

October 26, 2015

Ellen Maier  
City Clerk/Treasurer  
City of Burley  
P.O. Box 1090  
Burley, Idaho 83318

RE: Mailing Notice of a Proposed Urban Renewal Plan with a Revenue Allocation Financing Provision

Notice is hereby given by the Burley City Council that an urban renewal plan (Urban Renewal Plan for the Fourth Burley Urban Renewal Project by the Burley Development Authority (BDA) for the City of Burley) has been proposed by the Burley Development Authority (BDA) and is being considered for adoption by the Council, and that the Plan contains a revenue allocation financing provision that will cause property taxes resulting from any increases in equalized assessed valuation in excess of the equalized assessed valuation as shown on the base assessment roll to be allocated to the Burley Development Authority for urban renewal purposes. A public hearing will be held by the City Council pursuant to Section 50-2008(c), Idaho Code, at 7:00 PM, December 1, 2015, at the Burley City Hall, 1401 Overland Ave., Burley Id. for the purpose of obtaining comment on the plan.

The project area is described and shown on the Attachments to the Plan enclosed herewith.

The Attachments to the Plan also provide an economic feasibility study. Costs and revenues are analyzed for twenty years of development. The analyses show the need for approximately \$300,00.00 in capital expenditures for public improvements during the development term of the project to be funded by private sources and tax increment revenues.

A revenue allocation bond issue or other financing of \$300,000.00 is being considered and will be paid by the tax increment produced by the revenue allocation area. Actual costs will be supported by actual revenues. Since the estimated costs are covered by projected revenue allocations and other sources, the conclusion is that the project is feasible.

At the close of the hearing, the City Council may consider adoption of an ordinance implementing the Plan. Comments or questions may be directed to:

City Administrator  
City of Burley  
1401 Overland Ave.  
P.O. Box 1090

Burley, Idaho 83318

Enclosures:

Urban Renewal Plan with Attachments including:

Recommendation from Burley Development Authority

Recommendation from Burley Planning and Zoning Commission

Ellen Maier  
City Clerk  
City of Burley  
1401 Overland Avenue  
P.O. Box 1090  
Burley, Idaho 83318

Commissioner Bob Moore, Chairman  
Minidoka County Commissioners  
Minidoka County Courthouse  
P.O. Box 368  
Rupert, Idaho 83350

Jeff Clark, Chairman  
Minidoka County Highway District  
P.O. Box 237  
Rupert, Idaho 83350

Superintendent Kenneth Cox  
Minidoka County Joint School District #331  
310 10<sup>th</sup> Street  
Rupert, Idaho 83350

Chairman Rich Jackson  
State Tax Commission  
800 Park Boulevard, Plaza IV  
P.O. Box 36  
Boise, Idaho 83722-0410

Riverside Cemetery District No. 3  
Attn: Debbie Severe  
420 14<sup>th</sup> Street  
Heyburn, Idaho 83336

Minidoka County Fair  
Chairman Dan Kindig  
P.O. Box 151  
Rupert, Idaho 83350

Minidoka County Historical Society  
President Gus Bryngelson  
P.O. Box 21  
Rupert, Idaho 83350

**URBAN RENEWAL PLAN FOR THE  
FOURTH BURLEY URBAN RENEWAL PROJECT  
BY THE BURLEY DEVELOPMENT AUTHORITY (BDA)  
FOR THE CITY OF BURLEY**

Ordinance No.

Adopted \_\_\_\_\_, 2015

Effective January 1, 2015

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## ATTACHMENTS

Attachment No. 1	Description of the Project Area and Revenue Allocation Area Boundaries
Attachment No. 2	Project Area-Revenue Allocation Area Boundary Map
Attachment No. 3	Private Properties Which May be Acquired by the Agency
Attachment No. 4	Map Depicting Expected Land Uses and Current Zoning within Revenue Area and Project Area
Attachment No. 5	Statement describing the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all property within the municipality
Attachment No. 5A	The kind, number, and location of all proposed public works or improvements within the revenue allocation area
Attachment No. 5B	Economic feasibility study
Attachment No. 5C	Detailed list of estimated project costs
Attachment No. 5D	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
Attachment No. 5E	Description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred
Attachment No. 5F	Termination date for the plan
Attachment No. 5G	Description of the disposition or retention of any assets of the agency upon the termination date and the revenue allocation provision as provided for in section 50-2903(20),
Attachment No. 6	City Council Resolution No. 10-15 Determining the Area to be a Deteriorating Area and Resolution No. 9-15 determining the necessity for rehabilitation, conservation and redevelopment and inclusion of the property in the Project Area and the Revenue Allocation Area adopted 8/18/15.
Attachment No. 7	Burley Urban Renewal Agency Resolution No. 2- 2015 Proposing the Urban Renewal Plan, Approved October 16, 2015
Attachment No. 8	Planning and Zoning Commission Resolution No. 2015-1 Recommending that the Burley Urban Renewal Plan Conforms to the Comprehensive Plan for the City of Burley, Approved October 21, 2015

Attachment No. 9

City Council Ordinance No. Approving the Burley Urban Renewal Plan and Authorizing the City Clerk to Transmit a Copy of the Ordinance and Other Required Information to County and State Officials, Approved \_\_\_\_\_ Date of Publication: \_\_\_\_\_

**URBAN RENEWAL PLAN FOR THE  
FOURTH BURLEY URBAN RENEWAL PROJECT  
BY THE BURLEY DEVELOPMENT AUTHORITY (BDA)  
FOR THE CITY OF BURLEY**

**Section 100 Introduction**

This is the Urban Renewal Plan (the "Plan") for the Fourth Burley Urban Renewal Project (the "Project") in the City of Burley (the "City"), County of Cassia, State of Idaho, and consists of the Text, the Description of the Project Area and Revenue Allocation Area Boundaries (Attachment No. 1), the Project Area Revenue Allocation Area Boundary Map (Attachment No. 2), the Private Properties which may be Acquired by Agency (Attachment No. 3), the Map Depicting Expected Land Uses Within Revenue Allocation Area and Project Area (Attachment No. 4), the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all property within the municipality (Attachment No. 5), describing the kind, number, and location of all proposed public works or improvements within the revenue allocation area (Attachment No. 5A), economic feasibility study (Attachment No. 5B), detailed list of estimated project costs Attachment No. 5C), 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 (Attachment No. 5D), a description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred (Attachment No. 5E), (7) the termination date for the plan (Attachment No. 5F, description of the disposition or retention of any assets of the agency upon the termination date and the revenue allocation provision as provided for in section 50-2903(20) (Attachment No. 5G), as required by Idaho Code § 50-2905

The term "Project" is used herein to describe the overall activities defined in this Plan Reference is specifically made to Idaho Code §50-2018(10) for the various activities contemplated by the term "Project." Such activities include both private and public development of property within the Urban Renewal Area. The term "Project" is not meant to refer to a specific activity or development scheme.

This Plan was prepared by the Burley Development Authority (the "Authority"), for the Urban Renewal Agency of the City of Burley (the "Agency"), reviewed and recommended by the Agency, pursuant to the State of Idaho Urban Renewal Law (Chapter 20, Title 50, Idaho Code), (the "Law"), the Local Economic Development Act (Chapter 29, Title 50, Idaho Code), (the "Act"), the Idaho Constitution, and all applicable local laws and ordinances. The Burley Development Authority (BDA) and the Urban Renewal Agency of the City of Burley are one in the same and the terms Authority and Agency are used interchangeably.

The proposed redevelopment of the Project Area as described in this Plan conforms to the Comprehensive Plan of Burley.

The Appendix contains several planning documents which generally describe the overall Project and identify certain specific public and private capital improvement projects. Because of the changing nature of the Project, these documents, by necessity, must be dynamic and flexible. The Agency anticipates that these documents will be modified as circumstances warrant. Any modification, however, shall not be deemed as an amendment of this Plan No modification will be deemed effective if it is in conflict with this Plan. The planning documents are purposely flexible and do not constitute specific portions of the Plan. They do apply to redevelopment activity within the Project Area as described herein. In the event of any conflict between this Plan and the appended documents, the provisions of this Plan shall control.

The purpose of the Urban Renewal Law will be attained through the implementation of the Plan. The major goals of this Plan include:

- The elimination of environmental deficiencies in the Project Area, including, among others, substandard streets or rights-of-way, and inadequate and deteriorated public improvements and facilities. The assembly of land into parcels suitable for modern, integrated development with improved urban development standards, including setbacks, parking, pedestrian, and vehicular circulation in the Project Area;
- The redesign and development of undeveloped areas which are stagnant or improperly utilized;
- The strengthening of the economic base of the Project Area and the community by the installation of needed site improvements and public facilities to stimulate new commercial expansion, employment, and economic growth;
- Improvements to the streets, rights-of-way, and other public infrastructures;
- The establishment and implementation of performance criteria to assure high site design standards and environmental quality, and other design elements which provide unity and integrity to the entire Project;
- The strengthening of the tax base by encouraging private development, thus increasing the assessed valuation of properties within the Revenue Allocation Area and the Project Area as a whole and benefiting the various taxing districts in which the Urban Renewal Area is located.

The Fourth Burley Urban Renewal Project is being undertaken in furtherance of said goals in order to eliminate deteriorated or deteriorating areas, to eliminate the development or spread of slums and blight and for purposes of rehabilitation and conservation in the Project Area. Said objectives are consistent with Section 50-2903 (11) of the Act.

The purposes and undertakings of the Burley Urban Renewal Project and this Plan are consistent with the purposes of the Act as set forth in Section 50-2902 Idaho Code, as amended, which include the following:

1. To provide for the allocation of a portion of the property taxes levied against taxable property located in the revenue allocation area (specified below) for the maxim period of time allowed by law to assist in the financing of this Plan;
2. To encourage private development in the Project Area;
3. To prevent or arrest the decay of the Project Area due to the inability of existing financing methods to promote needed public improvements;
4. To encourage taxing districts to cooperate in the allocation of future tax revenues arising in the Project Area in order to facilitate long term growth of their common tax base; and
5. To encourage private investment within the Project Area.

A portion of the Project Area consists of open land which has been designated for future development. Under the Law and the Act, inclusion of open land is allowed only if specific characteristics exist. The applicable sections of the Law and Act are Idaho Code §§ 50-2008(d) and 50-2903(8)(c). In general, those characteristics include:

1. 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, and the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements {Section 2008(d)}; and
2. Obsolete platting, diversity of ownership, deteriorations of structures or improvements, or, otherwise, result in economic underdevelopment of the area or substantially impair or arrest the sound growth of a municipality (Section 50-2903(7)(b)).

Furthermore, Section 50-2002 Idaho Code, as amended, sets forth that a finding and declaration of necessity that, inter alia, deteriorated and deteriorating areas constituting an economic and social liability imposing onerous municipal burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests the sound growth of a municipality, and aggravates traffic problems may qualify for an Urban Renewal Area.

The Burley Development Authority has concluded these characteristics exist and, consequently, inclusion of open land and the description of the Project Area as an Urban Renewal Area are justified under the Act.

## **Section 101 Provisions Necessary to Meet State and Local Requirements**

### **Section 101.1 Conformance with State of Idaho Urban Renewal Law of 1965, as Amended**

- a. The laws of the State of Idaho allow for an Urban Renewal Plan to be submitted by any interested person or entity in an area certified as an Urban Renewal Area by the Burley City Council. The Burley Area was determined and designated by the Council by Resolutions September 4, 2007 and on September 18, 2007.
- b. In accordance with the Idaho Urban Renewal Law of 1965 this Plan was submitted to the Planning and Zoning Commission of the City of Burley. After consideration of the Plan, the Commission filed a Resolution with the City Council stating that this Plan is in conformity with the Comprehensive Plan, City of Burley.

## **Section 200 Description of Project Area**

The boundaries of the Project Area and of the Revenue Allocation Area are described in Attachment No. 1, which is attached hereto and incorporated herein by reference, and are shown on the Project Area and Revenue Allocation Area Boundary Map, attached hereto as Attachment No. 2 and incorporated herein by reference.

## **Section 300 Proposed Redevelopment Actions**

### **Section 301 General**

The Agency proposes to eliminate and prevent the spread of blight and deterioration in the Project Area by undertaking some or all of the following activities:

- a. The installation, construction, or reconstruction of streets, utilities, fire protection facilities, irrigation systems, parking facilities, right of way beautification, storm drainage, street lighting, and other public improvements in conformance with the Law and Act; A voluntary program of repair and rehabilitation of buildings and other improvements which should include the provision of loan programs to assist owners of residential, commercial, and industrial property to rehabilitate their property;
- b. The acquisition of real property for public facilities and redevelopment purposes;
- c. The demolition or removal of certain buildings and improvements;
- d. Participation by persons or entities engaged in business or holding interests in property within the Project Area through remaining in or reentering the Project Area;
- e. The management of any property acquired by and under the ownership and control of the Agency;
- f. The provision for relocation assistance to displaced Project occupants, as required by law;
- g. The disposition of property for uses in accordance with the Law and this Plan;
- h. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
- i. The assembly of adequate sites for the development and construction of residential, public, and commercial facilities; and,
- j. The financing of the Project by the issuances of revenue allocation bonds as permitted under Idaho Code §§ 50-2012 and 50-2909.

In the accomplishment of these purposes and activities together with the specific activities comprising the Project as provided below, and in the implementation and furtherance of this Plan, the Agency is authorized to use all the powers provided in this Plan and all the powers now or hereafter permitted by law, except as noted herein. It should not be the intent of the Burley Urban Renewal Agency to provide new funding sources for services currently provided by the City of Burley in the areas of parks, recreation, and community centers except as necessary to carry out the purposes of this plan. Otherwise these functions should remain funded by the City of Burley. There should also be no ongoing operation and maintenance of any facilities or programs with urban renewal funds.

The Agency hereby determines that all of the foregoing activities are necessary for carrying out, in the Project Area, the urban renewal objectives of the Act, as specified in Section 100 of this Plan, in accordance with this Plan.

### **Section 302 Urban Renewal Plan Objectives**

Urban Renewal action is necessary in the Project Area to combat problems of physical blight and economic obsolescence.

The Project Area consists of an area in the Northern part of Burley. The area has a history of a slow growing tax base primarily attributed to: inadequate street improvements; inadequate drainage facilities; poorly maintained properties; inadequate pedestrian and open areas; undeveloped properties; inconsistent and diverse property ownership; and other deteriorating factors.

Hence, the Urban Renewal Plan for the Project Area encourages the development and provision of public and private facilities to provide an improved environment for new commercial developments, to eliminate unsafe conditions, to assist property owners, particularly residential, to rehabilitation and improve their properties in accordance with a program of voluntary repair and rehabilitation of buildings in the Project Area, to assist potential owner participation developers to assemble appropriate development sites where necessary through acquisition, demolition and disposition activities, to provide gap financing for private developers to secure bank loans which would not otherwise be bankable, and to otherwise prevent the extension of blight and deterioration and reverse the deteriorating action of the locality while promoting the economic development of the area.

The foregoing objectives are consistent with objectives of the Act as referred in Section 100 of this Plan above.

The provisions of this Plan are applicable to all public and private property in the Project Area. The provisions of this Plan shall be interpreted and applied as objectives and goals, recognizing the need for flexibility in interpretation and implementation, while at the same time not in any way abdicating the rights and privileges of the property owners which are vested in the present and future zoning classifications of the properties. AR development under an owner participation agreement shall conform to those standards specified in Section 405.02 of this Plan.

### **Section 303 Participation Opportunities and Agreements**

In furtherance of Idaho Code § 50-2003 and the Act, the City of Burley and Agency are authorized to enter into development agreements, or ratify prior agreements, under which, inter alia, the Agency agrees to provide assistance in redevelopment of the Project Area in connection with its adoption of this Plan and the implementation thereof by the activities generally enumerated under Section 301 hereof and specifically comprising the Project under Section 305.2 hereof in the rehabilitation and redevelopment of the Project Area.

### **Section 304 Cooperation with Public Bodies**

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of this Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency specifically intends to cooperate to the extent allowable by law with the City of Burley, any taxing entity affected by this plan, the Burley Housing Authority when such is created, the Idaho Housing Agency, and the State of Idaho.

In the event the Agency is participating in the public development by way of financial incentive or otherwise, the public body shall enter into a participation agreement with the Agency and then shall be bound by this plan and other land use elements and shall conform to those standards specified in Section 405.02 of this Plan.

## **Section 305 Project Specific Activities**

Without limiting the generality of Section 305 hereof, the Project, in particular, shall include the following activities in the implementation of this Plan:

The acquisition of the property within the Project Area.

The planning, purchase and installation of utilities and related infrastructure for the Project, including without limitation, gas, electricity, water, sanitary and storm sewers, and telephone, satellite, and other information systems.

Site work on or about the Project Area, including without limitation, excavation, filling, grading and compaction, as well as the planning, purchase and installation of (i) paved areas, infrastructure and related improvements, exclusive of building improvements, on or about the Project Area, including without limitation, exterior lighting, sidewalks and similar common amenities, access drives, loading areas, dumpster pads and parking spaces; (ii) water detention facilities and landscape areas; and (iii) building foundations, loading docks, platforms, and related structural elements but exclusive of other building improvements not expressly enumerated in this Section 305.

All engineering, geotechnical, structural, architectural, and other professional services, and all permits fees, impact fees and similar fees, incurred in connection with the construction activities.

All bond issuance costs, consulting and attorney's fees, trustee fees, and all other costs associated with the negotiation, documentation of the bond issue and the establishment of the Plan.

## **Section 306 Property Acquisition**

### **Section 306.1 Real Property**

Only as specifically authorized herein, the Agency may acquire, but is not required to acquire, real property located in the Project Area where it is determined that the property is needed for construction of public improvements and as otherwise allowed by law. The acquisition shall be by any means authorized by law (including, but not limited to, the Idaho Urban Renewal Law, the Local Economic Development Act, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970). The Agency is authorized to acquire either the entire fee or any other interest in real property less than a fee, including structures and fixtures upon the real property.

The Agency is authorized BUT NOT REQUIRED by this Plan to acquire property in the areas identified in Attachment No. 3 hereto. Otherwise, Agency acquisition of any other real property shall be accomplished only following formal amendment to this Plan that will include an exhibit identifying the property to be acquired. The Agency shall not have the powers of Eminent Domain for the acquisition of any property.

The Agency is authorized, but not required however, to acquire public property transferred to private ownership before redevelopment of the Project Area is completed, unless the Agency and the private owner enter into a participation agreement and the owner completes his responsibilities under the participation agreement.

## **Section 306.2 Personal Property**

Generally, personal property shall not be acquired. However, where necessary in the execution of this Plan, and where allowed by law the Agency is authorized to acquire personal property in the Project Area by any lawful means, excluding eminent domain.

## **Section 306.3 Property Management**

During such time property, if any, in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for redevelopment, and such rental or lease shall be pursuant to such policies as the Agency may adopt.

## **Section 307 Relocation of Persons (Including Individuals and Families), Business Concerns, and Others Displaced by the Project**

If the Agency receives federal funds for real estate acquisition and relocation, the Agency shall comply with 24 C.F.R. Part 42, implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The Agency may also undertake relocation activities for those not entitled to benefit under federal law as the Agency may deem appropriate for which funds are available. Persons leasing property held for redevelopment (i.e., those tenants who commence tenancy after acquisition by the Agency) shall not be eligible for relocation benefits.

## **Section 308 Demolition, Clearance, and Building Site Preparation**

### **Section 308.1 Demolition and Clearance**

The Agency is authorized (but not required) to demolish and clear buildings, structures, and other improvements from any real property in the Project Area as necessary to carry out the purposes of this Plan.

### **Section 308.2 Preparation of Building Sites**

The Agency is authorized (but not required) to prepare, or cause to be prepared, as building sites any real property in the Project Area owned by the Agency. In connection therewith, the Agency may cause, provide for, or undertake the installation or construction of streets, utilities, pedestrian walkways, parking facilities, drainage facilities, and other public improvements and facilities necessary to carry out this Plan.

## **Section 309 Property Disposition and Development**

### **Section 309.1 Real Property Disposition and Development**

#### **Section 309.1 (a) General**

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property under the reuse provisions set forth in Idaho Code § 50-2011 and as otherwise allowed by law. To the extent permitted by

law, the Agency is authorized to dispose of real property by negotiated lease, sale, or transfer without public bidding.

Real property acquired by the Agency may be conveyed by the Agency and, where beneficial to the Project Area, without charge to any public body as allowed by law. All real property acquired by the Agency in the Project Area shall be sold or leased to public or private persons or entities for development for the uses permitted in this Plan. All public bodies acquiring property through the Agency shall enter into a disposition and development agreement with the Agency.

All purchasers or lessees of property acquired from the Agency shall be obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

### **Section 309.1(b) Disposition and Development Documents**

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, is subject to the provisions of this Plan.

The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to ensure that development is carried out pursuant to this Plan.

Leases, deeds, contracts, agreements, and declarations of restrictions of the Agency may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitude, or any other provisions necessary to carry out this Plan. Where appropriate, as determined by the Agency, such documents, or portions thereof, shall be recorded in the office of the Recorder of Cassia County.

All disposition and development documents shall also be governed by the provisions of Section 405.02 of this Plan.

### **Section 309.1(c) Development by the Agency**

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop or construct any publicly owned building, facility, structure, or other improvement within the Project Area for itself or for any public body or entity.

The Agency may also prepare properties for development by renovation or other means as allowed by law. The Agency may also, as allowed by law and provided for in the Plan, assist in the development of private projects.

In addition to the public improvements authorized under Idaho Code §§ 50-2007 and 50-2909, the Agency is authorized to install and construct, or to cause to be installed and constructed, within the Project Area for itself or for any public body or entity, public improvements and public facilities, including, but not limited to, the following: (1) utilities; (2) plazas and pedestrian paths; (3) parking facilities; (4) landscaped areas; (5) street

improvements; (6) sanitary sewers; (7) flood control facilities and storm drains; (8) water mains; (9) airport facilities; (10) fire facilities; and (11) housing rehabilitation improvements.

Any public facility ultimately owned by the Agency shall be operated and managed in such a manner to preserve the public purpose nature of the facility. Any lease agreement with a private entity or management contract agreement shall include all necessary provisions sufficient to protect the public interest and public purpose.

### **Section 309. 1 (d) Development Plans**

All public or private development plans prepared pursuant to disposition and development or owner participation agreements shall be submitted for approval and architectural review through the City Building Department or Planning and Zoning Department. AR development in the Project Area must conform to those standards specified in Section 404 of this plan. All development plans (whether public or private) prepared pursuant to a disposition and development agreement or owner participation agreement shall be submitted to the Agency for approval and design review. All development under a disposition and development agreement or owner participation agreement must also conform to those standards specified in Section 405.02 of this Plan.

### **Section 310 Personal Property Disposition**

For the purposes of this Plan, the Agency is authorized to lease, sell, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property which is acquired by the Agency.

### **Section 311 Rehabilitation and Conservation**

The Agency is authorized to rehabilitate, renovate, and conserve, or to cause to be rehabilitated, renovated, and conserved, any building or structure in the Project Area owned by the Agency for preparation of redevelopment and disposition. The Agency is authorized and directed to advise, encourage, and assist in the rehabilitation and conservation of property in the Project Area not owned by the Agency. The Agency is also authorized to acquire, restore, rehabilitate, move, and conserve buildings of historic or architectural significance.

As necessary in carrying out this Plan, the Agency is authorized to move, or to cause to be moved, any substandard structure or building or any structure or building which can be rehabilitated to a location within or outside the Project Area.

### **Section 311.1 [Reserved]**

### **Section 312 Participation with Private Development**

Under the Idaho Urban Renewal Law, the Agency has the authority to lend or invest funds obtained from the federal government for the purposes of the Urban Renewal law if allowable under federal laws or regulations. The federal funds that may be available to the Agency are governed by regulations promulgated by the Department of Housing and Urban Development for the Small Cities Community Development Block Grant Program operated by the Idaho Department of Commerce. Under those regulations the agency may participate with the private sector in the development and financing of those private projects which will attain certain federal objectives.

The Agency may, therefore, use the federal funds for the provision of assistance to private for profit business, including, but not limited to, grants, loans, loan guarantees, interest supplements, technical assistance, and other forms of support, for any other activity necessary or appropriate to carry out an economic development project.

As allowed by law, the Agency may also use funds from any other sources for any purpose set forth under the Law or Act.

The Agency may enter into contracts, leases, and agreements with the City, or other public body or private entity, pursuant to this section, and the obligation of the Agency under such contract, lease, or agreement shall constitute an indebtedness of the Agency as described in Idaho Code § 50-2909 which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under subdivision (2)(b) of Section 50-2908 of the Act and Section 504 to this Plan or out of any other available funds.

#### **Section 400 Uses Permitted in the Project Area**

#### **Section 401 Redevelopment Plan Map and Development Strategy**

The description of the Project Area and Revenue Allocation Area Boundary and Project Area-Revenue Allocation Area Boundary Map, attached hereto as Attachment Nos. 1 and 2 and incorporated by reference, explain the location of the Project Area boundaries. The proposed land uses to be permitted in the Project Area are established in the City's master plan.

## **Section 402 Designated Land Uses**

### **Section 402.1 Land Use Classifications**

The current zoning classification of the Project Area is designated as C-2 and R-2 District pursuant to Ordinance No. 1219 adopted by the City of Burley. The current classification of the project area under the Burley Comprehensive Plan is “Office/Commercial” and “Residential.”

### **Section 403 Other Land Uses and Public Rights-of-Way**

Public rights of way, including public streets, alleys, and easements may be created or abandoned in the Project Area in accordance with the applicable requirements of the City of Burley, Burley Highway District, and/or the Idaho Department of Transportation and any other applicable state or local law. All other uses shall be permitted to the extent they conform to the applicable requirements of the City of Burley and any other applicable state or local law.

### **Section 404 General Controls and Limitations**

All construction and rehabilitation of structures, limitations on type, size, and height of buildings, determination of open space, landscaping, light, air and privacy, limitation on signage, requirements for utility location, limitation upon incompatible and noxious uses, restrictions regarding nondiscrimination, subdivision of property, restrictions as to off street loading and off street parking shall be as regulated and provided by the City of Burley and shall be consistent with all other applicable state and local laws and requirements.

### **Section 405 Design for Development**

The design for development of any property within the Project Area shall be subject to the applicable review and restrictions of the City of Burley as set forth in its ordinances and regulations.

#### **Section 405.01 Design Guidelines for Development**

The land use elements and design guidelines of the Burley Plan are encouraged but not specifically required for development within the Project Area unless an owner participation agreement or disposition and development agreement is entered into between the property owner or developer and the Agency.

All development under this section shall also comply with all applicable City zoning and building ordinances.

#### **Section 405.02 Design Guidelines for Development under a Disposition and Development Agreement or Owner Participation Agreement**

Under an owner participation agreement or a disposition and development agreement, the design guidelines and land use elements of the Burley Plan shall be achieved to the greatest extent feasible, though the Agency retains the authority to grant minor variations under Section 404.10 of this Plan, subject to a negotiated agreement between the Agency and the developer or property owner.

Under those agreements, the architectural, landscape, and site plans shall be submitted to the Agency and approved in writing by the Agency. In such agreements, the Agency may impose additional design controls. One of the objectives of this Plan is to create an attractive pedestrian environment in the Project Area. Therefore, such plans shall give consideration to good design and other amenities to enhance the aesthetic quality of the Project Area. These additional design standards or controls will be implemented through the provisions of any disposition and development agreement or owner participation agreement or by appropriate covenants appended to the land and instruments of conveyance executed pursuant thereto. These controls are in addition to any standard and provisions of any applicable City building or zoning ordinances provided, however, each development shall comply with all applicable City zoning and building ordinances.

### **Section 500 Methods of Financing the Project**

#### **Section 501 General Description of the Proposed Financing Method**

The Agency is authorized to finance this Project with financial assistance from the City, State of Idaho, federal government, interest income, Agency bonds, donations, loans from private financial institutions, the lease or sale of Agency owned property, or any other available source, public or private, including assistance from any taxing district or any public entity.

The Agency is also authorized to obtain advances, borrow funds, and create indebtedness in carrying out this Plan. The principal and interest on such advances, funds, and indebtedness may be paid from any funds available to the Agency. The City, as it is able, may also supply additional assistance through City loans and grants for various public facilities. The City or any other public agency may expend money to assist the Agency in carrying out this Project.

#### **Section 502 Revenue Bond Funds**

Without limiting the generality of Section 501 hereof, and in furtherance of Section 504 hereof, the Project may be funded from the proceeds of revenue allocation bonds issued by the Agency with a principal stated amount of not to exceed that which can be timely retired with the projected increment at an interest rate of not to exceed 8% per annum, and for a term not longer than 20 years from the date of adoption of this plan plus the added period for payment over of such revenues by the county treasurer, provided however, that if the revenue allocation revenues are not sufficient to pay in full such bonds when due within said period, then the Agency may refinance the bonds as provided by Idaho Code §50-2904(2) to avoid default. The revenue allocation bonds shall be paid exclusively from a pledge of the tax increment funds generated from the revenue allocation area, and neither the Agency, nor any member or representative of the Agency, shall be liable for the payment of the revenue allocation bonds.

### **Section 503 Other Loans and Grants**

Any other loans, grants, guarantees, or financial assistance from the United States, the State of Idaho, or any other public or private source may be utilized if available.

### **Section 504 Revenue Allocation Financing Provisions**

The Agency hereby adopts revenue allocation financing provisions as authorized by Chapter 29, Title 50, Idaho Code (the Act), effective retroactively to January 1, 2015. These revenue allocation provisions shall apply to all taxing districts in which the Revenue Allocation Area is located and described on Attachment Nos. I and 2 to this Plan. The Agency shall take all actions necessary or convenient to implement these revenue allocation financing provisions.

The Agency specifically finds that the equalized assessed valuation of property within the Revenue Allocation Area is likely to increase as a result of the initiation of the Urban Renewal Project.

The Agency, acting by one or more resolutions adopted by its Board of Commissioners, is hereby authorized to apply all or any portion of the revenues allocated to the Agency pursuant to the Act to pay such costs as are incurred or to pledge all or any portion of such revenues to the repayment of any moneys borrowed, indebtedness incurred, or bonds issued by the Agency to finance or to refinance the Project Costs (as defined in Idaho Code § 50-2903(14) of one or more urban renewal projects.

Upon enactment of an ordinance by the governing body of the City of Burley, Idaho, finally adopting these revenue allocation financing provisions and defining the Revenue Allocation Area described herein as part of the Plan, there shall hereby be created a special fund of the Agency into which the County Treasurer shall deposit allocated revenues as provided in Idaho Code § 50-2908. The Agency shall use such funds solely in accordance with Idaho Code § 50-2909 and solely for the purpose of providing funds to pay the Project Costs, including any incidental costs, of such urban renewal projects as the Agency may determine by resolution or resolutions of its Board of Commissioners.

Statements (1) describing the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all property within the municipality (Attachment 5) ; (2) describing the kind, number, and location of all proposed public works or improvements within the revenue allocation area (Attachment 5A); (3) setting forth an economic feasibility study (Attachment 5B); (4) providing a detailed list of estimated project costs Attachment 5C); (5) providing 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 (Attachment 5D); (6) setting forth a description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred (Attachment 5E); (7) establishing a termination date for the plan (Attachment 5F); (8) providing a description of the disposition or retention of any assets of the agency upon the termination date and the revenue allocation provision as provided for in section 50-2903(20) (Attachment 5G),as required by Idaho Code § 50-2905 are attached to this Plan This statement necessarily incorporates estimates and projections based on the Agency's present knowledge and expectations. The Agency is hereby authorized to modify the presently anticipated urban renewal projects and use of revenue allocation financing of the related project costs if the Board of Commissioners of the Agency deems such modification necessary or convenient to effectuate the general objectives of the Plan, subject to the approval by the holders of the revenue allocation bonds.

The Agency may also provide for expenditure of revenue allocation proceeds for the Project on an annual basis without the issuance of bonds. The Agency has also provided for obtaining advances or loans for the Project from the City or private entity in order to immediately commence construction of certain of the public improvements. Revenues will continue to be allocated to the Agency until the improvements identified in Attachment No. 5A are completely constructed or until any obligation to the City or other public entity or private entity are fulfilled or any outstanding revenue bonds have been repaid in full. Attachment No. 5C incorporates estimates and projections based on the Agency's present knowledge and expectations concerning the length of time to complete the improvements.

The activity may take longer depending on the significance and timeliness of development. Alternatively, the activity may be completed earlier if revenue allocation proceeds are greater or the Agency obtains additional funds.

### **Section 600 Actions by the City**

The City shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. Actions by the City shall include, but not be limited to, the following:

- a. Institution and completion of proceedings necessary for changes and improvements in private and publicly-owned property, rights-of-way, or public utilities within or affecting the Project Area;
- b. Revision of zoning (if necessary) within the Project Area to permit the land uses and development authorized by this Plan;
- c. Imposition wherever necessary (by conditional use permits or other means) of appropriate controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use;
- d. Provision for administrative enforcement of this Plan by the City after development. The City and the Agency may develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Project Area throughout the duration of this Plan;
- e. Preservation of historical sites;
- f. Performance of the above actions and of all other functions and services relating to public peace, health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays;
- g. Institution and completion of proceedings necessary for the establishment of local improvement districts under Chapter 17, Title 50, Idaho Code;
- h. The undertaking and completing of any other proceedings necessary to carry out the Project;

- i. The procurement, implementation and administration of Community Development Block Grant and other state and federal grant funds that may be made available for the Project and off-site infrastructure and other improvements; and
- j. Appropriate agreements with the Agency for administration, supporting services, funding sources, and the like.

The foregoing actions to be taken by the City do not constitute any commitment for financial outlays by the City.

### **Section 700 Enforcement**

The administration and enforcement of this Plan, including the preparation and execution of any documents implementing this Plan, shall be performed by the Agency and/or the City.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, reentry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.

### **Section 800 Duration of This Plan**

Except for the nondiscrimination and non-segregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan shall be effective for twenty (20) years from the date of adoption of this Plan by the City provided, however, that the revenue from property taxes shall be restricted to collection of taxes assessed for the twenty (20) year period authorized by Idaho Code § 50-2904, subject to the extensions of the maturity date where the revenue allocation bonds are refinanced as provided in Section 502 hereof. It is recognized that the Agency shall receive allocation of revenues in the calendar year following the last year of the of the revenue allocation provision described herein.

Upon the termination date, all assets, and revenues from assets, of the Agency shall be retained by the Agency, except as required by law, so long as the Agency shall have resources other than revenue allocation funds to operate and manage such assets and the Agency determines it is appropriate to carry out the purpose of the plan. Thereafter all assets shall be transferred to the City of Burley.

### **Section 900 Procedure for Amendment**

The Urban Renewal Plan may be further modified at any time by the Agency and in compliance with the Law and the Act. Where the proposed modification will substantially change the Plan, the modifications must be approved by the City Council in the same manner as the original Plan, subject to approval by the holders of the revenue allocation bonds.

Substantial changes for City Council approval purposes shall be regarded as revisions in project boundaries; land uses permitted, land acquisition, and other changes which will violate the objectives of this Plan. Any

amendment or modification shall be subject to such rights at law or equity any individual or entity may have who has entered into a disposition or development agreement or owner participation agreement with the Agency or its successor or successors in interest may be entitled to assert.

### **Section 1000 Severability**

If any one or more of the provisions contained in this Plan to be performed on the part of the Agency shall be declared by any Court of competent jurisdiction to be contrary to law, then such provision or provisions shall be null and void and shall be deemed separable from the remaining provisions in this Plan and shall in no way affect the validity of the other provisions of this Plan.

ATTACHMENT 1

October 7, 2015  
JOB # 11311-15C1  
CITY OF BURLEY SURVEY



PARCEL 1 (INCLUDES PARCEL 2)

L E G A L   D E S C R I P T I O N

Part of Section 8 and Part of Section 17 in Township 10 South, Range 23 East of the Boise Meridian, Minidoka County, State of Idaho.

Beginning at the Northeast Corner of Section 17 in T.10 S., R.23 E., B.M. said corner marked by a  $\frac{5}{8}$ " rebar which shall be the Point of Beginning;

THENCE South 00 degrees 01 minutes 46 seconds East along the east line of Section 17 for a distance of 1108.04 feet to the ordinary high water line of the Snake River;

THENCE South 68 degrees 11 minutes 10 seconds West along said line for a distance of 48.67 feet;

THENCE North 66 degrees 22 minutes 08 seconds West along said line for a distance of 17.97 feet;

THENCE North 46 degrees 15 minutes 45 seconds West along said line for a distance of 37.59 feet;

THENCE North 77 degrees 45 minutes 26 seconds West along said line for a distance of 51.97 feet;

THENCE North 70 degrees 55 minutes 23 seconds West along said line for a distance of 53.23 feet;

THENCE North 76 degrees 15 minutes 54 seconds West along said line for a distance of 75.30 feet;

THENCE South 80 degrees 22 minutes 42 seconds West along said line for a distance of 35.40 feet;

THENCE North 00 degrees 01 minutes 44 seconds West for a distance of 23.91 feet to a  $\frac{1}{2}$ " rebar;

THENCE North 00 degrees 01 minutes 44 seconds West along the east line of River Run Estates for a distance of 278.49 feet to a  $\frac{3}{4}$ " rebar;

THENCE North 00 degrees 15 minutes 16 seconds West along the east line and the extended east line of River Run Estates for a distance of 714.23 feet to a  $\frac{1}{2}$ " rebar;

THENCE North 00 degrees 15 minutes 16 seconds West along the extended east line of River Run Estates for a distance of 35.00 feet to the north line of Section 17;

(Con't on Page 2)

October 7, 2015  
JOB # 11311-15C1  
CITY OF BURLEY SURVEY

PARCEL 1 (INCLUDES PARCEL 2) (Con't)  
(Page 2)

THENCE South 89 degrees 49 minutes 14 seconds West along said line for a distance of 1015.84 feet to a  $\frac{3}{4}$ " rebar at the Northwest Corner of Gov't Lot 5 of Section 17;

THENCE South 00 degrees 25 minutes 35 seconds East along said line for a distance of 35.00 feet to the southerly right of way of 5<sup>th</sup> Street North;

THENCE South 89 degrees 49 minutes 12 seconds West along said right of way for a distance of 961.12 feet;

THENCE North 00 degrees 10 minutes 48 seconds West for a distance of 35.00 feet to the north line of Section 17;

THENCE South 89 degrees 49 minutes 12 seconds West along said line for a distance of 105.81 feet;

THENCE North 00 degrees 10 minutes 48 seconds West for a distance of 48.10 feet to a right of way marker on the southeasterly right of way of State Highway 27;

THENCE North 05 degrees 42 minutes 05 seconds East along said right of way for a distance of 79.14 feet to a  $\frac{3}{8}$ " rebar;

THENCE North 17 degrees 15 minutes 35 seconds East along said right of way for a distance of 51.39 feet to a  $\frac{3}{8}$ " rebar;

THENCE North 30 degrees 06 minutes 02 seconds East along said right of way for a distance of 17.01 feet to a  $\frac{3}{8}$ " rebar;

THENCE North 29 degrees 56 minutes 48 seconds East along said right of way for a distance of 155.96 feet to a  $\frac{1}{2}$ " rebar;

THENCE South 59 degrees 44 minutes 34 seconds East for a distance of 120.00 feet to a  $\frac{1}{2}$ " rebar;

THENCE North 88 degrees 12 minutes 06 seconds East for a distance of 80.21 feet to a  $\frac{1}{2}$ " rebar;

THENCE North 01 degrees 17 minutes 56 seconds West for a distance of 250.07 feet to a  $\frac{1}{2}$ " rebar;

THENCE North 88 degrees 51 minutes 15 seconds East for a distance of 780.64 feet to a  $\frac{3}{8}$ " rebar on the westerly right of way of Minidoka Avenue;

THENCE North 76 degrees 25 minutes 44 seconds East for a distance of 59.20 feet to a  $\frac{1}{2}$ " rebar on the easterly right of way of Minidoka Avenue and the northerly right of way of Alfresco Drive North;

(Con't on Page 3)

October 7, 2015  
JOB # 11311-15C1  
CITY OF BURLEY SURVEY

PARCEL 1 (INCLUDES PARCEL 2) (Con't)  
(Page 3)

THENCE North 89 degrees 49 minutes 14 seconds East along the northerly right of way of Alfresco Drive North for a distance of 200.00 feet to a ½" rebar at the Southwest Corner of Lot 6 in Block 1 of the Cinema Subdivision;

THENCE South 00 degrees 07 minutes 53 seconds East for a distance of 60.00 feet to a ½" rebar at the Northwest Corner of Lot 3 in Block 2 of the Cinema Subdivision;

THENCE North 89 degrees 49 minutes 14 seconds East along the north line of Lot 3 for a distance of 350.00 feet to a ½" rebar;

THENCE North 00 degrees 07 minutes 53 seconds West for a distance of 60.00 feet to a ½" rebar at the Southeast Corner of Lot 8 in Block 1 of the Cinema Subdivision;

THENCE North 89 degrees 49 minutes 14 seconds East along the northerly right of way of Alfresco Drive North for a distance of 120.71 feet to a ¾" rebar;

THENCE along said right of way along a tangent curve to the right for a distance of 111.72 feet to a ¾" rebar, said curve having a radius of 160.00 feet, a delta angle of 40 degrees 00 minutes 29 seconds, and a long chord bearing of South 70 degrees 10 minutes 32 seconds East for a distance of 109.47 feet;

THENCE South 50 degrees 10 minutes 17 seconds East along the northeasterly right of way of Alfresco Drive North for a distance of 200.95 feet to a ¾" rebar;

THENCE along said right of way along a tangent curve to the right for a distance of 65.02 feet to a to a ¾" rebar at the Northwest Corner of Lot 1 in Block 3 of the Cinema Subdivision, said curve having a radius of 160.00 feet, a delta angle of 23 degrees 17 minutes 03 seconds, and a long chord bearing of South 38 degrees 31 minutes 45 seconds East for a distance of 64.58 feet;

THENCE North 89 degrees 49 minutes 14 seconds East along the north line of Lot 1 in Block 3 of the Cinema Subdivision for a distance of 142.65 feet to a ¾" rebar;

THENCE North 85 degrees 24 minutes 59 seconds East along said line for a distance of 122.85 feet to the Northeast Corner of Lot 1 in Block 3 of the Cinema Subdivision;

THENCE North 85 degrees 24 minutes 59 seconds East for a distance of 25.08 feet to the east line of Section 8;

(Con't on Page 4)

October 7, 2015  
JOB # 11311-15C1  
CITY OF BURLEY SURVEY

PARCEL 1 (INCLUDES PARCEL 2) (Con't)  
(Page 4)

THENCE South 00 degrees 04 minutes 07 seconds West along  
said line for a distance of 337.88 feet to the Point of  
Beginning.

Said property contains 33.22 acres more or less and is subject  
to any easements or right of ways, existing or of record.

PREPARED BY:  
Desert West Land Surveys  
2020 Overland Ave.  
Burley, Idaho 83318

October 7, 2015  
JOB # 11311-15C1  
CITY OF BURLEY SURVEY



PARCEL 2 (EXCEPTION TO REVENUE ALLOCATION AREA)

L E G A L   D E S C R I P T I O N

Lots 3, 4, and 5 in Block 2 of the Cinema Subdivision and Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 8 in Township 10 South, Range 23 East of the Boise Meridian, Minidoka County, State of Idaho.

Beginning at the Southwest Corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 8 in T.10 S., R.23 E., B.M. said corner marked by a 3/4" rebar; Thence North 89 degrees 49 minutes 14 seconds East along the south line of Section 8 for a distance of 80.04 feet to the Point of Beginning;

THENCE North 00 degrees 07 minutes 53 seconds West for a distance of 25.00 feet;

THENCE North 59 degrees 50 minutes 49 seconds West for a distance of 23.21 feet to the easterly right of way of Minidoka Avenue;

THENCE North 00 degrees 07 minutes 53 seconds West along said right of way for a distance of 447.08 feet to a 1/2" rebar at the Northwest Corner of Lot 4 in Block 2 of the Cinema Subdivision;

THENCE North 89 degrees 49 minutes 14 seconds East along the north lines of Lot 4 and Lot 3 for a distance of 637.96 feet to a 1/2" rebar at the Northeast Corner of Lot 3;

THENCE South 00 degrees 04 minutes 07 seconds West along the east line of Lot 3 for a distance of 448.81 feet to the Southeast Corner of Lot 3;

THENCE South 89 degrees 49 minutes 14 seconds West along the south line of Lot 3 for a distance of 436.39 feet to the Southwest Corner of Lot 3;

THENCE South 00 degrees 07 minutes 53 seconds East for a distance of 35.00 feet to the south line of Section 8;

THENCE South 89 degrees 49 minutes 14 seconds West along said line for a distance of 179.96 feet to the Point of Beginning.

Said property contains 6.71 acres more or less and is subject to any easements or right of ways, existing or of record.

PREPARED BY:

Desert West Land Surveys 2020 Overland Ave. Burley, Idaho 83318

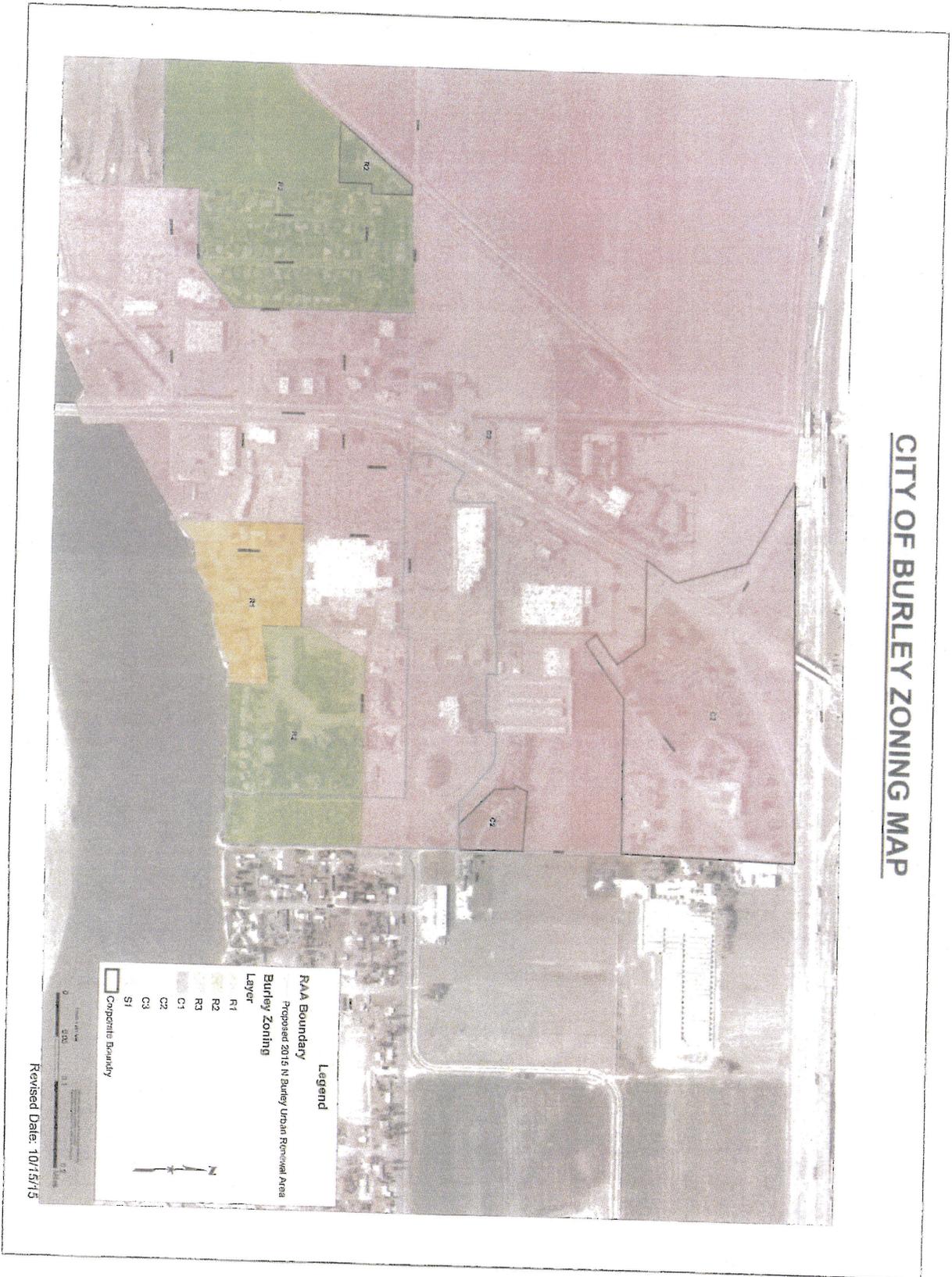


ATTACHMENT 3  
Private Property to be Acquired

NONE

ATTACHMENT 4

CITY OF BURLEY ZONING MAP



Attachment Number 5

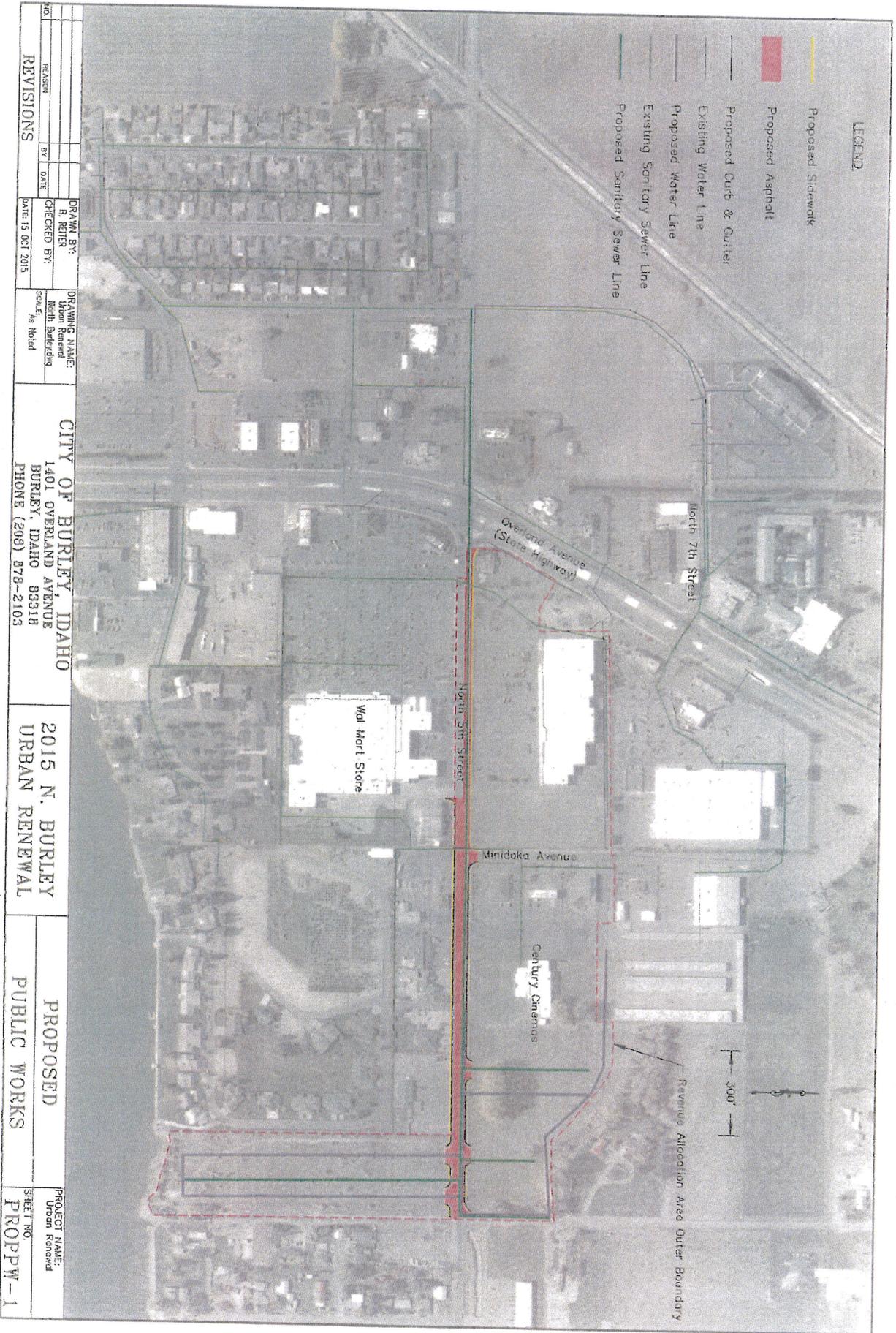
The total assessed valuation of the base assessment roll of the revenue allocation area is given by the total of the following parcels:

Parcel #	Assessed Value
RPB00000089030	\$0
RPB00000089028	\$0
RPB00000089510	\$424,081
RPB72000020010	\$34,343
RPB72000020020	\$41,187
RPB72000020030	\$733,446
RPB72000020040	\$151,107
RPB72000020050	\$200,632
RPB3200000011A	\$211,364
RPB3200000010H	\$1,679,582
RPB3200000010F	\$44,876
RPB000000170000	\$163,508
RPB000000170570	\$117,821
RPB72000030010	\$27,756
RPB72000030020	\$28,612
<b>Total</b>	<b>\$3,858,315</b>

The total assessed valuation of all property within the municipality is comprised of two values summed: Burley City Assessed Valuation in Cassia County and Burley City Assessed Valuation in Minidoka County.

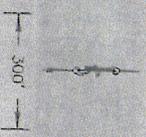
Cassia County	\$298,626,964
Minidoka County	\$55,403,573
<b>Total assessed valuation of Burley City</b>	<b>\$354,030,537</b>

ATTACHMENT 5A



LEGEND

- Proposed Sidewalk
- Proposed Asphalt
- Proposed Curb & Gutter
- Existing Water Line
- Proposed Water Line
- Existing Sanitary Sewer Line
- Proposed Sanitary Sewer Line



NO.	REASON	BY	DATE
REVISIONS			

DRAWN BY: R. BEYER  
 CHECKED BY: [blank]  
 DATE: 15 OCT 2015

DRAWING NAME: Urban Renewal North Burley  
 SCALE: As Shown

**CITY OF BURLEY, IDAHO**  
 1401 OVERLAND AVENUE  
 BURLEY, IDAHO 83318  
 PHONE (208) 878-2103

**2015 N. BURLEY URBAN RENEWAL**

**PROPOSED PUBLIC WORKS**

PROJECT NAME: Urban Renewal  
 SHEET NO. PROPPW-1

## Attachment 5B – Economic Feasibility Study

The Urban Renewal Area (the “URA”) proposed in this plan encompasses 29.8195 acres, of which 13.977 acres is vacant land. The parcels and proposed future uses are shown below:

Parcels	Acreage	Approx. Current Building SF	Approx. Future Building SF	Current Use	Proposed Future Use
RPB72000030010, RPB72000030020, RPB72000020010, & RPB72000020020	4.1770		30,000	Vacant	Retail/Commercial
RPB3200000010F	2.5000		18,000	Vacant	Retail
RPB00000170000	1.5000		10,000	Vacant	Office
RPB00000170000	4.8800			Vacant	Residential
RPB00000170570	0.9200			Vacant	Residential
RPB3200000010H	7.5160	81,667		Retail/Vacant	Retail
RPB00000089030 & RPB00000089028	1.4830			City Property	City Property
RPB00000089510	1.0500	6,314		Office	Office
RPB72000020030	4.4462	20,582		Movie Theater	Movie Theater
RPB72000020040	0.5877	2,675	2,675	Car Wash	New Retail
RPB72000020050	0.5877			Auto Repair	Auto Repair
RPB3200000011A	0.1719	3,500	3,500	Restaurant	New Restaurant

These proposed future uses would create a short-term and long-term impact on jobs and compensation. The short-term impact deals with jobs created for construction and development, depending on the amount of capital investment. The NAICS code for Commercial and Institutional Building Construction was used to estimate jobs. It is projected that the capital expenditure for this Urban Renewal Area could be \$12,067,500 if the suggested figures below are used.

Retail Remodel: \$5,000,000

Potential Retail/Commercial: \$5,067,500

Potential Residential: \$1,000,000 (5 homes at \$200,000 each)

Potential Office: \$1,000,000

Jan Roeser, the South Central Regional Economist for the Idaho Department of Labor, took this projected capital expenditure and estimated the short-term jobs created. Jobs created are projected to be 107 Initial, 9 direct, 0 indirect, and 18 induced. The average wage of these workers is \$41,943, which would produce a short-term compensation impact of \$5,619,163.

The Urban Renewal Area’s proposed future uses will also create long-term initial, direct, indirect, and induced jobs. Initial jobs are calculated based on an industry average using square footage allotted per employee. See the table below for standard figures.

Industry	Sq. ft./employee
Office Employees	300
Retail/Service Employees	450
Grocery Employees	700
Cinema Employees	1500
Restaurant Employees	300
College Employees	300
Hotel Employees	1800

\*Sources: Urban Planning and Design Criteria by Joseph De Chiara, Montgomery County Figures, and K-68 Corridor Management Plan.

Initial jobs were calculated by dividing the square footage of the building by the square footage allotted per employee. This was broken down into example six-digit NAICS codes to illustrate the possible job and compensation impact, given the proposed future mix we've recommended above. See the table below for our initial job estimate.

NAICS Code	Future Building SF	Future SF/Employee	Potential Jobs
722511: Full Service Restaurant	3500	300	11.67
448150: Clothing Accessories Stores	9388	450	20.86
453210: Office Supply	11595	450	25.77
451130: Sewing/piece goods	24000	450	53.33
451110: Sporting Goods	17828	450	39.62
444110: Home Centers	48000	450	106.67
541211: CPA Office	1500	300	5.00
541110: Lawyer Office	1500	300	5.00
531210: Real Estate Office	1500	300	5.00
621210: Dental Office	2500	300	8.33
621111: Physician	3000	300	10.00

Initial jobs were then rounded and used to calculate direct, indirect, and induced jobs for each of the proposed NAICS Codes. The average earnings per job were also estimated to provide a total annual compensation impact. Jan Roeser also provided the calculations below. The Idaho Department of Labor uses EMSI (Economic Modeling Specialties International) to estimate jobs created.

NAICS Code	Initial	Induced	Indirect	Direct	Total Jobs	Average Earnings per Job	Total Earnings
722511: Full Service Restaurant	12	1	0	0	13	\$14,647	\$190,411
448150: Clothing Accessories Stores	21	0	0	0	21	\$4,665	\$97,965
453210: Office Supply	26	3	1	0	30	\$21,843	\$655,290
451130: Sewing/piece goods	53	3	1	0	57	\$12,006	\$684,342
451110: Sporting Goods	40	8	0	4	52	\$39,069	\$2,031,588
444110: Home Centers	107	17	1	7	132	\$31,303	\$4,131,996
541211: CPA Office	5	1	0	0	6	\$37,088	\$222,528
541110: Lawyer Office	5	1	0	0	6	\$29,875	\$179,250
531210: Real Estate Office	5	1	0	0	6	\$17,150	\$102,900
621210: Dental Office	8	1	0	0	9	\$30,569	\$275,121
621111: Physician	10	1	0	0	11	\$40,811	\$448,921
<b>Total</b>	<b>292</b>	<b>37</b>	<b>3</b>	<b>11</b>	<b>343</b>		<b>\$9,020,312</b>

It is estimated that a total of 343 jobs can be created. The sum of the impact of compensation for initial, induced, indirect, and direct jobs is \$9,020,312 annually.

It is estimated that the total taxable value at the completion of construction may be \$15,925,815. The value evaluation base for the added properties is \$3,858,315 such that the net increase in value could be \$12,067,500. At the current total levy rate of 0.015569386, the amendment would provide a tax increment to the Urban Renewal District in the sum of \$187,883.57 per year. These additional revenues would continue during the life of the plan, which ends on December 31<sup>st</sup>, 2034. The estimated total tax increment over the life of the plan is \$3,757,671.31. The allocation of the impacts upon the City, County, School District, Highway District, etc., are as follows:

Minidoka County	0.004373963
Burley City	0.006968135
School District #331	0.002981847
Minidoka Highway District	0.00112036
Cemetery 3	0.000125081

There will also be an indirect tax impact, which will result in additional taxes to be received by the taxing entities during the life of the plan representing approximately 10% of the tax increment to be received by the Urban Renewal District over the life of the plan or \$375,767.13.

The project developed as a result of the plan will result in a net increase to the various taxing entities during the life of the plan, and is a substantial benefit to them at the conclusion of the plan when the tax increment reverts, and any undisturbed funds held by the Urban Renewal District is disbursed pro rata in accordance with State Law. It is also possible that accumulated funds may be distributed during the life of the plan.

ATTACHMENT 5C

Cost Estimates for Anticipated North Burley RAA Public Works Improvements

Work Item	Unit	Estimated Quantity	Estimated Unit Cost	Estimated Total Cost
Potable Water Pipe and Backfill	LF	4,400	\$80	\$352,000
Dewatering for Sanitary Sewer Installation	LS	1	\$100,000	\$100,000
Gravity Sewer Pipe and Backfill	LF	4,100	\$90	\$369,000
Sanitary Sewer Manhole	EA	15	\$4,000	\$60,000
Concrete Curb	LF	2,800	\$15	\$42,000
Concrete Sidewalk	SF	19,000	\$6	\$114,000
Roadway Excavation, Subbase, Base, and Asphalt	SF	108,000	\$6	\$648,000
Traffic Control	LS	1	\$60,000	\$60,000

Construction Cost \$1,745,000  
 Contingency (15%) \$250,000  
 Engineering, Surveying, Construction Staking and Inspection (15%) \$250,000  
 Total Cost Estimate \$2,245,000

10/15/2015

\\WTRSERVER2014\Shared Files\Land Projects 2009\Urban Renewal\XLS\2015 North Burley RAA Cost Estimate

ATTACHMENT 5D

URBAN RENEWAL PROPOSED TAX COLLECTION

	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total	
Initial Investment	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	
Future Investment	\$2,600,000																					\$2,600,000
Future Investment																						\$2,600,000
Future Investment																						\$2,600,000
Total Investment	\$7,600,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$10,200,000	
City of Burlington**																						
Northside County	0.0069861350	\$34,840.68	\$34,840.68	\$34,840.68	\$34,840.68	\$34,840.68	\$34,840.68	\$34,840.68	\$34,840.68	\$34,840.68	\$34,840.68	\$34,840.68	\$34,840.68	\$34,840.68	\$34,840.68	\$34,840.68	\$34,840.68	\$34,840.68	\$34,840.68	\$34,840.68	\$34,840.68	\$968,271
Midwest County	0.0004039520	\$20,015.26	\$20,015.26	\$20,015.26	\$20,015.26	\$20,015.26	\$20,015.26	\$20,015.26	\$20,015.26	\$20,015.26	\$20,015.26	\$20,015.26	\$20,015.26	\$20,015.26	\$20,015.26	\$20,015.26	\$20,015.26	\$20,015.26	\$20,015.26	\$20,015.26	\$20,015.26	\$556,424
Midwest County Schools	0.0007291870	\$11,179.93	\$11,179.93	\$11,179.93	\$11,179.93	\$11,179.93	\$11,179.93	\$11,179.93	\$11,179.93	\$11,179.93	\$11,179.93	\$11,179.93	\$11,179.93	\$11,179.93	\$11,179.93	\$11,179.93	\$11,179.93	\$11,179.93	\$11,179.93	\$11,179.93	\$11,179.93	\$31,078
Midwest County Highway District*	0.0011203600	\$14,909.24	\$14,909.24	\$14,909.24	\$14,909.24	\$14,909.24	\$14,909.24	\$14,909.24	\$14,909.24	\$14,909.24	\$14,909.24	\$14,909.24	\$14,909.24	\$14,909.24	\$14,909.24	\$14,909.24	\$14,909.24	\$14,909.24	\$14,909.24	\$14,909.24	\$14,909.24	\$414,477
City of Burlington**	0.0001208360	\$625.41	\$625.41	\$625.41	\$625.41	\$625.41	\$625.41	\$625.41	\$625.41	\$625.41	\$625.41	\$625.41	\$625.41	\$625.41	\$625.41	\$625.41	\$625.41	\$625.41	\$625.41	\$625.41	\$625.41	\$17,386
Midwest County Historical Society	0.0000269400	\$134.70	\$134.70	\$134.70	\$134.70	\$134.70	\$134.70	\$134.70	\$134.70	\$134.70	\$134.70	\$134.70	\$134.70	\$134.70	\$134.70	\$134.70	\$134.70	\$134.70	\$134.70	\$134.70	\$134.70	\$14,076
																						\$3,745
																						\$2,413,568

\*50% of the road tax collections by the Midwest County Highway District within the City of Burlington are returned to the City of Burlington for street maintenance.

\*\* The City of Burlington currently has two temporary override levies. If the levies are not renewed by the voters their amount would be less.

ATTACHMENT NO. 5E

Burley Urban Revenue Allocation Area 4

An initial \$300,000 loan from D.L. Evans bank will be obtained to update infrastructure for the Rivergate Crossings area where the initial investment will be made. The total tax increment generated from the proposed revenue allocation area will be used to repay the D.L. Evans loan until the loan is repaid. The estimated payback for the initial loan is estimated to be 7 years from when the first \$5,000,000 investment (five million) is assessed and turned over the Burley Development Authority. No other debt is planned for this revenue allocation area at this time. Debt may be incurred in the future. Funds will be accrued for infrastructure projects through the years and infrastructure projects will be completed with the tax increment, City of Burley investment, private investments and grants.

**ATTACHMENT 5F**  
Termination Date

The termination date is twenty years from the effective date of the ordinance adopting this plan by the Burley City Council subject to the provisions of Section 800 of the Plan and Idaho Code § 50-2904.

## **ATTACHMENT 5G**

### Asset Disposition or Retention upon Termination

Upon termination, all assets, and revenues from assets, of the Agency shall be retained by the Agency, except as required by law, so long as the Agency shall have resources other than revenue allocation funds to operate and manage such assets and the Agency determines it is appropriate to carry out the purpose of the plan. Thereafter all assets shall be transferred to the City of Burley.

ATTACHMENT 6

RESOLUTION 9-15

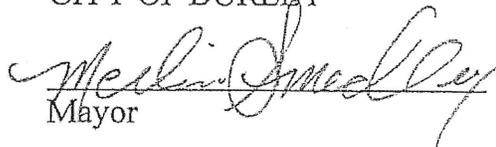
A RESOLUTION OF THE CITY OF BURLEY, IDAHO MAKING FINDINGS OF FACT; FINDING THE NEED TO ESTABLISH THE FOURTH BURLEY URBAN RENEWAL PROJECT BY THE BURLEY DEVELOPMENT AUTHORITY "BDA" FOR THE CITY OF BURLEY; AND DEFINING THE PROJECT BOUNDARY AREA AND THE REVENUE ALLOCATION AREA OF THE PROJECT

BE IT RESOLVED by the Mayor and Council of the City of Burley, in accordance with Idaho Code §50-2008:

1. The real property described on Exhibit A is a deteriorated or deteriorating area as defined by the "Idaho Urban Renewal Law of 1965".
2. The property described on Exhibit A is within the corporate limits of the City of Burley.
3. The rehabilitation, conservation and redevelopment of the area described on Exhibit A is necessary and in the interest of the public, safety, and welfare of the residents of the City of Burley.
4. There is a need to include the property described on Exhibit A within the project boundary area and the Revenue Allocation Area of the Fourth Burley Urban Renewal Project by the Burley Development Authority "BDA" for the City of Burley.

Resolved this 18<sup>th</sup> day of August, 2015.

CITY OF BURLEY

  
Mayor

ATTEST:

  
City Clerk



RESOLUTION 10-15

A RESOLUTION OF THE CITY OF BURLEY, IDAHO, FINDING A DETERIORATED OR DETERIORATING AREA IN THE CITY OF BURLEY; AND DESIGNATING SUCH AREA AS APPROPRIATE FOR INCLUSION INTO THE PROJECT AREA AND REVENUE ALLOCATION AREA OF THE FOURTH BURLEY URBAN RENEWAL PROJECT BY THE BURLEY DEVELOPMENT AUTHORITY "BDA" FOR THE CITY OF BURLEY.

BE IT RESOLVED by the Mayor and Council of the City of Burley, in accordance with Idaho Code §50-2008:

1. The real property described on Exhibit A hereto is a deteriorated or a deteriorating area that is defined by the "Idaho Urban Renewal Law of 1965."

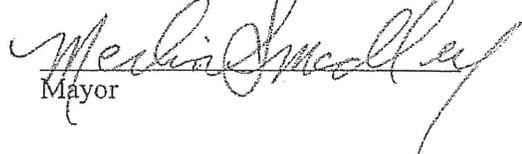
2. The rehabilitation, conservation, redevelopment, or combination thereof, of the real property described on Exhibit A, is necessary in the interest of the public health, safety, and welfare of the residents of the City of Burley.

3. The area described on Exhibit A is designated as appropriate for an Urban Renewal Project.

The City of Burley requests that the Burley Development Authority prepare, or cause to be prepared an Urban Renewal Plan for the Fourth Burley Urban Renewal Project by the Burley Development Authority "BDA" for the City of Burley, in accordance with the provisions of Idaho Code §50-2008 and §50-2906 providing for a Project Area and a Revenue Allocation Area to include the property described on Exhibit A, and otherwise provide in the plan such provisions as necessary and appropriate.

Resolved this 18<sup>th</sup> day of August 2015.

CITY OF BURLEY

  
Mayor

ATTEST

  
City Clerk



## ATTACHMENT 7

### RESOLUTION NO. 2-2015

A RESOLUTION OF THE BURLEY DEVELOPMENT AUTHORITY RECOMMENDING AND ADOPTING THE URBAN RENEWAL PLAN FOR THE FOURTH BURLEY URBAN RENEWAL PROJECT WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CHAIRMAN AND THE SECRETARY OF THE AGENCY TO TAKE APPROPRIATE ACTION; AND PROVIDING FOR THIS RESOLUTION TO BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

THIS RESOLUTION, made on the date hereinafter set forth by the Burley Development Authority, 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 (hereinafter the "Law"), a duly created and functioning urban renewal Agency for BURLEY, Idaho, hereinafter referred to as the "Agency."

WHEREAS, on or about September 8, 1998 City of Burley, through its Mayor and City Council, passed Resolution 10-98 creating an urban renewal agency, pursuant to Chapter 20, Title 50, Idaho Code, the Burley Development Authority, and

WHEREAS, on August 18, 2015 Burley adopted Resolution No. 10-15 finding the property described on Exhibit A hereto to be a deteriorated area as defined by Idaho Code Section 50-2008 and 50-2903, and

WHEREAS, on August 18, 2015 Burley adopted Resolution No. 9-15 making a finding of necessity as provided by Idaho Code Section 50-2005 with respect to the property described on Exhibit A, and

WHEREAS, the legislature of the State of Idaho has enacted the Local Economic Development Act, Chapter 29, Title 50, Idaho Code referred to herein as 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, the Burley Development Authority has developed its "Urban Renewal Plan for the Fourth Burley Urban Renewal Project by the Burley Development Authority (BDA) for the City of Burley," and

WHEREAS, upon adoption by the Burley Development Authority such Plan will be tendered to the Planning and Zoning Commission and to the City Council of the City of Burley for their consideration and review as required by the Law and the Act, and

WHEREAS, under the Act, the Plan shall include 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; and

WHEREAS, it is necessary, and in the best interest of the citizens of the City of Burley, Idaho, to recommend approval of the Plan and to adopt, as part of the Plan, revenue allocation financing provisions that will help finance urban renewal projects to be completed in accordance with the Plan (as now or hereafter amended), in order to encourage private development in the urban renewal area; to prevent and arrest decay of the Fourth Burley Urban Renewal Project 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 Fourth Burley Urban Renewal Project in order to facilitate the long-term growth of their common tax base; to encourage the long-term growth of their common tax base; to encourage private investment within the City of Burley and to further the public purposes of the Burley Development Authority, 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 Attachments 1 and 2 of the Plan is likely to increase as a result of initiation of urban renewal projects in accordance with the Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE BURLEY DEVELOPEMENT AUTHORITY, IDAHO:

Section 1: That the Board specifically adopts the Urban Renewal Plan for the Fourth Burley Urban Renewal Project by the Burley Development Authority (BDA) for the City of Burley.

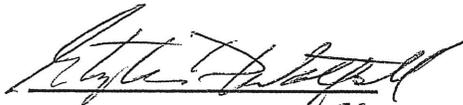
Section 2: That the Agency recommends that the Plan, a copy of which is attached hereto as Exhibit B and incorporated herein by reference, be adopted by the Burley City Council.

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 Plan includes a statement listing: (1) A statement describing the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all property within the municipality; (2) the kind, number, and location of all proposed public works or improvements within the revenue allocation area; (3) an economic feasibility study; (4) a detailed list of estimated project costs; (5) 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 (6) a description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred; (7) a termination date for the plan; (8) A description of the disposition or retention of any assets of the agency upon the termination date and the revenue allocation provision as provided for in section 50-2903(20),

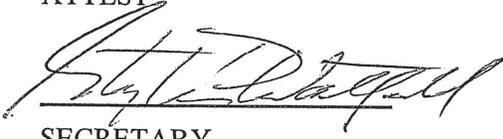
Section 4: The Chairman, and the Secretary of the Agency are hereby authorized and directed to take all steps necessary and convenient to submit the proposed Plan for approval by the City of Burley, including but not limited to, the preparation of the notice of public hearing on adoption of the revenue allocation financing provisions by the City Council and submittal of the Plan to the various taxing entities as required by Idaho Code Section 50-2906.

Section 5: That this Resolution shall be in full force and effect immediately upon its adoption and approval

ADOPTED AND APPROVED THIS 16<sup>th</sup> DAY OF OCTOBER, 2015.

  
CHAIRMAN *as authorized by Harry Roberts, Chairman*

ATTEST

A handwritten signature in cursive script, appearing to read "A. J. [unclear]", written over a horizontal line.

SECRETARY

EXHIBIT A

October 7, 2015  
JOB # 11311-15C1  
CITY OF BURLEY SURVEY



PARCEL 1 (INCLUDES PARCEL 2)

L E G A L   D E S C R I P T I O N

Part of Section 8 and Part of Section 17 in Township 10 South, Range 23 East of the Boise Meridian, Minidoka County, State of Idaho.

Beginning at the Northeast Corner of Section 17 in T.10 S., R.23 E., B.M. said corner marked by a  $\frac{3}{8}$ " rebar which shall be the Point of Beginning;

THENCE South 00 degrees 01 minutes 46 seconds East along the east line of Section 17 for a distance of 1108.04 feet to the ordinary high water line of the Snake River;

THENCE South 68 degrees 11 minutes 10 seconds West along said line for a distance of 48.67 feet;

THENCE North 66 degrees 22 minutes 08 seconds West along said line for a distance of 17.97 feet;

THENCE North 46 degrees 15 minutes 45 seconds West along said line for a distance of 37.59 feet;

THENCE North 77 degrees 45 minutes 26 seconds West along said line for a distance of 51.97 feet;

THENCE North 70 degrees 55 minutes 23 seconds West along said line for a distance of 53.23 feet;

THENCE North 76 degrees 15 minutes 54 seconds West along said line for a distance of 75.30 feet;

THENCE South 80 degrees 22 minutes 42 seconds West along said line for a distance of 35.40 feet;

THENCE North 00 degrees 01 minutes 44 seconds West for a distance of 23.91 feet to a  $\frac{1}{2}$ " rebar;

THENCE North 00 degrees 01 minutes 44 seconds West along the east line of River Run Estates for a distance of 278.49 feet to a  $\frac{3}{4}$ " rebar;

THENCE North 00 degrees 15 minutes 16 seconds West along the east line and the extended east line of River Run Estates for a distance of 714.23 feet to a  $\frac{1}{2}$ " rebar;

THENCE North 00 degrees 15 minutes 16 seconds West along the extended east line of River Run Estates for a distance of 35.00 feet to the north line of Section 17;

(Con't on Page 2)

October 7, 2015  
JOB # 11311-15C1  
CITY OF BURLEY SURVEY

PARCEL 1 (INCLUDES PARCEL 2) (Con't)  
(Page 2)

THENCE South 89 degrees 49 minutes 14 seconds West along said line for a distance of 1015.84 feet to a  $\frac{3}{4}$ " rebar at the Northwest Corner of Gov't Lot 5 of Section 17;

THENCE South 00 degrees 25 minutes 35 seconds East along said line for a distance of 35.00 feet to the southerly right of way of 5<sup>th</sup> Street North;

THENCE South 89 degrees 49 minutes 12 seconds West along said right of way for a distance of 961.12 feet;

THENCE North 00 degrees 10 minutes 48 seconds West for a distance of 35.00 feet to the north line of Section 17;

THENCE South 89 degrees 49 minutes 12 seconds West along said line for a distance of 105.81 feet;

THENCE North 00 degrees 10 minutes 48 seconds West for a distance of 48.10 feet to a right of way marker on the southeasterly right of way of State Highway 27;

THENCE North 05 degrees 42 minutes 05 seconds East along said right of way for a distance of 79.14 feet to a  $\frac{5}{8}$ " rebar;

THENCE North 17 degrees 15 minutes 35 seconds East along said right of way for a distance of 51.39 feet to a  $\frac{3}{8}$ " rebar;

THENCE North 30 degrees 06 minutes 02 seconds East along said right of way for a distance of 17.01 feet to a  $\frac{5}{8}$ " rebar;

THENCE North 29 degrees 56 minutes 48 seconds East along said right of way for a distance of 155.96 feet to a  $\frac{1}{2}$ " rebar;

THENCE South 59 degrees 44 minutes 34 seconds East for a distance of 120.00 feet to a  $\frac{1}{2}$ " rebar;

THENCE North 88 degrees 12 minutes 06 seconds East for a distance of 80.21 feet to a  $\frac{1}{2}$ " rebar;

THENCE North 01 degrees 17 minutes 56 seconds West for a distance of 250.07 feet to a  $\frac{1}{2}$ " rebar;

THENCE North 88 degrees 51 minutes 15 seconds East for a distance of 780.64 feet to a  $\frac{5}{8}$ " rebar on the westerly right of way of Minidoka Avenue;

THENCE North 76 degrees 25 minutes 44 seconds East for a distance of 59.20 feet to a  $\frac{1}{2}$ " rebar on the easterly right of way of Minidoka Avenue and the northerly right of way of Alfresco Drive North;

(Con't on Page 3)

October 7, 2015  
JOB # 11311-15C1  
CITY OF BURLEY SURVEY

PARCEL 1 (INCLUDES PARCEL 2) (Con't)  
(Page 3)

THENCE North 89 degrees 49 minutes 14 seconds East along the northerly right of way of Alfresco Drive North for a distance of 200.00 feet to a ½" rebar at the Southwest Corner of Lot 6 in Block 1 of the Cinema Subdivision;

THENCE South 00 degrees 07 minutes 53 seconds East for a distance of 60.00 feet to a ½" rebar at the Northwest Corner of Lot 3 in Block 2 of the Cinema Subdivision;

THENCE North 89 degrees 49 minutes 14 seconds East along the north line of Lot 3 for a distance of 350.00 feet to a ½" rebar;

THENCE North 00 degrees 07 minutes 53 seconds West for a distance of 60.00 feet to a ½" rebar at the Southeast Corner of Lot 8 in Block 1 of the Cinema Subdivision;

THENCE North 89 degrees 49 minutes 14 seconds East along the northerly right of way of Alfresco Drive North for a distance of 120.71 feet to a ¾" rebar;

THENCE along said right of way along a tangent curve to the right for a distance of 111.72 feet to a ¾" rebar, said curve having a radius of 160.00 feet, a delta angle of 40 degrees 00 minutes 29 seconds, and a long chord bearing of South 70 degrees 10 minutes 32 seconds East for a distance of 109.47 feet;

THENCE South 50 degrees 10 minutes 17 seconds East along the northeasterly right of way of Alfresco Drive North for a distance of 200.95 feet to a ¾" rebar;

THENCE along said right of way along a tangent curve to the right for a distance of 65.02 feet to a to a ¾" rebar at the Northwest Corner of Lot 1 in Block 3 of the Cinema Subdivision, said curve having a radius of 160.00 feet, a delta angle of 23 degrees 17 minutes 03 seconds, and a long chord bearing of South 38 degrees 31 minutes 45 seconds East for a distance of 64.58 feet;

THENCE North 89 degrees 49 minutes 14 seconds East along the north line of Lot 1 in Block 3 of the Cinema Subdivision for a distance of 142.65 feet to a ¾" rebar;

THENCE North 85 degrees 24 minutes 59 seconds East along said line for a distance of 122.85 feet to the Northeast Corner of Lot 1 in Block 3 of the Cinema Subdivision;

THENCE North 85 degrees 24 minutes 59 seconds East for a distance of 25.08 feet to the east line of Section 8;

(Con't on Page 4)

October 7, 2015  
JOB # 11311-15C1  
CITY OF BURLEY SURVEY

PARCEL 1 (INCLUDES PARCEL 2) (Con't)  
(Page 4)

THENCE South 00 degrees 04 minutes 07 seconds West along  
said line for a distance of 337.88 feet to the Point of  
Beginning.

Said property contains 33.22 acres more or less and is subject  
to any easements or right of ways, existing or of record.

PREPARED BY:  
Desert West Land Surveys  
2020 Overland Ave.  
Burley, Idaho 83318

October 7, 2015  
JOB # 11311-15C1  
CITY OF BURLEY SURVEY



PARCEL 2 (EXCEPTION TO REVENUE ALLOCATION AREA)

L E G A L   D E S C R I P T I O N

Lots 3, 4, and 5 in Block 2 of the Cinema Subdivision and Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 8 in Township 10 South, Range 23 East of the Boise Meridian, Minidoka County, State of Idaho.

Beginning at the Southwest Corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 8 in T.10 S., R.23 E., B.M. said corner marked by a 3/4" rebar;  
Thence North 89 degrees 49 minutes 14 seconds East along the south line of Section 8 for a distance of 80.04 feet to the Point of Beginning;

THENCE North 00 degrees 07 minutes 53 seconds West for a distance of 25.00 feet;

THENCE North 59 degrees 50 minutes 49 seconds West for a distance of 23.21 feet to the easterly right of way of Minidoka Avenue;

THENCE North 00 degrees 07 minutes 53 seconds West along said right of way for a distance of 447.08 feet to a 1/2" rebar at the Northwest Corner of Lot 4 in Block 2 of the Cinema Subdivision;

THENCE North 89 degrees 49 minutes 14 seconds East along the north lines of Lot 4 and Lot 3 for a distance of 637.96 feet to a 1/2" rebar at the Northeast Corner of Lot 3;

THENCE South 00 degrees 04 minutes 07 seconds West along the east line of Lot 3 for a distance of 448.81 feet to the Southeast Corner of Lot 3;

THENCE South 89 degrees 49 minutes 14 seconds West along the south line of Lot 3 for a distance of 436.39 feet to the Southwest Corner of Lot 3;

THENCE South 00 degrees 07 minutes 53 seconds East for a distance of 35.00 feet to the south line of Section 8;

THENCE South 89 degrees 49 minutes 14 seconds West along said line for a distance of 179.96 feet to the Point of Beginning.

Said property contains 6.71 acres more or less and is subject to any easements or right of ways, existing or of record.

PREPARED BY:

Desert West Land Surveys 2020 Overland Ave. Burley, Idaho 83318

**EXHIBIT B**

**URBAN RENEWAL PLAN FOR THE  
FOURTH BURLEY URBAN RENEWAL PROJECT  
BY THE BURLEY DEVELOPMENT AUTHORITY (BDA)  
FOR THE CITY OF BURLEY**

Ordinance No.

Adopted \_\_\_\_\_, 2015

Effective January 1, 2015

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## ATTACHMENTS

Attachment No. 1	Description of the Project Area and Revenue Allocation Area Boundaries
Attachment No. 2	Project Area-Revenue Allocation Area Boundary Map
Attachment No. 3	Private Properties Which May be Acquired by the Agency
Attachment No. 4	Map Depicting Expected Land Uses and Current Zoning within Revenue Area and Project Area
Attachment No. 5	Statement describing the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all property within the municipality
Attachment No. 5A	The kind, number, and location of all proposed public works or improvements within the revenue allocation area
Attachment No. 5B	Economic feasibility study
Attachment No. 5C	Detailed list of estimated project costs
Attachment No 5D	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
Attachment No. 5E	Description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred
Attachment No. 5F	Termination date for the plan
Attachment No. 5G	Description of the disposition or retention of any assets of the agency upon the termination date and the revenue allocation provision as provided for in section 50-2903(20),
Attachment No. 6	City Council Resolution No. 10-15 Determining the Area to be a Deteriorating Area and Resolution No. 9-15 determining the necessity for rehabilitation, conservation and redevelopment and inclusion of the property in the Project Area and the Revenue Allocation Area adopted 8/18/15.
Attachment No. 7	Burley Urban Renewal Agency Resolution No. 2- 2015 Proposing the Urban Renewal Plan, Approved October 16, 2015
Attachment No. 8	Planning and Zoning Commission Resolution No. 2015-1 Recommending that the Burley Urban Renewal Plan Conforms to the Comprehensive Plan for the City of Burley, Approved October 21, 2015

Attachment No. 9

City Council Ordinance No. Approving the Burley Urban Renewal Plan and Authorizing the City Clerk to Transmit a Copy of the Ordinance and Other Required Information to County and State Officials, Approved \_\_\_\_\_ Date of Publication: \_\_\_\_\_

**URBAN RENEWAL PLAN FOR THE  
FOURTH BURLEY URBAN RENEWAL PROJECT  
BY THE BURLEY DEVELOPMENT AUTHORITY (BDA)  
FOR THE CITY OF BURLEY**

**Section 100 Introduction**

This is the Urban Renewal Plan (the "Plan") for the Fourth Burley Urban Renewal Project (the "Project") in the City of Burley (the "City"), County of Cassia, State of Idaho, and consists of the Text, the Description of the Project Area and Revenue Allocation Area Boundaries (Attachment No. 1), the Project Area Revenue Allocation Area Boundary Map (Attachment No. 2), the Private Properties which may be Acquired by Agency (Attachment No. 3), the Map Depicting Expected Land Uses Within Revenue Allocation Area and Project Area (Attachment No. 4), the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all property within the municipality (Attachment No. 5), describing the kind, number, and location of all proposed public works or improvements within the revenue allocation area (Attachment No. 5A), economic feasibility study (Attachment No. 5B), detailed list of estimated project costs Attachment No. 5C), 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 (Attachment No. 5D), a description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred (Attachment No. 5E), (7) the termination date for the plan (Attachment No. 5F, description of the disposition or retention of any assets of the agency upon the termination date and the revenue allocation provision as provided for in section 50-2903(20) (Attachment No. 5G), as required by Idaho Code § 50-2905

The term "Project" is used herein to describe the overall activities defined in this Plan Reference is specifically made to Idaho Code §50-2018(10) for the various activities contemplated by the term "Project." Such activities include both private and public development of property within the Urban Renewal Area. The term "Project" is not meant to refer to a specific activity or development scheme.

This Plan was prepared by the Burley Development Authority (the "Authority"), for the Urban Renewal Agency of the City of Burley (the "Agency"), reviewed and recommended by the Agency, pursuant to the State of Idaho Urban Renewal Law (Chapter 20, Title 50, Idaho Code), (the "Law"), the Local Economic Development Act (Chapter 29, Title 50, Idaho Code), (the "Act"), the Idaho Constitution, and all applicable local laws and ordinances. The Burley Development Authority (BDA) and the Urban Renewal Agency of the City of Burley are one in the same and the terms Authority and Agency are used interchangeably.

The proposed redevelopment of the Project Area as described in this Plan conforms to the Comprehensive Plan of Burley.

The Appendix contains several planning documents which generally describe the overall Project and identify certain specific public and private capital improvement projects. Because of the changing nature of the Project, these documents, by necessity, must be dynamic and flexible. The Agency anticipates that these documents will be modified as circumstances warrant. Any modification, however, shall not be deemed as an amendment of this Plan No modification will be deemed effective if it is in conflict with this Plan. The planning documents are purposely flexible and do not constitute specific portions of the Plan. They do apply to redevelopment activity within the Project Area as described herein. In the event of any conflict between this Plan and the appended documents, the provisions of this Plan shall control.

The purpose of the Urban Renewal Law will be attained through the implementation of the Plan. The major goals of this Plan include:

- The elimination of environmental deficiencies in the Project Area, including, among others, substandard streets or rights-of-way, and inadequate and deteriorated public improvements and facilities. The assembly of land into parcels suitable for modern, integrated development with improved urban development standards, including setbacks, parking, pedestrian, and vehicular circulation in the Project Area;
- The redesign and development of undeveloped areas which are stagnant or improperly utilized;
- The strengthening of the economic base of the Project Area and the community by the installation of needed site improvements and public facilities to stimulate new commercial expansion, employment, and economic growth;
- Improvements to the streets, rights-of-way, and other public infrastructures;
- The establishment and implementation of performance criteria to assure high site design standards and environmental quality, and other design elements which provide unity and integrity to the entire Project;
- The strengthening of the tax base by encouraging private development, thus increasing the assessed valuation of properties within the Revenue Allocation Area and the Project Area as a whole and benefiting the various taxing districts in which the Urban Renewal Area is located.

The Fourth Burley Urban Renewal Project is being undertaken in furtherance of said goals in order to eliminate deteriorated or deteriorating areas, to eliminate the development or spread of slums and blight and for purposes of rehabilitation and conservation in the Project Area. Said objectives are consistent with Section 50-2903 (11) of the Act.

The purposes and undertakings of the Burley Urban Renewal Project and this Plan are consistent with the purposes of the Act as set forth in Section 50-2902 Idaho Code, as amended, which include the following:

1. To provide for the allocation of a portion of the property taxes levied against taxable property located in the revenue allocation area (specified below) for the maxim period of time allowed by law to assist in the financing of this Plan;
2. To encourage private development in the Project Area;
3. To prevent or arrest the decay of the Project Area due to the inability of existing financing methods to promote needed public improvements;
4. To encourage taxing districts to cooperate in the allocation of future tax revenues arising in the Project Area in order to facilitate long term growth of their common tax base; and
5. To encourage private investment within the Project Area.

A portion of the Project Area consists of open land which has been designated for future development. Under the Law and the Act, inclusion of open land is allowed only if specific characteristics exist. The applicable sections of the Law and Act are Idaho Code §§ 50-2008(d) and 50-2903(8)(c). In general, those characteristics include:

1. 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, and the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements {Section 2008(d)}; and
2. Obsolete platting, diversity of ownership, deteriorations of structures or improvements, or, otherwise, result in economic underdevelopment of the area or substantially impair or arrest the sound growth of a municipality (Section 50-2903(7)(b)).

Furthermore, Section 50-2002 Idaho Code, as amended, sets forth that a finding and declaration of necessity that, inter alia, deteriorated and deteriorating areas constituting an economic and social liability imposing onerous municipal burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests the sound growth of a municipality, and aggravates traffic problems may qualify for an Urban Renewal Area.

The Burley Development Authority has concluded these characteristics exist and, consequently, inclusion of open land and the description of the Project Area as an Urban Renewal Area are justified under the Act.

### **Section 101 Provisions Necessary to Meet State and Local Requirements**

#### **Section 101.1 Conformance with State of Idaho Urban Renewal Law of 1965, as Amended**

- a. The laws of the State of Idaho allow for an Urban Renewal Plan to be submitted by any interested person or entity in an area certified as an Urban Renewal Area by the Burley City Council. The Burley Area was determined and designated by the Council by Resolutions September 4, 2007 and on September 18, 2007.
- b. In accordance with the Idaho Urban Renewal Law of 1965 this Plan was submitted to the Planning and Zoning Commission of the City of Burley. After consideration of the Plan, the Commission filed a Resolution with the City Council stating that this Plan is in conformity with the Comprehensive Plan, City of Burley.

### **Section 200 Description of Project Area**

The boundaries of the Project Area and of the Revenue Allocation Area are described in Attachment No. 1, which is attached hereto and incorporated herein by reference, and are shown on the Project Area and Revenue Allocation Area Boundary Map, attached hereto as Attachment No. 2 and incorporated herein by reference.

## **Section 300 Proposed Redevelopment Actions**

### **Section 301 General**

The Agency proposes to eliminate and prevent the spread of blight and deterioration in the Project Area by undertaking some or all of the following activities:

- a. The installation, construction, or reconstruction of streets, utilities, fire protection facilities, irrigation systems, parking facilities, right of way beautification, storm drainage, street lighting, and other public improvements in conformance with the Law and Act; A voluntary program of repair and rehabilitation of buildings and other improvements which should include the provision of loan programs to assist owners of residential, commercial, and industrial property to rehabilitate their property;
- b. The acquisition of real property for public facilities and redevelopment purposes;
- c. The demolition or removal of certain buildings and improvements;
- d. Participation by persons or entities engaged in business or holding interests in property within the Project Area through remaining in or reentering the Project Area;
- e. The management of any property acquired by and under the ownership and control of the Agency;
- f. The provision for relocation assistance to displaced Project occupants, as required by law;
- g. The disposition of property for uses in accordance with the Law and this Plan;
- h. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
- i. The assembly of adequate sites for the development and construction of residential, public, and commercial facilities; and,
- j. The financing of the Project by the issuances of revenue allocation bonds as permitted under Idaho Code §§ 50-2012 and 50-2909.

In the accomplishment of these purposes and activities together with the specific activities comprising the Project as provided below, and in the implementation and furtherance of this Plan, the Agency is authorized to use all the powers provided in this Plan and all the powers now or hereafter permitted by law, except as noted herein. It should not be the intent of the Burley Urban Renewal Agency to provide new funding sources for services currently provided by the City of Burley in the areas of parks, recreation, and community centers except as necessary to carry out the purposes of this plan. Otherwise these functions should remain funded by the City of Burley. There should also be no ongoing operation and maintenance of any facilities or programs with urban renewal funds.

The Agency hereby determines that all of the foregoing activities are necessary for carrying out, in the Project Area, the urban renewal objectives of the Act, as specified in Section 100 of this Plan, in accordance with this Plan.

### **Section 302 Urban Renewal Plan Objectives**

Urban Renewal action is necessary in the Project Area to combat problems of physical blight and economic obsolescence.

The Project Area consists of an area in the Northern part of Burley. The area has a history of a slow growing tax base primarily attributed to: inadequate street improvements; inadequate drainage facilities; poorly maintained properties; inadequate pedestrian and open areas; undeveloped properties; inconsistent and diverse property ownership; and other deteriorating factors.

Hence, the Urban Renewal Plan for the Project Area encourages the development and provision of public and private facilities to provide an improved environment for new commercial developments, to eliminate unsafe conditions, to assist property owners, particularly residential, to rehabilitation and improve their properties in accordance with a program of voluntary repair and rehabilitation of buildings in the Project Area, to assist potential owner participation developers to assemble appropriate development sites where necessary through acquisition, demolition and disposition activities, to provide gap financing for private developers to secure bank loans which would not otherwise be bankable, and to otherwise prevent the extension of blight and deterioration and reverse the deteriorating action of the locality while promoting the economic development of the area.

The foregoing objectives are consistent with objectives of the Act as referred in Section 100 of this Plan above.

The provisions of this Plan are applicable to all public and private property in the Project Area. The provisions of this Plan shall be interpreted and applied as objectives and goals, recognizing the need for flexibility in interpretation and implementation, while at the same time not in any way abdicating the rights and privileges of the property owners which are vested in the present and future zoning classifications of the properties. AR development under an owner participation agreement shall conform to those standards specified in Section 405.02 of this Plan.

### **Section 303 Participation Opportunities and Agreements**

In furtherance of Idaho Code § 50-2003 and the Act, the City of Burley and Agency are authorized to enter into development agreements, or ratify prior agreements, under which, inter alia, the Agency agrees to provide assistance in redevelopment of the Project Area in connection with its adoption of this Plan and the implementation thereof by the activities generally enumerated under Section 301 hereof and specifically comprising the Project under Section 305.2 hereof in the rehabilitation and redevelopment of the Project Area.

### **Section 304 Cooperation with Public Bodies**

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of this Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency specifically intends to cooperate to the extent allowable by law with the City of Burley, any taxing entity affected by this plan, the Burley Housing Authority when such is created, the Idaho Housing Agency, and the State of Idaho.

In the event the Agency is participating in the public development by way of financial incentive or otherwise, the public body shall enter into a participation agreement with the Agency and then shall be bound by this plan and other land use elements and shall conform to those standards specified in Section 405.02 of this Plan.

## **Section 305 Project Specific Activities**

Without limiting the generality of Section 305 hereof, the Project, in particular, shall include the following activities in the implementation of this Plan:

The acquisition of the property within the Project Area.

The planning, purchase and installation of utilities and related infrastructure for the Project, including without limitation, gas, electricity, water, sanitary and storm sewers, and telephone, satellite, and other information systems.

Site work on or about the Project Area, including without limitation, excavation, filling, grading and compaction, as well as the planning, purchase and installation of (i) paved areas, infrastructure and related improvements, exclusive of building improvements, on or about the Project Area, including without limitation, exterior lighting, sidewalks and similar common amenities, access drives, loading areas, dumpster pads and parking spaces; (ii) water detention facilities and landscape areas; and (iii) building foundations, loading docks, platforms, and related structural elements but exclusive of other building improvements not expressly enumerated in this Section 305.

All engineering, geotechnical, structural, architectural, and other professional services, and all permits fees, impact fees and similar fees, incurred in connection with the construction activities.

All bond issuance costs, consulting and attorney's fees, trustee fees, and all other costs associated with the negotiation, documentation of the bond issue and the establishment of the Plan.

## **Section 306 Property Acquisition**

### **Section 306.1 Real Property**

Only as specifically authorized herein, the Agency may acquire, but is not required to acquire, real property located in the Project Area where it is determined that the property is needed for construction of public improvements and as otherwise allowed by law. The acquisition shall be by any means authorized by law (including, but not limited to, the Idaho Urban Renewal Law, the Local Economic Development Act, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970). The Agency is authorized to acquire either the entire fee or any other interest in real property less than a fee, including structures and fixtures upon the real property.

The Agency is authorized BUT NOT REQUIRED by this Plan to acquire property in the areas identified in Attachment No. 3 hereto. Otherwise, Agency acquisition of any other real property shall be accomplished only following formal amendment to this Plan that will include an exhibit identifying the property to be acquired. The Agency shall not have the powers of Eminent Domain for the acquisition of any property.

The Agency is authorized, but not required however, to acquire public property transferred to private ownership before redevelopment of the Project Area is completed, unless the Agency and the private owner enter into a participation agreement and the owner completes his responsibilities under the participation agreement.

## **Section 306.2 Personal Property**

Generally, personal property shall not be acquired. However, where necessary in the execution of this Plan, and where allowed by law the Agency is authorized to acquire personal property in the Project Area by any lawful means, excluding eminent domain.

## **Section 306.3 Property Management**

During such time property, if any, in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for redevelopment, and such rental or lease shall be pursuant to such policies as the Agency may adopt.

## **Section 307 Relocation of Persons (Including Individuals and Families), Business Concerns, and Others Displaced by the Project**

If the Agency receives federal funds for real estate acquisition and relocation, the Agency shall comply with 24 C.F.R. Part 42, implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The Agency may also undertake relocation activities for those not entitled to benefit under federal law as the Agency may deem appropriate for which funds are available. Persons leasing property held for redevelopment (i.e., those tenants who commence tenancy after acquisition by the Agency) shall not be eligible for relocation benefits.

## **Section 308 Demolition, Clearance, and Building Site Preparation**

### **Section 308.1 Demolition and Clearance**

The Agency is authorized (but not required) to demolish and clear buildings, structures, and other improvements from any real property in the Project Area as necessary to carry out the purposes of this Plan.

### **Section 308.2 Preparation of Building Sites**

The Agency is authorized (but not required) to prepare, or cause to be prepared, as building sites any real property in the Project Area owned by the Agency. In connection therewith, the Agency may cause, provide for, or undertake the installation or construction of streets, utilities, pedestrian walkways, parking facilities, drainage facilities, and other public improvements and facilities necessary to carry out this Plan.

## **Section 309 Property Disposition and Development**

### **Section 309.1 Real Property Disposition and Development**

#### **Section 309.1 (a) General**

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property under the reuse provisions set forth in Idaho Code § 50-2011 and as otherwise allowed by law. To the extent permitted by

law, the Agency is authorized to dispose of real property by negotiated lease, sale, or transfer without public bidding.

Real property acquired by the Agency may be conveyed by the Agency and, where beneficial to the Project Area, without charge to any public body as allowed by law. All real property acquired by the Agency in the Project Area shall be sold or leased to public or private persons or entities for development for the uses permitted in this Plan. All public bodies acquiring property through the Agency shall enter into a disposition and development agreement with the Agency.

All purchasers or lessees of property acquired from the Agency shall be obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

### **Section 309.1(b) Disposition and Development Documents**

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, is subject to the provisions of this Plan.

The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to ensure that development is carried out pursuant to this Plan.

Leases, deeds, contracts, agreements, and declarations of restrictions of the Agency may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitude, or any other provisions necessary to carry out this Plan. Where appropriate, as determined by the Agency, such documents, or portions thereof, shall be recorded in the office of the Recorder of Cassia County.

All disposition and development documents shall also be governed by the provisions of Section 405.02 of this Plan.

### **Section 309.1(c) Development by the Agency**

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop or construct any publicly owned building, facility, structure, or other improvement within the Project Area for itself or for any public body or entity.

The Agency may also prepare properties for development by renovation or other means as allowed by law. The Agency may also, as allowed by law and provided for in the Plan, assist in the development of private projects.

In addition to the public improvements authorized under Idaho Code §§ 50-2007 and 50-2909, the Agency is authorized to install and construct, or to cause to be installed and constructed, within the Project Area for itself or for any public body or entity, public improvements and public facilities, including, but not limited to, the following: (1) utilities; (2) plazas and pedestrian paths; (3) parking facilities; (4) landscaped areas; (5) street

improvements; (6) sanitary sewers; (7) flood control facilities and storm drains; (8) water mains; (9) airport facilities; (10) fire facilities; and (11) housing rehabilitation improvements.

Any public facility ultimately owned by the Agency shall be operated and managed in such a manner to preserve the public purpose nature of the facility. Any lease agreement with a private entity or management contract agreement shall include all necessary provisions sufficient to protect the public interest and public purpose.

### **Section 309.1 (d) Development Plans**

All public or private development plans prepared pursuant to disposition and development or owner participation agreements shall be submitted for approval and architectural review through the City Building Department or Planning and Zoning Department. AR development in the Project Area must conform to those standards specified in Section 404 of this plan. All development plans (whether public or private) prepared pursuant to a disposition and development agreement or owner participation agreement shall be submitted to the Agency for approval and design review. All development under a disposition and development agreement or owner participation agreement must also conform to those standards specified in Section 405.02 of this Plan.

### **Section 310 Personal Property Disposition**

For the purposes of this Plan, the Agency is authorized to lease, sell, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property which is acquired by the Agency.

### **Section 311 Rehabilitation and Conservation**

The Agency is authorized to rehabilitate, renovate, and conserve, or to cause to be rehabilitated, renovated, and conserved, any building or structure in the Project Area owned by the Agency for preparation of redevelopment and disposition. The Agency is authorized and directed to advise, encourage, and assist in the rehabilitation and conservation of property in the Project Area not owned by the Agency. The Agency is also authorized to acquire, restore, rehabilitate, move, and conserve buildings of historic or architectural significance.

As necessary in carrying out this Plan, the Agency is authorized to move, or to cause to be moved, any substandard structure or building or any structure or building which can be rehabilitated to a location within or outside the Project Area.

### **Section 311.1 [Reserved]**

### **Section 312 Participation with Private Development**

Under the Idaho Urban Renewal Law, the Agency has the authority to lend or invest funds obtained from the federal government for the purposes of the Urban Renewal law if allowable under federal laws or regulations. The federal funds that may be available to the Agency are governed by regulations promulgated by the Department of Housing and Urban Development for the Small Cities Community Development Block Grant Program operated by the Idaho Department of Commerce. Under those regulations the agency may participate with the private sector in the development and financing of those private projects which will attain certain federal objectives.

The Agency may, therefore, use the federal funds for the provision of assistance to private for profit business, including, but not limited to, grants, loans, loan guarantees, interest supplements, technical assistance, and other forms of support, for any other activity necessary or appropriate to carry out an economic development project.

As allowed by law, the Agency may also use funds from any other sources for any purpose set forth under the Law or Act.

The Agency may enter into contracts, leases, and agreements with the City, or other public body or private entity, pursuant to this section, and the obligation of the Agency under such contract, lease, or agreement shall constitute an indebtedness of the Agency as described in Idaho Code § 50-2909 which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under subdivision (2)(b) of Section 50-2908 of the Act and Section 504 to this Plan or out of any other available funds.

#### **Section 400 Uses Permitted in the Project Area**

#### **Section 401 Redevelopment Plan Map and Development Strategy**

The description of the Project Area and Revenue Allocation Area Boundary and Project Area-Revenue Allocation Area Boundary Map, attached hereto as Attachment Nos. 1 and 2 and incorporated by reference, explain the location of the Project Area boundaries. The proposed land uses to be permitted in the Project Area are established in the City's master plan.

## **Section 402 Designated Land Uses**

### **Section 402.1 Land Use Classifications**

The current zoning classification of the Project Area is designated as C-2 and R-2 District pursuant to Ordinance No. 1219 adopted by the City of Burley. The current classification of the project area under the Burley Comprehensive Plan is “Office/Commercial” and “Residential.”

### **Section 403 Other Land Uses and Public Rights-of-Way**

Public rights of way, including public streets, alleys, and easements may be created or abandoned in the Project Area in accordance with the applicable requirements of the City of Burley, Burley Highway District, and/or the Idaho Department of Transportation and any other applicable state or local law. All other uses shall be permitted to the extent they conform to the applicable requirements of the City of Burley and any other applicable state or local law.

### **Section 404 General Controls and Limitations**

All construction and rehabilitation of structures, limitations on type, size, and height of buildings, determination of open space, landscaping, light, air and privacy, limitation on signage, requirements for utility location, limitation upon incompatible and noxious uses, restrictions regarding nondiscrimination, subdivision of property, restrictions as to off street loading and off street parking shall be as regulated and provided by the City of Burley and shall be consistent with all other applicable state and local laws and requirements.

### **Section 405 Design for Development**

The design for development of any property within the Project Area shall be subject to the applicable review and restrictions of the City of Burley as set forth in its ordinances and regulations.

#### **Section 405.01 Design Guidelines for Development**

The land use elements and design guidelines of the Burley Plan are encouraged but not specifically required for development within the Project Area unless an owner participation agreement or disposition and development agreement is entered into between the property owner or developer and the Agency.

All development under this section shall also comply with all applicable City zoning and building ordinances.

#### **Section 405.02 Design Guidelines for Development under a Disposition and Development Agreement or Owner Participation Agreement**

Under an owner participation agreement or a disposition and development agreement, the design guidelines and land use elements of the Burley Plan shall be achieved to the greatest extent feasible, though the Agency retains the authority to grant minor variations under Section 404.10 of this Plan, subject to a negotiated agreement between the Agency and the developer or property owner.

Under those agreements, the architectural, landscape, and site plans shall be submitted to the Agency and approved in writing by the Agency. In such agreements, the Agency may impose additional design controls. One of the objectives of this Plan is to create an attractive pedestrian environment in the Project Area. Therefore, such plans shall give consideration to good design and other amenities to enhance the aesthetic quality of the Project Area. These additional design standards or controls will be implemented through the provisions of any disposition and development agreement or owner participation agreement or by appropriate covenants appended to the land and instruments of conveyance executed pursuant thereto. These controls are in addition to any standard and provisions of any applicable City building or zoning ordinances provided, however, each development shall comply with all applicable City zoning and building ordinances.

### **Section 500 Methods of Financing the Project**

#### **Section 501 General Description of the Proposed Financing Method**

The Agency is authorized to finance this Project with financial assistance from the City, State of Idaho, federal government, interest income, Agency bonds, donations, loans from private financial institutions, the lease or sale of Agency owned property, or any other available source, public or private, including assistance from any taxing district or any public entity.

The Agency is also authorized to obtain advances, borrow funds, and create indebtedness in carrying out this Plan. The principal and interest on such advances, funds, and indebtedness may be paid from any funds available to the Agency. The City, as it is able, may also supply additional assistance through City loans and grants for various public facilities. The City or any other public agency may expend money to assist the Agency in carrying out this Project.

#### **Section 502 Revenue Bond Funds**

Without limiting the generality of Section 501 hereof, and in furtherance of Section 504 hereof, the Project may be funded from the proceeds of revenue allocation bonds issued by the Agency with a principal stated amount of not to exceed that which can be timely retired with the projected increment at an interest rate of not to exceed 8% per annum, and for a term not longer than 20 years from the date of adoption of this plan plus the added period for payment over of such revenues by the county treasurer, provided however, that if the revenue allocation revenues are not sufficient to pay in full such bonds when due within said period, then the Agency may refinance the bonds as provided by Idaho Code §50-2904(2) to avoid default. The revenue allocation bonds shall be paid exclusively from a pledge of the tax increment funds generated from the revenue allocation area, and neither the Agency, nor any member or representative of the Agency, shall be liable for the payment of the revenue allocation bonds.

### **Section 503 Other Loans and Grants**

Any other loans, grants, guarantees, or financial assistance from the United States, the State of Idaho, or any other public or private source may be utilized if available.

### **Section 504 Revenue Allocation Financing Provisions**

The Agency hereby adopts revenue allocation financing provisions as authorized by Chapter 29, Title 50, Idaho Code (the Act), effective retroactively to January 1, 2015. These revenue allocation provisions shall apply to all taxing districts in which the Revenue Allocation Area is located and described on Attachment Nos. I and 2 to this Plan. The Agency shall take all actions necessary or convenient to implement these revenue allocation financing provisions.

The Agency specifically finds that the equalized assessed valuation of property within the Revenue Allocation Area is likely to increase as a result of the initiation of the Urban Renewal Project.

The Agency, acting by one or more resolutions adopted by its Board of Commissioners, is hereby authorized to apply all or any portion of the revenues allocated to the Agency pursuant to the Act to pay such costs as are incurred or to pledge all or any portion of such revenues to the repayment of any moneys borrowed, indebtedness incurred, or bonds issued by the Agency to finance or to refinance the Project Costs (as defined in Idaho Code § 50-2903(14) of one or more urban renewal projects.

Upon enactment of an ordinance by the governing body of the City of Burley, Idaho, finally adopting these revenue allocation financing provisions and defining the Revenue Allocation Area described herein as part of the Plan, there shall hereby be created a special fund of the Agency into which the County Treasurer shall deposit allocated revenues as provided in Idaho Code § 50-2908. The Agency shall use such funds solely in accordance with Idaho Code § 50-2909 and solely for the purpose of providing funds to pay the Project Costs, including any incidental costs, of such urban renewal projects as the Agency may determine by resolution or resolutions of its Board of Commissioners.

Statements (1) describing the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all property within the municipality (Attachment 5) ; (2) describing the kind, number, and location of all proposed public works or improvements within the revenue allocation area (Attachment 5A); (3) setting forth an economic feasibility study (Attachment 5B); (4) providing a detailed list of estimated project costs Attachment 5C); (5) providing 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 (Attachment 5D); (6) setting forth a description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred (Attachment 5E); (7) establishing a termination date for the plan (Attachment 5F); (8) providing a description of the disposition or retention of any assets of the agency upon the termination date and the revenue allocation provision as provided for in section 50-2903(20) (Attachment 5G), as required by Idaho Code § 50-2905 are attached to this Plan This statement necessarily incorporates estimates and projections based on the Agency's present knowledge and expectations. The Agency is hereby authorized to modify the presently anticipated urban renewal projects and use of revenue allocation financing of the related project costs if the Board of Commissioners of the Agency deems such modification necessary or convenient to effectuate the general objectives of the Plan, subject to the approval by the holders of the revenue allocation bonds.

The Agency may also provide for expenditure of revenue allocation proceeds for the Project on an annual basis without the issuance of bonds. The Agency has also provided for obtaining advances or loans for the Project from the City or private entity in order to immediately commence construction of certain of the public improvements. Revenues will continue to be allocated to the Agency until the improvements identified in Attachment No. 5A are completely constructed or until any obligation to the City or other public entity or private entity are fulfilled or any outstanding revenue bonds have been repaid in full. Attachment No. 5C incorporates estimates and projections based on the Agency's present knowledge and expectations concerning the length of time to complete the improvements.

The activity may take longer depending on the significance and timeliness of development. Alternatively, the activity may be completed earlier if revenue allocation proceeds are greater or the Agency obtains additional funds.

### **Section 600 Actions by the City**

The City shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. Actions by the City shall include, but not be limited to, the following:

- a. Institution and completion of proceedings necessary for changes and improvements in private and publicly-owned property, rights-of-way, or public utilities within or affecting the Project Area;
- b. Revision of zoning (if necessary) within the Project Area to permit the land uses and development authorized by this Plan;
- c. Imposition wherever necessary (by conditional use permits or other means) of appropriate controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use;
- d. Provision for administrative enforcement of this Plan by the City after development. The City and the Agency may develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Project Area throughout the duration of this Plan;
- e. Preservation of historical sites;
- f. Performance of the above actions and of all other functions and services relating to public peace, health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays;
- g. Institution and completion of proceedings necessary for the establishment of local improvement districts under Chapter 17, Title 50, Idaho Code;
- h. The undertaking and completing of any other proceedings necessary to carry out the Project;

- i. The procurement, implementation and administration of Community Development Block Grant and other state and federal grant funds that may be made available for the Project and off-site infrastructure and other improvements; and
- j. Appropriate agreements with the Agency for administration, supporting services, funding sources, and the like.

The foregoing actions to be taken by the City do not constitute any commitment for financial outlays by the City.

### **Section 700 Enforcement**

The administration and enforcement of this Plan, including the preparation and execution of any documents implementing this Plan, shall be performed by the Agency and/or the City.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, reentry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.

### **Section 800 Duration of This Plan**

Except for the nondiscrimination and non-segregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan shall be effective for twenty (20) years from the date of adoption of this Plan by the City provided, however, that the revenue from property taxes shall be restricted to collection of taxes assessed for the twenty (20) year period authorized by Idaho Code § 50-2904, subject to the extensions of the maturity date where the revenue allocation bonds are refinanced as provided in Section 502 hereof. It is recognized that the Agency shall receive allocation of revenues in the calendar year following the last year of the of the revenue allocation provision described herein.

Upon the termination date, all assets, and revenues from assets, of the Agency shall be retained by the Agency, except as required by law, so long as the Agency shall have resources other than revenue allocation funds to operate and manage such assets and the Agency determines it is appropriate to carry out the purpose of the plan. Thereafter all assets shall be transferred to the City of Burley.

### **Section 900 Procedure for Amendment**

The Urban Renewal Plan may be further modified at any time by the Agency and in compliance with the Law and the Act. Where the proposed modification will substantially change the Plan, the modifications must be approved by the City Council in the same manner as the original Plan, subject to approval by the holders of the revenue allocation bonds.

Substantial changes for City Council approval purposes shall be regarded as revisions in project boundaries; land uses permitted, land acquisition, and other changes which will violate the objectives of this Plan. Any

amendment or modification shall be subject to such rights at law or equity any individual or entity may have who has entered into a disposition or development agreement or owner participation agreement with the Agency or its successor or successors in interest may be entitled to assert.

### **Section 1000 Severability**

If any one or more of the provisions contained in this Plan to be performed on the part of the Agency shall be declared by any Court of competent jurisdiction to be contrary to law, then such provision or provisions shall be null and void and shall be deemed separable from the remaining provisions in this Plan and shall in no way affect the validity of the other provisions of this Plan.

ATTACHMENT 1

October 7, 2015  
JOB # 11311-15C1  
CITY OF BURLEY SURVEY



PARCEL 1 (INCLUDES PARCEL 2)

L E G A L   D E S C R I P T I O N

Part of Section 8 and Part of Section 17 in Township 10 South, Range 23 East of the Boise Meridian, Minidoka County, State of Idaho.

Beginning at the Northeast Corner of Section 17 in T.10 S., R.23 E., B.M. said corner marked by a  $\frac{5}{8}$ " rebar which shall be the Point of Beginning;

THENCE South 00 degrees 01 minutes 46 seconds East along the east line of Section 17 for a distance of 1108.04 feet to the ordinary high water line of the Snake River;

THENCE South 68 degrees 11 minutes 10 seconds West along said line for a distance of 48.67 feet;

THENCE North 66 degrees 22 minutes 08 seconds West along said line for a distance of 17.97 feet;

THENCE North 46 degrees 15 minutes 45 seconds West along said line for a distance of 37.59 feet;

THENCE North 77 degrees 45 minutes 26 seconds West along said line for a distance of 51.97 feet;

THENCE North 70 degrees 55 minutes 23 seconds West along said line for a distance of 53.23 feet;

THENCE North 76 degrees 15 minutes 54 seconds West along said line for a distance of 75.30 feet;

THENCE South 80 degrees 22 minutes 42 seconds West along said line for a distance of 35.40 feet;

THENCE North 00 degrees 01 minutes 44 seconds West for a distance of 23.91 feet to a  $\frac{1}{2}$ " rebar;

THENCE North 00 degrees 01 minutes 44 seconds West along the east line of River Run Estates for a distance of 278.49 feet to a  $\frac{3}{4}$ " rebar;

THENCE North 00 degrees 15 minutes 16 seconds West along the east line and the extended east line of River Run Estates for a distance of 714.23 feet to a  $\frac{1}{2}$ " rebar;

THENCE North 00 degrees 15 minutes 16 seconds West along the extended east line of River Run Estates for a distance of 35.00 feet to the north line of Section 17;

(Con't on Page 2)

October 7, 2015  
JOB # 11311-15C1  
CITY OF BURLEY SURVEY

PARCEL 1 (INCLUDES PARCEL 2) (Con't)  
(Page 2)

THENCE South 89 degrees 49 minutes 14 seconds West along said line for a distance of 1015.84 feet to a  $\frac{3}{4}$ " rebar at the Northwest Corner of Gov't Lot 5 of Section 17;

THENCE South 00 degrees 25 minutes 35 seconds East along said line for a distance of 35.00 feet to the southerly right of way of 5<sup>th</sup> Street North;

THENCE South 89 degrees 49 minutes 12 seconds West along said right of way for a distance of 961.12 feet;

THENCE North 00 degrees 10 minutes 48 seconds West for a distance of 35.00 feet to the north line of Section 17;

THENCE South 89 degrees 49 minutes 12 seconds West along said line for a distance of 105.81 feet;

THENCE North 00 degrees 10 minutes 48 seconds West for a distance of 48.10 feet to a right of way marker on the southeasterly right of way of State Highway 27;

THENCE North 05 degrees 42 minutes 05 seconds East along said right of way for a distance of 79.14 feet to a  $\frac{5}{8}$ " rebar;

THENCE North 17 degrees 15 minutes 35 seconds East along said right of way for a distance of 51.39 feet to a  $\frac{3}{8}$ " rebar;

THENCE North 30 degrees 06 minutes 02 seconds East along said right of way for a distance of 17.01 feet to a  $\frac{3}{8}$ " rebar;

THENCE North 29 degrees 56 minutes 48 seconds East along said right of way for a distance of 155.96 feet to a  $\frac{1}{2}$ " rebar;

THENCE South 59 degrees 44 minutes 34 seconds East for a distance of 120.00 feet to a  $\frac{1}{2}$ " rebar;

THENCE North 88 degrees 12 minutes 06 seconds East for a distance of 80.21 feet to a  $\frac{1}{2}$ " rebar;

THENCE North 01 degrees 17 minutes 56 seconds West for a distance of 250.07 feet to a  $\frac{1}{2}$ " rebar;

THENCE North 88 degrees 51 minutes 15 seconds East for a distance of 780.64 feet to a  $\frac{5}{8}$ " rebar on the westerly right of way of Minidoka Avenue;

THENCE North 76 degrees 25 minutes 44 seconds East for a distance of 59.20 feet to a  $\frac{1}{2}$ " rebar on the easterly right of way of Minidoka Avenue and the northerly right of way of Alfresco Drive North;

(Con't on Page 3)

October 7, 2015  
JOB # 11311-15C1  
CITY OF BURLEY SURVEY

PARCEL 1 (INCLUDES PARCEL 2) (Con't)  
(Page 3)

THENCE North 89 degrees 49 minutes 14 seconds East along the northerly right of way of Alfresco Drive North for a distance of 200.00 feet to a ½" rebar at the Southwest Corner of Lot 6 in Block 1 of the Cinema Subdivision;

THENCE South 00 degrees 07 minutes 53 seconds East for a distance of 60.00 feet to a ½" rebar at the Northwest Corner of Lot 3 in Block 2 of the Cinema Subdivision;

THENCE North 89 degrees 49 minutes 14 seconds East along the north line of Lot 3 for a distance of 350.00 feet to a ½" rebar;

THENCE North 00 degrees 07 minutes 53 seconds West for a distance of 60.00 feet to a ½" rebar at the Southeast Corner of Lot 8 in Block 1 of the Cinema Subdivision;

THENCE North 89 degrees 49 minutes 14 seconds East along the northerly right of way of Alfresco Drive North for a distance of 120.71 feet to a ¾" rebar;

THENCE along said right of way along a tangent curve to the right for a distance of 111.72 feet to a ¾" rebar, said curve having a radius of 160.00 feet, a delta angle of 40 degrees 00 minutes 29 seconds, and a long chord bearing of South 70 degrees 10 minutes 32 seconds East for a distance of 109.47 feet;

THENCE South 50 degrees 10 minutes 17 seconds East along the northeasterly right of way of Alfresco Drive North for a distance of 200.95 feet to a ¾" rebar;

THENCE along said right of way along a tangent curve to the right for a distance of 65.02 feet to a to a ¾" rebar at the Northwest Corner of Lot 1 in Block 3 of the Cinema Subdivision, said curve having a radius of 160.00 feet, a delta angle of 23 degrees 17 minutes 03 seconds, and a long chord bearing of South 38 degrees 31 minutes 45 seconds East for a distance of 64.58 feet;

THENCE North 89 degrees 49 minutes 14 seconds East along the north line of Lot 1 in Block 3 of the Cinema Subdivision for a distance of 142.65 feet to a ¾" rebar;

THENCE North 85 degrees 24 minutes 59 seconds East along said line for a distance of 122.85 feet to the Northeast Corner of Lot 1 in Block 3 of the Cinema Subdivision;

THENCE North 85 degrees 24 minutes 59 seconds East for a distance of 25.08 feet to the east line of Section 8;

(Con't on Page 4)

October 7, 2015  
JOB # 11311-15C1  
CITY OF BURLEY SURVEY

PARCEL 1 (INCLUDES PARCEL 2) (Con't)  
(Page 4)

THENCE South 00 degrees 04 minutes 07 seconds West along  
said line for a distance of 337.88 feet to the Point of  
Beginning.

Said property contains 33.22 acres more or less and is subject  
to any easements or right of ways, existing or of record.

PREPARED BY:  
Desert West Land Surveys  
2020 Overland Ave.  
Burley, Idaho 83318

October 7, 2015  
JOB # 11311-15C1  
CITY OF BURLEY SURVEY



PARCEL 2 (EXCEPTION TO REVENUE ALLOCATION AREA)

L E G A L   D E S C R I P T I O N

Lots 3, 4, and 5 in Block 2 of the Cinema Subdivision and Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 8 in Township 10 South, Range 23 East of the Boise Meridian, Minidoka County, State of Idaho.

Beginning at the Southwest Corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 8 in T.10 S., R.23 E., B.M. said corner marked by a 3/4" rebar;  
Thence North 89 degrees 49 minutes 14 seconds East along the south line of Section 8 for a distance of 80.04 feet to the Point of Beginning;

THENCE North 00 degrees 07 minutes 53 seconds West for a distance of 25.00 feet;

THENCE North 59 degrees 50 minutes 49 seconds West for a distance of 23.21 feet to the easterly right of way of Minidoka Avenue;

THENCE North 00 degrees 07 minutes 53 seconds West along said right of way for a distance of 447.08 feet to a 1/2" rebar at the Northwest Corner of Lot 4 in Block 2 of the Cinema Subdivision;

THENCE North 89 degrees 49 minutes 14 seconds East along the north lines of Lot 4 and Lot 3 for a distance of 637.96 feet to a 1/2" rebar at the Northeast Corner of Lot 3;

THENCE South 00 degrees 04 minutes 07 seconds West along the east line of Lot 3 for a distance of 448.81 feet to the Southeast Corner of Lot 3;

THENCE South 89 degrees 49 minutes 14 seconds West along the south line of Lot 3 for a distance of 436.39 feet to the Southwest Corner of Lot 3;

THENCE South 00 degrees 07 minutes 53 seconds East for a distance of 35.00 feet to the south line of Section 8;

THENCE South 89 degrees 49 minutes 14 seconds West along said line for a distance of 179.96 feet to the Point of Beginning.

Said property contains 6.71 acres more or less and is subject to any easements or right of ways, existing or of record.

PREPARED BY:

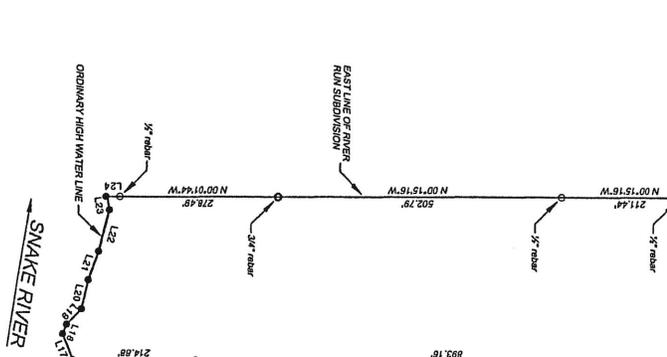
Desert West Land Surveys 2020 Overland Ave. Burley, Idaho 83318

Course	Bearing	Distance
L1	S 89°49'14" E	32.00
L2	N 00°07'53" W	32.00
L3	S 89°49'14" E	105.31
L4	N 00°10'48" W	48.10
L5	N 71°15'30" E	74.14
L6	N 17°15'30" E	74.14
L7	N 30°00'00" E	17.01
L8	N 23°56'48" E	60.14
L9	N 89°49'14" E	60.14
L10	N 89°49'14" E	50.20
L11	N 79°22'42" E	50.20
L12	N 89°49'14" E	50.20
L13	N 89°49'14" E	50.20
L14	N 69°48'14" E	122.85
L15	N 65°24'58" E	122.85
L16	N 85°24'58" E	25.08
L17	N 66°42'00" W	67.87
L18	N 75°15'51" W	32.35
L19	N 45°19'45" W	51.97
L20	N 77°42'25" W	37.50
L21	N 45°19'45" W	35.40
L22	N 75°15'51" W	32.35
L23	S 80°22'42" W	55.40
L24	N 00°01'44" W	23.91
L25	N 89°49'14" W	50.20
L26	S 89°48'14" W	50.20
L27	N 29°14'48" E	21.73
L28	S 89°49'14" W	50.20
L29	N 29°56'48" E	16.00
L30	S 60°00'07" E	17.00
L31	N 29°56'48" E	16.00
L32	S 89°00'07" E	88.50
L33	S 89°48'48" W	60.24
L34	S 89°48'48" W	60.24
L35	N 45°17'52" W	18.52
L36	S 89°48'48" W	0.28
L37	N 00°07'53" W	30.00
L38	N 00°07'53" W	30.00
L39	N 00°07'53" W	30.00
L40	N 00°07'53" W	30.00
L41	N 00°07'53" W	30.00
L42	N 89°49'14" E	32.60
L43	N 89°49'14" E	68.92
L44	N 00°04'07" E	42.00
L45	N 00°04'07" E	42.00
L46	N 29°56'48" E	44.00
L47	N 29°56'48" E	60.00
L48	S 00°07'53" W	60.00
L49	S 89°49'14" E	60.00
L50	S 89°49'14" E	25.00
L51	N 00°07'53" W	25.00
L52	N 89°49'14" E	17.72
L53	S 89°49'14" E	53.14

Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear.
C1	150.00	38.28	111.72	40.00	15.00	87.07	S 70°10'32" E
C2	150.00	38.28	111.72	40.00	15.00	87.07	S 70°10'32" E
C3	150.00	38.28	111.72	40.00	15.00	87.07	S 70°10'32" E
C4	150.00	47.33	50.76	20.00	15.00	87.07	S 70°10'32" E
C5	150.00	60.35	119.99	50.14	24.00	87.07	S 70°10'32" E
C6	150.00	52.41	89.28	40.00	22.50	87.07	S 70°10'32" E
C7	100.00	25.81	57.17	17.14	10.00	87.07	S 70°10'32" E
C8	100.00	25.81	57.17	17.14	10.00	87.07	S 70°10'32" E

**PREVIOUS RECORD OF SURVEYS**  
 RECORD OF SURVEY FOR RIVERBANK PROPERTIES  
 DMS # 1120-1451  
 TO BE RECORDED (DATED 18 JUNE 2019)  
 RECORD OF SURVEY FOR PARSONS, SMITH AND STONE  
 DMS # 1092-1421  
 REC. 2 FEB. 2015, INST. NO. 530378  
 DMS # 1092-1421  
 REC. 17 JULY 2015, INST. NO. 530378  
 DMS # 1029-1421  
 REC. 17 JULY 2015, INST. NO. 530378  
 PROPERTY SURVEY FOR CONCRETE INVESTMENTS, LLC  
 REC. 1 OCT. 2012, INST. NO. 419212  
 PLAT OF THE CROSSINGS SUBDIVISION  
 REC. 21 JULY 2009, INST. NO. 503974  
 PROPERTY SURVEY FOR BOB HARRIS & EARL SIMPSON  
 REC. 24 OCT. 2008, INST. NO. 459200  
 DMS # 466-0491  
 REC. 10 JUNE 2008, INST. NO. 497193

**PREVIOUS RECORD OF SURVEYS**  
 PROPERTY SURVEY FOR CONCRETE APPRAISALS  
 DMS # 775-0661  
 REC. 16 MAY 2005, INST. NO. 446415  
 PROPERTY SURVEY FOR STEVE SCHMIDT  
 DMS # 788-0781  
 REC. 2 MAY 2007, INST. NO. 480650  
 PROPERTY SURVEY FOR CONCRETE APPRAISALS  
 DMS # 6327-0281  
 REC. 25 NOV. 2002, INST. NO. 462288  
 PLAT OF THE CINEMA SUBDIVISION  
 REC. 29 JUN. 1998, INST. NO. 403294  
 DMS # 406-8781  
 REC. 29 OCT. 1991, INST. NO. 399874  
 PLAT OF RIVER BANK ESTATES  
 REC. 23 DEC. 1992, INST. NO. 232970  
 PLAT OF RIVERBANK SUBDIVISION  
 REC. 10 JUNE 2008, INST. NO. 497193



**RECORD OF SURVEY**  
 for  
**CITY OF BURLEY**

BRYAN REITER  
 URBAN RENEWAL

DESERT WEST LAND SURVEYS, P.C.

2020 OVERLAND AVENUE BURLEY, IDAHO 83318 208-678-7112  
 JOB NO: 11311-15C1 DRAWN BY: J. JONES  
 DATE: OCTOBER 6, 2015 © Desert West Land Surveys, P.C.

PROFESSIONAL LAND SURVEYOR  
 LICENSED  
 OCTOBER 9, 2015  
 15351  
 STATE OF IDAHO  
 TREVOR RENO

SECTIONS 8 & 17  
 T. 10 S., R. 23 E., B.M.

LEGEND  
 ○ FOUND OR SET "X" 7.2" REBAR W/ U.S. NO. ATTACHED AS NOTED.  
 ⊙ FOUND OR SET "X" 7.2" REBAR W/ U.S. NO. ATTACHED AS NOTED.  
 ⊙ FOUND OR SET OTHER SURVEY MONUMENT AS NOTED.  
 □ FOUND HIGHWAY RIGHT OF WAY MONUMENT AS NOTED.  
 ○ FOUND SURVEY CONTROL FOUND OR SET AS NOTED.  
 ○ NO MONUMENT FOUND OR SET.  
 ○ OTHER SURVEY CONTROL FOUND OR SET AS NOTED.

BASIS OF BEARING - GPS ORIENTATION TO NORTH  
 SCALE 1" = 150'

**CERTIFICATE OF SURVEY**  
 I, TREVOR RENO, A LICENSED PROFESSIONAL LAND SURVEYOR, IDAHO LICENSE NO. 15351, DO HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED UNDER MY SUPERVISION AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY.

**PREVIOUS RECORD OF SURVEYS**  
 RECORD OF SURVEY FOR RIVERBANK PROPERTIES  
 DMS # 1120-1451  
 TO BE RECORDED (DATED 18 JUNE 2019)  
 RECORD OF SURVEY FOR PARSONS, SMITH AND STONE  
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 REC. 23 DEC. 1992, INST. NO. 232970  
 PLAT OF RIVERBANK SUBDIVISION  
 REC. 10 JUNE 2008, INST. NO. 497193

**ATTACHMENT 3**  
**Private Property to be Acquired**

**NONE**

ATTACHMENT 4

CITY OF BURLEY ZONING MAP



## Attachment Number 5

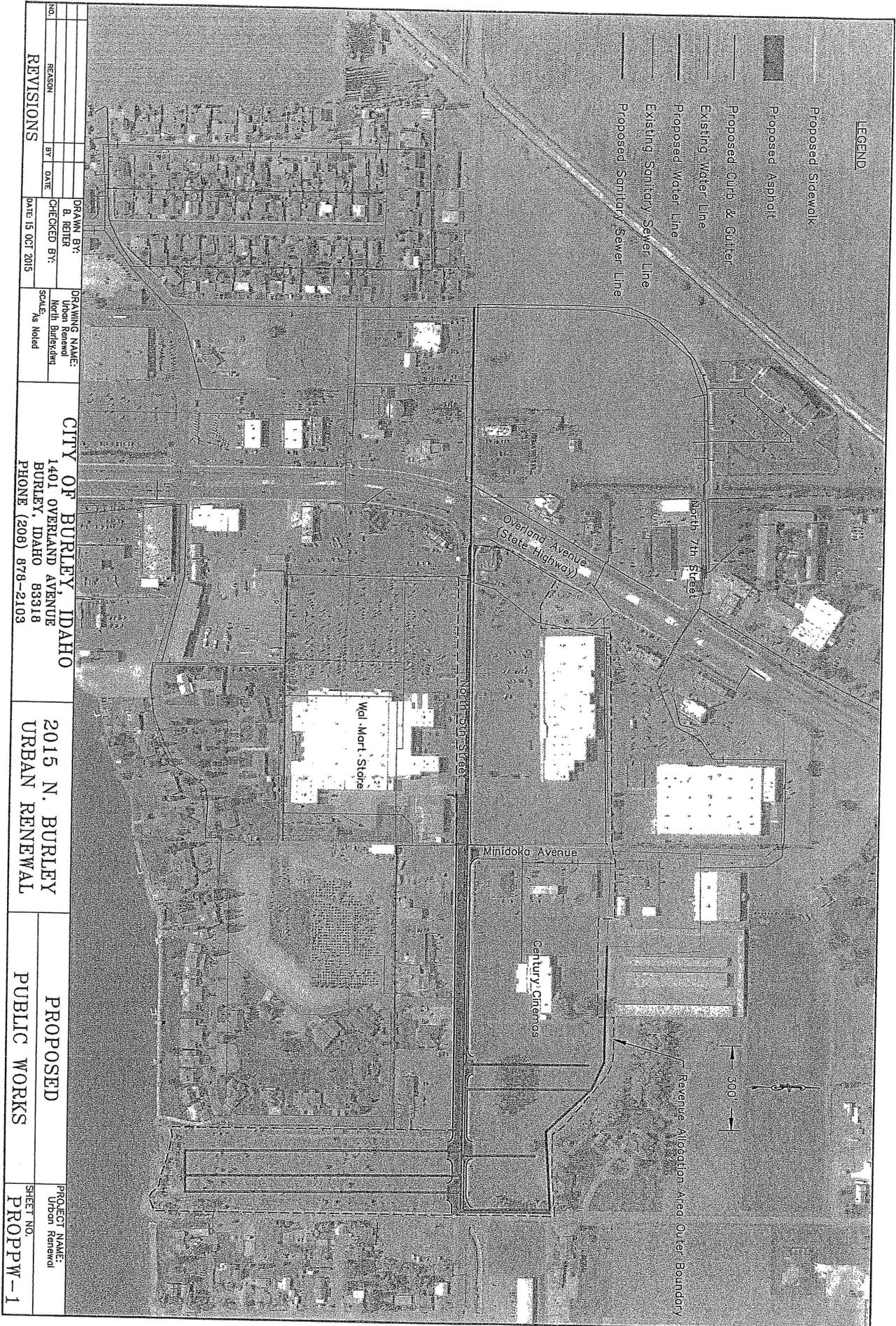
The total assessed valuation of the base assessment roll of the revenue allocation area is given by the total of the following parcels:

Parcel #	Assessed Value
RPB00000089030	\$0
RPB00000089028	\$0
RPB00000089510	\$424,081
RPB72000020010	\$34,343
RPB72000020020	\$41,187
RPB72000020030	\$733,446
RPB72000020040	\$151,107
RPB72000020050	\$200,632
RPB3200000011A	\$211,364
RPB3200000010H	\$1,679,582
RPB3200000010F	\$44,876
RPB00000170000	\$163,508
RPB00000170570	\$117,821
RPB72000030010	\$27,756
RPB72000030020	\$28,612
<b>Total</b>	<b>\$3,858,315</b>

The total assessed valuation of all property within the municipality is comprised of two values summed: Burley City Assessed Valuation in Cassia County and Burley City Assessed Valuation in Minidoka County.

Cassia County	\$298,626,964
Minidoka County	\$55,403,573
<b>Total assessed valuation of Burley City</b>	<b>\$354,030,537</b>

# ATTACHMENT 5A



**LEGEND**

- Proposed Sidewalk
- Proposed Asphalt
- Proposed Curb & Gutter
- Existing Water Line
- Proposed Water Line
- Existing Sanitary Sewer Line
- Proposed Sanitary Sewer Line

NO.	REASON	BY	DATE
REVISIONS			

DRAWN BY: B. REIER  
 CHECKED BY: [Signature]  
 DATE: 15 Oct 2015

DRAWING NAME: Urban Renewal  
 North Burley  
 SCALE: As Noted

**CITY OF BURLEY, IDAHO**  
 1401 OVERLAND AVENUE  
 BURLEY, IDAHO 83318  
 PHONE (209) 878-2103

**2015 N. BURLEY URBAN RENEWAL**

**PROPOSED PUBLIC WORKS**

PROJECT NAME: Urban Renewal  
 SHEET NO: PROPPW-1

## Attachment 5B – Economic Feasibility Study

The Urban Renewal Area (the “URA”) proposed in this plan encompasses 29.8195 acres, of which 13.977 acres is vacant land. The parcels and proposed future uses are shown below:

Parcels	Acreage	Approx. Current Building SF	Approx. Future Building SF	Current Use	Proposed Future Use
RPB72000030010, RPB72000030020, RPB72000020010, & RPB72000020020	4.1770		30,000	Vacant	Retail/Commercial
RPB3200000010F	2.5000		18,000	Vacant	Retail
RPB00000170000	1.5000		10,000	Vacant	Office
RPB00000170000	4.8800			Vacant	Residential
RPB00000170570	0.9200			Vacant	Residential
RPB3200000010H	7.5160	81,667		Retail/Vacant	Retail
RPB00000089030 & RPB00000089028	1.4830			City Property	City Property
RPB00000089510	1.0500	6,314		Office	Office
RPB72000020030	4.4462	20,582		Movie Theater	Movie Theater
RPB72000020040	0.5877	2,675	2,675	Car Wash	New Retail
RPB72000020050	0.5877			Auto Repair	Auto Repair
RPB3200000011A	0.1719	3,500	3,500	Restaurant	New Restaurant

These proposed future uses would create a short-term and long-term impact on jobs and compensation. The short-term impact deals with jobs created for construction and development, depending on the amount of capital investment. The NAICS code for Commercial and Institutional Building Construction was used to estimate jobs. It is projected that the capital expenditure for this Urban Renewal Area could be \$12,067,500 if the suggested figures below are used.

Retail Remodel: \$5,000,000

Potential Retail/Commercial: \$5,067,500

Potential Residential: \$1,000,000 (5 homes at \$200,000 each)

Potential Office: \$1,000,000

Jan Roeser, the South Central Regional Economist for the Idaho Department of Labor, took this projected capital expenditure and estimated the short-term jobs created. Jobs created are projected to be 107 Initial, 9 direct, 0 indirect, and 18 induced. The average wage of these workers is \$41,943, which would produce a short-term compensation impact of \$5,619,163.

The Urban Renewal Area’s proposed future uses will also create long-term initial, direct, indirect, and induced jobs. Initial jobs are calculated based on an industry average using square footage allotted per employee. See the table below for standard figures.

Industry	Sq. ft./employee
Office Employees	300
Retail/Service Employees	450
Grocery Employees	700
Cinema Employees	1500
Restaurant Employees	300
College Employees	300
Hotel Employees	1800

\*Sources: Urban Planning and Design Criteria by Joseph De Chiara, Montgomery County Figures, and K-68 Corridor Management Plan.

Initial jobs were calculated by dividing the square footage of the building by the square footage allotted per employee. This was broken down into example six-digit NAICS codes to illustrate the possible job and compensation impact, given the proposed future mix we've recommended above. See the table below for our initial job estimate.

NAICS Code	Future Building SF	Future SF/Employee	Potential Jobs
722511: Full Service Restaurant	3500	300	11.67
448150: Clothing Accessories Stores	9388	450	20.86
453210: Office Supply	11595	450	25.77
451130: Sewing/piece goods	24000	450	53.33
451110: Sporting Goods	17828	450	39.62
444110: Home Centers	48000	450	106.67
541211: CPA Office	1500	300	5.00
541110: Lawyer Office	1500	300	5.00
531210: Real Estate Office	1500	300	5.00
621210: Dental Office	2500	300	8.33
621111: Physician	3000	300	10.00

Initial jobs were then rounded and used to calculate direct, indirect, and induced jobs for each of the proposed NAICS Codes. The average earnings per job were also estimated to provide a total annual compensation impact. Jan Roeser also provided the calculations below. The Idaho Department of Labor uses EMSI (Economic Modeling Specialties International) to estimate jobs created.

NAICS Code	Initial	Induced	Indirect	Direct	Total Jobs	Average Earnings per Job	Total Earnings
722511: Full Service Restaurant	12	1	0	0	13	\$14,647	\$190,411
448150: Clothing Accessories Stores	21	0	0	0	21	\$4,665	\$97,965
453210: Office Supply	26	3	1	0	30	\$21,843	\$655,290
451130: Sewing/piece goods	53	3	1	0	57	\$12,006	\$684,342
451110: Sporting Goods	40	8	0	4	52	\$39,069	\$2,031,588
444110: Home Centers	107	17	1	7	132	\$31,303	\$4,131,996
541211: CPA Office	5	1	0	0	6	\$37,088	\$222,528
541110: Lawyer Office	5	1	0	0	6	\$29,875	\$179,250
531210: Real Estate Office	5	1	0	0	6	\$17,150	\$102,900
621210: Dental Office	8	1	0	0	9	\$30,569	\$275,121
621111: Physician	10	1	0	0	11	\$40,811	\$448,921
<b>Total</b>	<b>292</b>	<b>37</b>	<b>3</b>	<b>11</b>	<b>343</b>		<b>\$9,020,312</b>

It is estimated that a total of 343 jobs can be created. The sum of the impact of compensation for initial, induced, indirect, and direct jobs is \$9,020,312 annually.

It is estimated that the total taxable value at the completion of construction may be \$15,925,815. The value evaluation base for the added properties is \$3,858,315 such that the net increase in value could be \$12,067,500. At the current total levy rate of 0.015569386, the amendment would provide a tax increment to the Urban Renewal District in the sum of \$187,883.57 per year. These additional revenues would continue during the life of the plan, which ends on December 31<sup>st</sup>, 2034. The estimated total tax increment over the life of the plan is \$3,757,671.31. The allocation of the impacts upon the City, County, School District, Highway District, etc., are as follows:

Minidoka County	0.004373963
Burley City	0.006968135
School District #331	0.002981847
Minidoka Highway District	0.00112036
Cemetery 3	0.000125081

There will also be an indirect tax impact, which will result in additional taxes to be received by the taxing entities during the life of the plan representing approximately 10% of the tax increment to be received by the Urban Renewal District over the life of the plan or \$375,767.13.

The project developed as a result of the plan will result in a net increase to the various taxing entities during the life of the plan, and is a substantial benefit to them at the conclusion of the plan when the tax increment reverts, and any undisturbed funds held by the Urban Renewal District is disbursed pro rata in accordance with State Law. It is also possible that accumulated funds may be distributed during the life of the plan.

## Cost Estimates for Anticipated North Burley RAA Public Works Improvements

Work Item	Unit	Estimated Quantity	Estimated Unit Cost	Estimated Total Cost
Potable Water Pipe and Backfill	LF	4,400	\$80	\$352,000
Dewatering for Sanitary Sewer Installation	LS	1	\$100,000	\$100,000
Gravity Sewer Pipe and Backfill	LF	4,100	\$90	\$369,000
Sanitary Sewer Manhole	EA	15	\$4,000	\$60,000
Concrete Curb	LF	2,800	\$15	\$42,000
Concrete Sidewalk	SF	19,000	\$6	\$114,000
Roadway Excavation, Subbase, Base, and Asphalt	SF	108,000	\$6	\$648,000
Traffic Control	LS	1	\$60,000	\$60,000

Construction Cost	\$1,745,000
Contingency (15%)	\$250,000
Engineering, Surveying, Construction Staking and Inspection (15%)	\$250,000
<b>Total Cost Estimate</b>	<b>\$2,245,000</b>



ATTACHMENT NO. 5E

Burley Urban Revenue Allocation Area 4

An initial \$300,000 loan from D.L. Evans bank will be obtained to update infrastructure for the Rivergate Crossings area where the initial investment will be made. The total tax increment generated from the proposed revenue allocation area will be used to repay the D.L. Evans loan until the loan is repaid. The estimated payback for the initial loan is estimated to be 7 years from when the first \$5,000,000 investment (five million) is assessed and turned over the Burley Development Authority. No other debt is planned for this revenue allocation area at this time. Debt may be incurred in the future. Funds will be accrued for infrastructure projects through the years and infrastructure projects will be completed with the tax increment, City of Burley investment, private investments and grants.

**ATTACHMENT 5F**

**Termination Date**

The termination date is twenty years from the effective date of the ordinance adopting this plan by the Burley City Council subject to the provisions of Section 800 of the Plan and Idaho Code § 50-2904.

## ATTACHMENT 5G

### Asset Disposition or Retention upon Termination

Upon termination, all assets, and revenues from assets, of the Agency shall be retained by the Agency, except as required by law, so long as the Agency shall have resources other than revenue allocation funds to operate and manage such assets and the Agency determines it is appropriate to carry out the purpose of the plan. Thereafter all assets shall be transferred to the City of Burley.

RESOLUTION 9-15

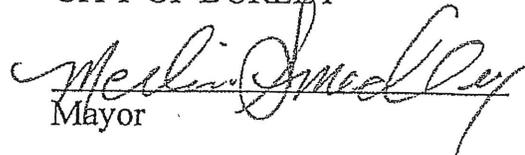
A RESOLUTION OF THE CITY OF BURLEY, IDAHO MAKING FINDINGS OF FACT; FINDING THE NEED TO ESTABLISH THE FOURTH BURLEY URBAN RENEWAL PROJECT BY THE BURLEY DEVELOPMENT AUTHORITY "BDA" FOR THE CITY OF BURLEY; AND DEFINING THE PROJECT BOUNDARY AREA AND THE REVENUE ALLOCATION AREA OF THE PROJECT

BE IT RESOLVED by the Mayor and Council of the City of Burley, in accordance with Idaho Code §50-2008:

1. The real property described on Exhibit A is a deteriorated or deteriorating area as defined by the "Idaho Urban Renewal Law of 1965".
2. The property described on Exhibit A is within the corporate limits of the City of Burley.
3. The rehabilitation, conservation and redevelopment of the area described on Exhibit A is necessary and in the interest of the public, safety, and welfare of the residents of the City of Burley.
4. There is a need to include the property described on Exhibit A within the project boundary area and the Revenue Allocation Area of the Fourth Burley Urban Renewal Project by the Burley Development Authority "BDA" for the City of Burley.

Resolved this 18<sup>th</sup> day of August, 2015.

CITY OF BURLEY

  
Mayor

ATTEST:

  
City Clerk



RESOLUTION 10-15

A RESOLUTION OF THE CITY OF BURLEY, IDAHO, FINDING A DETERIORATED OR DETERIORATING AREA IN THE CITY OF BURLEY; AND DESIGNATING SUCH AREA AS APPROPRIATE FOR INCLUSION INTO THE PROJECT AREA AND REVENUE ALLOCATION AREA OF THE FOURTH BURLEY URBAN RENEWAL PROJECT BY THE BURLEY DEVELOPMENT AUTHORITY "BDA" FOR THE CITY OF BURLEY.

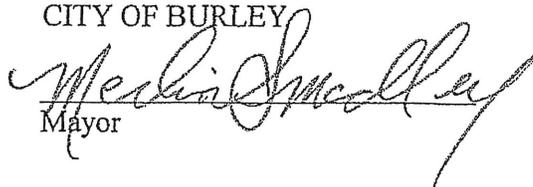
BE IT RESOLVED by the Mayor and Council of the City of Burley, in accordance with Idaho Code §50-2008:

1. The real property described on Exhibit A hereto is a deteriorated or a deteriorating area that is defined by the "Idaho Urban Renewal Law of 1965."
2. The rehabilitation, conservation, redevelopment, or combination thereof, of the real property described on Exhibit A, is necessary in the interest of the public health, safety, and welfare of the residents of the City of Burley.
3. The area described on Exhibit A is designated as appropriate for an Urban Renewal Project.

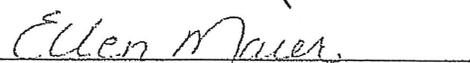
The City of Burley requests that the Burley Development Authority prepare, or cause to be prepared an Urban Renewal Plan for the Fourth Burley Urban Renewal Project by the Burley Development Authority "BDA" for the City of Burley, in accordance with the provisions of Idaho Code §50-2008 and §50-2906 providing for a Project Area and a Revenue Allocation Area to include the property described on Exhibit A, and otherwise provide in the plan such provisions as necessary and appropriate.

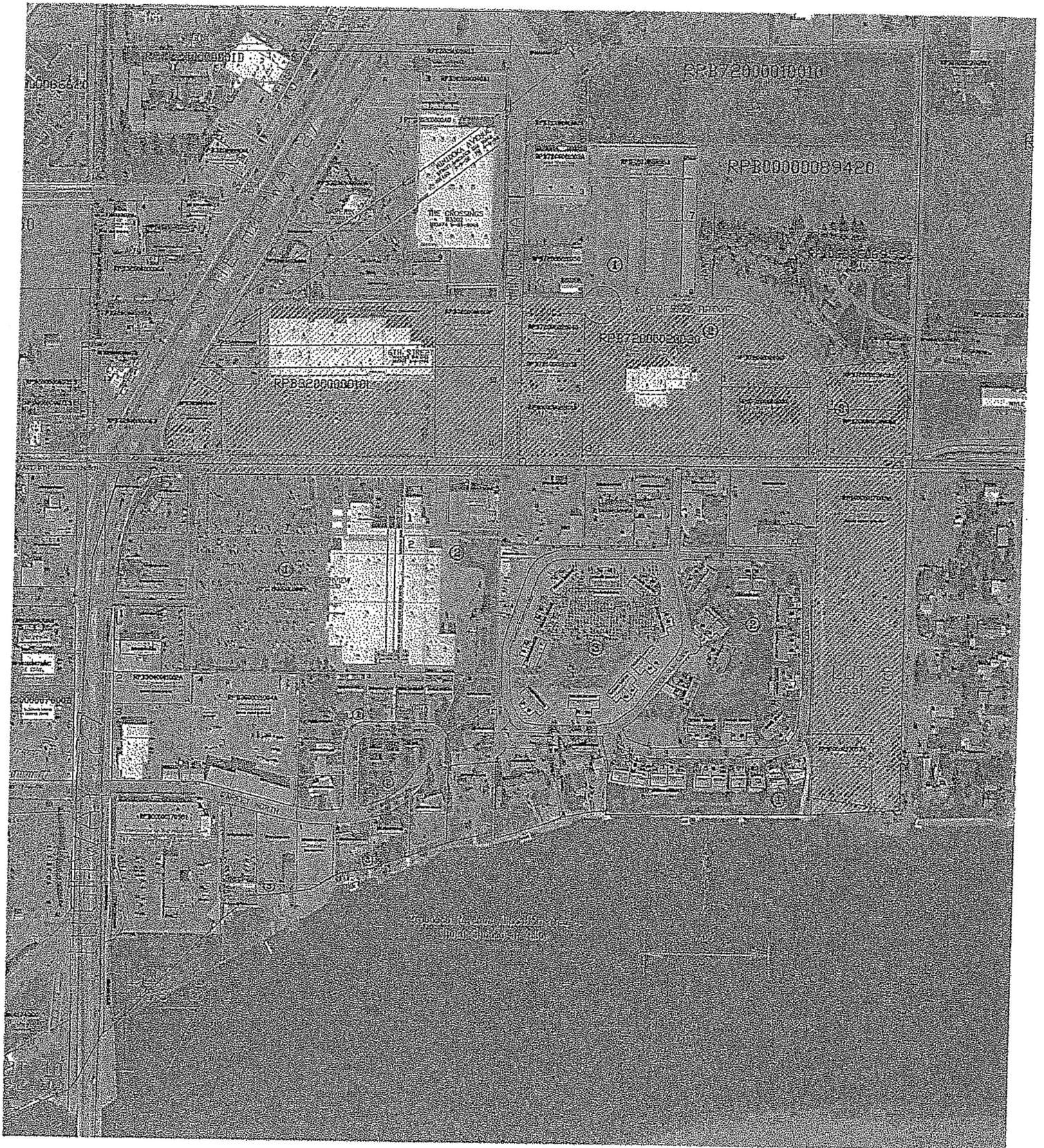
Resolved this 18<sup>th</sup> day of August 2015.

CITY OF BURLEY

  
Mayor

ATTEST

  
City Clerk



## ATTACHMENT 8

### BURLEY PLANNING AND ZONING COMMISSION RESOLUTION NO. 2015-1

DETERMINING THE CONFORMITY OF THE URBAN RENEWAL PLAN FOR THE FOURTH BURLEY URBAN RENEWAL PROJECT BY THE BURLEY DEVELOPMENT AUTHORITY (BDA) FOR THE CITY OF BURLEY TO THE CITY OF BURLEY COMPREHENSIVE PLAN AND ZONING

The Burley Development Authority has submitted a proposed urban renewal plan entitled "Urban Renewal Plan for the Fourth Burley Urban Renewal Project by the Burley Development Authority (BDA) for the City of Burley" to the City of Burley and the Burley City Council, and referred the Plan to the Burley Planning and Zoning Commission for review and recommendations concerning the conformity of said Plan with the Comprehensive Plan known as the Comprehensive Plan of the City of Burley (Adopted September 1995), Burley Zoning, and other considerations deemed appropriate, and

WHEREAS, the staff of the Burley Planning and Zoning Commission has reviewed said Plan and has determined that it is in all respects in conformity with the Comprehensive Plan and current Burley zoning, and

WHEREAS, the Burley Planning and Zoning Commission met on October 21, 2015 at to consider the Plan, and

WHEREAS, the Burley Planning and Zoning Commission has reviewed said Plan, and

WHEREAS, the Burley Planning and Zoning Commission have made its Findings of Fact, Conclusions of Law, and Opinion attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BURLEY, IDAHO:

Section 1 That the Plan, submitted by Burley Development Authority and referred to this Commission for review, is in all respects in conformity with the Burley Comprehensive Plan and current Burley zoning.

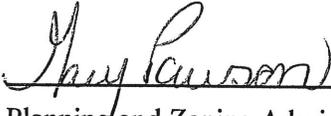
Section 2 That the Burley Planning and Zoning Commission shall provide the Burley City Council with a copy of this Resolution.

Section 3 That this Resolution shall be in full force and effect immediately upon its adoption and approval.

PASSED by the Planning and Zoning Commission of the City of Burley, Idaho, on this 21<sup>st</sup> day of October, 2015.



\_\_\_\_\_  
Chairman, Planning and Zoning Commission



\_\_\_\_\_  
Planning and Zoning Administrator

**BEFORE THE  
PLANNING COMMISSION  
OF THE CITY OF BURLEY, IDAHO**

<b>In the Matter of Compliance</b>	)	<b>FINDINGS OF FACT,</b>
<b>With the Urban Renewal Plan</b>	)	<b>CONCLUSIONS OF LAW</b>
<b>For the Fourth Burley Urban</b>	)	<b>AND OPINION</b>
<b>Renewal Project by the</b>	)	
<b>Burley Development Authority</b>	)	
<b>(BDA) for the City of Burley</b>	)	
<b>With the Burley Comprehensive Plan</b>	)	

The above matter having come before the Planning and Zoning Commission of the City of Burley, Idaho for review on October 21, 2015 and the Commission having made its decision; and the Commission having received testimony and having reviewed the Urban Renewal Plan for the Fourth Burley Urban Renewal Project by the Burley Development Authority (BDA) for the City of Burley and the provisions of the Burley Comprehensive Plan, and being fully advised in the matter, now makes the following:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. In accordance with the Idaho Urban Renewal Law of 1965 Urban Renewal Plan for the Fourth Burley Urban Renewal Project by the Burley Development Authority (BDA) for the City of Burley was submitted to the Burley Planning and Zoning Commission on October 21, 2015.
2. Each component of the Urban Renewal Plan for the Fourth Burley Urban Renewal Project by the Burley Development Authority (BDA) for the City of Burley was reviewed and considered by the Commission for the purpose of determining compliance with the goal statements, policies, and implementation actions of the Burley Comprehensive Plan, including future land use considerations stated in the plan.

Based on the foregoing Findings of Fact and Conclusions of Law, the Planning Commission of the City of Burley, Idaho hereby enters the following:

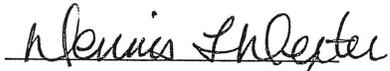
**OPINION**

All components of the Urban Renewal Plan for the Fourth Burley Urban Renewal Project by the Burley Development Authority (BDA) for the City of Burley are in full compliance with the goal statements, policies and implementation actions of the Burley Comprehensive Plan (September 1995).

Therefore in accordance with the above decision, the Planning Commission hereby authorizes the Chairman to sign these Findings of Fact, Conclusions of Law and Decision in their behalf.

Dated this 21 day of October, 2015

Burley Planning and Zoning Commission



Chairman