

URBAN

RENEWAL

DISTRICT II

CASSIA COUNTY

RECORDED FOR:

CITY OF BURLEY

10:53:28 am 12-13-2007

2007-319885

NO. PAGES: 5 FEE: \$

LARRY A. MICKELSEN
COUNTY CLERK

DEPUTY: WLMARR

ORDINANCE NO. 1221

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLEY, IDAHO, APPROVING AN URBAN RENEWAL PLAN FOR THE SECOND BURLEY URBAN RENEWAL PROJECT BY THE BURLEY DEVELOPMENT AUTHORITY (BDA) FOR THE CITY OF BURLEY; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY, STATE AND OTHER OFFICIALS; PROVIDING FOR A LIMITATION ON ACTIONS AGAINST THE PLAN AFTER 30 DAYS FROM THE EFFECTIVE DATE OF THE ORDINANCE; PROVIDING FOR SEPARABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Urban Renewal Agency of the City of Burley, Idaho (hereafter the "Agency") was established on September 8, 1998, by Resolution No.10 - 98 of the City Council of the City of Burley; and,

WHEREAS, on September 4, 2007, the City Council of the City of Burley, Idaho (the "City"), by Resolution No. 9-07 determined the property described on Exhibit A to be a deteriorated area or a deteriorating area or a combination thereof and designated the area as appropriate for an urban renewal project; and,

WHEREAS, on September 18, 2007, the City Council of the City of Burley, Idaho, by Resolution No. 10-07 made a finding of necessity pursuant to Idaho Code Section 50-2005 with respect to the property described on Exhibit A; and

WHEREAS, on October 29, 2007, the Agency met and considered the Urban Renewal Plan For the Second Burley Urban Renewal Project by the Burley Development Authority (BDA) for the City of Burley (hereafter, the "Plan") and by unanimous vote adopted its Resolution No. 1-07, recommending to City Council the adoption of the Plan (Exhibit "B", attached hereto); and,

WHEREAS, on October 29, 2007, the Burley Planning and Zoning Commission reviewed the Plan, issued Findings of Fact and Conclusions of Law, and has approved the Plan by Resolution finding the Plan is in conformity with the City's Comprehensive Plan; and,

WHEREAS, on October 31, 2007, the Notice of Public Hearing was published in the South Idaho Press the official newspaper for public notice in the City, and also was sent to the governing bodies of the City of Burley, Cassia County, School District No. 151, North Cassia Fire District, and the Burley Highway District, setting the date for a public hearing to be held on Tuesday, December 4, 2007, at 7:00 o'clock, p.m., for consideration of the adoption of the Plan (Exhibit "B" attached hereto); and,

WHEREAS, on December 4, 2007, at 7:00 o'clock, p.m., the Burley City Council held a public hearing on consideration of the adoption of the Plan; and,

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

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

WHEREAS, as required by applicable law, the Plan contains the following information which was made available to the general public and all taxing districts with taxing authority in the Project Area at least thirty days (30) prior to the December 4, 2007 of the City Council

- (a) a statement of the objectives of the municipality in undertaking the urban renewal project;
- (b) an estimate of the cost of the urban renewal project;
- (c) the sources of revenue to finance these costs, including estimates of revenue allocation under the Act;
- (d) the amount of bonded or other indebtedness to be incurred;
- (e) the duration of the project's existence;
- (f) a description of the revenue allocation area; and,
- (g) a statement of the estimated impact of revenue allocation financing on all taxing districts within the Revenue Allocation Area.
- (h) the kind, number and locations of all proposed public works in the area;
- (i) an economic feasibility study;
- (j) a description of the methods of financing estimated project costs and the time when such costs and monetary obligations are to be incurred;
- (k) a termination date for the plan and revenue allocation area; and
- (l) a description of the disposition of any assets of the Agency on the termination date.

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

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

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

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

- (a) The project Area, as defined in Resolution No.9-07, continues to be deteriorated or a deteriorating area as defined in the Act and qualifies as an eligible urban renewal area under the Act;
- (b) The rehabilitation, conservation, and redevelopment of the Project Area pursuant to the Plan is necessary in the interest of the public health, safety, and welfare of the residents of the City of Burley; and,
- (c) There continues to be a need for the Agency to function in the City of Burley.

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

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

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

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

SECTION 6. That the Agency does not intend to acquire any open land on any widespread basis, and that the Project Area is planned to be redeveloped in a manner that will provide nonresidential uses. Provided, however, that the City Council does find that the Project Area and Revenue Allocation Area are "open land" the criteria set forth in the Act and Title 50, Idaho code as amended, has been met, that the City Council finds that the development of the Project Area which is identified for non-residential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns and the need for improved infrastructure and facilities in the area.

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

SECTION 8. That upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the county auditor and tax assessor of Cassia County, and to the appropriate officials of School District No 151, Burley highway District, and to the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundaries of the Revenue Allocation Area, and a map or plat indicating the boundaries of the Revenue Allocation Area.

SECTION 9. The City Council hereby finds and declares that the Revenue Allocation Area as defined in the Plan is the same as the Project Area, the equalized assessed valuation of which the Council hereby determines in and as part of the Plan is Rely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Plan.

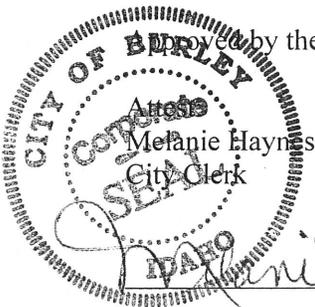
SECTION 10. No direct or collateral action attacking the Plan shall be brought prior to the effective date of this Ordinance or after the elapse of thirty (30) days from and after the effective date of this Ordinance adopting the Plan.

SECTION 11. The provisions of this Ordinance are severable and if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this Ordinance.

SECTION 12. That this Ordinance shall be in full force and effect from and after its passage, approval and publication.

Passed by the City Council of the City of Burley this 4th day of December, 2007.

Attest by the Mayor of the City of Burley this 4th day of December, 2007.



Melanie Haynes
City Clerk

Jon Anderson
Mayor

A handwritten signature in black ink, appearing to read 'Jon Anderson', written over a horizontal line.

EXHIBIT A

CITY OF BURLEY URBAN RENEWAL AREA AND REVENUE
ALLOCATION AREA, DOT FOODS

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN, CASSIA COUNTY,
IDAHO.

SECTION 31: A PORTION OF GOVERNMENT LOTS 1 AND 2.

TOWNSHIP 10 SOUTH, RANGE 22 EAST, BOISE MERIDIAN, CASSIA COUNTY,
IDAHO.

SECTION 36: A PORTION OF THE EAST HALF OF THE NORTHEAST
QUARTER (E2NE4),

THE WHOLE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE 5/8" REBAR AND ALA CAP MARKING THE
NORTHERN CORNER COMMON TO THE AFORESAID SECTIONS 31 AND 36,
AND RUNNING THENCE ALONG THE LINE COMMON TO SAID SECTIONS
SOUTH 0°03'08" EAST 25.00 FEET TO THE SOUTH LINE OF THE 27TH ST.
RIGHT OF WAY (FORMERLY 100 SOUTH RD.), AND THE TRUE POINT OF
BEGINNING;

THENCE ALONG SAID SOUTH RIGHT OF WAY LINE SOUTH 89°29'41" WEST
25.00 FEET TO THE INTERSECTION THEREOF WITH THE WEST RIGHT OF
WAY LINE OF 100 WEST ROAD;

THENCE ALONG SAID WEST RIGHT OF WAY LINE SOUTH 0°03'08" EAST
1306.79 FEET;

THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE SOUTH
0°02'36" EAST 772.48 FEET;

THENCE NORTH 89°57'24" EAST 25.00 FEET TO ½" REBAR ON THE LINE
COMMON TO SAID SECTIONS 31 AND 36, SAID ½" REBAR MARKING THE
SOUTHWEST CORNER OF THAT REAL PROPERTY CONVEYED TO DOT
FOODS BY THE DEED RECORDED AS INSTRUMENT No. 316975, CASSIA
COUNTY RECORDS;

THENCE ALONG THE BOUNDARY LINES OF SAID LANDS OF DOT FOODS AS
FOLLOWS:

SOUTH 89°53'00" EAST 301.32 FEET,

NORTH 28°21'47" EAST 226.73 FEET,

NORTH 47°49' 15" EAST 766.71 FEET TO A POINT ON THE LINE COMMON TO THE AFORESAID GOVERNMENT LOTS 1 AND 2 OF SECTION 31,

ALONG LAST SAID COMMON LINE NORTH 86°33'36" WEST 40.00 FEET, AND

NORTH 3°24'38" EAST 740.04 FEET TO THE SOUTHWEST CORNER OF THAT REAL PROPERTY CONVEYED FROM GLORFIELD TO HUNT BY THE WARRANTY DEED RECORDED AS INSTRUMENT No. 114022, CASSIA COUNTY RECORDS;

THENCE ALONG THE LINE COMMON TO SAID LANDS OF DOT FOODS AND SAID LANDS OF HUNT NORTH 3°24'38" EAST 565.00 FEET TO THE INTERSECTION THEREOF WITH THE AFORESAID SOUTH RIGHT OF WAY LINE OF 27TH ST.;

THENCE ALONG SAID SOUTH RIGHT OF WAY LINE NORTH 86°35'22" WEST 1018.49 FEET TO THE INTERSECTION THEREOF WITH THE AFORESAID LINE COMMON TO SECTIONS 31 AND 36;

THENCE ALONG SAID COMMON SECTION LINE NORTH 0°03'08" WEST 0.04 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED URBAN RENEWAL AND REVENUE ALLOCATION AREAS CONTAIN 41.00 ACRES, MORE OR LESS.

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

In the Matter of Compliance	)	FINDINGS OF FACT,
With the Urban Renewal Plan	)	CONCLUSIONS OF LAW
For the Second Burley Urban	)	AND DECISION
Renewal Project by the)	
Burley Development Authority)	
(BDA) for the City of Burley)	
With the Burley Comprehensive Plan)	

The above matter having come before the Planning and Zoning Commission of the City of Burley, Idaho for review on October 30, 2007 at 12:00 PM, and the Commission having made its decision; and the Commission having received testimony from Mark Milton, City Administrator and Randy Stone City Attorney ; and having reviewed the Urban Renewal Plan for the Second Burley Urban Renewal Project by the Burley Development Authority (BDA) for the City of Burley, Attachment A, 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 Second 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 30, 2007.
2. Each component of the Urban Renewal Plan for the Second 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 Conclusions of Law, the Planning Commission of the City of Burley, Idaho hereby enters the following:

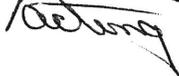
DECISION

All components of the Urban Renewal Plan for the Second 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 30th day of October, 2007

Burley Planning and Zoning Commission


Chairman / 

RESOLUTION OF THE BURLEY PLANNING AND ZONING
COMMISSION RELATING TO THE URBAN RENEWAL PLAN FOR THE SECOND
BURLEY URBAN RENEWAL PROJECT BY THE BURLEY DEVELOPMENT AUTHORITY
(BDA) FOR THE CITY OF BURLEY

The Burley Development Authority has submitted a proposed urban renewal plan entitled "Urban Renewal Plan for the Second 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 30, 2007 at 12:00 PM 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.

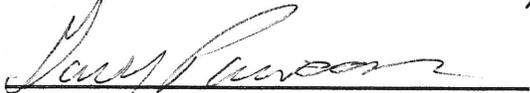
Section 2 That the Burley Planning and Zoning Commission shall provide the Burley City Council with a certified copy of this Resolution.

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, and this 30th day of October, 2007.



Chairman, Planning and Zoning Commission



Planning and Zoning Administrator

SOUTH IDAHO PRESS BURLEY, IDAHO AFFIDAVIT OF PUBLICATION

County of Cassia)
)ss
STATE OF IDAHO)

Ruth Anne Holmes, being first duly sworn, deposes and says that she is the Legal Clerk of the South Idaho Press, a weekly newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of the South Idaho Press for one consecutive week(s), commencing with the issue dated 31st day of October, 2007 and ending with the issue dated 31st day of October, 2007

Ruth Anne Holmes

STATE OF IDAHO)
COUNTY OF)ss
Cassia)

On this 29th day of October, 2007, before me, a Notary Public, personally appeared Ruth Anne Holmes, know or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

ANN L. HARPER
Notary Public
State of Idaho

Ann Harper
Notary Public for Idaho
Residing at Burley, Idaho.

My commission expires: 9-14-2011

Cost of Publication 56.25
Affidavit Fee 5.00
Total Cost 61.25

Billed To City of Burley

NOTICE OF A PUBLIC HEARING
Melanie Haynes
Deputy City Clerk/Treasurer
City of Burley
P.O. Box 1090
Burley, Idaho 83318
RE: 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 Second 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. The project area is entirely within the boundaries of the City of Burley.
A public hearing will be held by the City Council pursuant to Section 50 2008(c), Idaho Code, at 7:00 o'clock P.M. on Tuesday, December 4, 2007, at the Burley City Hall, 1401 Overland Avenue, Burley, Idaho for the purpose of obtaining comment on the plan.
The Plan is available for review and copying at the office of the Burley City Clerk at 1401 Overland Avenue, Burley, Idaho.
A revenue allocation bond issue of \$3,500,000.00 is proposed to be funded 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 Avenue
P.O. Box 1090
Burley, Idaho 83318
PUBLISHED: South Idaho Press October 31 2007.

AFFIDAVIT OF MAILING

STATE OF IDAHO)
) ss
County of Cassia)

Lyndsay M. Helkey, secretary for R.C. Stone, City Attorney, having been first duly sworn, deposes and states that:

1. On the 1st day of November, 2007, I mailed, via certified mail return receipt requested, the following documents:

- Notice of a Proposed Urban Renewal Plan with a Revenue Allocation Financing Provision
- Resolution 1-07 adopted by the Burley Development Authority
- Urban Renewal Plan (Exhibit B to Resolution 1-07)
- Resolution by Burley Planning and Zoning Commission relating to the Urban Renewal Plan for the Second Burley Urban Renewal Project by the Burley Development Authority (BDA) for the City of Burley.

to the following entities:

Commissioner Dennis Crane, Chairman
Cassia County Commissioners
Cassia County Courthouse
1459 Overland Avenue
Burley Idaho 83318

Chairman Michael Southcombe
State Tax Commission
800 Park Boulevard
P.O. Box 36
Boise, Idaho 83722

Gaylen Smyer, Chair
Burley Highway District
402 East 10th Street
P.O. Box 596
Burley, Idaho 83318

Oregon Trail Recreation District
Attn: Scott Horsley
1104 East 21st Street
Burley, Idaho 83318

Superintendent Gaylen Smyer
Cassia County Joint School District 151
237 East 19th Street
Burley, Idaho 83318-2444

A copy of the return receipts is attached.

2. On the 1st day of November, 2007, the above-listed documents were hand-delivered to the following:

Melanie Haynes
Deputy City Clerk/Treasurer
City of Burley
1401 Overland Avenue
Burley, Idaho 83318

Goose Creek Flood Control District No. 16
c/o David Shirley
Parsons, Smith & Stone, LLP
137 West 13th Street
Burley, Idaho 83318

North Cassia Fire District
c/o David Shirley
Parsons, Smith and Stone, LLP
137 West 13th Street
Burley, Idaho 83318

The above recipients signed an Acknowledgment of Receipt, copies of which are attached hereto.

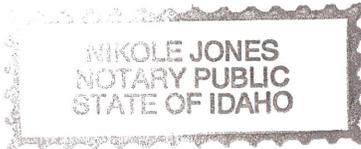
3. On the 1st day of November, 2007, per the request of David Shirley, a copy of the above-listed documents was mailed via First Class U.S. mail to:

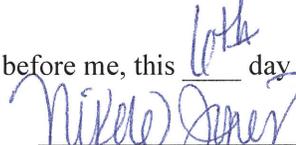
Attn: Mike Cranney
Goose Creek Flood Control District No. 16
503 West 1300 South
Oakley, Idaho 83346

DATED this 6 day of November, 2007.


Lyndsay M. Helkey

SUBSCRIBED and sworn to before me, this 6th day of November, 2007.




Notary Public for Idaho
Residing at Burley, Id
My commission expires 1/13/2010

ACKNOWLEDGMENT OF RECEIPT

David Shirley, on behalf of North Cassia Fire District, hereby acknowledges receipt of a parcel addressed to:

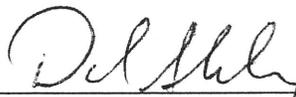
North Cassia Fire District
c/o David Shirley
Parsons, Smith & Stone, LLP
137 West 13th Street
Burley, Idaho 83318

containing the following documents:

- Notice of a Proposed Urban Renewal Plan with a Revenue Allocation Financing Provision
- Resolution 1-07 adopted by the Burley Development Authority
- Urban Renewal Plan (Exhibit B to Resolution 1-07)
- Resolution by Burley Planning and Zoning Commission Relating to the Urban Renewal Plan for the Second Burley Urban Renewal Project by the Burley Development Authority (BDA) for the City of Burley

The above-described parcel was received on November 1, 2007.

DATED this 1 day of November, 2007.



David Shirley

ACKNOWLEDGMENT OF RECEIPT

Melanie Haynes
(Name)

, on behalf of the City of Burley, hereby acknowledges receipt of a parcel addressed to:

Melanie Haynes
Deputy City Clerk/Treasurer
City of Burley
1401 Overland Avenue
Burley, Idaho 83318

containing the following documents:

- Notice of a Proposed Urban Renewal Plan with a Revenue Allocation Financing Provision
- Resolution 1-07 adopted by the Burley Development Authority
- Urban Renewal Plan (Exhibit B to Resolution 1-07)
- Resolution by Burley Planning and Zoning Commission Relating to the Urban Renewal Plan for the Second Burley Urban Renewal Project by the Burley Development Authority (BDA) for the City of Burley

The above-described parcel was received on November 1, 2007.

DATED this 1st day of November, 2007.

Melanie Haynes
(Signature)
Melanie Haynes
(Print Name)

ACKNOWLEDGMENT OF RECEIPT

David Shirley, on behalf of Goose Creek Flood Control District No. 16, hereby acknowledges receipt of a parcel addressed to:

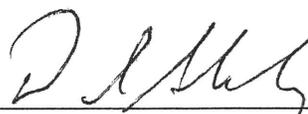
Goose Creek Flood Control District No. 16
c/o David Shirley
Parsons, Smith & Stone, LLP
137 West 13th Street
Burley, Idaho 83318

containing the following documents:

- Notice of a Proposed Urban Renewal Plan with a Revenue Allocation Financing Provision
- Resolution 1-07 adopted by the Burley Development Authority
- Urban Renewal Plan (Exhibit B to Resolution 1-07)
- Resolution by Burley Planning and Zoning Commission Relating to the Urban Renewal Plan for the Second Burley Urban Renewal Project by the Burley Development Authority (BDA) for the City of Burley

The above-described parcel was received on November 1, 2007.

DATED this 1 day of November, 2007.



David Shirley

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
Commissioner Dennis Crane, Chairman
Cassia County Commissioners
Cassia County Courthouse
1459 Overland Avenue
Burley Idaho 83318

2. Article Number
(Transfer from service label) 7007 0220 0001 7840 3386
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
X Sara Haynes
B. Received by (Printed Name) C. Date of Delivery
Sara Haynes 11-2
D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

1. Article Addressed to:
Chairman Michael Southcombe
State Tax Commission
800 Park Boulevard
P.O. Box 36
Boise, Idaho 83722

2. Article Number
(Transfer from service label) 7007 0220 0001 7840 3379
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
Superintendent Gaylen Smyer
Cassia County Joint School Dist. 151
237 East 19th Street
Burley Idaho 83318-2444

2. Article Number
(Transfer from service label) 7007 0220 0001 7840 3362
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:
Chairman Michael Southcombe
State Tax Commission
800 Park Boulevard
P.O. Box 36
Boise, Idaho 83722

2. Article Number
(Transfer from service label) 7007 0220 0001 7840 3355
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
Gaylen Smyer, Chairman
Burley Highway District
402 East 10th Street
P.O. Box 596
Burley Idaho 83318

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 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
X Sara Haynes
B. Received by (Printed Name) C. Date of Delivery
Sara Haynes 11-2
D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

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402 East 10th Street
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Burley Idaho 83318

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PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

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Boise, Idaho 83722

2. Article Number
(Transfer from service label) 7007 0220 0001 7840 3379
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:
Superintendent Gaylen Smyer
Cassia County Joint School Dist. 151
237 East 19th Street
Burley Idaho 83318-2444

2. Article Number
(Transfer from service label) 7007 0220 0001 7840 3355
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:
Chairman Michael Southcombe
State Tax Commission
800 Park Boulevard
P.O. Box 36
Boise, Idaho 83722

2. Article Number
(Transfer from service label) 7007 0220 0001 7840 3379
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

SOUTH IDAHO PRESS BURLEY, IDAHO AFFIDAVIT OF PUBLICATION

County of Cassia)
)ss
 STATE OF IDAHO)

Ruth Anne Holmes, being first duly sworn, deposes and says that she is the Legal Clerk of the South Idaho Press, a weekly newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of the South Idaho Press for one consecutive week(s), commencing with the issue dated 31st day of October, 2007 and ending with the issue dated 31st day of October, 2007

Ruth Anne Holmes

STATE OF IDAHO)
 COUNTY OF)ss
 Cassia)

On this 29th day of October, 2007, before me, a Notary Public, personally appeared Ruth Anne Holmes, know or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

ANN L. HARPER
Notary Public
State of Idaho

Ann Harper

Notary Public for Idaho
Residing at Burley, Idaho.

My commission expires: 9-14-2011

Cost of Publication 56.25
 Affidavit Fee 5.00
 Total Cost 61.25

Billed To City of Burley

NOTICE OF A PUBLIC HEARING

Melanie Haynes
Deputy City Clerk/Treasurer
City of Burley
P.O. Box 1090
Burley, Idaho 83318

RE: 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 Second 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. The project area is entirely within the boundaries of the City of Burley.

A public hearing will be held by the City Council pursuant to Section 50 2008(c), Idaho Code, at 7:00 o'clock P.M. on Tuesday, December 4, 2007, at the Burley City Hall, 1401 Overland Avenue, Burley, Idaho for the purpose of obtaining comment on the plan.

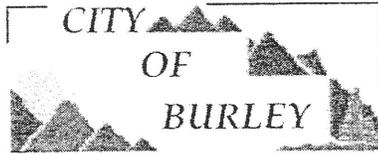
The Plan is available for review and copying at the office of the Burley City Clerk at 1401 Overland Avenue, Burley, Idaho.

A revenue allocation bond issue of \$3,500,000.00 is proposed to be funded 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 Avenue
 P.O. Box 1090
 Burley, Idaho 83318

PUBLISHED: South Idaho Press October 31, 2007.



1401 Overland Ave.
P.O. Box 1090 • Burley, ID 83318
Phone: 208-878-2224 • Fax: 208-878-4436

November 1, 2007

Oregon Trail Recreation District
Attn: Scott Horsley
1104 East 21st Street
Burley, Idaho 83318

RE: 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 Second 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 o'clock PM, on Tuesday, December 4, 2007, at the Burley City Hall, 1401 Overland Avenue, Burley, Idaho, 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-four (24) years of development. The analyses show the need for approximately \$7,307,000 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 of \$3,500,000.00 is proposed 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:

Resolution 1-07 adopted by the Burley Development Authority
Urban Renewal Plan (Exhibit B to Resolution 1-07)
Resolution by Burley Planning and Zoning Commission

CERTIFICATE OF AUTHENTICITY

The undersigned, being the Chairman of the Burley Planning and Zoning Commission, hereby attests and certifies that the attached "Urban Renewal Plan for the Second Burley Urban Renewal Project by the Burley Development Authority (BDA) for the City of Burley" and the "Resolution of the Burley Planning and Zoning Commission Relating to the Urban Renewal Plan for the Second Burley Urban Renewal Project by the Burley Development Authority (BDA) for the City of Burley" including the "Findings of Fact, Conclusions of Law, and Decision" are true and correct copies of the originals adopted by the Burley Planning and Zoning Commission at a special meeting properly called for their consideration held at 12:00 o'clock P.M. on October 30, 2007.

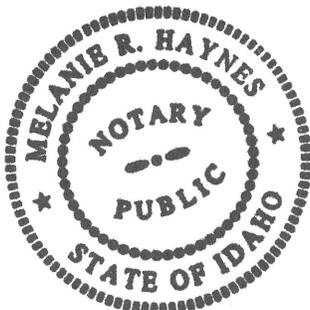
DATED this 20 day of November, 2007

BURLEY PLANNING AND ZONING
COMMISSION



James Lynch
Acting Chairman

SUBSCRIBED and sworn to before me, this 20th day of November, 2007.



Melanie Haynes
Notary Public for Idaho
Residing at Paul Id
My commission expires 1/20/2010

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

Ordinance No. 1221

Adopted December 4, 2007

Effective December 7, 2007, date of publication

TABLE OF CONTENTS

URBAN RENEWAL PLAN.....	1
Section 100 Introduction.....	5
Section 101 Provisions Necessary to Meet State and Local Requirements.....	7
Section 101.1 Conformance with State of Idaho Urban Renewal Law of 1965, as Amended	7
Section 200 Description of Project Area	7
Section 300 Proposed Redevelopment Actions	7
Section 301 General.....	7
Section 302 Urban Renewal Plan Objectives	8
Section 303 Participation Opportunities and Agreements.....	9
Section 304 Cooperation with Public Bodies	9
Section 305 Project Specific Activities.....	9
Section 306 Property Acquisition	10
Section 306.1 Real Property	10
Section 306.2 Personal Property	10
Section 306.3 Property Management.....	11
Section 307 Relocation of Persons (Including Individuals and Families), Business Concerns, Others Displaced by the Project	11
Section 308 Demolition, Clearance, and Building Site Preparation.....	11
Section 308.1 Demolition and Clearance.....	11
Section 308.2 Preparation of Building Sites.....	11
Section 309 Property Disposition and Development.....	11
Section 309.1 Real Property Disposition and Development.....	11
Section 309.1(a) General	11
Section 309.1(b) Disposition and Development Documents.....	12
Section 309.1(c) Development by the Agency	12
Section 309.1(d) Development Plans.....	13
Section 310 Personal Property Disposition.....	13
Section 311 Rehabilitation and Conservation.....	13
Section 311.1 [Reserved]	13
Section 312 Participation with Private Development	13
Section 400 Uses Permitted in the Project Area	14
Section 401 Redevelopment Plan Map and Development Strategy	14
Section 402 Designated Land Uses.....	14
Section 402.1 Land Use Classifications.....	14
Section 403 Other Land Uses and Public Rights-of-Way	14
Section 404 General Controls and Limitations.....	14
Section 405 Design for Development.....	14
Section 405.01 Design Guidelines for Development	15
Section 405.02 Design Guidelines for Development under a Disposition and Development Agreement or Owner Participation Agreement.....	15
Section 500 Methods of Financing the Project.....	15
Section 501 General Description of the Proposed Financing Method.....	15

Section 502 Revenue Bond Funds15
Section 503 Other Loans and Grants16
Section 504 Revenue Allocation Financing Provisions.....16
Section 600 Actions by the City17
Section 700 Enforcement.....18
Section 800 Duration of This Plan.....18
Section 900 Procedure for Amendment.....18
Section 1000 Severability19

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 within Revenue Area and Project Area
Attachment No. 4A	Map Depicting Current Comprehensive Plan Classification and Zoning Within the Project Area
Attachment No. 5	Statement of Proposed Public Improvements and Costs
Attachment No. 5A	Statement of Private Improvements and Costs
Attachment No. 5B	Economic Feasibility Study, Projected Project Costs, Estimated Revenues and Their Allocation, Projected Tax Impacts on Cassia County Taxing Entities, 2007 Levy Rate
Attachment No. 5C	Financing Methods and Bond Financing Debt Service
Attachment No. 6	City Council Resolution No. 9-07, September 4, 2007 Determining the Burley Area to be a Deteriorating Area
Attachment No. 6A	City Council Resolution No. 10-07, September 18, 2007 Finding of Necessity
Attachment No. 7	Burley Development Authority Resolution No. 1-07 Proposing the Urban Renewal Plan, Approved October 29, 2007 (Exhibit B "the Plan" not attached)
Attachment No. 8	Planning and Zoning Commission Resolution Recommending that the Burley Renewal Plan Conforms to the Comprehensive Plan for the City of Burley, Approved October 30, 2007
Attachment No. 9	City Council Ordinance No. 1221 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 4 December 2007 Date of Publication: December 7, 2007 (Exhibit "B" 'the Plan' not attached)

**URBAN RENEWAL PLAN FOR THE
SECOND 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 Second 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), Map Depicting Current Comprehensive Plan Classification and Zoning Within the Project Area (Attachment No. 4A), Statement of Proposed Public Improvements and Costs (Attachment No. 5), Statement of Private Improvements and Costs (Attachment 5A), Economic Feasibility Study, Projected Project Costs, Estimated Revenues and Their Allocation, Projected Tax Impacts on Cassia County Taxing Entities, 2007 Levy Rate (Attachment No. 5B), Financing Methods and Bond Financing Debt Service (Attachment No. 5C).

The term "Project" is used herein to describe the overall activities defined in this Plan Reference is specifically made to Idaho Code §50-2018(q) 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 Second 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 50-2901 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

ctions of the Law and Act are Idaho Code §§ 50-2008(d) and 50-2903(7)(b). 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. 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 Southern 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.

ence, 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, Agency and Dot Foods, Inc., an Illinois corporation (“Dot Foods”) have entered into a certain Development Agreement dated as of September 4, 2007, under which, inter alia, the Agency agreed to provide assistance to Dot Foods 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 by Dot Foods.

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 such 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 50-2903, 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-3, Light Industrial Commercial 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 "Industrial".

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 shall be funded from the proceeds of revenue allocation bonds issued by the Agency with a principal stated amount

[\$3,500,000.00], at an interest rate of 6% per annum, and for a term not longer than 24 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 term of such bonds may be extended not longer than 6 years, and that the maturity date of such bonds may be extended up to thirty (30) years from the date of issuance of such bonds in accordance with Idaho Code § 50-2904(1). 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, 1998. These revenue allocation provisions shall apply to all taxing districts in which the Revenue Allocation Area is located and described on Attachment Nos. 1 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(11) 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.

A statement listing proposed public improvements and facilities and their costs, Attachment No. 5 to this Plan, A statement of private improvements and their costs, Attachment No. 5A, Economic Feasibility Study, Projected Project Costs, Estimated Revenues and Their Allocation, Projected Tax Impacts on Cassia County Taxing Entities, 2007 Levy Rate, Attachment No. 5B, and a statement of Financing Methods and Bond Financing Debt Service, Attachment No. 5C as required by Idaho Code § 50-2905 is included in 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

... e 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. 5 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. 5B 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;

... 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-four (24) years from the date of adoption of this Plan by the City Council through December 4, 2031 provided, however, that the revenue from property taxes shall be restricted to collection of taxes assessed for the twenty-four (24) year period authorized by Idaho Code § 50-2904, subject to the extensions of the maturity date where the revenue allocation bonds are extended for up to six (6) years as provided in Section 502 hereof.

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

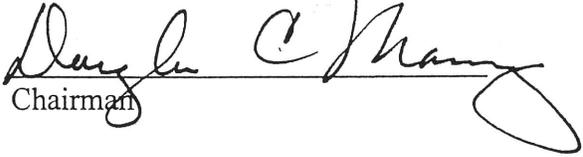
Amendment or modification shall be subject to such rights at law or equity any individual or entity may have who has entered into a disposition or development agreement or owner participation agreement with the Agency or its successor or successors in interest may be entitled to assert.

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.

Dated: 10-29-07, 12:30 o'clock P.M.

BURLEY DEVELOPMENT AUTHORITY


Chairman

ATTACHMENT

NO. 1

CITY OF BURLEY URBAN RENEWAL AREA AND REVENUE
ALLOCATION AREA, DOT FOODS

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN, CASSIA COUNTY,
IDAHO.

SECTION 31: A PORTION OF GOVERNMENT LOTS 1 AND 2.

TOWNSHIP 10 SOUTH, RANGE 22 EAST, BOISE MERIDIAN, CASSIA COUNTY,
IDAHO.

SECTION 36: A PORTION OF THE EAST HALF OF THE NORTHEAST
QUARTER (E2NE4),

THE WHOLE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE 5/8" REBAR AND ALUMINUM CAP MARKING THE
NORTHERN CORNER COMMON TO THE AFORESAID SECTIONS 31 AND 36,
AND RUNNING THENCE ALONG THE LINE COMMON TO SAID SECTIONS
SOUTH 0°03'08" EAST 25.00 FEET TO THE SOUTH LINE OF THE 27TH ST. RIGHT
OF WAY (FORMERLY 100 SOUTH RD.), AND THE TRUE POINT OF
BEGINNING;

THENCE ALONG SAID SOUTH RIGHT OF WAY LINE SOUTH 89°29'41" WEST
25.00 FEET TO THE INTERSECTION THEREOF WITH THE WEST RIGHT OF
WAY LINE OF 100 WEST ROAD;

THENCE ALONG SAID WEST RIGHT OF WAY LINE SOUTH 0°03'08" EAST
1306.79 FEET;

THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE SOUTH
0°02'36" EAST 772.48 FEET;

THENCE NORTH 89°57'24" EAST 25.00 FEET TO A 1/2" REBAR ON THE LINE
COMMON TO SAID SECTIONS 31 AND 36, SAID 1/2" REBAR MARKING THE
SOUTHWEST CORNER OF THAT REAL PROPERTY CONVEYED TO DOT
FOODS BY THE DEED RECORDED AS INSTRUMENT No. 316975, CASSIA
COUNTY RECORDS;

THENCE ALONG THE BOUNDARY LINES OF SAID LANDS OF DOT FOODS AS
FOLLOWS:

SOUTH 89°53'00" EAST 301.32 FEET,

NORTH 28°21'47" EAST 226.73 FEET,

NORTH 47°49'15" EAST 766.71 FEET TO A POINT ON THE LINE COMMON TO THE AFORESAID GOVERNMENT LOTS 1 AND 2 OF SECTION 31,

ALONG LAST SAID COMMON LINE NORTH 86°33'36" WEST 40.00 FEET, AND

NORTH 3°24'38" EAST 740.04 FEET TO THE SOUTHWEST CORNER OF THAT REAL PROPERTY CONVEYED FROM GLORFIELD TO HUNT BY THE WARRANTY DEED RECORDED AS INSTRUMENT No. 114022, CASSIA COUNTY RECORDS;

THENCE ALONG THE LINE COMMON TO SAID LANDS OF DOT FOODS AND SAID LANDS OF HUNT NORTH 3°24'38" EAST 565.00 FEET TO THE INTERSECTION THEREOF WITH THE AFORESAID SOUTH RIGHT OF WAY LINE OF 27TH ST.;

THENCE ALONG SAID SOUTH RIGHT OF WAY LINE NORTH 86°35'22" WEST 1018.49 FEET TO THE INTERSECTION THEREOF WITH THE AFORESAID LINE COMMON TO SECTIONS 31 AND 36;

THENCE ALONG SAID COMMON SECTION LINE NORTH 0°03'08" WEST 0.04 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED URBAN RENEWAL AND REVENUE ALLOCATION AREAS CONTAIN 41.00 ACRES, MORE OR LESS.

ATTACHMENT

NO. 2

ATTACHMENT

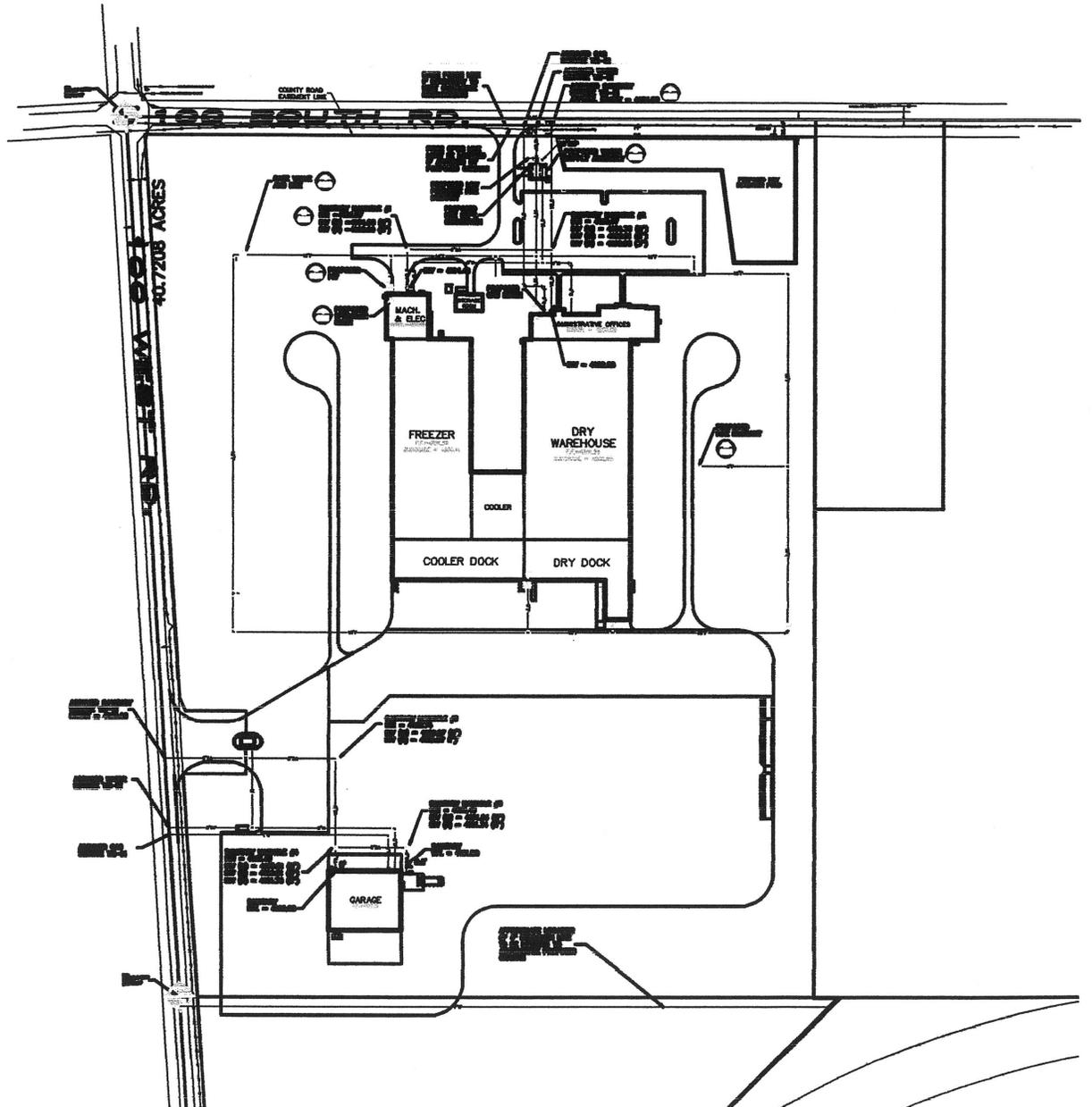
NO. 3

PRIVATE PROPERTIES WHICH MAY BE AQUIRED BY THE
AGENCY

NONE

ATTACHMENT

NO. 4



ATTACHMENT

NO. 4A

ATTACHMENT

NO. 5

Attachment - Description of Public Improvements

<u>Public Improvements</u>	<u>Estimated Costs</u>	<u>URA Funded</u>	<u>Private Funded</u>
Earthwork and Lime Treatment of Building Pad	\$ 1,162,606	\$ 1,162,606	\$ -
Geopiers	\$ 225,000	\$ 225,000	\$ -
Site Utilities	\$ 614,150	\$ 614,150	\$ -
Asphalt Pavement and Chip & Tar	\$ 665,093	\$ 665,093	\$ -
Site Concrete and Concrete Pavement	\$ 468,217	\$ 468,217	\$ -
Guardrail and Bollards	\$ 17,700	\$ -	\$ 17,700
Foundations & Miscellaneous Concrete	\$ 815,480	\$ 365,480	\$ 450,000
Concrete Floor Slabs - Kalman	\$ 738,384	\$ -	\$ 738,384
Other Slabs	\$ 204,846	\$ -	\$ 204,846
Masonry	\$ 300,800	\$ -	\$ 300,800
Structural & Miscellaneous Steel	\$ 2,095,444	\$ -	\$ 2,095,444
Total	\$ 7,307,719	\$ 3,500,545	\$ 3,807,173

ATTACHMENT

NO. 5A

Attachment - Description of Proposed Private Development

The proposed Distribution Center will include approximately 135,000 square feet of dry, refrigerated, and freezer warehouse space, office space, and truck maintenance space. The proposed facility will be located on approximately 44 acres of land.

The estimated private investment in the Distribution Center and equipment, excluding land purchase, and the TIF contributions for eligible onsite utilities, earthwork, geopiers, asphalt and concrete site work, and some foundation work, is approximately \$17,500,000.

ATTACHMENT

NO. 5B

Economic Feasibility Study

Jobs Impact

The proposed project will create 150 new direct jobs, including management, transportation, warehouse and administrative employees. The jobs will be phased in over a 5 year period. We estimate that these jobs will result in the creation of an additional 51 indirect and induced jobs in Burley and Cassia County for a total of 201 direct, indirect and induced jobs. Indirect jobs are jobs created that support the distribution center activities, such as employees of suppliers and vendors to the facility. Induced jobs are jobs created in the community that support the distribution center employees, such as teachers, bankers, health care employees, and restaurant employees.

	New Direct Jobs	Multiplier	Indirect/ Induced Jobs	Total Jobs
Burley and Cassia County	150	1.337473	51	201

Compensation Impact

The estimated combined annual compensation for the 150 distribution center employees is \$8,900,000. This includes \$6,600,000 in wages and \$2,300,000 in non-mandatory benefits. We estimate that direct compensation will result in \$1,900,000 of additional annual indirect and induced compensation in Burley and Cassia County, for total annual compensation of \$10,800,000.

	New Direct Compensation	Multiplier	Indirect/ Induced Compensation	Total Compensation
Burley and Cassia County	\$8,900,000	1.208026	\$1,900,000	\$10,800,000

Economic Output

Additionally, annual economic activity generated by the distribution center in Burley and Cassia County is estimated to be approximately \$16,000,000. Economic activity is money that is generated and circulated throughout Burley and Cassia County and includes the direct, indirect, and induced economic output of the distribution center operations.

Construction Period Impacts

The distribution center will further impact the Burley and Cassia County economy through the creation of an estimated 281 construction jobs with an annual estimated compensation of \$6,366,000. These jobs will exist for a one year period during the construction of the distribution center. We estimate that these construction jobs will result in 70 indirect and induced jobs and \$1,248,000 of annual indirect and induced compensation within the Burley and Cassia County during the construction period, for a total of 351 jobs and \$7,614,000 of annual compensation. Annual economic activity during the distribution center construction period is estimated to be \$21,322,000.

Revenue Impacts

The following tables provide a breakdown of the base-assessed valuation for the proposed revenue allocation district for the XX Urban Renewal Area. An analysis of the tax levy rates applied in calculating tax collection for taxing entities and the XX Revenue Allocation District is described below and the 2006 tax levies obtained from the Cassia County Assessor's Office for each of the taxing jurisdictions are as follows:

Cassia County	0.003230159
City of Burley	0.006347411
School District	0.003583297
Burley Highway	0.001742430
Total Millage	0.014903297

Table 1 shows the amount of expected revenue that the taxing jurisdictions will be allocated based upon the base year value of the revenue allocation district for the XX Urban Renewal Plan:

Taxing Entity	Levy Rate	Valuation Base	Base Year Revenue
Cassia County	0.003230159	\$30,541	\$98.65
City of Burley	0.006347411	\$30,541	\$193.85
School District	0.003583297	\$30,541	\$109.44
Burley Highway	0.001742430	\$30,541	\$53.21
Total	0.014903297	\$30,541	\$455.16

Table 2 outlines the net increase potential obtained from the estimated post construction value on the property after 1, 5, 10, 20 and 24 year periods:

Year	Base Value	Estimated Post Construction Value*	Net Increase in Value
Year 1	\$30,541	\$671,894	\$641,353
Year 5	\$30,541	\$19,578,117	\$19,547,576
Year 10	\$30,541	\$18,167,084	\$18,136,543
Year 20	\$30,541	\$19,289,924	\$19,259,383
Year 24	\$30,541	\$19,289,924	\$19,259,383

* Includes assessed value of land and proposed facility.

Table 3 provides information pertaining to the base taxes and tax increment of the revenue allocation area in each of the taxing districts after the proposed project is completed. The numbers are calculated based upon the current levy rates listed above and the estimated increased potential tax value from Table 2:

Year	Expected Tax Value	City	County	School	Highway	Total
2008	\$671,894	\$4,265	\$2,170	\$2,424	\$1,179	\$10,037
2009	\$19,893,698	\$127,120	\$64,690	\$72,243	\$35,129	\$299,183
2010	\$19,694,692	\$126,691	\$64,472	\$72,000	\$35,011	\$298,174
2011	\$19,336,155	\$125,218	\$63,723	\$71,163	\$34,604	\$294,708
2012	\$19,578,117	\$127,634	\$64,952	\$72,536	\$35,272	\$300,395
2013	\$19,146,666	\$125,658	\$63,947	\$71,413	\$34,726	\$295,743
2014	\$18,667,527	\$123,334	\$62,764	\$70,092	\$34,083	\$290,274
2015	\$18,208,125	\$121,105	\$61,630	\$68,825	\$33,467	\$285,027
2016	\$17,807,934	\$119,237	\$60,679	\$67,764	\$32,951	\$280,631
2017	\$18,167,084	\$122,457	\$62,317	\$69,594	\$33,841	\$288,208
2018	\$17,766,894	\$120,562	\$61,353	\$68,516	\$33,317	\$283,748
2019	\$17,566,799	\$120,002	\$61,069	\$68,199	\$33,163	\$282,432
2020	\$17,566,799	\$120,806	\$61,478	\$68,656	\$33,385	\$284,325
2021	\$17,566,799	\$121,616	\$61,890	\$69,116	\$33,608	\$286,230
2022	\$18,406,934	\$128,286	\$65,284	\$72,906	\$35,452	\$301,928
2023	\$18,406,934	\$129,145	\$65,721	\$73,395	\$35,689	\$303,951
2024	\$18,406,934	\$130,011	\$66,162	\$73,887	\$35,928	\$305,987
2025	\$18,406,934	\$130,882	\$66,605	\$74,382	\$36,169	\$308,037
2026	\$18,406,934	\$131,759	\$67,051	\$74,880	\$36,411	\$310,101
2027	\$19,289,924	\$139,004	\$70,738	\$78,998	\$38,414	\$327,154
2028	\$19,289,924	\$139,936	\$71,212	\$79,527	\$38,671	\$329,346
2029	\$19,289,924	\$140,873	\$71,690	\$80,060	\$38,930	\$331,553
2030	\$19,289,924	\$141,817	\$72,170	\$80,596	\$39,191	\$333,774
2031	\$19,289,924	\$142,767	\$72,653	\$81,136	\$39,454	\$336,011
Total		\$2,960,185	\$1,506,420	\$1,682,307	\$818,046	\$6,966,958

If the new construction and investment meets or exceeds projections and after the bonds are repaid and/or the Plan terminated, each of the taxing jurisdictions will begin receiving annually the additional revenues projected for Year 2031 in Table 3 above.

Table 4 provides an analysis of the estimated revenue to the Urban Renewal Area from new property values within the revenue allocation district:

Year	Expected Tax Value	Total Levy Rate	Revenue to URA
2008	\$641,353	0.014903	\$9,558
2009	\$19,863,157	0.015003	\$298,010
2010	\$19,664,151	0.015104	\$297,001
2011	\$19,305,614	0.015205	\$293,539
2012	\$19,547,576	0.015307	\$299,210
2013	\$19,116,125	0.015409	\$294,566
2014	\$18,636,986	0.015513	\$289,107
2015	\$18,177,584	0.015616	\$283,870
2016	\$17,777,393	0.015721	\$279,480
2017	\$18,136,543	0.015826	\$287,037
2018	\$17,736,353	0.015932	\$282,584
2019	\$17,536,258	0.016039	\$281,268
2020	\$17,536,258	0.016147	\$283,152
2021	\$17,536,258	0.016255	\$285,049
2022	\$18,376,393	0.016364	\$300,707
2023	\$18,376,393	0.016473	\$302,722
2024	\$18,376,393	0.016584	\$304,750
2025	\$18,376,393	0.016695	\$306,792
2026	\$18,376,393	0.016807	\$308,847
2027	\$19,259,383	0.016919	\$325,856
2028	\$19,259,383	0.017033	\$328,039
2029	\$19,259,383	0.017147	\$330,237
2030	\$19,259,383	0.017262	\$332,450
2031	\$19,259,383	0.017377	\$334,677
Total			\$6,938,509

The total revenue amount that is projected to be received by the Urban Renewal Area over the next 24 years is estimated to be approximately \$6,938,000. This amount will be used to finance the improvement projects within the Urban Renewal Area through the issuance of revenue allocation bonds for the term not to exceed the duration of the Plan.

Indirect Tax Impact

We estimate that the proposed distribution center operations will generate \$171,723 in new, annual indirect and induced taxes to the City of Burley. This is based upon the creation of 150 direct jobs and 51 indirect and induced jobs. Each job will generate an estimated \$854 in average annual taxes. This figure is based upon revenue collections provided by the City of Burley and applied on a per job basis city-wide.

Burley ID General Revenues (Year Ended 9/30/2005)	Total	Revenue per Burley Employee (3,880 Employees)	Est. Revenue Created by 150 Dot Foods Employees	Est. Revenue Created by 51 Induced/ Indirect Jobs	Total Annual Revenue Created
General Purposes Property Tax	\$1,127,195	\$291	\$43,577	\$14,816	\$58,393
Library Property Tax	\$121,717	\$31	\$4,706	\$1,600	\$6,305
Gen. Oblig. Bond Property Tax	\$351,426	\$91	\$13,586	\$4,619	\$18,205
In Lieu of Taxes	\$345,000	\$89	\$13,338	\$4,535	\$17,872
State Hwy Use & County Rd & Bridge Tax	\$552,922	\$143	\$21,376	\$7,268	\$28,644
State Sales & Liquor Taxes	\$690,726	\$178	\$26,703	\$9,079	\$35,782
Franchise Fees	\$125,872	\$32	\$4,866	\$1,655	\$6,521
Total	\$3,314,858	\$854	\$128,152	\$43,572	\$171,723

Additionally, we estimate that the distribution center operations will generate \$61,516 in new, annual indirect and induced taxes to Cassia County. This is based upon the creation of 150 direct jobs and 51 indirect and induced jobs. Each job will generate an estimated \$306 in average annual taxes. This figure is based upon revenue collections provided by Cassia County and applied on a per job basis county-wide.

Cassia County ID 2006-07 Revenues	Total	Revenue per Burley Employee (9,676 Employees)	Est. Revenue Created by 150 Dot Foods Employees	Est. Revenue Created by 51 Induced/Indirect Jobs	Total Annual Revenue Created
Property Tax Collections	\$2,961,329	\$306	\$45,907	\$15,608	\$61,516

The total indirect and induced annual fiscal impact from the proposed project is estimated to be over \$230,000.

Allocation of Projected Revenues

The projected revenue to the Agency from the tax increment is \$6,938,509. Debt service on the revenue allocation bonds is projected at \$6,938,509. The Agency has no projected revenues from sources other than the tax increment. The increment will be allocated to service the bond debt service in its entirety.

ATTACHMENT

NO. 5C

URA Bonds Amortization Schedule

Interest Rate 6.000000%

Year	Beginning Principal Balance	Semi-Annual Principal Payments	Semi-Annual Capitalized Interest	Semi-Annual Interest Payments	Estimated Annual Property Taxes for URA	Estimated Annual URA Revenues
2008a	\$3,498,979	\$0	\$103,289	\$4,779	\$9,558	\$9,558
2008b		\$0	\$103,289	\$4,779		
2009a	\$3,705,557	\$39,009	\$0	\$109,996	\$298,010	\$298,010
2009b		\$39,009	\$0	\$109,996		
2010a	\$3,627,540	\$40,901	\$0	\$107,599	\$297,001	\$297,001
2010b		\$40,901	\$0	\$107,599		
2011a	\$3,545,737	\$41,647	\$0	\$105,123	\$293,539	\$293,539
2011b		\$41,647	\$0	\$105,123		
2012a	\$3,462,443	\$47,146	\$0	\$102,459	\$299,210	\$299,210
2012b		\$47,146	\$0	\$102,459		
2013a	\$3,368,151	\$47,668	\$0	\$99,614	\$294,566	\$294,566
2013b		\$47,668	\$0	\$99,614		
2014a	\$3,272,815	\$47,803	\$0	\$96,750	\$289,107	\$289,107
2014b		\$47,803	\$0	\$96,750		
2015a	\$3,177,208	\$48,060	\$0	\$93,874	\$283,870	\$283,870
2015b		\$48,060	\$0	\$93,874		
2016a	\$3,081,088	\$48,771	\$0	\$90,970	\$279,480	\$279,480
2016b		\$48,771	\$0	\$90,970		
2017a	\$2,983,546	\$55,682	\$0	\$87,836	\$287,037	\$287,037
2017b		\$55,682	\$0	\$87,836		
2018a	\$2,872,181	\$56,831	\$0	\$84,461	\$282,584	\$282,584
2018b		\$56,831	\$0	\$84,461		
2019a	\$2,758,519	\$59,668	\$0	\$80,966	\$281,268	\$281,268
2019b		\$59,668	\$0	\$80,966		
2020a	\$2,639,182	\$64,331	\$0	\$77,246	\$283,152	\$283,152
2020b		\$64,331	\$0	\$77,246		
2021a	\$2,510,521	\$69,288	\$0	\$73,237	\$285,049	\$285,049
2021b		\$69,288	\$0	\$73,237		
2022a	\$2,371,945	\$81,644	\$0	\$68,709	\$300,707	\$300,707
2022b		\$81,644	\$0	\$68,709		
2023a	\$2,208,656	\$87,733	\$0	\$63,628	\$302,722	\$302,722
2023b		\$87,733	\$0	\$63,628		
2024a	\$2,033,190	\$94,205	\$0	\$58,170	\$304,750	\$304,750
2024b		\$94,205	\$0	\$58,170		
2025a	\$1,844,779	\$101,085	\$0	\$52,311	\$306,792	\$306,792
2025b		\$101,085	\$0	\$52,311		
2026a	\$1,642,609	\$108,397	\$0	\$46,026	\$308,847	\$308,847
2026b		\$108,397	\$0	\$46,026		
2027a	\$1,425,814	\$123,870	\$0	\$39,058	\$325,856	\$325,856
2027b		\$123,870	\$0	\$39,058		
2028a	\$1,178,074	\$132,657	\$0	\$31,363	\$328,039	\$328,039
2028b		\$132,657	\$0	\$31,363		
2029a	\$912,760	\$141,996	\$0	\$23,123	\$330,237	\$330,237
2028b		\$141,996	\$0	\$23,123		
2029a	\$628,768	\$151,919	\$0	\$14,305	\$332,450	\$332,450
2029b		\$151,919	\$0	\$14,305		
2030a	\$324,929	\$162,465	\$0	\$4,874	\$334,677	\$334,677
2030b		\$162,465	\$0	\$4,874		
Totals		\$3,705,557	\$206,578	\$3,232,952	\$6,938,509	\$6,938,509

NPV of TIF Proceeds	\$3,498,979
Issuance Costs and Fees	TBD
NPV of Net Benefit	\$3,498,979

ATTACHMENT

NO. 6

RESOLUTION 9-07

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 AN URBAN
RENEWAL PROJECT.

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

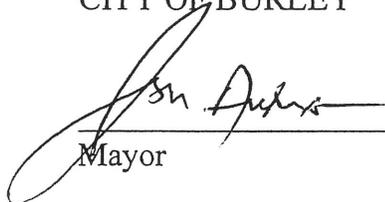
1. The real property described on Exhibit A hereto is a deteriorated or deteriorating area as defined by the Idaho Urban Renewal Law of 1965.
2. The rehabilitation, conservation, redevelopment, or combination thereof, of the real property described on Exhibit A, is necessary in the interest of the public 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, in accordance with the provisions of Idaho Code § 50-2008 and § 50-2906, providing for the rehabilitation, conservation, and redevelopment of the property described on Exhibit A. Any urban renewal project for the area described on Exhibit A shall be known by the name of "Burley Second Urban Renewal Project".

PASSED 9-4-07

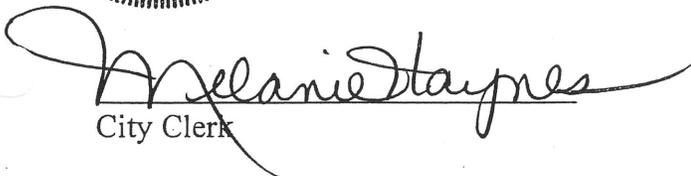
APPROVED 9-4-07

CITY OF BURLEY



Mayor





City Clerk

EXHIBIT A

TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO.

Section 31: A portion of Government Lot 1, more particularly described as follows:

Beginning at the $\frac{5}{8}$ inch rebar and aluminum cap marking the Northwest corner of said Section 31, and running thence along the North line thereof South $86^{\circ}35'22''$ East 1020.00 feet to the Northwest corner of that real property conveyed from Fred and Naomi Glorfield to Allen Brent Hunt by the Warranty Deed recorded February 1, 1979 as Instrument No. 114022, Cassia County records;

Thence along the West line thereof South $3^{\circ}24'38''$ West 590.00 feet to the Southwest corner of said lands of Allen Brent Hunt;

Thence continuing South $3^{\circ}24'38''$ West 740.04 feet to a point on the line common to Government Lots 1 and 2 of said Section 31;

Thence along said common line North $86^{\circ}33'36''$ West 939.55 feet to a $\frac{5}{8}$ inch rebar marking the Southwest corner of said Government Lot 1;

Thence along the West line of said Section 31 North $0^{\circ}03'08''$ West 1331.99 feet to the Point of Beginning.

Section 31: A portion of Government Lot 2, more particularly described as follows:

Beginning at the $\frac{5}{8}$ inch rebar and aluminum cap marking the Northwest corner of said Section 31, and running Thence along the West line thereof South $0^{\circ}03'08''$ East 1331.99 feet to the $\frac{5}{8}$ inch rebar marking the Northwest corner of said Government Lot 2, and the True Point of Beginning;

Thence continuing along the West line of said Section 31 South $0^{\circ}02'36''$ East 772.49 feet to the intersection thereof with a line parallel with and 50.00 feet Northerly, by right angle measure from the Northern line of that real property conveyed from the Paskett Family Trust Agreement to Keith Lee Rasmussen and Sandra J. Rasmussen by the Warranty Deed recorded December 21, 1990 as Instrument No. 211147, Cassia County records;

Thence along said parallel line South $89^{\circ}53'00''$ East 301.32 feet to a point bearing North $28^{\circ}21'47''$ East 56.76 feet from the $\frac{1}{2}$ inch rebar marking the Northeast corner of said lands of Rasmussen;

Thence leaving said parallel line North $28^{\circ}21'47''$ East 226.73 feet;

Thence North $47^{\circ}49'15''$ East 766.71 feet to a point on the line common to Government Lots 1 and 2 of said Section 31;

Thence along said common line North $86^{\circ}33'36''$ West 40.00 feet to a point thereon;

Thence continuing along said common line North $86^{\circ}33'36''$ West 939.55 feet to the True Point of Beginning.

TOGETHER WITH all contiguous roads.

ATTACHMENT

NO. 6A

RESOLUTION 10-07

A RESOLUTION OF THE CITY OF BURLEY,
IDAHO; MAKING FINDINGS OF FACT; AND
FINDING THE NEED FOR AN URBAN
RENEWAL AGENCY.

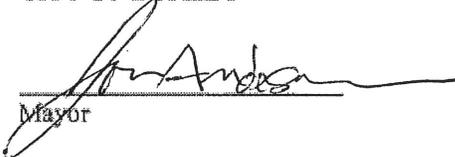
BE IT RESOLVED by the Mayor and Council of the City of Burley:

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 health, safety, and welfare of the residents of the City of Burley.
4. There is a need for an urban renewal agency to function in the City of Burley.

RESOLVED this 18th day of September 2007.



CITY OF BURLEY



Mayor



City Clerk

EXHIBIT A

TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO.

Section 31: A portion of Government Lot 1, more particularly described as follows:

Beginning at the ¼ inch rebar and aluminum cap marking the Northwest corner of said Section 31, and running thence along the North line thereof South 86°35'22" East 1020.00 feet to the Northwest corner of that real property conveyed from Fred and Naomi Glorfield to Allen Brent Hunt by the Warranty Deed recorded February 1, 1979 as Instrument No. 114022, Cassia County records;

Thence along the West line thereof South 3°24'38" West 590.00 feet to the Southwest corner of said lands of Allen Brent Hunt;

Thence continuing South 3°24'38" West 740.04 feet to a point on the line common to Government Lots 1 and 2 of said Section 31;

Thence along said common line North 86°33'36" West 939.55 feet to a ¼ inch rebar marking the Southwest corner of said Government Lot 1;

Thence along the West line of said Section 31 North 0°03'08" West 1331.99 feet to the Point of Beginning.

Section 31: A portion of Government Lot 2, more particularly described as follows:

Beginning at the ¼ inch rebar and aluminum cap marking the Northwest corner of said Section 31, and running Thence along the West line thereof South 0°03'08" East 1331.99 feet to the ¼ inch rebar marking the Northwest corner of said Government Lot 2, and the True Point of Beginning;

Thence continuing along the West line of said Section 31 South 0°02'36" East 772.49 feet to the intersection thereof with a line parallel with and 50.00 feet Northerly, by right angle measure from the Northern line of that real property conveyed from the Paskett Family Trust Agreement to Keith Lee Rasmussen and Sandra J. Rasmussen by the Warranty Deed recorded December 21, 1990 as Instrument No. 211147, Cassia County records;

Thence along said parallel line South 89°53'00" East 301.32 feet to a point bearing North 28°21'47" East 56.76 feet from the ½ inch rebar marking the Northeast corner of said lands of Rasmussen;

Thence leaving said parallel line North 28°21'47" East 226.73 feet;

Thence North 47°49'15" East 766.71 feet to a point on the line common to Government Lots 1 and 2 of said Section 31;

Thence along said common line North 86°33'36" West 40.00 feet to a point thereon;

Thence continuing along said common line North 86°33'36" West 939.55 feet to the True Point of Beginning.

TOGETHER WITH all contiguous roads.

ATTACHMENT

NO. 7

RESOLUTION NO 1-07

A RESOLUTION OF THE BURLEY DEVELOPMENT AUTHORITY RECOMMENDING AND ADOPTING THE URBAN RENEWAL PLAN FOR THE SECOND 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 September 4, 2007 Burley adopted Resolution No. 9-07 finding the property described on Exhibit A hereto to be deteriorated area as defined by Idaho Code Section 50-2008 and 50-2903, and

WHEREAS, on September 18, 2007 Burley adopted Resolution No. 10-07 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 Second 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 Second 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 Second 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 Second 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) 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, that the Plan includes a revenue allocation provision and that the Agency has determined that the equalized assessed valuation of the revenue allocation area will likely increase as the result of the initiation of an urban renewal project.

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 29th DAY OF OCTOBER, 2007


CHAIRMAN

ATTEST

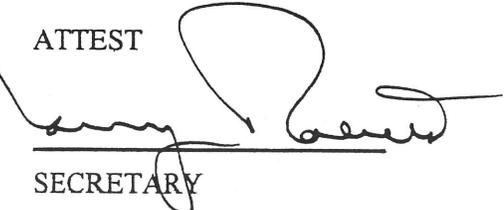

SECRETARY

EXHIBIT A

CITY OF BURLEY URBAN RENEWAL AREA AND REVENUE
ALLOCATION AREA, DOT FOODS

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN, CASSIA COUNTY,
IDAHO.

SECTION 31: A PORTION OF GOVERNMENT LOTS 1 AND 2.

TOWNSHIP 10 SOUTH, RANGE 22 EAST, BOISE MERIDIAN, CASSIA COUNTY,
IDAHO.

SECTION 36: A PORTION OF THE EAST HALF OF THE NORTHEAST
QUARTER (E2NE4),

THE WHOLE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE 5/8" REBAR AND ALUMINUM CAP MARKING THE
NORTHERN CORNER COMMON TO THE AFORESAID SECTIONS 31 AND 36,
AND RUNNING THENCE ALONG THE LINE COMMON TO SAID SECTIONS
SOUTH 0°03'08" EAST 25.00 FEET TO THE SOUTH LINE OF THE 27TH ST. RIGHT
OF WAY (FORMERLY 100 SOUTH RD.), AND THE TRUE POINT OF
BEGINNING;

THENCE ALONG SAID SOUTH RIGHT OF WAY LINE SOUTH 89°29'41" WEST
25.00 FEET TO THE INTERSECTION THEREOF WITH THE WEST RIGHT OF
WAY LINE OF 100 WEST ROAD;

THENCE ALONG SAID WEST RIGHT OF WAY LINE SOUTH 0°03'08" EAST
1306.79 FEET;

THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE SOUTH
0°02'36" EAST 772.48 FEET;

THENCE NORTH 89°57'24" EAST 25.00 FEET TO A 1/2" REBAR ON THE LINE
COMMON TO SAID SECTIONS 31 AND 36, SAID 1/2" REBAR MARKING THE
SOUTHWEST CORNER OF THAT REAL PROPERTY CONVEYED TO DOT
FOODS BY THE DEED RECORDED AS INSTRUMENT No. 316975, CASSIA
COUNTY RECORDS;

THENCE ALONG THE BOUNDARY LINES OF SAID LANDS OF DOT FOODS AS
FOLLOWS:

SOUTH 89°53'00" EAST 301.32 FEET,

NORTH 28°21'47" EAST 226.73 FEET,

NORTH 47°49'15" EAST 766.71 FEET TO A POINT ON THE LINE COMMON TO THE AFORESAID GOVERNMENT LOTS 1 AND 2 OF SECTION 31,

ALONG LAST SAID COMMON LINE NORTH 86°33'36" WEST 40.00 FEET, AND

NORTH 3°24'38" EAST 740.04 FEET TO THE SOUTHWEST CORNER OF THAT REAL PROPERTY CONVEYED FROM GLORFIELD TO HUNT BY THE WARRANTY DEED RECORDED AS INSTRUMENT No. 114022, CASSIA COUNTY RECORDS;

THENCE ALONG THE LINE COMMON TO SAID LANDS OF DOT FOODS AND SAID LANDS OF HUNT NORTH 3°24'38" EAST 565.00 FEET TO THE INTERSECTION THEREOF WITH THE AFORESAID SOUTH RIGHT OF WAY LINE OF 27TH ST.;

THENCE ALONG SAID SOUTH RIGHT OF WAY LINE NORTH 86°35'22" WEST 1018.49 FEET TO THE INTERSECTION THEREOF WITH THE AFORESAID LINE COMMON TO SECTIONS 31 AND 36;

THENCE ALONG SAID COMMON SECTION LINE NORTH 0°03'08" WEST 0.04 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED URBAN RENEWAL AND REVENUE ALLOCATION AREAS CONTAIN 41.00 ACRES, MORE OR LESS.

ATTACHMENT

NO. 8

RESOLUTION OF THE BURLEY PLANNING AND ZONING
COMMISSION RELATING TO THE URBAN RENEWAL PLAN FOR THE SECOND
BURLEY URBAN RENEWAL PROJECT BY THE BURLEY DEVELOPMENT AUTHORITY
(BDA) FOR THE CITY OF BURLEY

The Burley Development Authority has submitted a proposed urban renewal plan entitled "Urban Renewal Plan for the Second 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 30, 2007 at 12:00 PM 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 certified copy of this Resolution.

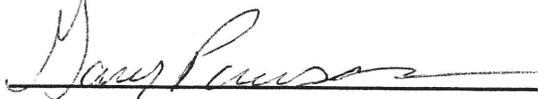
Section 3 That this Resolution shall be in full force and effect immediately upon its adoption and approval.

PASSED by the Planning and Zoning Commission of the City of Burley, Idaho, and this 30th day of October, 2007.



Chairman, Planning and Zoning Commission





Planning and Zoning Administrator

EXHIBIT A

BEFORE THE
PLANNING COMMISSION
OF THE CITY OF BURLEY, IDAHO

In the Matter of Compliance	)	FINDINGS OF FACT,
With the Urban Renewal Plan	)	CONCLUSIONS OF LAW
For the Second Burley Urban	)	AND DECISION
Renewal Project by the)	
Burley Development Authority)	
(BDA) for the City of Burley)	
With the Burley Comprehensive Plan)	

The above matter having come before the Planning and Zoning Commission of the City of Burley, Idaho for review on October 30, 2007 at 12:00 PM, and the Commission having made its decision; and the Commission having received testimony from Mark Milton, City Administrator and Randy Stone City Attorney ; and having reviewed the Urban Renewal Plan for the Second Burley Urban Renewal Project by the Burley Development Authority (BDA) for the City of Burley, Attachment A, 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 Second 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 30, 2007.
2. Each component of the Urban Renewal Plan for the Second 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 Conclusions of Law, the Planning Commission of the City of Burley, Idaho hereby enters the following:

DECISION

All components of the Urban Renewal Plan for the Second 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 30th day of October, 2007

Burley Planning and Zoning Commission


Chairman / 

ATTACHMENT

NO. 9

ORDINANCE NO. 1221

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLEY, IDAHO, APPROVING AN URBAN RENEWAL PLAN FOR THE SECOND BURLEY URBAN RENEWAL PROJECT BY THE BURLEY DEVELOPMENT AUTHORITY (BDA) FOR THE CITY OF BURLEY; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY, STATE AND OTHER OFFICIALS; PROVIDING FOR A LIMITATION ON ACTIONS AGAINST THE PLAN AFTER 30 DAYS FROM THE EFFECTIVE DATE OF THE ORDINANCE; PROVIDING FOR SEPARABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Urban Renewal Agency of the City of Burley, Idaho (hereafter the "Agency") was established on September 8, 1998, by Resolution No.10 - 98 of the City Council of the City of Burley; and,

WHEREAS, on September 4, 2007, the City Council of the City of Burley, Idaho (the "City"), by Resolution No. 9-07 determined the property described on Exhibit A to be a deteriorated area or a deteriorating area or a combination thereof and designated the area as appropriate for an urban renewal project; and,

WHEREAS, on September 18, 2007, the City Council of the City of Burley, Idaho, by Resolution No. 10-07 made a finding of necessity pursuant to Idaho Code Section 50-2005 with respect to the property described on Exhibit A; and

WHEREAS, on October 29, 2007, the Agency met and considered the Urban Renewal Plan For the Second Burley Urban Renewal Project by the Burley Development Authority (BDA) for the City of Burley (hereafter, the "Plan") and by unanimous vote adopted its Resolution No. 1-07, recommending to City Council the adoption of the Plan (Exhibit "B", attached hereto); and,

WHEREAS, on October 29, 2007, the Burley Planning and Zoning Commission reviewed the Plan, issued Findings of Fact and Conclusions of Law, and has approved the Plan by Resolution finding the Plan is in conformity with the City's Comprehensive Plan; and,

WHEREAS, on October 31, 2007, the Notice of Public Hearing was published in the South Idaho Press the official newspaper for public notice in the City, and also was sent to the governing bodies of the City of Burley, Cassia County, School District No. 151, North Cassia Fire District, and the Burley Highway District, setting the date for a public hearing to be held on Tuesday, December 4, 2007, at 7:00 o'clock, p.m., for consideration of the adoption of the Plan (Exhibit "B" attached hereto); and,

WHEREAS, on December 4, 2007, at 7:00 o'clock, p.m., the Burley City Council held a public hearing on consideration of the adoption of the Plan; and,

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

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

WHEREAS, as required by applicable law, the Plan contains the following information which was made available to the general public and all taxing districts with taxing authority in the Project Area at least thirty days (30) prior to the December 4, 2007 of the City Council

- (a) a statement of the objectives of the municipality in undertaking the urban renewal project;
- (b) an estimate of the cost of the urban renewal project;
- (c) the sources of revenue to finance these costs, including estimates of revenue allocation under the Act;
- (d) the amount of bonded or other indebtedness to be incurred;
- (e) the duration of the project's existence;
- (f) a description of the revenue allocation area; and,
- (g) a statement of the estimated impact of revenue allocation financing on all taxing districts within the Revenue Allocation Area.
- (h) the kind, number and locations of all proposed public works in the area;
- (i) an economic feasibility study;
- (j) a description of the methods of financing estimated project costs and the time when such costs and monetary obligations are to be incurred;
- (k) a termination date for the plan and revenue allocation area; and
- (l) a description of the disposition of any assets of the Agency on the termination date.

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

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

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

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

- (a) The project Area, as defined in Resolution No.9-07, continues to be deteriorated or a deteriorating area as defined in the Act and qualifies as an eligible urban renewal area under the Act;
- (b) The rehabilitation, conservation, and redevelopment of the Project Area pursuant to the Plan is necessary in the interest of the public health, safety, and welfare of the residents of the City of Burley; and,
- (c) There continues to be a need for the Agency to function in the City of Burley.

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

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

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

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

SECTION 6. That the Agency does not intend to acquire any open land on any widespread basis, and that the Project Area is planned to be redeveloped in a manner that will provide nonresidential uses. Provided, however, that the City Council does find that the Project Area and Revenue Allocation Area are "open land" the criteria set forth in the Act and Title 50, Idaho code as amended, has been met, that the City Council finds that the development of the Project Area which is identified for non-residential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns and the need for improved infrastructure and facilities in the area.

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

SECTION 8. That upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the county auditor and tax assessor of Cassia County, and to the appropriate officials of School District No 151, Burley highway District, and to the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundaries of the Revenue Allocation Area, and a map or plat indicating the boundaries of the Revenue Allocation Area.

SECTION 9. The City Council hereby finds and declares that the Revenue Allocation Area as defined in the Plan is the same as the Project Area, the equalized assessed valuation of which the Council hereby determines in and as part of the Plan is Rely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Plan.

SECTION 10. No direct or collateral action attacking the Plan shall be brought prior to the effective date of this Ordinance or after the elapse of thirty (30) days from and after the effective date of this Ordinance adopting the Plan.

SECTION 11. The provisions of this Ordinance are severable and if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this Ordinance.

SECTION 12. That this Ordinance shall be in full force and effect from and after its passage, approval and publication.

Passed by the City Council of the City of Burley this 4th day of December, 2007.

Approved by the Mayor of the City of Burley this 4th day of December, 2007.

Attest:
Melanie Haynes
City Clerk

Jon Anderson
Mayor

EXHIBIT A

CITY OF BURLEY URBAN RENEWAL AREA AND REVENUE
ALLOCATION AREA, DOT FOODS

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN, CASSIA COUNTY,
IDAHO.

SECTION 31: A PORTION OF GOVERNMENT LOTS 1 AND 2.

TOWNSHIP 10 SOUTH, RANGE 22 EAST, BOISE MERIDIAN, CASSIA COUNTY,
IDAHO.

SECTION 36: A PORTION OF THE EAST HALF OF THE NORTHEAST
QUARTER (E2NE4),

THE WHOLE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE 5/8" REBAR AND ALA CAP MARKING THE
NORTHERN CORNER COMMON TO THE AFORESAID SECTIONS 31 AND 36,
AND RUNNING THENCE ALONG THE LINE COMMON TO SAID SECTIONS
SOUTH 0°03'08" EAST 25.00 FEET TO THE SOUTH LINE OF THE 27TH ST.
RIGHT OF WAY (FORMERLY 100 SOUTH RD.), AND THE TRUE POINT OF
BEGINNING;

THENCE ALONG SAID SOUTH RIGHT OF WAY LINE SOUTH 89°29'41" WEST
25.00 FEET TO THE INTERSECTION THEREOF WITH THE WEST RIGHT OF
WAY LINE OF 100 WEST ROAD;

THENCE ALONG SAID WEST RIGHT OF WAY LINE SOUTH 0°03'08" EAST
1306.79 FEET;

THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE SOUTH
0°02'36" EAST 772.48 FEET;

THENCE NORTH 89°57'24" EAST 25.00 FEET TO ½" REBAR ON THE LINE
COMMON TO SAID SECTIONS 31 AND 36, SAID ½" REBAR MARKING THE
SOUTHWEST CORNER OF THAT REAL PROPERTY CONVEYED TO DOT
FOODS BY THE DEED RECORDED AS INSTRUMENT No. 316975, CASSIA
COUNTY RECORDS;

THENCE ALONG THE BOUNDARY LINES OF SAID LANDS OF DOT FOODS AS
FOLLOWS:

SOUTH 89°53'00" EAST 301.32 FEET,

NORTH 28°21'47" EAST 226.73 FEET,

NORTH 47°49' 15" EAST 766.71 FEET TO A POINT ON THE LINE COMMON TO THE AFORESAID GOVERNMENT LOTS 1 AND 2 OF SECTION 31,

ALONG LAST SAID COMMON LINE NORTH 86°33'36" WEST 40.00 FEET, AND

NORTH 3°24'38" EAST 740.04 FEET TO THE SOUTHWEST CORNER OF THAT REAL PROPERTY CONVEYED FROM GLORFIELD TO HUNT BY THE WARRANTY DEED RECORDED AS INSTRUMENT No. 114022, CASSIA COUNTY RECORDS;

THENCE ALONG THE LINE COMMON TO SAID LANDS OF DOT FOODS AND SAID LANDS OF HUNT NORTH 3°24'38" EAST 565.00 FEET TO THE INTERSECTION THEREOF WITH THE AFORESAID SOUTH RIGHT OF WAY LINE OF 27TH ST.;

THENCE ALONG SAID SOUTH RIGHT OF WAY LINE NORTH 86°35'22" WEST 1018.49 FEET TO THE INTERSECTION THEREOF WITH THE AFORESAID LINE COMMON TO SECTIONS 31 AND 36;

THENCE ALONG SAID COMMON SECTION LINE NORTH 0°03'08" WEST 0.04 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED URBAN RENEWAL AND REVENUE ALLOCATION AREAS CONTAIN 41.00 ACRES, MORE OR LESS.

RESOLUTION OF THE BURLEY PLANNING AND ZONING
COMMISSION RELATING TO THE URBAN RENEWAL PLAN FOR THE SECOND
BURLEY URBAN RENEWAL PROJECT BY THE BURLEY DEVELOPMENT AUTHORITY
(BDA) FOR THE CITY OF BURLEY

The Burley Development Authority has submitted a proposed urban renewal plan entitled "Urban Renewal Plan for the Second 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 30, 2007 at 12:00 PM 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.

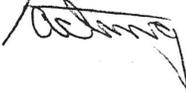
Section 2 That the Burley Planning and Zoning Commission shall provide the Burley City Council with a certified copy of this Resolution.

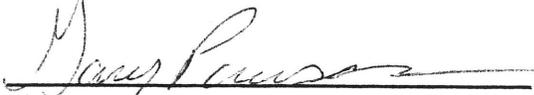
Section 3 That this Resolution shall be in full force and effect immediately upon its adoption and approval.

PASSED by the Planning and Zoning Commission of the City of Burley, Idaho, and this 30th day of October, 2007.



Chairman, Planning and Zoning Commission





Planning and Zoning Administrator

EXHIBIT A

BEFORE THE
PLANNING COMMISSION
OF THE CITY OF BURLEY, IDAHO

In the Matter of Compliance	)	FINDINGS OF FACT,
With the Urban Renewal Plan	)	CONCLUSIONS OF LAW
For the Second Burley Urban	)	AND DECISION
Renewal Project by the)	
Burley Development Authority)	
(BDA) for the City of Burley)	
With the Burley Comprehensive Plan)	

The above matter having come before the Planning and Zoning Commission of the City of Burley, Idaho for review on October 30, 2007 at 12:00 PM, and the Commission having made its decision; and the Commission having received testimony from Mark Milton, City Administrator and Randy Stone City Attorney ; and having reviewed the Urban Renewal Plan for the Second Burley Urban Renewal Project by the Burley Development Authority (BDA) for the City of Burley, Attachment A, 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 Second 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 30, 2007.
2. Each component of the Urban Renewal Plan for the Second 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 Conclusions of Law, the Planning Commission of the City of Burley, Idaho hereby enters the following:

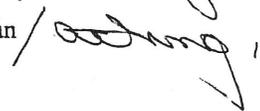
DECISION

All components of the Urban Renewal Plan for the Second 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 30th day of October, 2007

Burley Planning and Zoning Commission

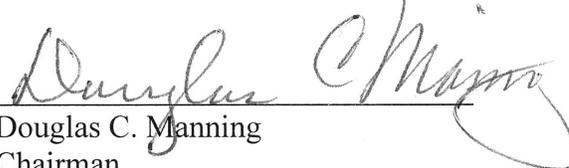

Chairman / 

CERTIFICATE OF AUTHENTICITY

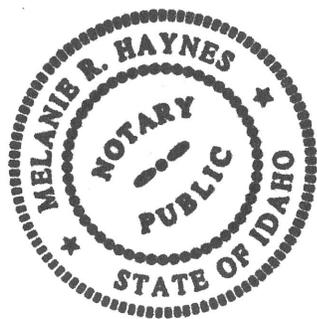
The undersigned, being the Chairman of the Burley Development Authority, hereby attests and certifies that the attached "Urban Renewal Plan for the Second Burley Urban Renewal Project by the Burley Development Authority (BDA) for the City of Burley" and the "Resolution No. 1-07" are true and correct copies of the originals adopted by the Burley Development Authority at a special meeting properly called for their consideration held at 12:00 o'clock P.M. on October 29, 2007.

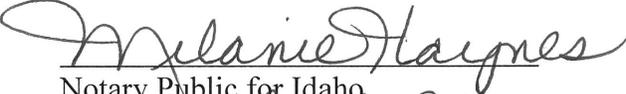
DATED this 9 day of Nov., 2007

BURLEY DEVELOPMENT AUTHORITY


Douglas C. Manning
Chairman

SUBSCRIBED and sworn to before me, this 9th day of Nov, 2007.




Notary Public for Idaho
Residing at Paul Id
My commission expires 1/20/2010

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

Ordinance No. 1221

Adopted December 4, 2007

Effective December 7, 2007, date of publication

TABLE OF CONTENTS

URBAN RENEWAL PLAN.....	1
Section 100 Introduction.....	5
Section 101 Provisions Necessary to Meet State and Local Requirements.....	7
Section 101.1 Conformance with State of Idaho Urban Renewal Law of 1965, as Amended	7
Section 200 Description of Project Area	7
Section 300 Proposed Redevelopment Actions	7
Section 301 General.....	7
Section 302 Urban Renewal Plan Objectives	8
Section 303 Participation Opportunities and Agreements.....	9
Section 304 Cooperation with Public Bodies	9
Section 305 Project Specific Activities.....	9
Section 306 Property Acquisition	10
Section 306.1 Real Property	10
Section 306.2 Personal Property	10
Section 306.3 Property Management.....	11
Section 307 Relocation of Persons (Including Individuals and Families), Business Concerns, Others Displaced by the Project	11
Section 308 Demolition, Clearance, and Building Site Preparation.....	11
Section 308.1 Demolition and Clearance.....	11
Section 308.2 Preparation of Building Sites.....	11
Section 309 Property Disposition and Development.....	11
Section 309.1 Real Property Disposition and Development.....	11
Section 309.1(a) General	11
Section 309.1(b) Disposition and Development Documents.....	12
Section 309.1(c) Development by the Agency	12
Section 309.1(d) Development Plans.....	13
Section 310 Personal Property Disposition.....	13
Section 311 Rehabilitation and Conservation.....	13
Section 311.1 [Reserved].....	13
Section 312 Participation with Private Development.....	13
Section 400 Uses Permitted in the Project Area	14
Section 401 Redevelopment Plan Map and Development Strategy	14
Section 402 Designated Land Uses.....	14
Section 402.1 Land Use Classifications.....	14
Section 403 Other Land Uses and Public Rights-of-Way	14
Section 404 General Controls and Limitations.....	14
Section 405 Design for Development	14
Section 405.01 Designs Guidelines for Development	15
Section 405.02 Design Guidelines for Development under a Disposition and Development Agreement or Owner Participation Agreement.....	15
Section 500 Methods of Financing the Project	15
Section 501 General Description of the Proposed Financing Method.....	15

Section 502 Revenue Bond Funds15
Section 503 Other Loans and Grants16
Section 504 Revenue Allocation Financing Provisions.....16
Section 600 Actions by the City17
Section 700 Enforcement18
Section 800 Duration of This Plan.....18
Section 900 Procedure for Amendment.....18
Section 1000 Severability19

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 within Revenue Area and Project Area
Attachment No. 4A	Map Depicting Current Comprehensive Plan Classification and Zoning Within the Project Area
Attachment No. 5	Statement of Proposed Public Improvements and Costs
Attachment No. 5A	Statement of Private Improvements and Costs
Attachment No. 5B	Economic Feasibility Study, Projected Project Costs, Estimated Revenues and Their Allocation, Projected Tax Impacts on Cassia County Taxing Entities, 2007 Levy Rate
Attachment No. 5C	Financing Methods and Bond Financing Debt Service
Attachment No. 6	City Council Resolution No. 9-07, September 4, 2007 Determining the Burley Area to be a Deteriorating Area
Attachment No. 6A	City Council Resolution No. 10-07, September 18, 2007 Finding of Necessity
Attachment No. 7	Burley Development Authority Resolution No. 1-07 Proposing the Urban Renewal Plan, Approved October 29, 2007 (Exhibit B "the Plan" not attached)
Attachment No. 8	Planning and Zoning Commission Resolution Recommending that the Burley Renewal Plan Conforms to the Comprehensive Plan for the City of Burley, Approved October 30, 2007
Attachment No. 9	City Council Ordinance No. 1221 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 4 December 2007 Date of Publication: December 7, 2007 (Exhibit "B" 'the Plan' not attached)

**URBAN RENEWAL PLAN FOR THE
SECOND 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 Second 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), Map Depicting Current Comprehensive Plan Classification and Zoning Within the Project Area (Attachment No. 4A), Statement of Proposed Public Improvements and Costs (Attachment No. 5), Statement of Private Improvements and Costs (Attachment 5A), Economic Feasibility Study, Projected Project Costs, Estimated Revenues and Their Allocation, Projected Tax Impacts on Cassia County Taxing Entities, 2007 Levy Rate (Attachment No. 5B), Financing Methods and Bond Financing Debt Service (Attachment No. 5C).

The term "Project" is used herein to describe the overall activities defined in this Plan Reference is specifically made to Idaho Code §50-2018(q) 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 Second 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 50-2901 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

ctions of the Law and Act are Idaho Code §§ 50-2008(d) and 50-2903(7)(b). 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

dertaking 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. 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 Southern 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.

ence, 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, Agency and Dot Foods, Inc., an Illinois corporation (“Dot Foods”) have entered into a certain Development Agreement dated as of September 4, 2007, under which, inter alia, the Agency agreed to provide assistance to Dot Foods 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 by Dot Foods.

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 such 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 50-2903, 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-3, Light Industrial Commercial 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 "Industrial".

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 shall be funded from the proceeds of revenue allocation bonds issued by the Agency with a principal stated amount

[\$3,500,000.00], at an interest rate of 6% per annum, and for a term not longer than 24 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 term of such bonds may be extended not longer than 6 years, and that the maturity date of such bonds may be extended up to thirty (30) years from the date of issuance of such bonds in accordance with Idaho Code § 50-2904(1). 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, 1998. These revenue allocation provisions shall apply to all taxing districts in which the Revenue Allocation Area is located and described on Attachment Nos. 1 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(11) 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.

A statement listing proposed public improvements and facilities and their costs, Attachment No. 5 to this Plan, A statement of private improvements and their costs, Attachment No. 5A, Economic Feasibility Study, Projected Project Costs, Estimated Revenues and Their Allocation, Projected Tax Impacts on Cassia County Taxing Entities, 2007 Levy Rate, Attachment No. 5B, and a statement of Financing Methods and Bond Financing Debt Service, Attachment No. 5C as required by Idaho Code § 50-2905 is included in 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

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. 5 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. 5B 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;

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-four (24) years from the date of adoption of this Plan by the City Council through December 4, 2031 provided, however, that the revenue from property taxes shall be restricted to collection of taxes assessed for the twenty-four (24) year period authorized by Idaho Code § 50-2904, subject to the extensions of the maturity date where the revenue allocation bonds are extended for up to six (6) years as provided in Section 502 hereof.

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

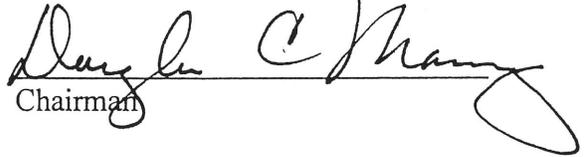
Amendment or modification shall be subject to such rights at law or equity any individual or entity may have who has entered into a disposition or development agreement or owner participation agreement with the Agency or its successor or successors in interest may be entitled to assert.

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.

Dated: 10-29-07, 12:30 o'clock P.M.

BURLEY DEVELOPMENT AUTHORITY


Chairman

ATTACHMENT

NO. 1

CITY OF BURLEY URBAN RENEWAL AREA AND REVENUE
ALLOCATION AREA, DOT FOODS

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN, CASSIA COUNTY,
IDAHO.

SECTION 31: A PORTION OF GOVERNMENT LOTS 1 AND 2.

TOWNSHIP 10 SOUTH, RANGE 22 EAST, BOISE MERIDIAN, CASSIA COUNTY,
IDAHO.

SECTION 36: A PORTION OF THE EAST HALF OF THE NORTHEAST
QUARTER (E2NE4),

THE WHOLE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE 5/8" REBAR AND ALUMINUM CAP MARKING THE
NORTHERN CORNER COMMON TO THE AFORESAID SECTIONS 31 AND 36,
AND RUNNING THENCE ALONG THE LINE COMMON TO SAID SECTIONS
SOUTH 0°03'08" EAST 25.00 FEET TO THE SOUTH LINE OF THE 27TH ST. RIGHT
OF WAY (FORMERLY 100 SOUTH RD.), AND THE TRUE POINT OF
BEGINNING;

THENCE ALONG SAID SOUTH RIGHT OF WAY LINE SOUTH 89°29'41" WEST
25.00 FEET TO THE INTERSECTION THEREOF WITH THE WEST RIGHT OF
WAY LINE OF 100 WEST ROAD;

THENCE ALONG SAID WEST RIGHT OF WAY LINE SOUTH 0°03'08" EAST
1306.79 FEET;

THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE SOUTH
0°02'36" EAST 772.48 FEET;

THENCE NORTH 89°57'24" EAST 25.00 FEET TO A 1/2" REBAR ON THE LINE
COMMON TO SAID SECTIONS 31 AND 36, SAID 1/2" REBAR MARKING THE
SOUTHWEST CORNER OF THAT REAL PROPERTY CONVEYED TO DOT
FOODS BY THE DEED RECORDED AS INSTRUMENT No. 316975, CASSIA
COUNTY RECORDS;

THENCE ALONG THE BOUNDARY LINES OF SAID LANDS OF DOT FOODS AS
FOLLOWS:

SOUTH 89°53'00" EAST 301.32 FEET,

NORTH 28°21'47" EAST 226.73 FEET,

NORTH 47°49'15" EAST 766.71 FEET TO A POINT ON THE LINE COMMON TO THE AFORESAID GOVERNMENT LOTS 1 AND 2 OF SECTION 31,

ALONG LAST SAID COMMON LINE NORTH 86°33'36" WEST 40.00 FEET, AND

NORTH 3°24'38" EAST 740.04 FEET TO THE SOUTHWEST CORNER OF THAT REAL PROPERTY CONVEYED FROM GLORFIELD TO HUNT BY THE WARRANTY DEED RECORDED AS INSTRUMENT No. 114022, CASSIA COUNTY RECORDS;

THENCE ALONG THE LINE COMMON TO SAID LANDS OF DOT FOODS AND SAID LANDS OF HUNT NORTH 3°24'38" EAST 565.00 FEET TO THE INTERSECTION THEREOF WITH THE AFORESAID SOUTH RIGHT OF WAY LINE OF 27TH ST.;

THENCE ALONG SAID SOUTH RIGHT OF WAY LINE NORTH 86°35'22" WEST 1018.49 FEET TO THE INTERSECTION THEREOF WITH THE AFORESAID LINE COMMON TO SECTIONS 31 AND 36;

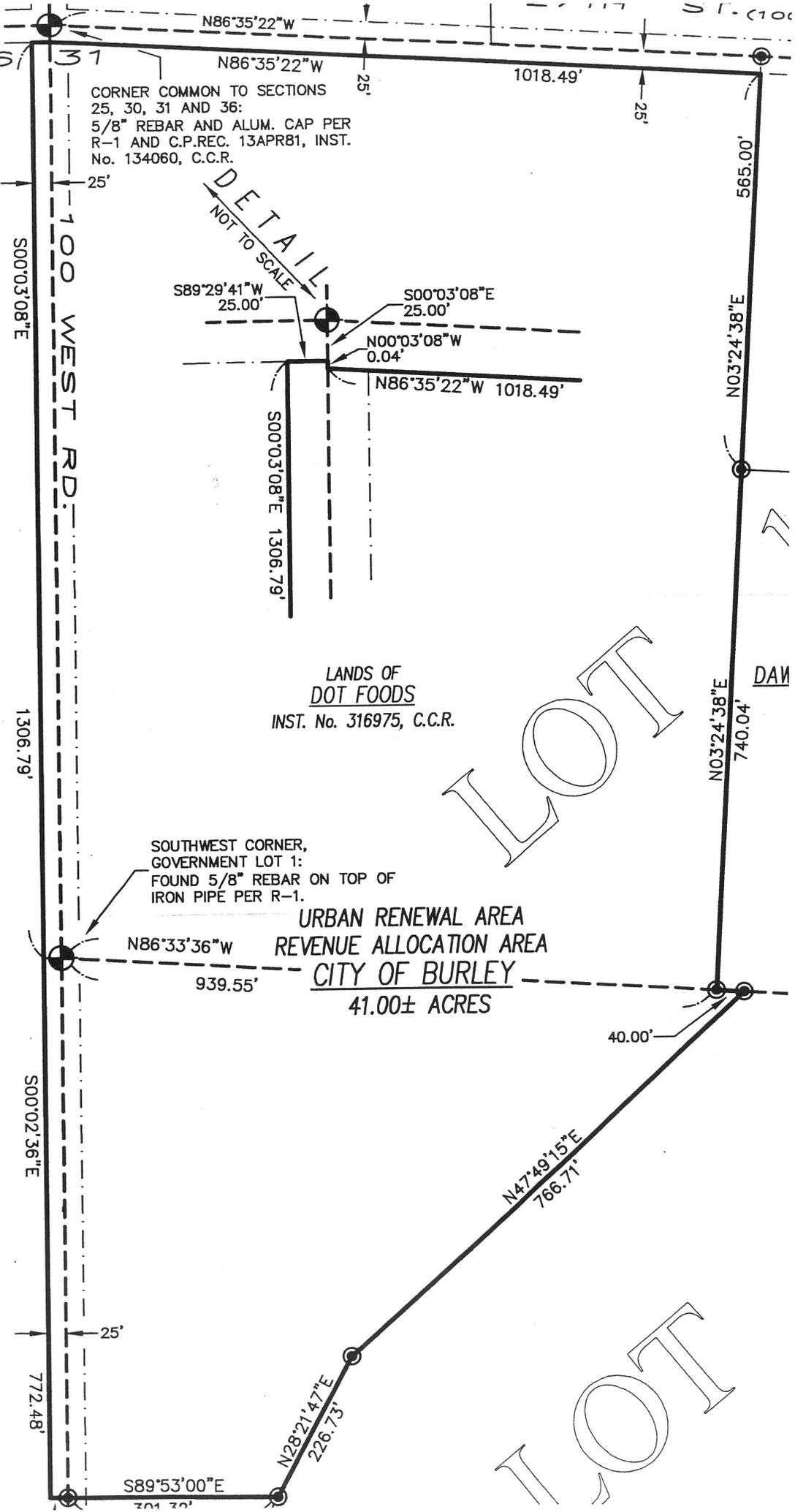
THENCE ALONG SAID COMMON SECTION LINE NORTH 0°03'08" WEST 0.04 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED URBAN RENEWAL AND REVENUE ALLOCATION AREAS CONTAIN 41.00 ACRES, MORE OR LESS.

ATTACHMENT

NO. 2

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN,
SECTION 31



CORNER COMMON TO SECTIONS
25, 30, 31 AND 36:
5/8" REBAR AND ALUM. CAP PER
R-1 AND C.P.REC. 13APR81, INST.
No. 134060, C.C.R.

DETAIL
NOT TO SCALE

LANDS OF
DOT FOODS
INST. No. 316975, C.C.R.

SOUTHWEST CORNER,
GOVERNMENT LOT 1:
FOUND 5/8" REBAR ON TOP OF
IRON PIPE PER R-1.

URBAN RENEWAL AREA
REVENUE ALLOCATION AREA
CITY OF BURLEY
41.00± ACRES

DAM

ATTACHMENT

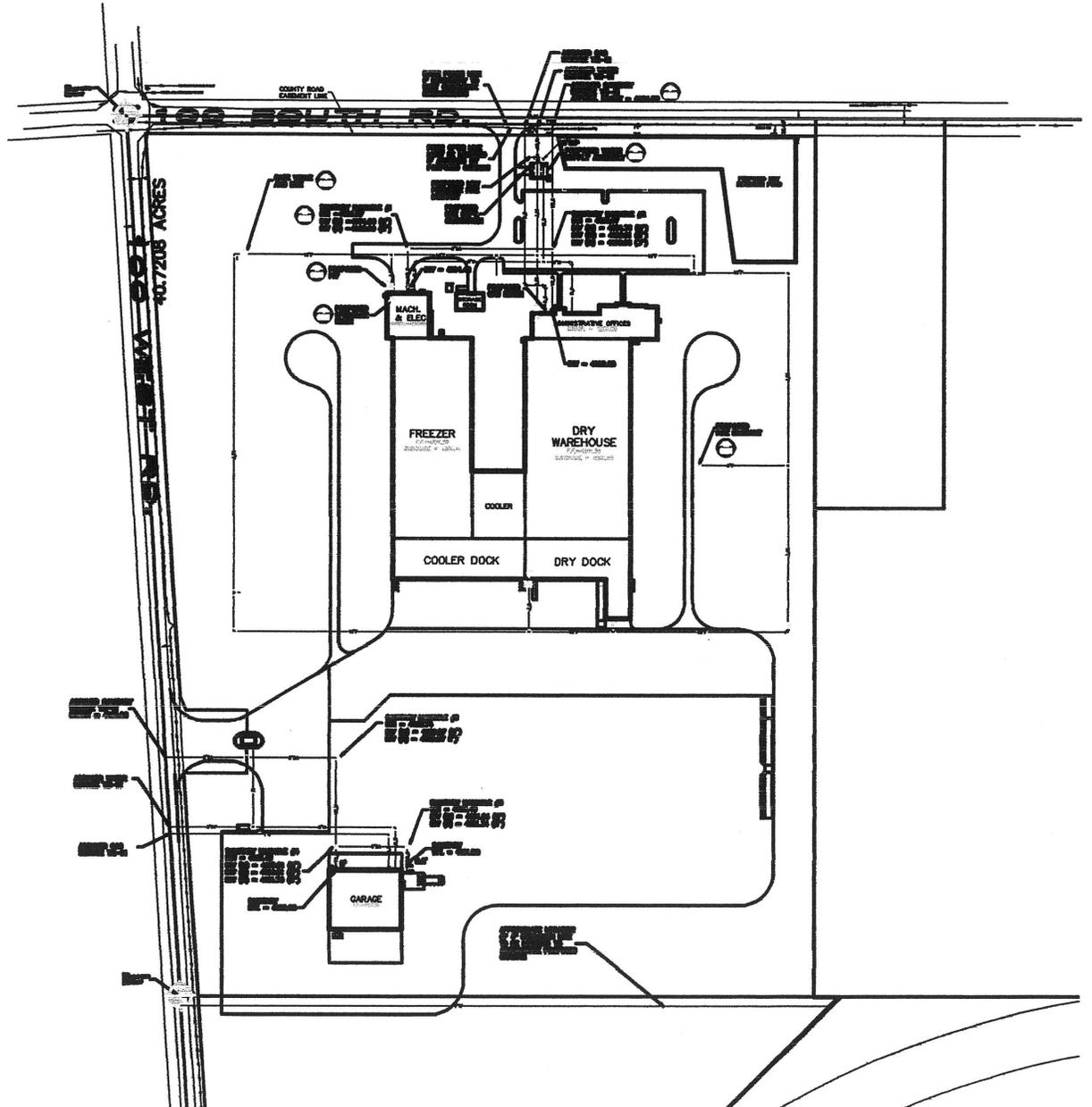
NO. 3

PRIVATE PROPERTIES WHICH MAY BE AQUIRED BY THE
AGENCY

NONE

ATTACHMENT

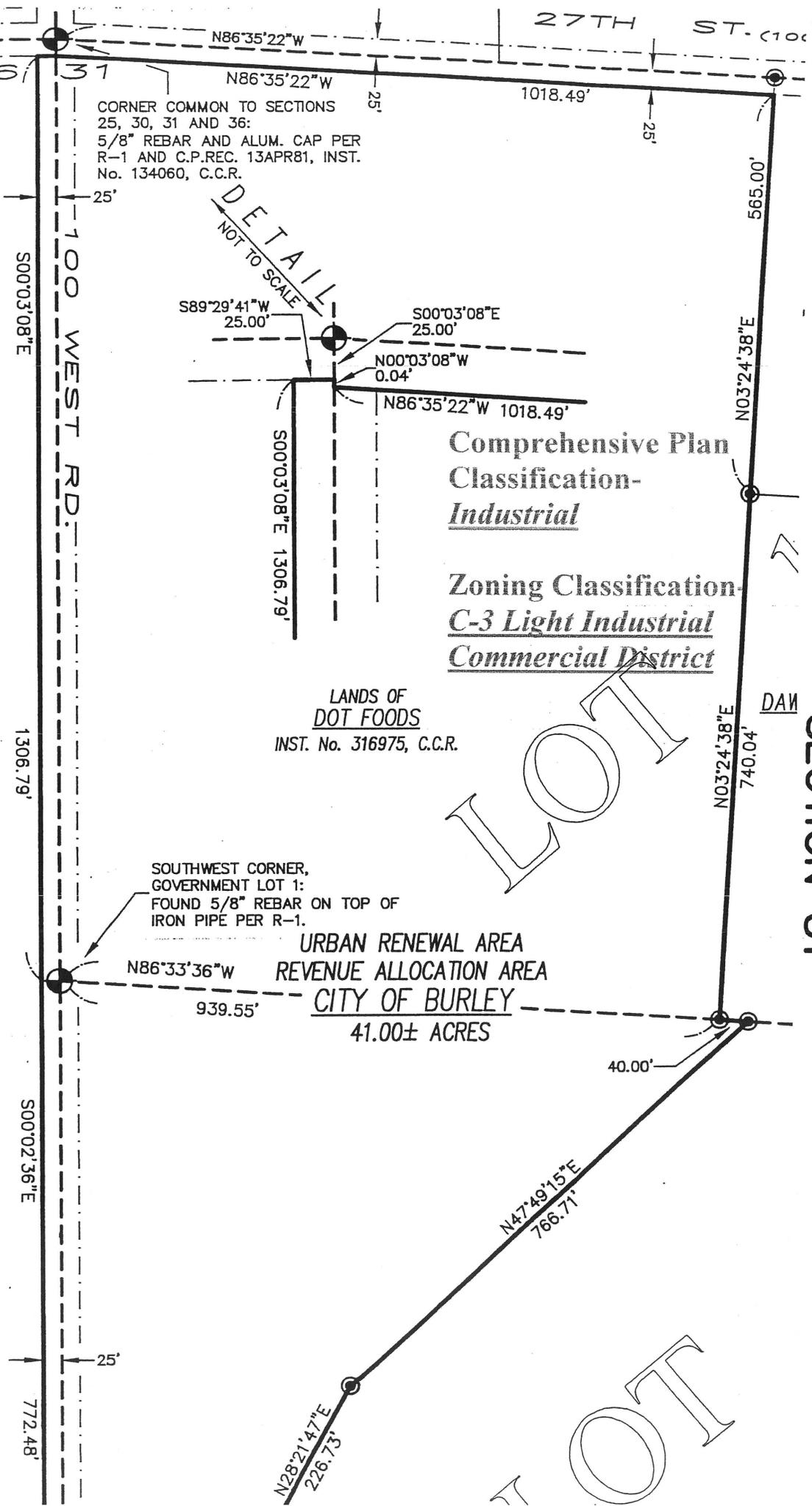
NO. 4



ATTACHMENT

NO. 4A

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIA
SECTION 31



ATTACHMENT

NO. 5

Attachment - Description of Public Improvements

<u>Public Improvements</u>	<u>Estimated Costs</u>	<u>URA Funded</u>	<u>Private Funded</u>
Earthwork and Lime Treatment of Building Pad	\$ 1,162,606	\$ 1,162,606	\$ -
Geopiers	\$ 225,000	\$ 225,000	\$ -
Site Utilities	\$ 614,150	\$ 614,150	\$ -
Asphalt Pavement and Chip & Tar	\$ 665,093	\$ 665,093	\$ -
Site Concrete and Concrete Pavement	\$ 468,217	\$ 468,217	\$ -
Guardrail and Bollards	\$ 17,700	\$ -	\$ 17,700
Foundations & Miscellaneous Concrete	\$ 815,480	\$ 365,480	\$ 450,000
Concrete Floor Slabs - Kalman	\$ 738,384	\$ -	\$ 738,384
Other Slabs	\$ 204,846	\$ -	\$ 204,846
Masonry	\$ 300,800	\$ -	\$ 300,800
Structural & Miscellaneous Steel	\$ 2,095,444	\$ -	\$ 2,095,444
Total	\$ 7,307,719	\$ 3,500,545	\$ 3,807,173

ATTACHMENT

NO. 5A

Attachment - Description of Proposed Private Development

The proposed Distribution Center will include approximately 135,000 square feet of dry, refrigerated, and freezer warehouse space, office space, and truck maintenance space. The proposed facility will be located on approximately 44 acres of land.

The estimated private investment in the Distribution Center and equipment, excluding land purchase, and the TIF contributions for eligible onsite utilities, earthwork, geopiers, asphalt and concrete site work, and some foundation work, is approximately \$17,500,000.

ATTACHMENT

NO. 5B

Economic Feasibility Study

Jobs Impact

The proposed project will create 150 new direct jobs, including management, transportation, warehouse and administrative employees. The jobs will be phased in over a 5 year period. We estimate that these jobs will result in the creation of an additional 51 indirect and induced jobs in Burley and Cassia County for a total of 201 direct, indirect and induced jobs. Indirect jobs are jobs created that support the distribution center activities, such as employees of suppliers and vendors to the facility. Induced jobs are jobs created in the community that support the distribution center employees, such as teachers, bankers, health care employees, and restaurant employees.

	New Direct Jobs	Multiplier	Indirect/ Induced Jobs	Total Jobs
Burley and Cassia County	150	1.337473	51	201

Compensation Impact

The estimated combined annual compensation for the 150 distribution center employees is \$8,900,000. This includes \$6,600,000 in wages and \$2,300,000 in non-mandatory benefits. We estimate that direct compensation will result in \$1,900,000 of additional annual indirect and induced compensation in Burley and Cassia County, for total annual compensation of \$10,800,000.

	New Direct Compensation	Multiplier	Indirect/ Induced Compensation	Total Compensation
Burley and Cassia County	\$8,900,000	1.208026	\$1,900,000	\$10,800,000

Economic Output

Additionally, annual economic activity generated by the distribution center in Burley and Cassia County is estimated to be approximately \$16,000,000. Economic activity is money that is generated and circulated throughout Burley and Cassia County and includes the direct, indirect, and induced economic output of the distribution center operations.

Construction Period Impacts

The distribution center will further impact the Burley and Cassia County economy through the creation of an estimated 281 construction jobs with an annual estimated compensation of \$6,366,000. These jobs will exist for a one year period during the construction of the distribution center. We estimate that these construction jobs will result in 70 indirect and induced jobs and \$1,248,000 of annual indirect and induced compensation within the Burley and Cassia County during the construction period, for a total of 351 jobs and \$7,614,000 of annual compensation. Annual economic activity during the distribution center construction period is estimated to be \$21,322,000.

Revenue Impacts

The following tables provide a breakdown of the base-assessed valuation for the proposed revenue allocation district for the XX Urban Renewal Area. An analysis of the tax levy rates applied in calculating tax collection for taxing entities and the XX Revenue Allocation District is described below and the 2006 tax levies obtained from the Cassia County Assessor's Office for each of the taxing jurisdictions are as follows:

Cassia County	0.003230159
City of Burley	0.006347411
School District	0.003583297
Burley Highway	0.001742430
Total Millage	0.014903297

Table 1 shows the amount of expected revenue that the taxing jurisdictions will be allocated based upon the base year value of the revenue allocation district for the XX Urban Renewal Plan:

Table 1			
Taxing Entity	Levy Rate	Valuation Base	Base Year Revenue
Cassia County	0.003230159	\$30,541	\$98.65
City of Burley	0.006347411	\$30,541	\$193.85
School District	0.003583297	\$30,541	\$109.44
Burley Highway	0.001742430	\$30,541	\$53.21
Total	0.014903297	\$30,541	\$455.16

Table 2 outlines the net increase potential obtained from the estimated post construction value on the property after 1, 5, 10, 20 and 24 year periods:

Year	Base Value	Estimated Post Construction Value*	Net Increase in Value
Year 1	\$30,541	\$671,894	\$641,353
Year 5	\$30,541	\$19,578,117	\$19,547,576
Year 10	\$30,541	\$18,167,084	\$18,136,543
Year 20	\$30,541	\$19,289,924	\$19,259,383
Year 24	\$30,541	\$19,289,924	\$19,259,383

* Includes assessed value of land and proposed facility.

Table 3 provides information pertaining to the base taxes and tax increment of the revenue allocation area in each of the taxing districts after the proposed project is completed. The numbers are calculated based upon the current levy rates listed above and the estimated increased potential tax value from Table 2:

Year	Expected Tax Value	City	County	School	Highway	Total
2008	\$671,894	\$4,265	\$2,170	\$2,424	\$1,179	\$10,037
2009	\$19,893,698	\$127,120	\$64,690	\$72,243	\$35,129	\$299,183
2010	\$19,694,692	\$126,691	\$64,472	\$72,000	\$35,011	\$298,174
2011	\$19,336,155	\$125,218	\$63,723	\$71,163	\$34,604	\$294,708
2012	\$19,578,117	\$127,634	\$64,952	\$72,536	\$35,272	\$300,395
2013	\$19,146,666	\$125,658	\$63,947	\$71,413	\$34,726	\$295,743
2014	\$18,667,527	\$123,334	\$62,764	\$70,092	\$34,083	\$290,274
2015	\$18,208,125	\$121,105	\$61,630	\$68,825	\$33,467	\$285,027
2016	\$17,807,934	\$119,237	\$60,679	\$67,764	\$32,951	\$280,631
2017	\$18,167,084	\$122,457	\$62,317	\$69,594	\$33,841	\$288,208
2018	\$17,766,894	\$120,562	\$61,353	\$68,516	\$33,317	\$283,748
2019	\$17,566,799	\$120,002	\$61,069	\$68,199	\$33,163	\$282,432
2020	\$17,566,799	\$120,806	\$61,478	\$68,656	\$33,385	\$284,325
2021	\$17,566,799	\$121,616	\$61,890	\$69,116	\$33,608	\$286,230
2022	\$18,406,934	\$128,286	\$65,284	\$72,906	\$35,452	\$301,928
2023	\$18,406,934	\$129,145	\$65,721	\$73,395	\$35,689	\$303,951
2024	\$18,406,934	\$130,011	\$66,162	\$73,887	\$35,928	\$305,987
2025	\$18,406,934	\$130,882	\$66,605	\$74,382	\$36,169	\$308,037
2026	\$18,406,934	\$131,759	\$67,051	\$74,880	\$36,411	\$310,101
2027	\$19,289,924	\$139,004	\$70,738	\$78,998	\$38,414	\$327,154
2028	\$19,289,924	\$139,936	\$71,212	\$79,527	\$38,671	\$329,346
2029	\$19,289,924	\$140,873	\$71,690	\$80,060	\$38,930	\$331,553
2030	\$19,289,924	\$141,817	\$72,170	\$80,596	\$39,191	\$333,774
2031	\$19,289,924	\$142,767	\$72,653	\$81,136	\$39,454	\$336,011
Total		\$2,960,185	\$1,506,420	\$1,682,307	\$818,046	\$6,966,958

If the new construction and investment meets or exceeds projections and after the bonds are repaid and/or the Plan terminated, each of the taxing jurisdictions will begin receiving annually the additional revenues projected for Year 2031 in Table 3 above.

Table 4 provides an analysis of the estimated revenue to the Urban Renewal Area from new property values within the revenue allocation district:

Year	Expected Tax Value	Total Levy Rate	Revenue to URA
2008	\$641,353	0.014903	\$9,558
2009	\$19,863,157	0.015003	\$298,010
2010	\$19,664,151	0.015104	\$297,001
2011	\$19,305,614	0.015205	\$293,539
2012	\$19,547,576	0.015307	\$299,210
2013	\$19,116,125	0.015409	\$294,566
2014	\$18,636,986	0.015513	\$289,107
2015	\$18,177,584	0.015616	\$283,870
2016	\$17,777,393	0.015721	\$279,480
2017	\$18,136,543	0.015826	\$287,037
2018	\$17,736,353	0.015932	\$282,584
2019	\$17,536,258	0.016039	\$281,268
2020	\$17,536,258	0.016147	\$283,152
2021	\$17,536,258	0.016255	\$285,049
2022	\$18,376,393	0.016364	\$300,707
2023	\$18,376,393	0.016473	\$302,722
2024	\$18,376,393	0.016584	\$304,750
2025	\$18,376,393	0.016695	\$306,792
2026	\$18,376,393	0.016807	\$308,847
2027	\$19,259,383	0.016919	\$325,856
2028	\$19,259,383	0.017033	\$328,039
2029	\$19,259,383	0.017147	\$330,237
2030	\$19,259,383	0.017262	\$332,450
2031	\$19,259,383	0.017377	\$334,677
Total			\$6,938,509

The total revenue amount that is projected to be received by the Urban Renewal Area over the next 24 years is estimated to be approximately \$6,938,000. This amount will be used to finance the improvement projects within the Urban Renewal Area through the issuance of revenue allocation bonds for the term not to exceed the duration of the Plan.

Indirect Tax Impact

We estimate that the proposed distribution center operations will generate \$171,723 in new, annual indirect and induced taxes to the City of Burley. This is based upon the creation of 150 direct jobs and 51 indirect and induced jobs. Each job will generate an estimated \$854 in average annual taxes. This figure is based upon revenue collections provided by the City of Burley and applied on a per job basis city-wide.

Burley ID General Revenues (Year Ended 9/30/2005)	Total	Revenue per Burley Employee (3,880 Employees)	Est. Revenue Created by 150 Dot Foods Employees	Est. Revenue Created by 51 Induced/ Indirect Jobs	Total Annual Revenue Created
General Purposes Property Tax	\$1,127,195	\$291	\$43,577	\$14,816	\$58,393
Library Property Tax	\$121,717	\$31	\$4,706	\$1,600	\$6,305
Gen. Oblig. Bond Property Tax	\$351,426	\$91	\$13,586	\$4,619	\$18,205
In Lieu of Taxes	\$345,000	\$89	\$13,338	\$4,535	\$17,872
State Hwy Use & County Rd & Bridge Tax	\$552,922	\$143	\$21,376	\$7,268	\$28,644
State Sales & Liquor Taxes	\$690,726	\$178	\$26,703	\$9,079	\$35,782
Franchise Fees	\$125,872	\$32	\$4,866	\$1,655	\$6,521
Total	\$3,314,858	\$854	\$128,152	\$43,572	\$171,723

Additionally, we estimate that the distribution center operations will generate \$61,516 in new, annual indirect and induced taxes to Cassia County. This is based upon the creation of 150 direct jobs and 51 indirect and induced jobs. Each job will generate an estimated \$306 in average annual taxes. This figure is based upon revenue collections provided by Cassia County and applied on a per job basis county-wide.

Cassia County ID 2006-07 Revenues	Total	Revenue per Burley Employee (9,676 Employees)	Est. Revenue Created by 150 Dot Foods Employees	Est. Revenue Created by 51 Induced/Indirect Jobs	Total Annual Revenue Created
Property Tax Collections	\$2,961,329	\$306	\$45,907	\$15,608	\$61,516

The total indirect and induced annual fiscal impact from the proposed project is estimated to be over \$230,000.

Allocation of Projected Revenues

The projected revenue to the Agency from the tax increment is \$6,938,509. Debt service on the revenue allocation bonds is projected at \$6,938,509. The Agency has no projected revenues from sources other than the tax increment. The increment will be allocated to service the bond debt service in its entirety.

ATTACHMENT

NO. 5C

URA Bonds Amortization Schedule

Interest Rate 6.000000%

Year	Beginning Principal Balance	Semi-Annual Principal Payments	Semi-Annual Capitalized Interest	Semi-Annual Interest Payments	Estimated Annual Property Taxes for URA	Estimated Annual URA Revenues
2008a	\$3,498,979	\$0	\$103,289	\$4,779	\$9,558	\$9,558
2008b		\$0	\$103,289	\$4,779		
2009a	\$3,705,557	\$39,009	\$0	\$109,996	\$298,010	\$298,010
2009b		\$39,009	\$0	\$109,996		
2010a	\$3,627,540	\$40,901	\$0	\$107,599	\$297,001	\$297,001
2010b		\$40,901	\$0	\$107,599		
2011a	\$3,545,737	\$41,647	\$0	\$105,123	\$293,539	\$293,539
2011b		\$41,647	\$0	\$105,123		
2012a	\$3,462,443	\$47,146	\$0	\$102,459	\$299,210	\$299,210
2012b		\$47,146	\$0	\$102,459		
2013a	\$3,368,151	\$47,668	\$0	\$99,614	\$294,566	\$294,566
2013b		\$47,668	\$0	\$99,614		
2014a	\$3,272,815	\$47,803	\$0	\$96,750	\$289,107	\$289,107
2014b		\$47,803	\$0	\$96,750		
2015a	\$3,177,208	\$48,060	\$0	\$93,874	\$283,870	\$283,870
2015b		\$48,060	\$0	\$93,874		
2016a	\$3,081,088	\$48,771	\$0	\$90,970	\$279,480	\$279,480
2016b		\$48,771	\$0	\$90,970		
2017a	\$2,983,546	\$55,682	\$0	\$87,836	\$287,037	\$287,037
2017b		\$55,682	\$0	\$87,836		
2018a	\$2,872,181	\$56,831	\$0	\$84,461	\$282,584	\$282,584
2018b		\$56,831	\$0	\$84,461		
2019a	\$2,758,519	\$59,668	\$0	\$80,966	\$281,268	\$281,268
2019b		\$59,668	\$0	\$80,966		
2020a	\$2,639,182	\$64,331	\$0	\$77,246	\$283,152	\$283,152
2020b		\$64,331	\$0	\$77,246		
2021a	\$2,510,521	\$69,288	\$0	\$73,237	\$285,049	\$285,049
2021b		\$69,288	\$0	\$73,237		
2022a	\$2,371,945	\$81,644	\$0	\$68,709	\$300,707	\$300,707
2022b		\$81,644	\$0	\$68,709		
2023a	\$2,208,656	\$87,733	\$0	\$63,628	\$302,722	\$302,722
2023b		\$87,733	\$0	\$63,628		
2024a	\$2,033,190	\$94,205	\$0	\$58,170	\$304,750	\$304,750
2024b		\$94,205	\$0	\$58,170		
2025a	\$1,844,779	\$101,085	\$0	\$52,311	\$306,792	\$306,792
2025b		\$101,085	\$0	\$52,311		
2026a	\$1,642,609	\$108,397	\$0	\$46,026	\$308,847	\$308,847
2026b		\$108,397	\$0	\$46,026		
2027a	\$1,425,814	\$123,870	\$0	\$39,058	\$325,856	\$325,856
2027b		\$123,870	\$0	\$39,058		
2028a	\$1,178,074	\$132,657	\$0	\$31,363	\$328,039	\$328,039
2028b		\$132,657	\$0	\$31,363		
2029a	\$912,760	\$141,996	\$0	\$23,123	\$330,237	\$330,237
2028b		\$141,996	\$0	\$23,123		
2029a	\$628,768	\$151,919	\$0	\$14,305	\$332,450	\$332,450
2029b		\$151,919	\$0	\$14,305		
2030a	\$324,929	\$162,465	\$0	\$4,874	\$334,677	\$334,677
2030b		\$162,465	\$0	\$4,874		
Totals		\$3,705,557	\$206,578	\$3,232,952	\$6,938,509	\$6,938,509

NPV of TIF Proceeds	\$3,498,979
Issuance Costs and Fees	TBD
NPV of Net Benefit	\$3,498,979

ATTACHMENT

NO. 6

RESOLUTION 9-07

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 AN URBAN
RENEWAL PROJECT.

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

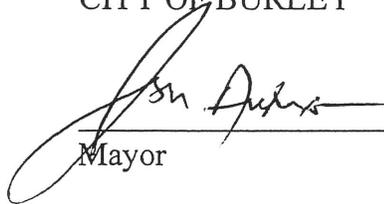
1. The real property described on Exhibit A hereto is a deteriorated or deteriorating area as defined by the Idaho Urban Renewal Law of 1965.
2. The rehabilitation, conservation, redevelopment, or combination thereof, of the real property described on Exhibit A, is necessary in the interest of the public 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, in accordance with the provisions of Idaho Code § 50-2008 and § 50-2906, providing for the rehabilitation, conservation, and redevelopment of the property described on Exhibit A. Any urban renewal project for the area described on Exhibit A shall be known by the name of "Burley Second Urban Renewal Project".

PASSED 9-4-07

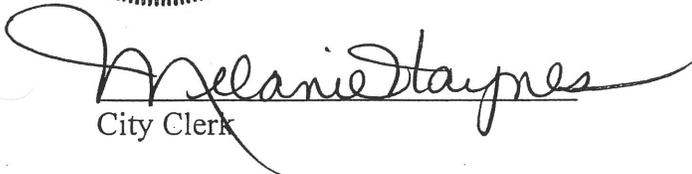
APPROVED 9-4-07

CITY OF BURLEY



Mayor





City Clerk

EXHIBIT A

TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO.

Section 31: A portion of Government Lot 1, more particularly described as follows:

Beginning at the $\frac{5}{8}$ inch rebar and aluminum cap marking the Northwest corner of said Section 31, and running thence along the North line thereof South $86^{\circ}35'22''$ East 1020.00 feet to the Northwest corner of that real property conveyed from Fred and Naomi Glorfield to Allen Brent Hunt by the Warranty Deed recorded February 1, 1979 as Instrument No. 114022, Cassia County records;

Thence along the West line thereof South $3^{\circ}24'38''$ West 590.00 feet to the Southwest corner of said lands of Allen Brent Hunt;

Thence continuing South $3^{\circ}24'38''$ West 740.04 feet to a point on the line common to Government Lots 1 and 2 of said Section 31;

Thence along said common line North $86^{\circ}33'36''$ West 939.55 feet to a $\frac{5}{8}$ inch rebar marking the Southwest corner of said Government Lot 1;

Thence along the West line of said Section 31 North $0^{\circ}03'08''$ West 1331.99 feet to the Point of Beginning.

Section 31: A portion of Government Lot 2, more particularly described as follows:

Beginning at the $\frac{5}{8}$ inch rebar and aluminum cap marking the Northwest corner of said Section 31, and running Thence along the West line thereof South $0^{\circ}03'08''$ East 1331.99 feet to the $\frac{5}{8}$ inch rebar marking the Northwest corner of said Government Lot 2, and the True Point of Beginning;

Thence continuing along the West line of said Section 31 South $0^{\circ}02'36''$ East 772.49 feet to the intersection thereof with a line parallel with and 50.00 feet Northerly, by right angle measure from the Northern line of that real property conveyed from the Paskett Family Trust Agreement to Keith Lee Rasmussen and Sandra J. Rasmussen by the Warranty Deed recorded December 21, 1990 as Instrument No. 211147, Cassia County records;

Thence along said parallel line South $89^{\circ}53'00''$ East 301.32 feet to a point bearing North $28^{\circ}21'47''$ East 56.76 feet from the $\frac{1}{2}$ inch rebar marking the Northeast corner of said lands of Rasmussen;

Thence leaving said parallel line North $28^{\circ}21'47''$ East 226.73 feet;

Thence North $47^{\circ}49'15''$ East 766.71 feet to a point on the line common to Government Lots 1 and 2 of said Section 31;

Thence along said common line North $86^{\circ}33'36''$ West 40.00 feet to a point thereon;

Thence continuing along said common line North $86^{\circ}33'36''$ West 939.55 feet to the True Point of Beginning.

TOGETHER WITH all contiguous roads.

ATTACHMENT

NO. 6A

RESOLUTION 10-07

A RESOLUTION OF THE CITY OF BURLEY,
IDAHO; MAKING FINDINGS OF FACT; AND
FINDING THE NEED FOR AN URBAN
RENEWAL AGENCY.

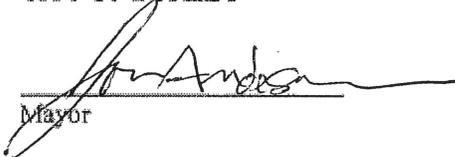
BE IT RESOLVED by the Mayor and Council of the City of Burley:

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 health, safety, and welfare of the residents of the City of Burley.
4. There is a need for an urban renewal agency to function in the City of Burley.

RESOLVED this 18th day of September 2007.



CITY OF BURLEY



Mayor



City Clerk

EXHIBIT A

TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO.

Section 31: A portion of Government Lot 1, more particularly described as follows:

Beginning at the ¼ inch rebar and aluminum cap marking the Northwest corner of said Section 31, and running thence along the North line thereof South 86°35'22" East 1020.00 feet to the Northwest corner of that real property conveyed from Fred and Naomi Glorfield to Allen Brent Hunt by the Warranty Deed recorded February 1, 1979 as Instrument No. 114022, Cassia County records;

Thence along the West line thereof South 3°24'38" West 590.00 feet to the Southwest corner of said lands of Allen Brent Hunt;

Thence continuing South 3°24'38" West 740.04 feet to a point on the line common to Government Lots 1 and 2 of said Section 31;

Thence along said common line North 86°33'36" West 939.55 feet to a ¼ inch rebar marking the Southwest corner of said Government Lot 1;

Thence along the West line of said Section 31 North 0°03'08" West 1331.99 feet to the Point of Beginning.

Section 31: A portion of Government Lot 2, more particularly described as follows:

Beginning at the ¼ inch rebar and aluminum cap marking the Northwest corner of said Section 31, and running Thence along the West line thereof South 0°03'08" East 1331.99 feet to the ¼ inch rebar marking the Northwest corner of said Government Lot 2, and the True Point of Beginning;

Thence continuing along the West line of said Section 31 South 0°02'36" East 772.49 feet to the intersection thereof with a line parallel with and 50.00 feet Northerly, by right angle measure from the Northern line of that real property conveyed from the Paskett Family Trust Agreement to Keith Lee Rasmussen and Sandra J. Rasmussen by the Warranty Deed recorded December 21, 1990 as Instrument No. 211147, Cassia County records;

Thence along said parallel line South 89°53'00" East 301.32 feet to a point bearing North 28°21'47" East 56.76 feet from the ½ inch rebar marking the Northeast corner of said lands of Rasmussen;

Thence leaving said parallel line North 28°21'47" East 226.73 feet;

Thence North 47°49'15" East 766.71 feet to a point on the line common to Government Lots 1 and 2 of said Section 31;

Thence along said common line North 86°33'36" West 40.00 feet to a point thereon;

Thence continuing along said common line North 86°33'36" West 939.55 feet to the True Point of Beginning.

TOGETHER WITH all contiguous roads.

ATTACHMENT

NO. 7

RESOLUTION NO 1-07

A RESOLUTION OF THE BURLEY DEVELOPMENT AUTHORITY RECOMMENDING AND ADOPTING THE URBAN RENEWAL PLAN FOR THE SECOND 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 September 4, 2007 Burley adopted Resolution No. 9-07 finding the property described on Exhibit A hereto to be deteriorated area as defined by Idaho Code Section 50-2008 and 50-2903, and

WHEREAS, on September 18, 2007 Burley adopted Resolution No. 10-07 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 Second 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 Second 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 Second 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 Second 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) 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, that the Plan includes a revenue allocation provision and that the Agency has determined that the equalized assessed valuation of the revenue allocation area will likely increase as the result of the initiation of an urban renewal project.

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 29th DAY OF OCTOBER, 2007


CHAIRMAN

ATTEST

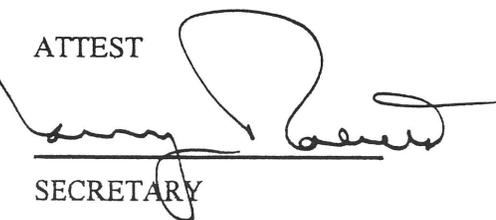

SECRETARY

EXHIBIT A

CITY OF BURLEY URBAN RENEWAL AREA AND REVENUE
ALLOCATION AREA, DOT FOODS

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN, CASSIA COUNTY,
IDAHO.

SECTION 31: A PORTION OF GOVERNMENT LOTS 1 AND 2.

TOWNSHIP 10 SOUTH, RANGE 22 EAST, BOISE MERIDIAN, CASSIA COUNTY,
IDAHO.

SECTION 36: A PORTION OF THE EAST HALF OF THE NORTHEAST
QUARTER (E2NE4),

THE WHOLE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE 5/8" REBAR AND ALUMINUM CAP MARKING THE
NORTHERN CORNER COMMON TO THE AFORESAID SECTIONS 31 AND 36,
AND RUNNING THENCE ALONG THE LINE COMMON TO SAID SECTIONS
SOUTH 0°03'08" EAST 25.00 FEET TO THE SOUTH LINE OF THE 27TH ST. RIGHT
OF WAY (FORMERLY 100 SOUTH RD.), AND THE TRUE POINT OF
BEGINNING;

THENCE ALONG SAID SOUTH RIGHT OF WAY LINE SOUTH 89°29'41" WEST
25.00 FEET TO THE INTERSECTION THEREOF WITH THE WEST RIGHT OF
WAY LINE OF 100 WEST ROAD;

THENCE ALONG SAID WEST RIGHT OF WAY LINE SOUTH 0°03'08" EAST
1306.79 FEET;

THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE SOUTH
0°02'36" EAST 772.48 FEET;

THENCE NORTH 89°57'24" EAST 25.00 FEET TO A 1/2" REBAR ON THE LINE
COMMON TO SAID SECTIONS 31 AND 36, SAID 1/2" REBAR MARKING THE
SOUTHWEST CORNER OF THAT REAL PROPERTY CONVEYED TO DOT
FOODS BY THE DEED RECORDED AS INSTRUMENT No. 316975, CASSIA
COUNTY RECORDS;

THENCE ALONG THE BOUNDARY LINES OF SAID LANDS OF DOT FOODS AS
FOLLOWS:

SOUTH 89°53'00" EAST 301.32 FEET,

NORTH 28°21'47" EAST 226.73 FEET,

NORTH 47°49'15" EAST 766.71 FEET TO A POINT ON THE LINE COMMON TO THE AFORESAID GOVERNMENT LOTS 1 AND 2 OF SECTION 31,

ALONG LAST SAID COMMON LINE NORTH 86°33'36" WEST 40.00 FEET, AND

NORTH 3°24'38" EAST 740.04 FEET TO THE SOUTHWEST CORNER OF THAT REAL PROPERTY CONVEYED FROM GLORFIELD TO HUNT BY THE WARRANTY DEED RECORDED AS INSTRUMENT No. 114022, CASSIA COUNTY RECORDS;

THENCE ALONG THE LINE COMMON TO SAID LANDS OF DOT FOODS AND SAID LANDS OF HUNT NORTH 3°24'38" EAST 565.00 FEET TO THE INTERSECTION THEREOF WITH THE AFORESAID SOUTH RIGHT OF WAY LINE OF 27TH ST.;

THENCE ALONG SAID SOUTH RIGHT OF WAY LINE NORTH 86°35'22" WEST 1018.49 FEET TO THE INTERSECTION THEREOF WITH THE AFORESAID LINE COMMON TO SECTIONS 31 AND 36;

THENCE ALONG SAID COMMON SECTION LINE NORTH 0°03'08" WEST 0.04 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED URBAN RENEWAL AND REVENUE ALLOCATION AREAS CONTAIN 41.00 ACRES, MORE OR LESS.

ATTACHMENT

NO. 8

RESOLUTION OF THE BURLEY PLANNING AND ZONING
COMMISSION RELATING TO THE URBAN RENEWAL PLAN FOR THE SECOND
BURLEY URBAN RENEWAL PROJECT BY THE BURLEY DEVELOPMENT AUTHORITY
(BDA) FOR THE CITY OF BURLEY

The Burley Development Authority has submitted a proposed urban renewal plan entitled "Urban Renewal Plan for the Second 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 30, 2007 at 12:00 PM 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 certified 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, and this 30th day of October, 2007.



Chairman, Planning and Zoning Commission





Planning and Zoning Administrator

EXHIBIT A

BEFORE THE
PLANNING COMMISSION
OF THE CITY OF BURLEY, IDAHO

In the Matter of Compliance	)	FINDINGS OF FACT,
With the Urban Renewal Plan	)	CONCLUSIONS OF LAW
For the Second Burley Urban	)	AND DECISION
Renewal Project by the)	
Burley Development Authority)	
(BDA) for the City of Burley)	
With the Burley Comprehensive Plan)	

The above matter having come before the Planning and Zoning Commission of the City of Burley, Idaho for review on October 30, 2007 at 12:00 PM, and the Commission having made its decision; and the Commission having received testimony from Mark Milton, City Administrator and Randy Stone City Attorney ; and having reviewed the Urban Renewal Plan for the Second Burley Urban Renewal Project by the Burley Development Authority (BDA) for the City of Burley, Attachment A, 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 Second 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 30, 2007.
2. Each component of the Urban Renewal Plan for the Second 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 Conclusions of Law, the Planning Commission of the City of Burley, Idaho hereby enters the following:

DECISION

All components of the Urban Renewal Plan for the Second 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 30th day of October, 2007

Burley Planning and Zoning Commission


Chairman / 

ATTACHMENT

NO. 9

ORDINANCE NO. 1221

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLEY, IDAHO, APPROVING AN URBAN RENEWAL PLAN FOR THE SECOND BURLEY URBAN RENEWAL PROJECT BY THE BURLEY DEVELOPMENT AUTHORITY (BDA) FOR THE CITY OF BURLEY; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY, STATE AND OTHER OFFICIALS; PROVIDING FOR A LIMITATION ON ACTIONS AGAINST THE PLAN AFTER 30 DAYS FROM THE EFFECTIVE DATE OF THE ORDINANCE; PROVIDING FOR SEPARABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Urban Renewal Agency of the City of Burley, Idaho (hereafter the "Agency") was established on September 8, 1998, by Resolution No.10 - 98 of the City Council of the City of Burley; and,

WHEREAS, on September 4, 2007, the City Council of the City of Burley, Idaho (the "City"), by Resolution No. 9-07 determined the property described on Exhibit A to be a deteriorated area or a deteriorating area or a combination thereof and designated the area as appropriate for an urban renewal project; and,

WHEREAS, on September 18, 2007, the City Council of the City of Burley, Idaho, by Resolution No. 10-07 made a finding of necessity pursuant to Idaho Code Section 50-2005 with respect to the property described on Exhibit A; and

WHEREAS, on October 29, 2007, the Agency met and considered the Urban Renewal Plan For the Second Burley Urban Renewal Project by the Burley Development Authority (BDA) for the City of Burley (hereafter, the "Plan") and by unanimous vote adopted its Resolution No. 1-07, recommending to City Council the adoption of the Plan (Exhibit "B", attached hereto); and,

WHEREAS, on October 29, 2007, the Burley Planning and Zoning Commission reviewed the Plan, issued Findings of Fact and Conclusions of Law, and has approved the Plan by Resolution finding the Plan is in conformity with the City's Comprehensive Plan; and,

WHEREAS, on October 31, 2007, the Notice of Public Hearing was published in the South Idaho Press the official newspaper for public notice in the City, and also was sent to the governing bodies of the City of Burley, Cassia County, School District No. 151, North Cassia Fire District, and the Burley Highway District, setting the date for a public hearing to be held on Tuesday, December 4, 2007, at 7:00 o'clock, p.m., for consideration of the adoption of the Plan (Exhibit "B" attached hereto); and,

WHEREAS, on December 4, 2007, at 7:00 o'clock, p.m., the Burley City Council held a public hearing on consideration of the adoption of the Plan; and,

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

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

WHEREAS, as required by applicable law, the Plan contains the following information which was made available to the general public and all taxing districts with taxing authority in the Project Area at least thirty days (30) prior to the December 4, 2007 of the City Council

- (a) a statement of the objectives of the municipality in undertaking the urban renewal project;
- (b) an estimate of the cost of the urban renewal project;
- (c) the sources of revenue to finance these costs, including estimates of revenue allocation under the Act;
- (d) the amount of bonded or other indebtedness to be incurred;
- (e) the duration of the project's existence;
- (f) a description of the revenue allocation area; and,
- (g) a statement of the estimated impact of revenue allocation financing on all taxing districts within the Revenue Allocation Area.
- (h) the kind, number and locations of all proposed public works in the area;
- (i) an economic feasibility study;
- (j) a description of the methods of financing estimated project costs and the time when such costs and monetary obligations are to be incurred;
- (k) a termination date for the plan and revenue allocation area; and
- (l) a description of the disposition of any assets of the Agency on the termination date.

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

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

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

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

- (a) The project Area, as defined in Resolution No.9-07, continues to be deteriorated or a deteriorating area as defined in the Act and qualifies as an eligible urban renewal area under the Act;
- (b) The rehabilitation, conservation, and redevelopment of the Project Area pursuant to the Plan is necessary in the interest of the public health, safety, and welfare of the residents of the City of Burley; and,
- (c) There continues to be a need for the Agency to function in the City of Burley.

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

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

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

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

SECTION 6. That the Agency does not intend to acquire any open land on any widespread basis, and that the Project Area is planned to be redeveloped in a manner that will provide nonresidential uses. Provided, however, that the City Council does find that the Project Area and Revenue Allocation Area are "open land" the criteria set forth in the Act and Title 50, Idaho code as amended, has been met, that the City Council finds that the development of the Project Area which is identified for non-residential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns and the need for improved infrastructure and facilities in the area.

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

SECTION 8. That upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the county auditor and tax assessor of Cassia County, and to the appropriate officials of School District No 151, Burley highway District, and to the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundaries of the Revenue Allocation Area, and a map or plat indicating the boundaries of the Revenue Allocation Area.

SECTION 9. The City Council hereby finds and declares that the Revenue Allocation Area as defined in the Plan is the same as the Project Area, the equalized assessed valuation of which the Council hereby determines in and as part of the Plan is to increase as a result of the initiation and completion of urban renewal projects pursuant to the Plan.

SECTION 10. No direct or collateral action attacking the Plan shall be brought prior to the effective date of this Ordinance or after the elapse of thirty (30) days from and after the effective date of this Ordinance adopting the Plan.

SECTION 11. The provisions of this Ordinance are severable and if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this Ordinance.

SECTION 12. That this Ordinance shall be in full force and effect from and after its passage, approval and publication.

Passed by the City Council of the City of Burley this 4th day of December, 2007.

Approved by the Mayor of the City of Burley this 4th day of December, 2007.

Attest:
Melanie Haynes
City Clerk

Jon Anderson
Mayor

EXHIBIT A

CITY OF BURLEY URBAN RENEWAL AREA AND REVENUE
ALLOCATION AREA, DOT FOODS

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN, CASSIA COUNTY,
IDAHO.

SECTION 31: A PORTION OF GOVERNMENT LOTS 1 AND 2.

TOWNSHIP 10 SOUTH, RANGE 22 EAST, BOISE MERIDIAN, CASSIA COUNTY,
IDAHO.

SECTION 36: A PORTION OF THE EAST HALF OF THE NORTHEAST
QUARTER (E2NE4),

THE WHOLE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE 5/8" REBAR AND ALA CAP MARKING THE
NORTHERN CORNER COMMON TO THE AFORESAID SECTIONS 31 AND 36,
AND RUNNING THENCE ALONG THE LINE COMMON TO SAID SECTIONS
SOUTH 0°03'08" EAST 25.00 FEET TO THE SOUTH LINE OF THE 27TH ST.
RIGHT OF WAY (FORMERLY 100 SOUTH RD.), AND THE TRUE POINT OF
BEGINNING;

THENCE ALONG SAID SOUTH RIGHT OF WAY LINE SOUTH 89°29'41" WEST
25.00 FEET TO THE INTERSECTION THEREOF WITH THE WEST RIGHT OF
WAY LINE OF 100 WEST ROAD;

THENCE ALONG SAID WEST RIGHT OF WAY LINE SOUTH 0°03'08" EAST
1306.79 FEET;

THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE SOUTH
0°02'36" EAST 772.48 FEET;

THENCE NORTH 89°57'24" EAST 25.00 FEET TO ½" REBAR ON THE LINE
COMMON TO SAID SECTIONS 31 AND 36, SAID ½" REBAR MARKING THE
SOUTHWEST CORNER OF THAT REAL PROPERTY CONVEYED TO DOT
FOODS BY THE DEED RECORDED AS INSTRUMENT No. 316975, CASSIA
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THENCE ALONG THE BOUNDARY LINES OF SAID LANDS OF DOT FOODS AS
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SOUTH 89°53'00" EAST 301.32 FEET,

NORTH 28°21'47" EAST 226.73 FEET,

NORTH 47°49' 15" EAST 766.71 FEET TO A POINT ON THE LINE COMMON TO THE AFORESAID GOVERNMENT LOTS 1 AND 2 OF SECTION 31,

ALONG LAST SAID COMMON LINE NORTH 86°33'36" WEST 40.00 FEET, AND

NORTH 3°24'38" EAST 740.04 FEET TO THE SOUTHWEST CORNER OF THAT REAL PROPERTY CONVEYED FROM GLORFIELD TO HUNT BY THE WARRANTY DEED RECORDED AS INSTRUMENT No. 114022, CASSIA COUNTY RECORDS;

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THENCE ALONG SAID COMMON SECTION LINE NORTH 0°03'08" WEST 0.04 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED URBAN RENEWAL AND REVENUE ALLOCATION AREAS CONTAIN 41.00 ACRES, MORE OR LESS.

RESOLUTION NO 1-07

A RESOLUTION OF THE BURLEY DEVELOPMENT AUTHORITY RECOMMENDING AND ADOPTING THE URBAN RENEWAL PLAN FOR THE SECOND 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 September 4, 2007 Burley adopted Resolution No. 9-07 finding the property described on Exhibit A hereto to be deteriorated area as defined by Idaho Code Section 50-2008 and 50-2903, and

WHEREAS, on September 18, 2007 Burley adopted Resolution No. 10-07 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 Second 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 Second 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 Second 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 Second 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) 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, that the Plan includes a revenue allocation provision and that the Agency has determined that the equalized assessed valuation of the revenue allocation area will likely increase as the result of the initiation of an urban renewal project.

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 29th DAY OF OCTOBER, 2007


CHAIRMAN

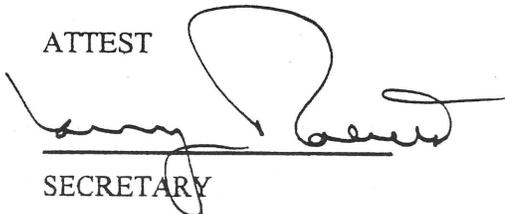
ATTEST

SECRETARY

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ALONG LAST SAID COMMON LINE NORTH 86°33'36" WEST 40.00 FEET, AND

NORTH 3°24'38" EAST 740.04 FEET TO THE SOUTHWEST CORNER OF THAT REAL PROPERTY CONVEYED FROM GLORFIELD TO HUNT BY THE WARRANTY DEED RECORDED AS INSTRUMENT No. 114022, CASSIA COUNTY RECORDS;

THENCE ALONG THE LINE COMMON TO SAID LANDS OF DOT FOODS AND SAID LANDS OF HUNT NORTH 3°24'38" EAST 565.00 FEET TO THE INTERSECTION THEREOF WITH THE AFORESAID SOUTH RIGHT OF WAY LINE OF 27TH ST.;

THENCE ALONG SAID SOUTH RIGHT OF WAY LINE NORTH 86°35'22" WEST 1018.49 FEET TO THE INTERSECTION THEREOF WITH THE AFORESAID LINE COMMON TO SECTIONS 31 AND 36;

THENCE ALONG SAID COMMON SECTION LINE NORTH 0°03'08" WEST 0.04 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED URBAN RENEWAL AND REVENUE ALLOCATION AREAS CONTAIN 41.00 ACRES, MORE OR LESS.