT MAP
 LOCATED IN DRIGGS, IDAHO
 PART OF SECTION 26,
 T5N. R45E. BOISE MERIDIAN
 COUNTY OF TETON, IDAHO
 AUGUST, 2016



Project: Urban Works LLC
 18 N. Main
 Suite 300
 Driggs, Idaho 83422
 Tel: 208.229.8429
 Fax: 208.229.8429
 pleisonlandworks.com