

RESOLUTION NO. 2005 - 01

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF MOSCOW URBAN RENEWAL AGENCY OF THE CITY OF MOSCOW, IDAHO, RECOMMENDING ADOPTION OF THE SECOND AMENDED AND RESTATED CITY OF MOSCOW, IDAHO RESEARCH AND TECHNOLOGY PARK URBAN RENEWAL/COMPETITIVELY DISADVANTAGED BORDER COMMUNITY AREA PLAN, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS, PROVISIONS FOR ACQUISITION AND DISPOSITION OF REAL PROPERTY; AND AUTHORIZING THE CHAIR AND SECRETARY TO TAKE APPROPRIATE ACTION; PROVIDING FOR THE RESOLUTION TO BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

THIS RESOLUTION, made on the date hereinafter set forth by the City of Moscow Urban Renewal Agency of the City of Moscow, Idaho, an independent public body, corporate and politic, authorized under the authority of the Idaho Urban Renewal Law of 1965, as amended, Chapter 20, Title 50, Idaho Code, a duly created and functioning urban renewal agency for Moscow, Idaho, hereinafter referred to as the "Agency."

WHEREAS, on or about the 19th day of June, 1995, the Council and Mayor of the City of Moscow, Idaho created an urban renewal agency, authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, being Idaho Code, Title 50, Chapter 20, as amended (the "Law"), and the Local Economic Development Act, the same being Idaho Code, Title 50, Chapter 29, as amended (the "Act"), upon making the findings of necessity required for creating said Urban Renewal Agency; and

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 of thereof, and designated such area as appropriate for an urban renewal project; and

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; and

WHEREAS, the Council of the City of Moscow, Idaho ("City"), on July 1, 1996, after notice duly published, conducted a public hearing on the City of Moscow, Idaho Research and Technology Park Urban Renewal/Competitively Disadvantaged Border Community Area Plan of 1996 (the "Urban Renewal Plan"); and

WHEREAS, following said public hearing, City adopted its Ordinance No. 96-12 on July 1, 1996, approving the Urban Renewal Plan and making certain findings; and

WHEREAS, Agency Staff and consultants have previously considered changes to the City of Moscow, Idaho Research and Technology Park Urban Renewal/Competitively Disadvantaged Border Community Area Plan of 1996 to allow for the extension and inclusion of another phase of the Project as described in the attachment hereto; and

WHEREAS, the City of Moscow, Idaho Research and Technology Park Urban Renewal/Competitively Disadvantaged Border Community Area Plan originally encompassed a geographical area within the City of Moscow which has been determined to be a deteriorated or deteriorating area as defined under Idaho Code Sections 50-2018(h) and 50-2903(7)(b), and a competitively disadvantaged border community area under Idaho Code Section 50-2903(6); and

WHEREAS, since late 2003, the Agency Board has authorized staff to consider designating certain property adjacent to the First Amended and Restated City of Moscow, Idaho Research and Technology Park Urban Renewal/Competitively Disadvantaged Border Community Area as appropriate for urban renewal activities; and

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; and

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; and

WHEREAS, on March 12, 2004 the Agency approved the First Amended and Restated City of Moscow, Idaho Research and Technology Park Urban Renewal/Competitively Disadvantaged Border Community Area Plan for the area previously designated as eligible for urban renewal planning, to update the provision of the urban renewal plan concerning certain public improvements, the Agency's financing plan; and

WHEREAS, the Council of the City, on June 7, 2004, after notice duly published, conducted a public hearing on The First Amended and Restated City of Moscow, Idaho Research and Technology Park Urban Renewal/Competitively Disadvantaged Border Community Area Plan, 2004 (the "First Amended Plan"); and

WHEREAS, following said public hearing, the City adopted its Ordinance No. 2004-28 on June 7, 2004, approving the First Amended Plan and making certain findings; and

WHEREAS, the Agency wishes to add to the First Amended Plan by establishing guidelines governing acquisition and disposition of real property located within the Project area pursuant to the Law and the Act; and

WHEREAS, the Agency wishes to authorize the purchase of real property in the Project area for private redevelopment; and

WHEREAS, the Agency wishes to expand the possible undertakings and activities of the Agency within an Agency approved Project; and

WHEREAS, the Agency wishes to amend the description and method of financing the Project; and

WHEREAS, the Agency believes that it is in the best interest of the Agency and is consistent with Agency policy, procedure and intent to propose the Second Amended and Restated City of Moscow, Idaho Research and Technology Park Urban Renewal/Competitively Disadvantaged Border Community Area Plan of 2005 (hereinafter the "Second Amended and Restated Plan"); and

WHEREAS, such proposed Second Amended and Restated Plan contains modifications to reflect the foregoing changes between the First Amended and Restated Plan and the Second Amended and Restated Plan; and

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

WHEREAS, the Second Amended and Restated Plan contains certain modifications to reflect additional private development within the revenue allocation area which could provide the revenue sources to fund the additional public capital improvements; and

WHEREAS, the content of the Second Amended and Restated Plan was discussed at several Agency Board meetings during 2004 and 2005; and

WHEREAS, the Second Amended and Restated Plan was presented to the Agency Board at its May 4, 2005 meeting; and

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

WHEREAS, the Second Amended and Restated Plan will be submitted to the Planning and Zoning Commission and to the City Council of the City of Moscow for their consideration and review as required by the Law and the Act; and

WHEREAS, under the Act, the Second Amended and Restated Plan includes a statement listing: (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; (5) a description of the methods of financing all estimated project costs and when related costs or monetary obligations are to be incurred; (6) provides a termination date; and (7) provides a description of acquisition, disposition and/or retention of assets, including real property; and

WHEREAS, it is necessary, and in the best interests of the citizens of the City of Moscow, Idaho, to recommend approval of Second Amended and Restated Plan and to adopt, as part of the Amended and Restated Plan, revenue allocation financing provisions that will help finance urban renewal projects to be completed in accordance with the Second Amended and Restated 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 Second Amended and Restated 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 Second Amended and Restated Plan in order to facilitate the long-term growth of their common tax base; (4) to encourage private investment within the City of Moscow and (5) to further the public purposes of the City of Moscow Urban Renewal Agency; and

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 Attachment "A" of the Second Amended and Restated Plan is likely to increase as a result of initiation of urban renewal projects in accordance with the First Amended and Restated Plan; and

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; and

WHEREAS, if the urban renewal area consists of an area of open land to be acquired by the urban renewal agency, such area shall not be so acquired unless (1) if it is to be developed for residential uses, the local governing body shall determine that a shortage of housing of sound standards and design which is decent, safe and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality, or (2) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in the Law, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area; and

WHEREAS, the overall Second Amended and Restated Plan Base Assessment Value cannot exceed ten percent (10%) of the assessed value of the City of Moscow;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MOSCOW URBAN RENEWAL AGENCY, MOSCOW, IDAHO AS WELL AS A COMPETITIVELY DISADVANTAGED BORDER COMMUNITY AREA UNDER THE ACT:

Section 1. It is hereby found and determined that the project area as defined in the Second Amended and Restated 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 the Act.

Section 2. That the Agency recommends that the Second Amended and Restated Plan , a copy of which is attached hereto as Exhibit 1 and incorporated herein by reference, be adopted by the Moscow City Council.

Section 3. That this Resolution constitutes the necessary action of the Agency under the Act, Section 50-2905, recommending approval by the City Council and that the Second Amended and Restated Plan includes a statement listing: (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, that the Second Amended and Restated Plan includes a revenue allocation provision and that the Agency has determined that the equalized assessed valuation of the revenue allocation area will likely increase as the result of the initiation of an urban renewal project; (6) provides a termination date; and (7) provides a description of acquisition, disposition and/or retention of assets, including real property.

Section 4: It is hereby found and determined that:

- A. Second Amended and Restated 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 Plan and the need for 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 Second Amended and Restated Plan .
- B. Second Amended and Restated 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.
- C. Second Amended and Restated Plan provides a feasible method for relocation of any displaced families residing within the Project Area.
- D. The Project Area and Revenue Allocation Area contains certain open land, that the Agency does not intend to acquire any open land on any widespread basis, and that the Project Area is planned to be redeveloped in a manner which will include non-residential uses. Provided, however, that if portions of the Project Area and Revenue Allocation Area are deemed "open land" the criteria set forth in the Law and Act have been met.
- E. 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 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.
- F. The base assessment roll of the Second Amended and Restated Plan does not exceed ten percent (10%) of the assessed value of the City of Moscow, Idaho.

Section 5. The Chair and the Secretary of the Agency are hereby authorized and directed to take all steps necessary and convenient to submit the proposed Second Amended and Restated Plan for approval by the Council of the City of Moscow, Idaho, including but not limited to, the preparation of the notice of public hearing on adoption of the revenue allocation financing provisions by the City Council and submittal of the First Amended and Restated Plan to the various taxing entities as required by Idaho Code Section 50-2906.

Section 6. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

PASSED by the City of Moscow Urban Renewal Agency of Moscow, Idaho on the 4th day of May, 2005. Signed by the Chair of the Board of Commissioners on the 4th day of May, 2005, and attested by the Secretary to the Board of Commissioners on the 4th day of May, 2005.

CITY OF MOSCOW URBAN RENEWAL AGENCY



John Weber, Chair

ATTEST:



John McCabe, Secretary

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