

RESOLUTION NO. 2013-04

A RESOLUTION OF THE POST FALLS URBAN RENEWAL AGENCY, KOOTENAI COUNTY, IDAHO, RECOMMENDING AN AMENDMENT TO THE EAST POST FALLS URBAN RENEWAL PLAN TO EXPAND THE BOUNDARY OF THE EAST POST FALLS REVENUE ALLOCATION AREA; 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, the City of Post Falls, Idaho (hereinafter the "City") approved the current East Post Falls Urban Renewal Plan by adoption of Ordinance No. 1017 on December 18, 2002, as amended by the City under Ordinance No. 1093 adopted on December 20, 2005, and Ordinance No. 1242 adopted on January 15, 2013 (hereinafter the "Plan");

WHEREAS, the Greensferry Overpass Project (hereinafter the "Project") is one of the original urban renewal projects listed in the Plan;

WHEREAS, the City and the Post Falls Urban Renewal Agency (hereinafter the "Agency") have entered into an Intergovernmental Memorandum of Understanding (hereinafter the "MOU") which charts relationships and allocates areas of responsibility concerning the Project;

WHEREAS, pursuant to the MOU, the Plan, the Urban Renewal Law of 1965 (Idaho Code §§ 50-2001 – 50-2033 *et seq.*) and the Local Economic Development Act (Idaho Code §§ 50-2901 – 50-2912 *et seq.*), the Agency is proceeding with the design and construction of the Project;

WHEREAS, based on the location of the current boundary of the East Post Falls Revenue Allocation Area and the potential geographic scope of the Project, such boundary must be extended slightly to accommodate the entire Project along with the ability of the Agency to expend Agency funds on the Project;

WHEREAS, pursuant to Idaho Code Section 50-2033 the boundary of the East Post Falls Revenue Allocation Area can be extended "so long as the total area to be added is not greater than ten percent (10%) of the existing revenue allocation area and the area to be added is contiguous to the existing revenue allocation area".

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

SECTION ONE: RECOMMENDATION OF AMENDMENT TO THE EAST POST FALLS URBAN RENEWAL PLAN TO EXPAND THE BOUNDARY OF THE EAST POST FALLS REVENUE ALLOCATION AREA

Due to the fact that the boundary of the East Post Falls Revenue Allocation Area must be extended slightly to accommodate the entire Project along with the ability of the Agency to expend Agency funds thereon, the Agency hereby recommends that the boundary of the East Post Falls Revenue Allocation Area be extended to the degree that is depicted on Exhibit A attached hereto. The Agency also recommends that such amendment be effectuated by the City adopting an ordinance formally modifying the boundary after holding a public hearing pursuant to Idaho Code Section 50-2906(3).

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

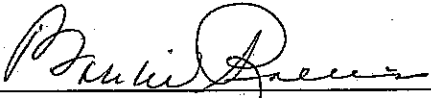
This Resolution shall take effect and be in full force from and after its passage and approval.

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 17th day of October, 2013, on which a roll call vote was duly taken.

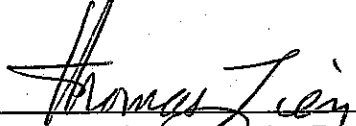
DATED this 17 day of October, 2013.

POST FALLS URBAN RENEWAL AGENCY
Kootenai County, Idaho

By: 
Bobbi Rollins, Chairperson

Commissioner Babich voted	<u>Aye</u>
Commissioner Coles voted	<u>Aye</u>
Commissioner Carstenson voted	<u>Aye</u>
Commissioner Rollins voted	<u>Aye</u>
Commissioner Holloway voted	<u>Nay</u>
Commissioner Baltzell voted	<u>Aye</u>
Commissioner Lahr voted	<u>Aye</u>

ATTEST


Thomas Lien, Executive Director