

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALDWELL, IDAHO, APPROVING AN URBAN RENEWAL PLAN FOR THE CALDWELL EAST URBAN RENEWAL AREA; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY, STATE AND OTHER OFFICIALS; PROVIDING FOR A LIMITATION ON ACTIONS AGAINST THE PLAN AFTER 30 DAYS FROM THE EFFECTIVE DATE OF THE ORDINANCE; PROVIDING FOR A WAIVER OF THE READING RULES; PROVIDING FOR SEPARABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Urban Renewal Agency of the City of Caldwell, Idaho (hereafter the "Agency") was established on October 19, 1998, by Resolution No. 89-98 of the City Council of the City of Caldwell, Idaho (Exhibit "A", attached hereto); and,

WHEREAS, on October 19, 1998, the City Council of the City of Caldwell, Idaho (the "City"), by Resolution No. 88-98 determined certain property to be a deteriorated area or a deteriorating area or a combination thereof and designated the area as appropriate for an urban renewal project, said area to be known as the Caldwell East Urban Renewal Area (the "Project Area") (Exhibit "B", attached hereto); and,

WHEREAS, on November 3, 1998, the Agency met and considered the Caldwell East Urban Renewal Plan for said Project Area (hereafter, the "Plan") and by unanimous vote adopted its Resolution No. 1998-1, recommending to City Council the adoption of the Plan (Exhibit "C", attached hereto); and,

WHEREAS, on November 12, 1998, the Caldwell Planning and Zoning

Commission reviewed the Plan and has approved the Plan as being in conformity with the City's Comprehensive Plan (see minutes of the City's Planning and Zoning Commission attached hereto as Exhibit "D"); and,

WHEREAS, on November 17, 1998, the Notice of Public Hearing was published in the Idaho Press-Tribune, the official newspaper for public notice in the City, and also was sent to the governing bodies of Canyon County, Caldwell School District No. 132, Vallivue School District No. 139, Caldwell Rural Fire District, Canyon County Pest Control District, Notus-Parma Highway District No. 2, Canyon County Ambulance District, and the Caldwell Highway District No. 4, setting the date for a public hearing to be held on Monday, December 21, 1998, at 7:00 o'clock, p.m., for consideration of the adoption of the Plan (see Exhibits "E" and "F", attached hereto); and,

WHEREAS, on December 21, 1998, at 7:00 o'clock, p.m., the Caldwell City Council held a public hearing on consideration of the adoption of the Plan; and,

WHEREAS, the legislature of the State of Idaho has enacted Chapter 29, Title 50, Idaho Code, as amended (the "Act") authorizing certain urban renewal agencies (including the Agency) to adopt revenue allocation financing provisions as part of the urban renewal plans; and,

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

WHEREAS, as required by applicable law, the Plan contains the following information which was made available to the general public and all taxing districts

with taxing authority in the Project Area at least thirty days prior to the December 21, 1998, meeting of the City Council:

- (a) a statement of the objectives of the municipality in undertaking the urban renewal project;
- (b) an estimate of the cost of the urban renewal project;
- (c) the sources of revenue to finance these costs, including estimates of revenue allocation under the Act;
- (d) the amount of bonded or other indebtedness to be incurred;
- (e) the duration of the project's existence;
- (f) a description of the revenue allocation area; and,
- (g) a statement of the estimated impact of revenue allocation financing on all taxing districts within the Revenue Allocation Area.

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

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

purposes of the Agency.

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

SECTION 1. That it is hereby found and determined that:

- (a) The Project Area, as defined in Resolution No. 88-98, continues to be deteriorated or a deteriorating area as defined in the Act and qualifies as an eligible urban renewal area under the Act;
- (b) The rehabilitation, conservation, and redevelopment of the Project Area pursuant to the Plan is necessary in the interest of the public health, safety, and welfare of the residents of the Project Area and City of Caldwell; and,
- (c) There continues to be a need for the Agency to function in the Project Area and the City of Caldwell.

SECTION 2. That there is not expected to be any displacement of persons or families within the Project Area.

SECTION 3. That the said Plan conforms to the Comprehensive Plan of the City of Caldwell, Idaho.

SECTION 4. That the said Plan gives due consideration to the provision of adequate open space, park and recreation areas and facilities that may be desirable for neighborhood improvement and shows consideration for the health, safety and welfare of any children residing in the general vicinity of the Project Area covered by the Plan.

SECTION 5. That said Plan affords maximum opportunity, consistent with the sound needs of the City as a whole for the rehabilitation or redevelopment of the Project Area by private enterprise.

SECTION 6. That the City Council finds that the Project Area and Revenue

Allocation Area do not consist of predominately 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 that will include both residential and non-residential uses. Provided, however, that the City Council does find that if portions of the Project Area and Revenue Allocation Area are deemed "open land" the criteria set forth in the Act and Title 50, Chapter 20, Idaho Code, as amended, have been met, and that the City Council finds that there is a shortage of housing of sound standards and design which is decent, safe and sanitary existing in the Project Area and the City and that one of the Plan objectives, to increase the residential opportunity to include affordable housing, does meet the sound needs of the City for housing and will provide housing opportunity in an area that does not now contain such opportunity, and that the portion of the Project Area which is identified for non-residential uses is necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, in accordance with the Act and the objectives of the Comprehensive Plan to overcome economic disuse, outmoded street patterns, the need for improved traffic patterns and the need for improved infrastructure and facilities in the area.

SECTION 7. That the Plan, a copy of which is attached hereto and marked as Exhibit "G" and made a part hereof by attachment, be and the same hereby is approved.

SECTION 8. That upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the county auditor and tax assessor of Canyon

County, and to the appropriate officials of Caldwell School District No. 132, Vallivue School District No. 139, Caldwell Rural Fire District, the Canyon County Pest Control District, Notus-Parma Highway District No. 2, Canyon County Ambulance District, Caldwell Highway District No. 4, and to the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundaries of the Revenue Allocation Area, and a map or plat indicating the boundaries of the Revenue Allocation Area.

SECTION 9. The City Council hereby finds and declares that the Revenue Allocation Area as defined in the Plan includes that portion of the Project Area, the equalized assessed valuation of which the Council hereby determines in and as 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 10. No direct or collateral action attacking the Plan shall be brought prior to the effective date of this Ordinance or after the elapse of thirty (30) days from and after the effective date of this Ordinance adopting the Plan.

SECTION 11. That pursuant to the affirmative vote of one-half (1/2) plus one (1) of the Members of the Full Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same hereby is, dispensed with, and accordingly, this Ordinance shall be in full force and effect immediately upon its passage, approval and publication, and shall be retroactive to January 1, 1998, to the extent permitted by Title 50, Chapter 29, Idaho Code, as amended.

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. That this Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE CITY COUNCIL

December 21, 1998

SIGNED BY THE MAYOR

December 21, 1998



MAYOR

ATTEST:



CITY CLERK

PUBLISH: Dec 30, 1998, December ____ (by Summary)