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JIM BRANNON 7 P 2638083000
KOOTENAI COUNTY RECORDER
KKR Date 04/05/2018 11:25 AM
REQ OF POST FALLS CITY

CITY OF POST FALLS
ORDINANCE NO. 1331

RECORDING FEE: \$0.00

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AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, IDAHO, RECITING A BRIEF HISTORY OF THE CITY CENTER URBAN RENEWAL PLAN APPROVED PURSUANT TO POST FALLS ORDINANCE 774, DIRECTING TERMINATION OF THE CITY CENTER REVENUE ALLOCATION AREA ESTABLISHED PURSUANT TO POST FALLS ORDINANCE 774, AUTHORIZING CITY STAFF TO TAKE ALL STEPS TO IMPLEMENT THIS ORDINANCE, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCE PROVISIONS, PROVIDING AN EFFECTIVE DATE, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

BE IT ORDAINED by the Mayor and City Council of the City of Post Falls, Kootenai County, Idaho, as follows:

RECITALS

WHEREAS, the City Council of the City of Posts Falls did establish the City Center Urban Renewal Plan and its attendant revenue allocation plan by enactment of Post Falls Ordinance 774 on August 16, 1994 with valid amendments made thereto in 2001, 2002, and 2004, and

WHEREAS, the Post Falls Urban Renewal Agency did undertake implementation of the improvements planned within the approved City Center Urban Renewal Plan, and

WHEREAS, the Post Falls Urban Renewal Agency did incur certain fiscal obligations in the course of implementing said Plan, and

WHEREAS, the 2017 increment within the revenue allocation area will be sufficient to retire all outstanding obligations, and

WHEREAS, Idaho Code §50-2903(5) provides that an urban renewal agency shall "adopt a resolution advising the and notifying the local governing body, the county auditor, and the state tax commission and recommending the adoption of an ordinance for termination of the revenue allocation area by December 31 of the current year and declaring a surplus to be distributed as described in section 50-2909, Idaho Code, should a surplus be determined to exist.", and

WHEREAS, the Post Falls Urban Renewal Agency has adopted such a resolution (2018-01) and has transmitted same to the Post Falls City Council.

SECTION 1. Consistent with Resolution #2018-01 of the Post Falls Urban Renewal Agency, the revenue allocation area established by Post Falls Ordinance 774 is hereby terminated effective August 16, 2018.

SECTION 2. Effective upon the satisfaction of all obligations of the City Center Revenue Allocation Plan, the remaining revenue allocation funds that are not needed to meet agency obligations should be distributed to affected taxing districts consistent with provisions of Idaho law.

SECTION 3. The administrative staff of the City of Post Falls is hereby authorized and directed to take such actions as may be necessary to implement the provisions of this ordinance and related provisions of state law.

SECTION 4. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 5. The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

SECTION 6. This ordinance shall take effect and be in full force upon its passage, approval and publication according to law, subject to subsequent effective dates contained herein.

PASSED under suspension of the rules upon which a roll call vote was taken and duly enacted an ordinance of the City of Post Falls, Kootenai County, Idaho at a convened meeting of the City of Post Falls City Council held on the 3rd day of April, 2018.

Approved by the Mayor on the 3rd day of April, 2018



ATTEST:

A handwritten signature in black ink, appearing to read "Shannon Howard", is written over a horizontal line.

Shannon Howard, City Clerk

A handwritten signature in black ink, appearing to read "Ronald G. Jacobson", is written over a horizontal line.

Ronald G. Jacobson, Mayor

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ORDINANCE NO. 1044

AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY IDAHO, APPROVING AMENDMENT OF THE DOWNTOWN POST FALLS URBAN RENEWAL PLAN; ADOPTING A SECOND AMENDMENT TO THE REVENUE ALLOCATION AREA; MAKING CERTAIN FINDINGS AND CONCLUSIONS IN SUPPORT THEREOF; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

WHEREAS, the City of Post Falls, Kootenai County, Idaho (the "City"), is a dully incorporated and existing City organized and operating under the laws of the State of Idaho, and as such is authorized by the Idaho Code, Title 50, Chapter 20 and 29, to adopt urban renewal plans, to adopt deteriorated area declarations, to adopt revenue allocation areas, and to provide improvements and betterments within an urban renewal area, as designated by the Plan; and

WHEREAS, the City designated portions of the area included in the Downtown Post Falls Urban Renewal District a deteriorated area by Resolution NO. 91-11, dated May 7, 1991 and

WHEREAS, the City of Post Falls did on the 16th day of August 1994 adopt Ordinance No. 774, establishing the Fourth Street Urban Renewal Plan for a portion of the Downtown Post Falls Urban Renewal District, and is currently scheduled to terminate in August of 2004, and

WHEREAS, the Post Falls City Council by Ordinance 992 dated December 4, 2001 modified the legal description of the Fourth Street Urban Renewal Plan area to include what was commonly known as the Louisiana Pacific Mill Site (L/P Site), which was included in the deteriorated area found to exist in 1991 and 1996, and

WHEREAS the Post Falls Urban Renewal Agency adopted Resolution 2003-01 on July 16, 2003, making findings concerning the need to amend and extend the Fourth Street Urban Renewal Plan past its termination date, and advising the Idaho State Tax Commission and the Kootenai County Assessor that the Agency would not be adopting a closeout by September 1, 2003, as required by Idaho law, and

WHEREAS during the period March 2004 to May 2004, the Post Falls Urban Renewal Agency, in conjunction with the City of Post Falls, conducted public workshops and studies to determine citizen input as to the future needs of the Downtown Area (City Center Area) described in Ordinance No. 774, hereinafter referred to as the Study, and

WHEREAS the Study demonstrated that deterioration continues to exist in the Downtown Post Falls Urban Renewal District, and that the citizens of Post Falls want the Post Falls Urban Renewal Agency to continue to remediate said deterioration in order to increase economic development and establish a viable and healthy city center for the City of Post Falls; and

WHEREAS, an amended Fourth Street Urban Renewal Plan was submitted to the Post Falls Planning and Zoning Commission and found to be in conformance with the Comprehensive Plan of the City of Post Falls on June 7, 2004, and,

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WHEREAS, the City Council held one dully noticed Public Hearing on July 6, 2004 to review and consider adoption of the amended Fourth Street Urban Renewal Plan and second amendment to the Fourth Street Urban Renewal Plan area; and,

WHEREAS, the City Council has completed a review of the proposed amended Fourth Street Urban Renewal Plan, which includes a second amendment to the revenue allocation area provision;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POST FALLS, KOOTENAI COUNTY, IDAHO, as follows:

Section 1: The City hereby approves the amended Fourth Street Urban Renewal Plan, now renamed as the 2004 City Center Urban Renewal Plan consisting of 29 pages and appendices A through H, and amends the plan area to the following legal description:

A PORTION OF SECTIONS 2 AND 3, TOWNSHIP 50 NORTH, RANGE 5 WEST, BOISE MERIDIAN, CITY OF POST FALLS, KOOTENAI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SECTION 3, TOWNSHIP 50 NORTH, RANGE 5 WEST; THENCE APPROXIMATELY S88°58'46"E, A DISTANCE OF 40.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF IDAHO AVENUE AND THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED CITY CENTER URBAN RENEWAL DISTRICT;

THENCE APPROXIMATELY S01°01'11"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1050.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 1ST STREET;

THENCE APPROXIMATELY S82°58'51"W, A DISTANCE OF 66.11 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF 1ST STREET AND THE WEST RIGHT-OF-WAY LINE OF IDAHO STREET;

THENCE APPROXIMATELY N88°58'46"W ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 677.60 FEET;

THENCE APPROXIMATELY N01°24'50"E CONTINUING ALONG SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 19.23 FEET;

THENCE APPROXIMATELY N88°58'43"W CONTINUING ALONG SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1867.08 FEET;

THENCE APPROXIMATELY S69°15'29"W, A DISTANCE OF 53.82 FEET TO INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF SPOKANE STREET AND THE SOUTH RIGHT-OF-WAY LINE OF 1ST STREET;

THENCE APPROXIMATELY S00°59'12"W ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 195.84 FEET TO THE MEAN HIGH WATER LINE OF THE NORTH BANK OF THE SPOKANE RIVER;

THENCE NORTHWESTERLY ALONG SAID MEAN HIGH WATER LINE OF THE NORTH BANK TO A POINT WHERE SAID NORTH BANK CROSSES THE EAST-WEST CENTERLINE OF SAID SECTION 3, SAID POINT BEARING N40°23'06"W, A DISTANCE OF 1682.87 FEET FROM THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF SPOKANE STREET AND THE MEAN HIGH WATER LINE OF THE NORTH BANK OF THE SPOKANE RIVER;

THENCE APPROXIMATELY N88°37'28"W ALONG SAID EAST-WEST CENTERLINE ACROSS AN ABANDONED IRRIGATION CANAL INLET, A DISTANCE OF 375.77 FEET TO THE MEAN HIGH WATER LINE OF THE NORTH BANK OF THE NORTH CHANNEL OF THE SPOKANE RIVER;

THENCE NORTHWESTERLY ALONG SAID MEAN HIGH WATER LINE OF THE NORTH BANK TO A POINT WHERE SAID MEAN HIGH WATER LINE OF THE NORTH BANK CROSSES THE WEST LINE OF SAID SECTION 3, APPROXIMATELY N36°47'51"W, A DISTANCE OF 1931.18 FEET FROM THE POINT LAST DESCRIBED;

THENCE APPROXIMATELY N01°09'24"E ALONG SAID WEST LINE, A DISTANCE OF 375.54 FEET TO A POINT HALFWAY BETWEEN THE EASTBOUND AND WESTBOUND LANES OF INTERSTATE 90;

THENCE APPROXIMATELY 549.22 FEET ALONG A CURVE TO THE RIGHT HALFWAY BETWEEN THE EASTBOUND AND WESTBOUND LANES OF INTERSTATE 90, WITH A RADUIS OF 3352.92 FEET, A CENTRAL ANGLE OF 9°23'07" AND A CHORD WHICH BEARS S74°56'58"E, A DISTANCE OF 548.60 FEET;

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THENCE APPROXIMATELY S70°15'25"E CONTINUING HALFWAY BETWEEN THE EASTBOUND AND WESTBOUND LANES OF INTERSTATE 90, A DISTANCE OF 645.20 FEET;
THENCE APPROXIMATELY 982.74 FEET ALONG A CURVE TO THE LEFT CONTINUING HALFWAY BETWEEN THE EASTBOUND AND WESTBOUND LANES OF INTERSTATE 90, WITH A RADIUS OF 3000.00 FEET, A CENTRAL ANGLE OF 18°46'08" AND A CHORD WHICH BEARS S79°38'29"E, A DISTANCE OF 978.36 FEET;
THENCE APPROXIMATELY S89°01'33"E CONTINUING HALFWAY BETWEEN THE EASTBOUND AND WESTBOUND LANES OF INTERSTATE 90, A DISTANCE OF 3219.52 FEET TO THE EAST RIGHT OF WAY LINE OF IDAHO STREET;
THENCE APPROXIMATELY S01°00'35"W ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 174.90 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 5TH STREET;
THENCE APPROXIMATELY S88°43'01"E ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 21.41 FEET TO THE EAST RIGHT OF WAY LINE OF IDAHO STREET;
THENCE APPROXIMATELY S01°21'11"W ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 377.40 FEET TO THE NORTH LINE OF 4TH STREET;
THENCE APPROXIMATELY S50°20'47"W, A DISTANCE OF 130.70 FEET TO THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF IDAHO STREET AND THE SOUTH RIGHT-OF-WAY LINE OF 4TH STREET;
THENCE APPROXIMATELY N88°59'25"W ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 380.00 FEET;
THENCE APPROXIMATELY S01°00'35"W CONTINUING SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 20.00 FEET;
THENCE APPROXIMATELY N88°59'25"W CONTINUING SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 310.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF LINCOLN STREET;
THENCE APPROXIMATELY S01°00'35"W ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 300.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF NORTH RAILROAD STREET;
THENCE APPROXIMATELY S88°59'25"E ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 10.00 FEET TO A POINT ON THE WEST LINE OF THE PARCEL DESCRIBED BY INSTRUMENT #1585097, KOOTENAI COUNTY RECORDS;
THENCE APPROXIMATELY S01°00'35"W ALONG SAID WEST LINE, A DISTANCE OF 136.50 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL;
THENCE APPROXIMATELY S88°59'25"E ALONG THE SOUTH LINE OF SAID PARCEL EXTENDED, A DISTANCE OF 781.37 FEET TO THE EAST RIGHT-OF-WAY LINE OF IDAHO STREET;
THENCE APPROXIMATELY S00°38'52"W ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 319.59 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED CITY CENTER URBAN RENEWAL DISTRICT;

END OF DESCRIPTION.

The area included in said description encompasses most of downtown Post Falls lying south of I-90, bounded by the Spokane River on the southwest, 1st Avenue on the south and Idaho Street on the east.

Section 2: The amendment is based upon the following findings:

- A. That the deterioration found to exist in 1991 and 1996 by the Post Falls City Council continues to exist and has not been completely remediated during the ten year term of the 4th Street Urban Renewal Plan.
- B. That the boundaries of the deteriorated area found to exist in 1991 and 1996 exceed the boundaries of the 4th Street Urban Renewal Plan area as modified in 2001, and that the boundaries of an amended 4th Street Urban Renewal Plan need to be expanded to include the entire area found to be deteriorating, and
- C. That the Post Falls Urban Renewal Agency and the City of Post Falls need to fully develop a proper and comprehensive plan for the City Center Area of Post Falls, and

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D. That the visions and goals provided for in the original 4th Street Urban Renewal Plan need to be updated and restated to fit with a comprehensive plan for the City Center Area of Post Falls, and

E. That under Idaho law the 4th Street Urban Renewal Plan can be amended to extend the term of the plan for an additional fourteen years, which is warranted by the increment feasibility study for the area, and

F. That a more appropriate and informative name for the amended 4th Street Urban Renewal Plan would be the City Center Urban Renewal Plan, and

G. That the plan term should be extended fourteen years to August 2018 in order to develop the increment revenue to fund the projects necessary to remediate the deterioration previously found to exist; and

H. That the boundaries of the amended 4th Street Urban Renewal Plan should be modified to include the entire area of what is commonly know as the Downtown Urban Renewal District.

Section 2: The City of Post Falls, Kootenai County, Idaho, hereby approves the amended City Center Urban Renewal Plan.

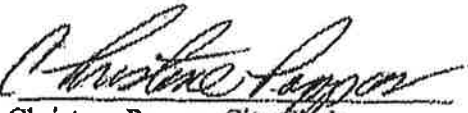
Section 3: This Ordinance shall be effective upon its passage and publication in accordance with law.

Dated this 20 day of July, 2004.

CITY OF POST FALLS

By: 
CLAY LARKIN Mayor



ATTEST:


Christene Pappas, City Clerk



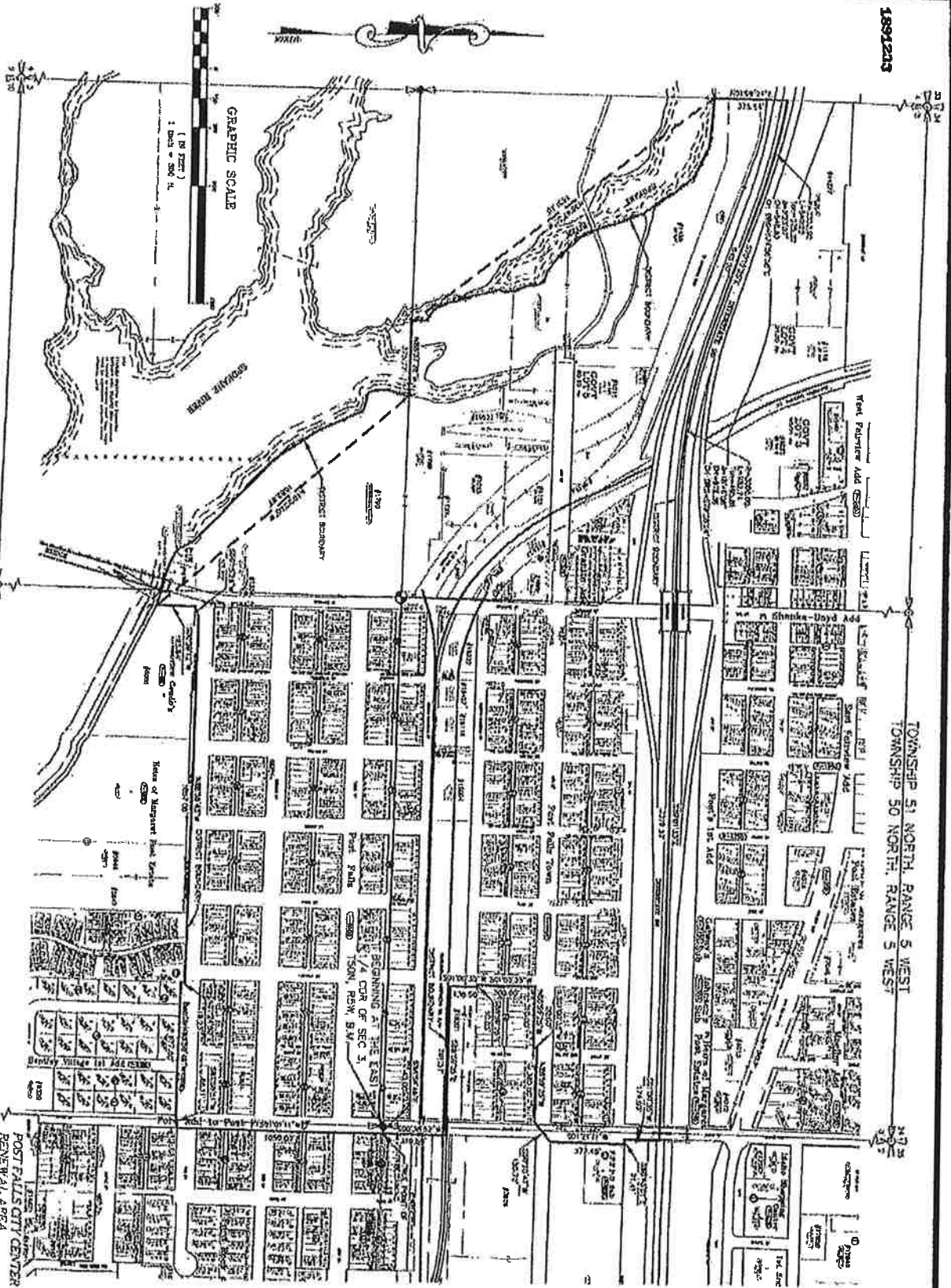
STATE OF IDAHO
COUNTY OF KOOTENAI
AT THE REQUEST OF
CITY OF POST FALLS

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TOWNSHIP 51 NORTH, RANGE 5 WEST
TOWNSHIP 50 NORTH, RANGE 5 WEST



POST FALLS CITY CENTER URBAN
 BEING AL 382A
 LOCATED IN SECTIONS 2 AND 3
 T-50N, R-5W, B-M, CITY OF POST
 FALLS ROOTENAL COUNTY, IDAHO
 ORDINANCE - 1944 6/23/44

SUMMARY OF POST FALLS ORDINANCE NO. 1331

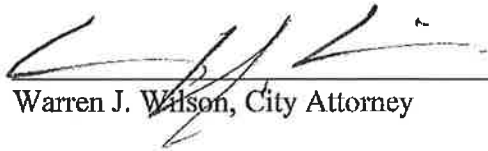
The City of Post Falls, Kootenai County Idaho hereby gives notice of the adoption of Post Falls Ordinance No. 1331, which terminates the City Center Urban Renewal Plan and Revenue Allocation Plan established by Post Falls Ordinance 774; providing repeal of conflicting ordinances and providing severability. The ordinance is effective upon publication of this summary. The full text of the summarized Ordinance No. 1331 is available at Post Falls City Hall, 408 Spokane Street, Post Falls, ID 83854 in the office of the city clerk.


Shannon Howard, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Warren J. Wilson, am the legal advisor for the City of Post Falls, Idaho. I have examined the attached summary of Post Falls Ordinance No. 1331, Insert Brief Description, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this 3rd day of April, 2018.



Warren J. Wilson, City Attorney