

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND  
RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b)

This Intergovernmental Agreement is entered into this 26 day of Oct, 2020, by and between Madison County, Idaho (the "County") and the City of Rexburg, Idaho (hereinafter, "Rexburg"), and is made for the purpose of complying with Idaho Code Section 50-2906(3)(b).

**RECITALS**

WHEREAS, the County is a duly organized and existing county under the laws and the Constitution of the State of Idaho;

WHEREAS, Rexburg is a duly organized existing municipality under the laws and the Constitution of the state of Idaho;

WHEREAS, the Rexburg City Council and Mayor of Rexburg respectively on or about November 6, 1991, adopted and approved a resolution creating the Urban Renewal Agency of Rexburg, Idaho, also known as the Rexburg Redevelopment Agency (the "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the "Act") upon making the findings of necessity required for creating said Agency;

WHEREAS, there are currently four (4) existing urban renewal and revenue allocation project areas in Rexburg, which are commonly referred to as follows: the Downtown District, the North Highway District, the North Interchange District and the University Boulevard District. The North Interchange District includes parcels located within unincorporated Madison County, which is governed by the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code Section 50-2906(3)(b), by and between the County and Rexburg, dated October 26, 2015;

WHEREAS, based on inquiries and information presented, certain interested property owners, the County and Rexburg commenced certain discussions concerning examination of an additional area within Rexburg and within the unincorporated County as eligible for an urban renewal project. Some of the parcels under consideration were included within the boundaries of the existing North Highway District Project Area and a deannexation of those parcels was obtained as set forth below;

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the North Highway Urban Renewal Project pursuant to the North Highway Urban Renewal Plan (the "North Highway Plan") to redevelop a portion of Rexburg, pursuant to the Law and the Act;

**WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 728 on December 27, 1991, approving the North Highway Plan and making certain findings;**

**WHEREAS, the City Council, after notice duly published, conducted a public hearing on the North Highway Amended and Restated Urban Renewal Plan (the “North Highway Amended and Restated Plan”);**

**WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 815 on December 30, 1998, approving the North Highway Amended and Restated Plan and making certain findings;**

**WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Second Amended and Restated Urban Renewal Plan, North Highway Urban Renewal Project, Including South Addition (the “Second Amended and Restated North Highway Plan”);**

**WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 950 on December 21, 2005, approving the Second Amended and Restated North Highway Plan, and making certain findings;**

**WHEREAS, the City Council, after notice duly published, conducted a public hearing on the First Amendment to the Second Amended and Restated Urban Renewal Plan, North Highway Urban Renewal Project, Including South Addition (the “First Amendment to the Second Amended and Restated North Highway Plan”) seeking deannexation of a number of parcels from the existing Second Amended and Restated North Highway Project Area;**

**WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 1230 on June 17, 2020, approving the First Amendment to the Second Amended and Restated North Highway Plan, and making certain findings;**

**WHEREAS, in July 2020, Rexburg authorized Richard Horner, to commence an eligibility study and preparation of an eligibility report of an area including necessary properties and roadway along the proposed extension of North 5th West from the Madison County Fairgrounds to West Moody Road, including properties necessary to construct an overpass on West Moody Road over State Highway 20. The proposed area also included properties and roadway along North 2nd East and the North Yellowstone Highway from East 1st North to East Moran View Road. The proposed area also included properties and roadway along East 7th North and Barney Dairy Road. It also included undeveloped properties between East 7th North and Barney Dairy Road and East 2nd North. Lastly, the area also included necessary properties along the proposed extension of East Parkway from about 6th South to East Moody Road. Collectively this area is referred to as the “North Central Study Area.”**

**WHEREAS, the Agency obtained The North Central Area Urban Renewal Eligibility Report, dated July 3, 2020 (the “Eligibility Report”), which examined the North Central Study Area, which area also included real property located within unincorporated Madison County, for**

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the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(9) and 50-2903(8);

WHEREAS, the Agency Board, on July 9, 2020, adopted Resolution No. 2020-03 accepting the Eligibility Report and authorized the Chairman of the Agency to transmit the Eligibility Report to the Rexburg City Council requesting its consideration for designation of an urban renewal area and requesting the Rexburg City Council to direct the Agency to prepare an urban renewal plan for the North Central Study Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, the Agency also authorized the transmittal of the Eligibility Report to the Madison County Board of County Commissioners for purposes of obtaining a resolution determining such areas outside the boundaries of incorporated Rexburg and within unincorporated Madison County to be deteriorated and/or deteriorating and finding the need for an urban renewal project for the proposed North Central Study Area;

WHEREAS, Idaho Code Section 50-2018(18) provides that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits and within its area of operation without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, the area considered within the Eligibility Report included certain properties within unincorporated Madison County;

WHEREAS, the Eligibility Report was submitted to the Madison County Board of County Commissioners, and the Madison County Board of County Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed North Central Study Area;

WHEREAS, the Madison County Board of County Commissioners adopted the Agency's finding concerning the proposed North Central Study Area by adopting Resolution No. 447 on July 13, 2020;

WHEREAS, the Rexburg City Council, by Resolution No. 2020-12, dated July 15, 2020, declared the North Central Study Area described in the Eligibility Report to be a deteriorated or deteriorating area as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended, that such area is appropriate for an urban renewal project, that the Madison County Board of County Commissioners adopted the necessary resolutions and directed the Agency to commence preparation of an urban renewal plan;

WHEREAS, the Agency embarked on the planning of an urban renewal project referred to as the Urban Renewal Plan for the North Central Urban Renewal Project (the "North Central Plan") to develop and/or redevelop a portion of Rexburg, and an area within Rexburg's area of operation, pursuant to the Law and the Act, as amended;

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**WHEREAS, the North Central Project Area includes parcels deannexed pursuant to the First Amendment to the Second Amended and Restated North Highway Plan;**

**WHEREAS, the Agency and its consultants have undertaken the planning process during 2020;**

**WHEREAS, the area included in the North Central Project Area is smaller than the area assessed in the Eligibility Report;**

**WHEREAS, the required property owner consents for any parcels deemed to be an agricultural operation included within the North Central Project Area have been obtained by the Agency;**

**WHEREAS, the North Central Plan contains the provisions of revenue allocation financing as allowed by the Act;**

**WHEREAS, the Agency Board on September 24, 2020, adopted Resolution 2020-05 proposing and recommending the North Central Plan;**

**WHEREAS, the Agency, by letter of transmittal dated September 29, 2020, submitted the North Central Plan to the Mayor and Rexburg City Clerk;**

**WHEREAS, the Mayor and City Clerk are taking the necessary action to process the North Central Plan consistent with the requirements set forth in Idaho Code §§ 50-2906 and 50-2008;**

**WHEREAS, appropriate notice of the North Central Plan and revenue allocation provision contained therein has been given to the affected taxing districts and the public as required by Idaho Code § 50-2906;**

**WHEREAS, after notice duly published, the Rexburg City Council at its regular meeting to be held on November 18, 2020, will hold a public hearing and will consider the North Central Plan as proposed;**

**WHEREAS, Idaho Code Section 50-2906(3)(b), requires an agreement between the Rexburg City Council and the Madison County Board of County Commissioners, governing administration of a revenue allocation financing provision for any area extending beyond Rexburg's municipal boundary and located within the unincorporated County, and such agreement must be formalized by a transfer of power ordinance adopted by the County;**

**WHEREAS, there are certain properties within the North Central Urban Renewal Plan and Project Area which extend beyond Rexburg's municipal boundaries and into the County, which properties are more particularly described and depicted on Exhibit 1 attached hereto and incorporated herein by reference;**

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WHEREAS, the Rexburg City Council and the Board of County Commissioners desire to enter into this Agreement to avoid any uncertainty regarding the Rexburg City Council's jurisdiction and authority to establish the North Central Project Area and the Agency's authority to implement the North Central Plan concerning those properties which are outside Rexburg's municipal limits and within the County;

WHEREAS, the Rexburg City Council and Board of County Commissioners deem it in their collective best interests to enter into this Agreement covering said properties and assuring compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively;

NOW, THEREFORE, it is mutually agreed as follows:

## **AGREEMENT**

### **1. PURPOSE OF AGREEMENT**

The purpose of this Agreement is to detail the duties, roles, and responsibilities to be provided by the parties with respect to compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively;

### **2. GENERAL PROVISIONS**

The Madison County Board of County Commissioners does hereby agree that the Rexburg City Council shall have the right, power, authority, and obligation to administer the Law, Act and particularly the revenue allocation financing provisions of the North Central Plan for that certain property which is contained within the boundaries of the revenue allocation area as defined in the Act and the North Central Plan, which property extends beyond Rexburg's municipal boundary and into the unincorporated County. The property governed by this Agreement is described, defined, and depicted on **Exhibit 1** of this Agreement. The County, by passing Resolution No. 447, has declared the need for urban renewal activity in the area which extends beyond Rexburg's municipal boundaries and into the unincorporated County.

By agreeing to the administration of this property by the Rexburg City Council for the limited purposes of implementing the North Central Plan, the Board of County Commissioners agree all revenue allocation proceeds generated from such property shall be available to the Agency for all purposes authorized under the Act and the North Central Plan. Following the establishment of the Project Area, the Agency shall administer the revenue allocation provision affecting this property as allowed under the Act and the North Central Plan. Additionally, the Board of County Commissioners acknowledges the North Central Plan will be reviewed by the Rexburg Planning & Zoning Commission for the North Central Plan's conformity with the general plan for the development of Rexburg as a whole consistent with and limited to the requirements of Idaho Code § 50-2008(b). The Board of County Commissioners defers to the Rexburg Planning & Zoning Commission's review and recommendations as required by Idaho Code § 50-2008(b) solely with regard to adopting the North Central Plan. The Rexburg City Council expressly

acknowledges the parcels located within unincorporated Madison County are subject to and shall be developed in conformity to the Madison County Comprehensive Plan, Zoning and Development Codes as well as the North Central Plan, recognizing the intent to seek annexation of the parcels located within the unincorporated County into Rexburg prior to development, which development is intended to occur in phases over the life of the North Central Plan and Project Area. Madison County defers to the Agency to implement and carry out the North Central Plan.

The Board of County Commissioners shall approve this Agreement by the adoption of a transfer of power ordinance and the Rexburg City Council shall approve this Agreement by the adoption of a duly authorized resolution.

Upon approval and adoption of the ordinance and resolution referenced above, the Rexburg City Council shall take the necessary steps through the Rexburg City Clerk to transmit a copy of the County Transfer of Power Ordinance to the County Auditor, County Assessor, the County Recorder, the other taxing districts of the revenue allocation area, and the Idaho State Tax Commission.

3. SPECIAL PROVISIONS

Public Improvements. In consideration of this Agreement, the Board of County Commissioners hereby consents to those certain public improvements identified in the North Central Plan which may be acquired, constructed or installed on certain rights-of-way not within the Rexburg limits or rights-of-way owned in trust by the County.

4. EFFECTIVE TERM

This Agreement shall be deemed effective upon the execution of this Agreement by both the Board of County Commissioners and the Rexburg City Council and shall remain in effect for the duration of the North Central Plan. This Agreement shall be of no further force and effect as it relates to any parcel or parcels described in Exhibit 1 upon those properties or portions of those properties then being included within the municipal boundaries of Rexburg, currently, or through Rexburg's annexation process.

5. MODIFICATION

This Agreement may be modified or amended in writing if executed by both the Board of County Commissioners and the Rexburg City Council.

6. ENTIRE AGREEMENT

Except as provided otherwise herein, this Agreement and any attachments hereto constitute the entire Agreement between the parties concerning the subject matter hereto.

IN WITNESS WHEREOF, the Board of County Commissioners and the Rexburg City Council have executed this Agreement by proper persons thereunto duly authorized as of the date




first hereinabove written.

COUNTY:

BOARD OF MADISON COUNTY  
COMMISSIONERS

By   
Jon Weber, Chairman

By   
Brent Mendenhall

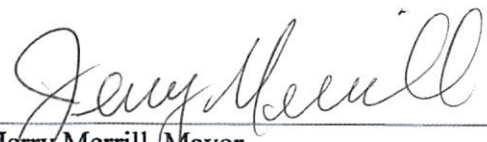
By   
Todd Smith

ATTEST:


  
Kim Muir, Madison County Clerk

CITY:

CITY OF REXBURG, IDAHO

By   
Jerry Merrill, Mayor

ATTEST:

  
Deborah Lovejoy, Rexburg City Clerk

**Exhibit 1**

**(Project Area Map and Legal Description)**

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