

RESOLUTION NO. 2018-02

A RESOLUTION OF THE POST FALLS URBAN RENEWAL AGENCY, KOOTENAI COUNTY, IDAHO, RECOMMENDING AN AMENDMENT TO THE EAST POST FALLS URBAN RENEWAL PLAN TO DEANNEX A PORTION THE EAST POST FALLS REVENUE ALLOCATION AREA; PROVIDING FOR SEVERABILITY, PREEMPTION AND PRECEDENCE; PROVIDING FOR THE REPEAL OF ALL CONFLICTING RESOLUTIONS; PROVIDING AN EFFECTIVE DATE; PROVIDING A DATE OF PASSAGE AND APPROVAL, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the City of Post Falls, Idaho (hereinafter the “City”) approved the current East Post Falls Urban Renewal Plan by adoption of Ordinance No. 1017 on December 18, 2002, as amended by the City under Ordinance No. 1093 adopted on December 20, 2005, Ordinance No. 1242 adopted on January 15, 2013, and Ordinance No. 1258 on February 4, 2014 (hereinafter the “Plan”);

WHEREAS, the Urban Renewal Law of 1965 (Idaho Code §§ 50-2001 – 50-2033 *et seq.*) and the Local Economic Development Act (Idaho Code §§ 50-2901 – 50-2913 *et seq.*), allow for the deannexation of portions of a revenue allocation area;

WHEREAS, deannexation of certain parcels located within the East Post Falls Revenue Allocation Area is now necessary to accommodate a newly proposed urban renewal plan, revenue allocation area and associated public improvements for what is known as the Inland Northwest Technology Park; and

WHEREAS, such deannexation will have minimal impact on existing urban renewal projects located within the East Post Falls Revenue Allocation Area and associated commitments of the Post Falls Urban Renewal Agency.

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

SECTION ONE: RECOMMENDATION OF AMENDMENT TO THE EAST POST FALLS URBAN RENEWAL PLAN TO DEANNEX A PORTION OF THE EAST POST FALLS REVENUE ALLOCATION AREA

Since the boundary of the East Post Falls Revenue Allocation Area must be amended to accommodate the newly proposed urban renewal plan, revenue allocation area and associated public improvements for what is known as the Inland Northwest Technology Park, along with the fact that such amendment will have minimal impact on existing urban renewal projects located within the East Post Falls Revenue Allocation Area and associated commitments of the Post Falls Urban Renewal Agency, the Agency hereby recommends that the boundary of the East Post Falls Revenue Allocation Area be amended to deannex the parcels that are depicted on Exhibit A attached hereto. The Agency also recommends that such amendment be effectuated by the City adopting an ordinance formally modifying said boundary after holding a public hearing pursuant to Idaho Code §§ 50-2008 and 50-2906.

SECTION TWO: SEVERABILITY, PREEMPTION AND PRECEDENCE

This Resolution is hereby declared to be severable. Should any portion of this Resolution be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the Resolution before the declaration of partial invalidity. In the event that federal or state laws, rules or regulations preempt a provision or limit the enforceability of a provision of this Resolution, then the provision shall be read to be preempted to the extent and for the time required by law. In the event such federal or state law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding without the requirement of further action by the Agency, and any amendments to this Resolution as a result of such provision being preempted shall no longer be of any force or effect with respect to that provision.

SECTION THREE: REPEAL OF CONFLICTING RESOLUTIONS

All Resolutions and parts of Resolutions in conflict with or addressing the same subject matter as the provisions of this Resolution are hereby repealed.

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: DATE OF PASSAGE AND APPROVAL

Passed and approved at a regular meeting of the Commissioners of the Post Falls Urban Renewal Agency, Kootenai County, Idaho, held on the 17th day of May, 2018, on which a roll call vote was duly taken.

DATED this 17th day of May, 2018.

POST FALLS URBAN RENEWAL AGENCY
Kootenai County, Idaho

By: 
Jerry Baltzell, Chairperson

Commissioner Davis voted	<u>Aye</u>
Commissioner Coles voted	<u>Aye</u>
Commissioner Carstenson voted	<u>Aye</u>
Commissioner Crosby voted	<u>Aye</u>
Commissioner Horn voted	<u>Aye</u>
Commissioner Baltzell voted	<u>Aye</u>
Commissioner Houser voted	<u>Aye</u>

ATTEST:

Diane Fountain
Diane Fountain, Executive Director



J-U-B COMPANIES



THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

EXHIBIT A

LEGAL DESCRIPTION
of
DE-ANNEXATION

May 16, 2018

That portion of Sections 25 and 36, Township 51 North, Range 5 West, B.M., and Sections 30 and 31, Township 51 North, Range 4 West, B.M., City of Post Falls, Kootenai County, Idaho, described as follows:

BEGINNING at the northeast corner of Lot 3 of Highland Hollow, according the plat thereof, recorded in Book G of Plats and Page 190, records of Kootenai County, Idaho, said point also being on the westerly right-of-way line of State Highway 41;

thence North $01^{\circ}04'18''$ East along the westerly right-of-way line of said State Highway 41, a distance of 6,277.65 feet;

thence South $88^{\circ}40'27''$ East, 725.93 feet, more or less, to the northeast corner of Tract 4, Block 30 of Post Falls Irrigated Tracts, according to the plat thereof recorded on Book C of Plats at Page 78, records of Kootenai County, Idaho;

thence South $01^{\circ}01'00''$ West along the east line of Tracts 41, 56, and 57, Block 30 of said Post Falls Irrigated Tracts, a distance of 2,014.65 feet, more or less, to the northeast corner of Tract 8, Block 31 of said Post Falls Irrigated Tracts;

thence South $01^{\circ}01'00''$ West along the east line of Tracts 8, 9, 24, 25, and 40, Block 31 of said Post Falls Irrigated Tracts, a distance of 3,258.97 feet, more or less, to the southeast corner of Tract 40, Block 31 of said Post Falls Irrigated Tracts;

thence North $88^{\circ}54'29''$ West along the south line of said Tract 40, a distance of 589.28 feet, more or less, to the easterly right-of-way line of said State Highway 41;

thence South $01^{\circ}04'18''$ West along the easterly right-of-way line of said State Highway 41, a distance of 700.31 feet, more or less, to the northwest corner of Lot 1, Block of Crimson King Estates, according to the plat thereof recorded in Book J of Plats at Page 377, records of Kootenai County, Idaho;

thence South $89^{\circ}02'54''$ East along the north line of said Lot 1, a distance of 583.91 feet, more or less, to the northeast corner of said Lot 1;

thence South $00^{\circ}51'00''$ West along the east line of said Lot 1, a distance of 299.50 feet, more or less, to the southeast corner of said Lot 1;

thence North $89^{\circ}07'12''$ West along the south line of said Lot 1 and the westerly extension thereof, a distance of 726.77 feet to the POINT OF BEGINNING.

SUBJECT TO: Existing rights-of-way and easements of record and/or appearing on said above described tract.

