

ORDINANCE NO. 08-5462

AN ORDINANCE REPEALING ORDINANCE 07-5441 AND RELATING TO THE CREATION OF THE SOUTH BILLINGS BOULEVARD URBAN RENEWAL AREA; AND ADOPTING AN URBAN RENEWAL PLAN, INCLUDING A TAX INCREMENT PROVISION.

Recitals:

WHEREAS, this City Council held a public hearing and approved Ordinance 07-5441 creating The South Billings Boulevard Urban Renewal District Area on first reading on November 26, 2007, and on second reading on December 10, 2007.

WHEREAS, at the March 10, 2008, City Council meeting, the council adopted Resolution 08-18687 that corrected the legal description included in Resolution 07-18627 that declared blight, stated the intent to create an urban renewal area and set a date of a public hearing;

WHEREAS, it was determined that the notice advertising the public hearing held on November 26, 2007, was published only once in a newspaper of general circulation and pursuant to 7-1-4127, MCA, required two publications;

WHEREAS, this City Council repealed Resolution 07-18627 and adopted Resolution 08-18697 on April 14, 2008, declaring blight, stating the intent to create an urban renewal area and setting a date of a public hearing for April 28, 2008;

WHEREAS, a notice advertising the public hearing to be held on April 28, 2008 was published in the Billings Times on April 10 and April 24, 2008 pursuant to 7-1-4127, MCA;

WHEREAS, the South Billings Boulevard Urban Renewal Plan was reviewed and approved by the Yellowstone County Planning Board, as evidenced by the Board meeting minutes of October 23, 2007, and on March 25, 2008 and April 22, 2008, reaffirmed the approval and submitted a letter of affirmation to the City Council;

WHEREAS, this City Council on April 28, 2008, conducted a public hearing on a proposal to establish a new urban renewal area on specified property (as hereinafter defined, the "Property") to be designated "The South Billings Boulevard Urban Renewal Area", and to adopt an urban renewal plan, as authorized by Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended (the "Act");

WHEREAS, the Property is depicted on the attached Exhibit A and legally described on the attached Exhibit B (each of which is hereby incorporated herein and made a part hereof);

WHEREAS, opportunities have been presented to the City that make it desirable for the City to consider an urban renewal project within the District consisting of the acquisition of certain vacant or blighted properties, and making the properties so improved available for private redevelopment, as well as constructing and rehabilitating public infrastructure, including but not limited to water and wastewater lines, curbs, gutters, sidewalks and streets in accordance with the Act;

WHEREAS, an urban renewal plan entitled the South Billings Boulevard Urban Renewal Plan is attached hereto as Exhibit C (which is hereby incorporated herein and made a part hereof) (the "Plan"). The Plan contains a tax increment provision and will govern the operation and administration of the District;

WHEREAS, this Ordinance repeals Ordinance 07-5441, adopted on first reading on November 26, 2007 and on second reading on December 10, 2007;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Billings, Montana, as follows:


1. Findings. This Council hereby finds, determines and declares, based on the comments received at the public hearing and other studies and information available to this Council, that:
 - a. A workable and feasible plan exists for making available adequate housing for persons who may be displaced by the urban renewal project;
 - b. The urban renewal plan conforms to the 2003 City-County Growth Policy or parts thereof of the City for the municipality as a whole;
 - c. The urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise; and
 - d. A sound and adequate financial program exists for the financing of said project.
2. Plan Adoption. The Plan is hereby adopted and approved in all respects, including without limitation, the segregation and application of tax increments as provided in Sections 7-15-4282 through 7-15-4293 of the Act as provided therein.
3. Effective Date. This Ordinance shall be in full force and effect from and after the date that is 30 calendar days after the date set forth below.
4. Accrued Costs. This Ordinance allows for reimbursement of any cost accrued relating to projects identified in the South Billings Boulevard Urban Renewal Plan prior to the final adoption of the Ordinance establishing the South Billings Boulevard Urban Renewal District with Tax Increment Financing funds generated by the district.

PASSED by the City Council on first reading April 28, 2008.

PASSED, ADOPTED AND APPROVED on second reading May 12, 2008.



THE CITY OF BILLINGS:

BY: 
Ron Tussing, Mayor

ATTEST:

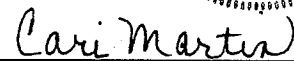
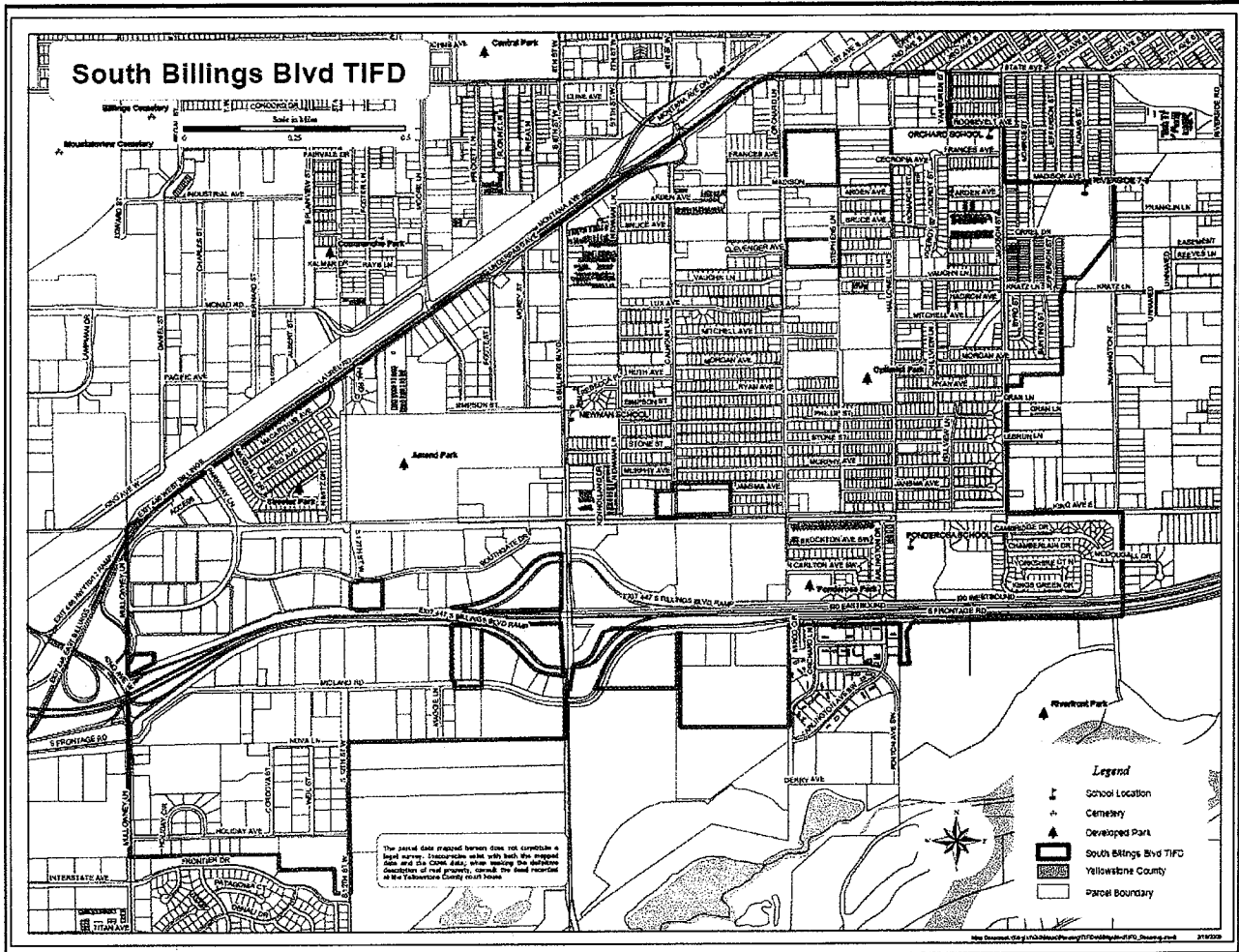
BY: 
Cari Martin, City Clerk

EXHIBIT A MAP OF URBAN RENEWAL AREA



**EXHIBIT B
LEGAL DESCRIPTION OF URBAN RENEWAL AREA**

Starting at the intersection of State Avenue and Van Buren Street, extending south down the centerline of Van Buren Street to the intersection of Van Buren Street and Roosevelt Avenue, extending east down the centerline of Roosevelt Avenue to the intersection of Roosevelt Avenue and Jackson Street, extending south down the centerline of Jackson Street to the intersection of Jackson Street and Madison Avenue, extending east down the centerline of Madison Avenue to the intersection of Madison Avenue and Washington Street, extending south down the centerline of Washington Street to the intersection of the centerline of Washington Street and the existing City of Billings city limit boundary, extending south along the existing city limit boundary to the intersection of Jackson Street and King Avenue East, extending east along the centerline of King Avenue East to the intersection of King Avenue East and Washington Street, extending south along the centerline of Washington Street and its projection across the Interstate 90 right-of-way, to a point intersecting the said existing city limits, thence in a westerly and southerly direction following along the said existing city limit boundary to a point which intersects with the extension of the southern boundary of Tract 1, C/S 2834, then west along said southern boundary of Tract 1, C/S 2834 and southern boundary of, Block 4 of Weil Subdivision to the intersection with the centerline of Mallowney Lane, extending north along the centerline of Mallowney Lane and its projection to the centerline of Laurel Road, extending northeast along the centerline of Laurel Road to the intersection with the centerline of Underpass Avenue, extending northeast along said centerline to its intersection with State Avenue, extending east along the centerline of State Avenue to the ending point at the intersection of State Avenue and Van Buren Street. Excluding all nonincorporated land within the boundary and Tract 2A of C/S 741.

**EXHIBIT C
SOUTH BILLINGS BOULEVARD URBAN RENEWAL PLAN
(Available upon request)**