

RESOLUTION NO. 2012-04

A RESOLUTION OF THE POST FALLS URBAN RENEWAL AGENCY, KOOTENAI COUNTY, IDAHO, RECOMMENDING AN AMENDMENT TO THE EAST POST FALLS URBAN RENEWAL PLANS AND THE REVENUE ALLOCATION AREAS DESCRIBED THEREIN TO EXTEND THE TERMINATION DATES THEREOF; PROVIDING FOR SEVERABILITY, PREEMPTION AND PRECEDENCE; PROVIDING FOR THE REPEAL OF ALL CONFLICTING RESOLUTIONS; PROVIDING AN EFFECTIVE DATE; PROVIDING A DATE OF PASSAGE AND APPROVAL, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, on December 18th, 2002, the City Council of the City of Post Falls, Idaho (hereinafter the "City Council") adopted Ordinance No. 1017, which approved the East Post Falls Urban Renewal Plan along with the revenue allocation area defined therein (hereinafter the "2002 Plan");

WHEREAS, one of the main urban renewal projects listed in the 2002 Plan is to "construct an interstate overpass at Greensferry Road to connect Seltice Way and Mullan Avenue." *2002 Plan*, p. 59 (hereinafter the "Greensferry Project");

WHEREAS, on December 20th, 2005, the City Council adopted Ordinance No. 1093, which approved the East Post Falls Redevelopment Plan along with the revenue allocation area defined therein (hereinafter the "2005 Plan");

WHEREAS, although the 2005 Plan effectively amended the 2002 Plan, the Greensferry Project remains to be an anticipated urban renewal project;

WHEREAS, Ordinance No. 1093 states in Section 2 thereof that the term of the 2005 Plan will "expire on December 5, 2015." (hereinafter the "Termination Date");

WHEREAS, based on the estimated costs associated with the Greensferry Project, the Termination Date must be extended to allow sufficient tax increment revenues to be generated for the Post Falls Urban Renewal Agency (hereinafter the "Agency") to fund the Project;

NOW THEREFORE, BE IT RESOLVED by the Commissioners of the Post Falls Urban Renewal Agency as follows:

SECTION ONE: AMENDMENT TO EAST POST FALLS URBAN RENEWAL PLANS AND THE REVENUE ALLOCATION AREAS DESCRIBED THEREIN TO EXTEND THE TERMINATION DATES THEREOF

The Agency hereby recommends that the Termination Date imposed by Ordinance No. 1093 be extended by the City Council to December 5, 2022.

SECTION TWO: SEVERABILITY, PREEMPTION AND PRECEDENCE

This Resolution is hereby declared to be severable. Should any portion of this Resolution be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue

in full force and effect and shall be read to carry out the purposes of the Resolution before the declaration of partial invalidity. In the event that federal or state laws, rules or regulations preempt a provision or limit the enforceability of a provision of this Resolution, then the provision shall be read to be preempted to the extent and for the time required by law. In the event such federal or state law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding without the requirement of further action by the Agency, and any amendments to this Resolution as a result of such provision being preempted shall no longer be of any force or effect with respect to that provision.

SECTION THREE: REPEAL OF CONFLICTING RESOLUTIONS

All Resolutions and parts of Resolutions in conflict with or addressing the same subject matter as the provisions of this Resolution are hereby repealed.

SECTION FOUR: EFFECTIVE DATE

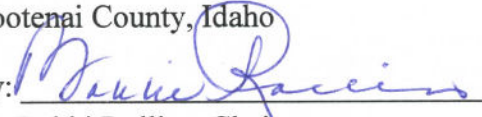
This Resolution shall take effect and be in full force from and after its passage and approval.

SECTION FIVE: DATE OF PASSAGE AND APPROVAL

Passed and approved at a regular meeting of the Commissioners of the Post Falls Urban Renewal Agency, Kootenai County, Idaho, held on the 18th day of October, 2012, on which a roll call vote was duly taken.

DATED this 18 day of October, 2012.

POST FALLS URBAN RENEWAL AGENCY
Kootenai County, Idaho

By: 
Bobbi Rollins, Chairperson

Commissioner Babich voted	<u>No</u>
Commissioner Short voted	<u>Yes</u>
Commissioner Carstenson voted	<u>Yes</u>
Commissioner Rollins voted	<u>Yes</u>
Commissioner Holloway voted	<u>No</u>
Commissioner Baltzell voted	<u>Yes</u>
Commissioner Lahr voted	<u>Yes</u>

ATTEST:

Thomas Lien, Executive Director