

CITY OF EAGLE

SUMMARY OF ORDINANCE NO. 592

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAGLE, IDAHO, APPROVING THE EAGLE URBAN RENEWAL PLAN FOR THE DOWNTOWN AND EAST END 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, WAIVING THE READING RULES; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF EAGLE:

SECTION 1: It is hereby found and determined that:

- (a) The Downtown and East End Urban Renewal Project Area as defined in the 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 Plan are necessary in the interests of public health, safety, and welfare of the residents of the City of Eagle.
- (c) There continues to be a need for the Eagle Urban Renewal Agency ("Agency") to function in the City of Eagle.
- (d) The Plan conforms to the Comprehensive Plan of the City of Eagle.
- (e) The 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 Plan, the need for overall public improvements, and the proposed public open space), and shows consideration for the health, safety, and welfare of any residents or businesses in the general vicinity of the urban renewal area covered by the Plan.

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

(g) The Plan provides a feasible method for relocation of any displaced families residing within the urban renewal area.

(h) The collective base assessment roll of the Downtown and East End Urban Renewal Project Area does not exceed ten percent (10%) of the assessed value of the City of Eagle.

(i) The urban renewal area, which includes the deteriorating area, as defined in Idaho Code Section 50-2018(9), does not include any agricultural operation for which the Agency has not received a written consent, or has not been used for three (3) consecutive years.

SECTION 2: The City Council finds that the Downtown and East End Urban Renewal Project Area and Revenue Allocation Area do not consist of predominantly open land, that the Agency does not intend to acquire any open land on any widespread basis, and that the Downtown and East End Urban Renewal Project Area is planned to be redeveloped in a manner that will include both residential and nonresidential uses. Provided, however, the City Council finds that if portions of the Downtown and East End Urban Renewal Project Area and Revenue Allocation Area are deemed "open land," the criteria set forth in the Law and Act has been met.

SECTION 3: 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 Downtown and East End Urban Renewal Project Area which is identified for nonresidential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Eagle 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 4: The Plan, a copy of which is attached hereto and marked as Exhibit 5 and made a part hereof by attachments, be and the same hereby is approved, along with the changes reflected on the Change Sheet, attached hereto as Exhibit 3. 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 December 11, 2007, hearing, and incorporate changes or modifications, if any.

SECTION 5: The City Council declares that nothing within the 2007 Amended Central District Plan is intended or shall be interpreted to usurp the jurisdiction and authority of ACHD as defined in Chapter 14, Title 40, Idaho Code. Further, pursuant to Section 40-1415, Idaho Code, ACHD has authority over the planning, location, design, construction, reconstruction, and maintenance of the City rights-of-way and accompanying curbs, gutters, culverts, sidewalks, paved medians, bulkheads, and retaining walls. In the planning process, ACHD shall take into consideration the planning principles and design standards contained in the 2007 Central District Amended Plan.

SECTION 6: No direct or collateral action challenging the Plan shall be brought prior to the effective date of this Ordinance or after the elapse of thirty (30) days from and after the effective date of this Ordinance adopting the Plan.

SECTION 7: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Tax Assessor of Ada County and to the appropriate officials of Ada County Highway District, Ada County Ambulance Paramedics, Ada County, College of Western Idaho, Ada County Weed, Pest & Mosquito Abatement District, Dry Creek Cemetery, Eagle Sewer District, Eagle Fire District, Flood Control District No. 10, Meridian School District No. 2, and the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundaries of the Revenue Allocation Area, and a map or plat indicating the boundaries of the Revenue Allocation Area.

SECTION 8: The City Council hereby finds and declares that the Revenue Allocation Area as defined in the Plan (defined as the Project Area in the Plan), the equalized assessed valuation of which the Council hereby determines is in and is part of the Plan is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Plan.

SECTION 9: 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 Plan, the City Council recognizes that it has no power to control the powers or operations of the Agency.

SECTION 10: So long as any Agency bonds are outstanding, the City Council shall not exercise its power under Idaho Code Section 50-2006 to designate itself as the Agency Board.

SECTION 11: This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2007, to the extent permitted by the Act.

SECTION 12: 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 13: 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, and have hereby adopted this Ordinance, having considered it at one reading.

SECTION 14: The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 6, is hereby approved.

SECTION 15: All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

SECTION 16: 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 Eagle, Idaho, on this 11th day of December, 2007.

APPROVED by the Mayor of the City of Eagle, Idaho, on this 11th day of December, 2007.

EXHIBITS TO THE ORDINANCE

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| Exhibit 1 | Recommendation Finding the Plan in Conformity With Comprehensive Plan |
| Exhibit 2 | Notice Published in <i>The Valley Times</i> |
| Exhibit 3 | Change Sheet |
| Exhibit 4 | Consent |
| Exhibit 5 | Eagle Urban Renewal Agency Plan |
| Exhibit 6 | Ordinance Summary |

SUMMARY OF PLAN

The Eagle Urban Renewal Agency Plan ("Plan") was prepared by the urban renewal agency of the City of Eagle, the Eagle Urban Renewal Agency ("Agency") pursuant to the State of Idaho Urban Renewal Law, the Local Economic Development Act, the Idaho Constitution, and all applicable laws and ordinances and was approved by the Agency. The Plan provides for the Agency to undertake urban renewal projects pursuant to the Idaho Urban Renewal Law of 1965 as amended. The Plan 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 original base assessment roll as of January 1, 2007, to be allocated to the Agency for the urban renewal purposes.

The general scope and objectives of the Plan are:

1. Acquisition of certain real property (if needed);
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 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 streets, utilities including development of water and sewer systems, electrical distribution and transmission lines in underground configuration if needed to encourage new developments, fiber optic systems, parking facilities, and other public improvements including civic buildings or community facilities owned or occupied by other public agencies, public open spaces, and visitors or information centers;
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. Provision of civic buildings or community facilities owned or occupied by other public entities and visitors information center owned or operated by the appropriate state or other local entity and other public facilities as may be deemed appropriate by the Urban Renewal Agency Board.

Any such land uses as described in the Plan will be in conformance with the Comprehensive Plan of Eagle, Idaho. Land made available will be developed by private enterprises or public agencies as authorized by law. The Plan identifies various public and private improvements which may be made within the Urban Renewal Area.

The Project Area boundaries herein referred to are as follows

The Project Area consists of approximately three hundred twenty (320) acres generally shown on Attachment 1, and as specifically described in Attachment 2, both attached and incorporated herein by reference:

Map of Urban Renewal Project Area and Revenue Allocation Area, and Description of Urban Renewal Project Area and Revenue Allocation Area:

[DRAFTING NOTE: INCLUDE MAP AND LEGAL DESCRIPTION]

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 404 discuss the type of land uses authorized in the Project Area and list other controls by referencing the applicable City ordinances.

Section 405 describes design guidelines for development.

The Plan also contains a major section on financing. Among other sources, the Plan will utilize revenue allocation financing, authorized by Chapter 20, Title 50, Idaho Code. This statute was approved in 1988 by the Idaho Legislature. Section 504 and Attachment 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 Project Area that occur after January 1, 2007, will generate revenue for the Agency to pay project costs. Project costs include street improvements, parking facilities, and other public improvement costs. The assessed valuation of real and personal property on the base assessment roll is still available for use by the other taxing districts, City of Eagle, Ada County Highway District, Ada County Ambulance Paramedics, College of Western Idaho, Ada County Weed, Pest & Mosquito Abatement District, Dry Creek Cemetery, Eagle Sewer District, Eagle Fire District, Flood Control District No. 10, Meridian School District No. 2 to finance their operations. The 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 Plan emphasizes the installation of needed public improvements, street improvements, utility work, and other costs to encourage private development.

Attachment 5 describes in detail the cost and financing methods for complete repayment of the debt incurred used to finance the Project and to also fund the additional described activities.

No change in the land use designation or the potential uses in the area have been proposed. The Plan follows the underlying zoning classifications of the City of Eagle. Proposals for certain zone changes are made in the Plan.

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

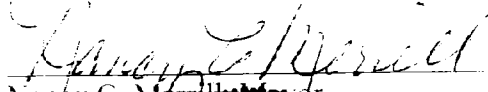
The duration of the Plan is for twenty-four (24) years. A termination process is described in Section 800 of the Plan. The Agency is required to prepare an annual report each year describing its activities during the previous year.

ATTACHMENTS TO THE PLAN

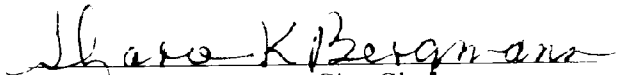
Attachment 1	Map of Urban Renewal Project Area and Revenue Allocation Area
Attachment 2	Description of Urban Renewal Project Area and Revenue Allocation Area
Attachment 3	Properties Identified for Acquisition by the Agency
Attachment 4	Expected Land Use and Current Zoning Map of the Project Area
Attachment 5	Introduction to Attachment 5. Statement of Proposed Public Improvements, Costs, Revenue, Tax Impacts, and Financing Methods
Attachment 5A	Estimated Net Taxable Value of Private Development in Eagle Downtown and East End Urban Renewal Project Area
Attachment 5B	Estimated Annual Future Revenue Allocations, Eagle Downtown and East End Urban Renewal Project
Attachment 5C	Estimated Annual Revenues and Costs, Eagle Downtown and East End Urban Renewal Project Concepts.

The full text of Ordinance No 592 is available at the offices of the City Clerk located at Eagle City Hall, 660 East Civic Lane, P O. Box 1520, Eagle, Idaho 83616.

This summary is approved by the Eagle City Council at its meeting of December 11, 2007.


Nancy C. Merrill

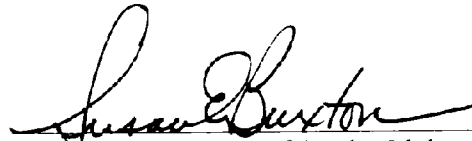
ATTEST:


Sharon K. Bergmann, City Clerk



I, Susan Buxton, City Attorney for the City of Eagle, Idaho, hereby declare and certify that in my capacity as City Attorney of the City of Eagle, pursuant to Idaho Code Section 50-901A(3) of the Idaho Code as amended, I have reviewed a copy of the above Summary of Ordinance, have found the same to be true and complete, and said Summary of Ordinance provides adequate notice to the public of the contents, including the exhibits, of Ordinance No.592 _____.

DATED this 11th day of December, 2007.


City Attorney, City of Eagle, Idaho