

URBAN RENEWAL PLAN  
KETCHUM URBAN RENEWAL PROJECT  
KETCHUM URBAN RENEWAL AGENCY  
CITY OF KETCHUM, IDAHO

Ordinance No. 1077  
Adopted November 15, 2010  
Effective November 24, 2010

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#### ATTACHMENTS

Attachment 1	Description of the Revenue Allocation Area and Revenue Allocation Area Boundaries
Attachment 2	Revenue Allocation Area Parcels
Attachment 3	Revenue Allocation Area Boundary Map
Attachment 4	Map Depicting Expected Land Uses and Current Zoning Within Revenue Allocation Area
Attachment 5	Introduction to Idaho Code §50-2905 Requirements
Attachment 5.1	Public Improvements within the Revenue Allocation Area Detailed List of Estimated Project Costs Methods of Financing all Estimated Projects
Attachment 5.2	Economic Feasibility Study
Attachment 5.3	Fiscal Impact Analysis within the Revenue Allocation Area
Attachment 6	Resolution No. 06-033 Creating the Ketchum Urban Renewal Agency, Adopted April 3, 2006.
Attachment 7	Resolution No. 06-034 Determining Certain Property to Be a Deteriorated Area, Adopted April 3, 2006

- Attachment 8 City Council Ordinance No. 992 approving the Ketchum 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 November 15, 2006, Date of Publication, November 22, 2006
- Attachment 9 Findings of Fact and Conclusions of Law and Decision of the Ketchum Planning and Zoning Commission Special Meeting on October 11, recommending that the Ketchum Urban Renewal Plan 2010 conforms to the Comprehensive Plan for the City of Ketchum, Approved October 11, 2010
- Attachment 10 Resolution No. 10-026 Determining Certain Property to Be a Deteriorated Area, Adopted November 15, 2010
- Attachment 11 Ordinance No. 1077 approving the Ketchum Urban Renewal Plan 2010 and Authorizing the City Clerk to transmit a copy of the Ordinance and other required information to County and State Officials, Adopted November 15, 2010; Date of Publication, November 24, 2010

EXECUTIVE SUMMARY OF THE  
KETCHUM URBAN RENEWAL PLAN

**Introduction**

On April 3, 2006, the Mayor and City Council adopted Resolution No. 06-033, thereby creating the Ketchum Urban Renewal Agency (the “Agency”), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Idaho Code, Title 50, Chapter 20, as amended, and the Local Economic Development Act, Idaho Code, Title 50, Chapter 29, as amended.

On April 3, 2006, the Mayor and City Council also adopted Resolution No. 06-034 determining certain property to be a deteriorated area or a deteriorating area or a combination thereof and designating such area as appropriate for an Urban Renewal Project.

On November 15, 2006, the Mayor and City Council adopted Ordinance No. 992, the Ketchum Urban Renewal Plan (the “Plan”), whereby the requirements of Idaho Code Section 50, Chapter 20 and Section 50, Chapter 29 for adoption of an Urban Renewal Plan have been met.

On November 15, 2010, the Mayor and City Council adopted Resolution No. 10-026 determining certain property to be a deteriorated area or a deteriorating area or a combination thereof and designating such area as appropriate for an Urban Renewal Project and adding that area to the established Revenue Allocation Area pursuant to Resolution No. 06-034.

On November 15, 2010, the Mayor and City Council adopted Ordinance No. 1077, the Ketchum Urban Renewal Plan 2010, whereby the requirements of Idaho Code Section 50, Chapter 20 and Section 50, Chapter 29 for adoption of an Urban Renewal Plan have been met.

The Ketchum Urban Renewal Plan (the “Plan”) is a legal document providing the Ketchum Urban Renewal Agency (the “Agency”) with the powers, duties, and obligations to implement a program of redevelopment and revitalization within the Revenue Allocation Area as identified on the map as depicted on Attachment 3 to the Plan.

The Revenue Allocation Area qualifies as a deteriorating area under the Urban Renewal Law as identified by City Council Resolution No. 10-026 passed on November 15, 2010. A copy of that resolution is included as Attachment 10.

## **Plan Activities and Private Development**

The program outlined in the Plan emphasizes the installation of needed public improvements, including without limitation, affordable workforce housing, parking structures, a town plaza and streetscape improvements to encourage private development.

## **Financing**

Agency financing of the activities referenced above will come from a combination of annual revenue allocation funds, bond proceeds and other sources. Debt service for any Agency borrowing will be paid by annual revenue allocations.

Increases in assessed valuation of real and personal property in the Revenue Allocation Area described in the Urban Renewal Plan adopted November 15, 2006 (EXHIBIT A) that occur after January 1, 2006, the date of the base assessment roll, and increases in assessed valuation of real and personal property for the additional parcels within the amended Revenue Allocation Area, detailed in Attachment 1, that occur after January 1, 2010, the date of the additional base assessment roll, will generate revenue for the Agency to pay its project costs. Those project costs include the Agency's planning costs, appraisals, legal fees, administration, financing public improvements, and contingencies. The 2005 and current 2010 assessed valuation of real and personal property on the base assessment roll (net of the homeowner's exemption, if any), estimated to be \$2,724,946,746 and \$3,356,616,902 respectively, is still available for use by the other taxing districts. The Plan authorizes the Agency to obtain various funding sources, including developer loans or other funding mechanisms to be repaid by revenue allocation proceeds. When the Agency project activities are completed and any bonds and loans are repaid, the increases in assessed value of real and personal property in the area become available for use by the other taxing entities.

It is anticipated that revenue allocation proceeds will be needed for a period between twenty (20) to twenty-four (24) years or such longer period as required to pay project costs, subject to applicable state and federal laws.

## **Development Agreements**

The Plan provides for agreements with developers either through an owner participation agreement or disposition and development agreement. Under such agreements, the developer will be contractually committed to its scope and conditions of development in exchange for the Agency's assistance with site and other costs. Under such agreements, the developer will be required to commit to a specific schedule of performance. Other than temporary improvements, any new development or renovation of existing structures will be required to continue through an estimated useful life of at least 20 years. This Plan shall be effective through November 15, 2034; set forth as twenty four (24) years from the adoption date (November 15, 2010) of the Urban Renewal Plan. The provision of other documents

formulated pursuant to this Plan shall be effective through November 15, 2030, which is twenty four (24) years from the date of adoption of the original Urban Renewal Plan (November 15, 2006). Design considerations and land use enforcement shall be governed by the City of Ketchum zoning and building codes as they currently exist and as they may be amended from time to time.



URBAN RENEWAL PLAN FOR THE  
REVENUE ALLOCATION AREA OF  
THE KETCHUM URBAN RENEWAL AGENCY

**1. INTRODUCTION**

This is the Urban Renewal Plan (the "Plan") for the Ketchum Urban Renewal Area Projects within the City of Ketchum, Idaho (the "City"), and consists of the text contained herein, information necessary to satisfy the requirements of Idaho Code Sections 50-2001 *et seq.* and 50-2901 *et seq.* generally and Idaho Code Sections 50-2008 and 50-2905 specifically, a revenue allocation financing provision, Attachments 1 through 11 which are attached hereto and are all hereby incorporated herein by reference as an integral part of this Agreement, a description of the Revenue Allocation Area Boundaries (Attachment 1), a list of the Revenue Allocation Area parcels (Attachment 2), the map of the Revenue Allocation Area (Attachment 3), the Map Depicting Expected Land Uses and Current Zoning within Revenue Allocation Area (Attachment 4), the Public Improvements Within the Revenue Allocation Area, the Detailed List of Estimated Project Costs, the Methods of Financing all Estimated Projects (Attachment 5.1), the Economic Feasibility Study (Attachment 5.2), and the Fiscal Impact Analysis within the Revenue Allocation Area (Attachment 5.3).

The term "Plan" is used herein to describe the overall activities defined in this Plan and conforms to the several definitions of Urban Renewal Plan found in the Idaho Code. Reference is specifically made to Idaho Code Sections 50-2008, 50-2009, 50-2018(j), 50-2903(12) and 50-2905 for the various activities contemplated by the term "Plan." Such activities include both private and public development of property within the Revenue Allocation Area.

The term "Project" is used herein to describe the overall activities defined in this Plan and conforms to the statutory definitions of Urban Renewal Project. Reference is specifically made to Idaho Code Section 50-2018 for the various activities contemplated by the term "Project." Such activities include both private and public development of property within the Revenue Allocation Area including without limitation the projects described in Attachment No. 5.1, those portions of the City of Ketchum Capital Improvements Plan as it presently exists and as it may be amended from time to time which are consistent with the provisions and intent of this Plan, and any other projects consistent with the provisions and intent of this Plan. The projects listed above and as they are more specifically detailed in this Plan and the Attachments hereto are collectively described as the "Projects".

This Plan was prepared for the Agency and 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. All development and Projects described in this Plan conform to the Ketchum Comprehensive Plan, the Ketchum Capital Improvements Plan and the Downtown Ketchum Master Plan, all of which are hereby

incorporated herein by this reference as they presently exist and as they may be amended from time to time.

This Plan provides the Agency with powers, duties and obligations to implement and further the program generally formulated in this Plan for the redevelopment, rehabilitation and revitalization of the Revenue Allocation Area. The Agency retains all powers allowed by law except that the power of eminent domain granted in Idaho Code Section 50-2007(c), shall not be used except as authorized by the City Council of the City of Ketchum, Idaho and as further expressly limited by applicable state and federal law. Because of the long-term nature of this Plan, and the need to retain in the Agency flexibility to respond to market and economic conditions, property owner and developer interests and opportunities from time to time presented for redevelopment, this Plan does not present all of the elements of a precise plan or establish all of the specific projects for the redevelopment, rehabilitation and revitalization of the Revenue Allocation Area, nor does this Plan present all of the specific proposals in an attempt to solve or alleviate the concerns and problems of the community relating to the Revenue Allocation Area. Instead, this Plan presents a process and a basic framework within which specific plans will be further developed and presented, specific projects will be further developed and established, and specific solutions will be proposed and by which tools are provided to the Agency to fashion, develop and proceed with such specific plans, projects and solutions.

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

- a. The elimination of environmental deficiencies in the Revenue Allocation Area, including, among others, obsolete and aged building types, substandard streets or rights-of-way, and inadequate and deteriorated public improvements and facilities;
- b. 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 Revenue Allocation Area;
- c. The revitalization, redesign and development of undeveloped areas which are stagnant or improperly utilized especially through the creation of affordable workforce housing, a central town plaza and parking lots and structures;
- d. The strengthening of the economic base of the Revenue Allocation Area and the community by the installation of needed site improvements and public facilities to stimulate new commercial expansion, employment and economic growth especially through the creation of affordable workforce housing;
- e. To provide adequate land for parks and open spaces, pedestrian walkways, street rights-of-way, and parking facilities;

- f. To provide improvements to the streets, rights-of-way and other public infrastructures;
- g. The establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements that provide unity and integrity to the Projects;
- h. The opportunity of providing affordable housing within the Revenue Allocation Area; and
- i. The strengthening of the tax base by encouraging private development, thus increasing the assessed valuation of properties within the Revenue Allocation Area, and benefiting the various taxing districts in which the Revenue Allocation Area is located.

The Agency shall undertake the Projects 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 Revenue Allocation Area. Said objectives are consistent with Idaho Code Section 50-2903(11) of the Act.

The purposes and undertakings of the Projects 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:

- a. 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 a limited period of time to assist in the financing of this Plan;
- b. To encourage private development in the Revenue Allocation Area;
- c. To prevent or arrest the decay of the Revenue Allocation Area due to the inability of existing financing methods to promote needed public improvements;
- d. To encourage taxing districts to cooperate in the allocation of future tax revenues arising in the Revenue Allocation Area in order to facilitate long-term growth of their common tax base; and
- e. To encourage private investment within the Revenue Allocation Area.

This Plan and the Attachments hereto contain planning information that generally identifies the various activities of the Agency and that identifies certain specific Projects. Because of the changing nature of the Projects, this Plan and the Attachments hereto, by necessity, must be dynamic and flexible. The Agency anticipates that the information contained herein will be updated as conditions change and as the quality of information available to the Agency improves. Any such updates shall not be deemed to be modifications

or amendments to this Plan, including without limitation, modifications as referenced in Idaho Code Section 50-2903(4). The Attachments are purposely flexible and, although incorporated in this Plan, are severable here from. In the event of any conflict between this Plan and any of the Attachments hereto, the terms and conditions of this Plan shall control.

## **1.1 General Procedures of the Agency**

The Agency is a public body, corporate and politic, as defined and described under the Law and the Act. The Agency is also governed by its bylaws as authorized by the Law and adopted by the Agency. As a public body, the Agency is governed by all of the statutory provisions of the Idaho Code applicable to public entities, including, but not limited to, the Idaho Open Meeting Law.

Generally, the Agency shall conduct all meetings in open session and allow meaningful public input as mandated by the issue considered or by any statutory or regulatory provision. Whenever in this Plan it is stated that the Agency may update certain information, policy statements or contents of this Plan not requiring a formal amendment to the Plan as required by the Law or the Act, it shall be deemed to mean a consideration by the Board of such policy or procedure, duly noticed upon the Agency meeting agenda, considered by the Agency at an open public meeting, and adopted by a majority of the members present, constituting a quorum, unless any provision herein provides otherwise.

### **1.1. Provisions Necessary to Meet State and Local Requirements**

#### **1.1.1 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 Ketchum City Council. The Ketchum Urban Renewal Area determined for the Urban Renewal Plan adopted November 15, 2006 was certified by the Council by Resolution on April 3, 2006. The amended Urban Renewal Area for the Ketchum Urban Renewal Plan 2010 was certified by the Council by Resolution on November 15, 2010.
- 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 Ketchum. After consideration of the Plan, the Commission approved the Plan and provided written recommendations stating that this Plan is in conformity with the City of Ketchum Comprehensive Plan.

## **2. DESCRIPTION OF REVENUE ALLOCATION AREA**

The boundaries of the Revenue Allocation Area are described in Attachment 1, which is attached hereto and incorporated herein by reference, and are shown on the "Revenue

Allocation Area Boundary Map", attached hereto as Attachment 3 and incorporated herein by reference.

### **3. PROPOSED REDEVELOPMENT ACTIONS**

#### **3.1 General**

The Agency proposes to eliminate and prevent the spread of blight and deterioration in the Revenue Allocation Area by:

- a. The provision for participation by property owners within the Revenue Allocation Area;
- b. The installation, construction, or reconstruction of streets, utilities, and other public improvements and the operation and management of such facilities in conformance with the Law and Act;
- c. The assembly of adequate sites for the development and construction of commercial, light manufacturing, or residential facilities;
- d. The acquisition of certain real property
- e. The demolition or removal of certain buildings and improvements;
- f. The management of any property acquired by and under the ownership and control of the Agency;
- g. The provision for relocation assistance to displaced Project occupants, as required by law;
- h. The disposition of property for uses in accordance with this Plan;
- i. The redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan; and
- j. To the extent allowed by law, the lending or investing of funds from any source to facilitate redevelopment.

In the accomplishment of these purposes and activities 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. The Agency hereby determines that all of the foregoing activities are necessary to effectively carry out the objectives of this Plan in the Revenue Allocation Area.

## **3.2 Urban Renewal Plan Objectives**

Urban Renewal action is necessary in the Revenue Allocation Area to combat problems of deterioration and economic underdevelopment. The area has a history of a lack of affordable housing, underdevelopment, inadequate parking, inadequate way finding, a dangerous pedestrian environment, economic underdevelopment and other deteriorating factors.

Hence, the Urban Renewal Plan for the Revenue Allocation Area is a proposal for public improvements and facilities necessary to provide affordable workforce housing, parking and parking structures, street and sidewalk improvements, an improved environment for economic development including a central town plaza, the elimination of unsanitary and unsafe conditions, potential owner and private-party developers to assemble appropriate development sites where necessary through acquisition, demolition and disposition activities, and prevention of the extension of blight and deterioration and reversal of the deteriorating action of the area.

In implementing the activities described in this Plan, the Agency shall give due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of children residing in the general vicinity of the site covered by the Plan.

## **3.3 Participation Opportunities and Agreement**

### **3.3.1 Participation Agreements**

The Agency may enter into an owner participation agreement with any existing or future owner of property in the Revenue Allocation Area, in the event the property owner seeks and/or receives assistance from the Agency in the redevelopment of the property.

Each structure and building in the Revenue Allocation Area to be rehabilitated or new projects to be constructed as a condition of the owner participation agreement between the Agency and the owner pursuant to this Plan will be considered to be satisfactorily rehabilitated and constructed, and the Agency will so certify, if the rehabilitated or new structure meets the following standards:

- a. Executed owner participation agreement to meet conditions described below.
- b. Any such property within the Revenue Allocation Area shall be required to conform to all applicable provisions, requirements, and regulations of this Plan. Upon completion of any rehabilitation or new development, each structure must be safe and sound in all physical respects and be refurbished and altered to bring the property to an upgraded marketable condition which will continue throughout an estimated useful life for a minimum of twenty (20) years.

- c. Any owner shall give due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of children residing in the general vicinity of the site covered by the Plan.
- d. All such buildings or portions of buildings which are to remain within the Revenue Allocation Area shall be rehabilitated in conformity with all applicable codes and ordinances of the City of Ketchum.
- e. Any new construction shall conform to all applicable codes and ordinances of the City of Ketchum as they now exist and as they may be amended from time to time.
- f. Any new construction shall conform to all applicable provisions, requirements, and regulations of this Plan.

In such participation agreements, participants who retain real property shall be required to join in the recordation of such documents as may be necessary to make the provisions of this Plan applicable to their properties, whether or not a participant enters into a participation agreement with the Agency. The provisions of this Plan are applicable to all public and private property in the Revenue Allocation Area.

In the event a participant fails or refuses to rehabilitate, develop, use, and maintain its real property pursuant to this Plan and a participation agreement, the Agency is hereby empowered to pursue all legal and equitable remedies available to it to enforce the terms and conditions of such participation agreements including, without limitation, specific performance.

### **3.4 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 the Projects. 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 may impose on all public bodies the planning and design controls contained in this Plan to insure that present uses and any future development by public bodies will conform to the requirements of this Plan. The Agency is authorized to assist any public entity in paying the costs of the acquisition, maintenance and development of land, buildings, facilities, structures, or other improvements within the Revenue Allocation Area.

The Agency specifically intends to cooperate to the extent allowable by law with the City of Ketchum in the acquisition of property and the construction of public improvements.

### **3.5 Property Acquisition**

#### **3.5.1 Real Property**

The Agency may acquire, but is not required to acquire, real property located in the Revenue Allocation 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 and the Local Economic Development Act. 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 by this Plan to acquire properties. Agency acquisition of any real property shall be accomplished only if such acquisition shall be consistent with the provisions and intent of this Plan. Such acquisition of properties shall not constitute plan amendments or modifications, including without limitation, modifications pursuant to Idaho Code Section 50-2903(4).

It is in the public interest and is necessary in order to eliminate the conditions requiring redevelopment and in order to execute this Plan for the power of eminent domain to be employed by the Agency to acquire real property in the Revenue Allocation Area which cannot be acquired by gift, devise, exchange, purchase, or any other lawful method except that the power of eminent domain granted in Idaho Code Section 50-2007(c), shall not be used except as authorized by the City Council of the City of Ketchum, Idaho and as further expressly limited by applicable state and federal law.

#### **3.5.2 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 Revenue Allocation Area by any lawful means, including eminent domain, except that the power of eminent domain granted in Idaho Code Section 50-2007(c), shall not be used except as authorized by the City Council of the City of Ketchum, Idaho and as further expressly limited by applicable state and federal law.

### **3.6 Property Management**

During such time such property, if any, in the Revenue Allocation 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.



### **3.7 Relocation of Persons (including Individuals and Families), Business Concerns, and Others Displaced by the Project**

The Agency does not intend to displace people or businesses through its actions. In the event that the Agency's actions cause such displacement, the Agency shall comply with all state and federal laws, rules and regulations governing the relocation of people and businesses. The Agency may also undertake relocation activities for those not entitled to benefit under such state or federal law as the Agency may deem appropriate and for which funds are available. In the event the Agency's activities directly result in the displacement of families within the area, the Agency shall provide reasonable relocation assistance to such displaced families.

### **3.8 Demolition, Clearance, and Building Site Preparation**

#### **3.8.1 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 Revenue Allocation Area as necessary to carry out the purposes of this Plan.

#### **3.8.2 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 Revenue Allocation Area owned by the Agency. In connection therewith, the Agency may cause, provide for, or undertake the installation or construction of streets, utilities, parks, pedestrian walkways, traffic signals, drainage facilities, and other public improvements necessary to carry out this Plan.

### **3.9 Property Disposition and Development**

#### **3.9.1 Real Property Disposition and Development**

#### **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 Section 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.

All purchasers or lessees of property acquired from the Agency shall be obligated to use the property for the purposes designated in the subject deed, lease or other agreements and documents, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

The Agency shall give due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of children residing in the general vicinity of the site covered by the Plan.

### **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 servitudes, 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 Blaine County.

All property in the Revenue Allocation Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, color, creed, religion, sex, age, handicap, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Revenue Allocation Area. All property sold, leased, conveyed or subject to a participation agreement shall be expressly subject by appropriate documents to the restriction that all deeds, leases, or contracts for the sale, lease, sublease, or other transfer of land in the Revenue Allocation Area shall contain such nondiscrimination and non-segregation clauses as required by law. The Developers including owners and participants, will be required by the contractual agreement to observe the Land Use and Building Requirements provision of this Plan and to submit a Redevelopment Schedule satisfactory to the Agency. Schedule revisions will be made only at the option of the Ketchum Urban Renewal Agency.

In addition, the following requirements and obligations shall be included in the agreement:

That the Developers, their successors and assigns agree:

- a. That a plan and time schedule for the proposed development shall be submitted to the Agency;

- b. That the purchase or lease of the land and/or subterranean rights and/or air rights is for the purpose of redevelopment and not for speculation;
- c. That the building of improvements will be commenced and completed as jointly scheduled and determined by the Agency and the Developer(s);
- d. That there will be no discrimination against any person or group of persons because of handicap, age, race, sex, creed, color, national origin or ancestry, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises or any improvements erected or to be erected thereon, therein conveyed nor will the Developer himself or any person claiming under or through him establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy of tenants, lessees, sublessees, or vendees in the premises or any improvements therein conveyed. The above provision will be perpetual and will be appended to the land disposed of within the Revenue Allocation Area by the Agency;
- e. That the site and construction plans will be submitted to the Agency for review as to conformity with the provisions and purposes of this Urban Renewal Plan;
- f. That at the discretion of the Agency a bond or other surety will be provided acceptable to the Agency to ensure performance under the contract of the sale;
- g. That rehabilitation of any existing structure, other than temporary structures, must assure that the structure is safe and sound in all physical respects and be refurbished and altered to bring the property to an upgraded marketable condition which will continue throughout an estimated useful life for a minimum of twenty (20) years;
- h. All such buildings or portions of the buildings which are to remain within the Revenue Allocation Area shall be reconstructed in conformity with all applicable codes and ordinances of the City of Ketchum as they presently exist and as the same may be modified from time to time;
- i. All new construction of a permanent nature shall have a minimum estimated life of no less than twenty (20) years. This restriction shall not apply to new construction of a temporary or interim nature; and
- j. All disposition and development documents and owner participation agreements shall be governed by the provisions of this Plan.

## **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 Revenue Allocation 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 assist in the development of private projects.

In addition to the public improvements authorized under Idaho Code Section 50-2007, the Agency is authorized to install and construct, or to cause to be installed and constructed, within the Revenue Allocation Area for itself or for any public body or entity, or to purchase, or to pay for, public improvements and public facilities, including, but not limited to, the following: (1) affordable workforce housing; (2) parking facilities and structures; (3) a central town plaza; (4) landscaped areas; (5) street improvements; (6) sanitary sewers; (7) flood control facilities and storm drains; (8) water mains; (9) utilities; (10) pedestrian paths and malls; (11) signals and signage; (12) sidewalks; (13) alleys; (14) public transit conveyances and facilities; (15) geothermal; (16) wi-fi and other communications infrastructure; (17) bicycle facilities; (18) public art; (19) street maintenance equipment; (20) snow removal equipment; and (21) restoration and preservation of historical artifacts and properties.

The Agency shall also give due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of children residing in the general vicinity of the site covered by the Plan.

Any public facility ultimately owned by the Agency shall be operated and managed in such a manner to preserve the public purpose and public 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.

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 Section 50-2909 which may be made payable out of the taxes levied in the Revenue Allocation Area and allocated to the Agency under subdivision (2)(b) of Section 50-2908 of the Local Economic Development Act and Section 504 to this Plan or out of any other available funds.

## **Development Plans**

All development plans prepared, pursuant to disposition and development or owner participation agreements (whether public or private), shall be submitted to the Agency for approval and architectural review through the City Building Department. All development in the Revenue Allocation Area must conform to those standards specified in Section 404, infra.

The Agency shall also give due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of children residing in the general vicinity of the site covered by the Plan.

### **3.10 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.

### **3.11 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 Revenue Allocation Area owned by the Agency for preparation of redevelopment and disposition. The Agency is also authorized and directed to advise, encourage, and assist in the rehabilitation and conservation of property in the Revenue Allocation Area not owned by the Agency.

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 relocated to a location within or outside the Revenue Allocation Area.

### **3.12 Participation with Private or Public Development**

Under the Idaho Urban Renewal Law, the Agency has the authority to lend or invest funds obtained from the state or federal government or any other source for the purposes of the Urban Renewal law if allowable under applicable laws or regulations.

Under those regulations the agency may participate with the private sector in the development and financing of those private projects which will attain the objectives of the Agency or this Plan.

The Agency may, therefore, use any such 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.

The Agency may enter into contracts, leases, and agreements with the City of Ketchum, or any 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 Section 50-2909, which may be made payable out of the taxes levied in the Revenue Allocation Area and allocated to the Agency under subdivision (2)(b) of Section 50-2908 of the Act, Section 504 of this Plan, or out of any other available funds.

#### **4. USES PERMITTED IN THE REVENUE ALLOCATION AREA**

##### **4.1 Redevelopment Plan Map and Development Strategy**

The description of the amended Revenue Allocation Area and the amended Revenue Allocation Area Boundary Map, attached hereto as Attachments 1 and 3 and incorporated by reference, describe the location of the Revenue Allocation Area Boundaries. The proposed land uses to be permitted in the Revenue Allocation Area for all land, public and private, shall be any use allowed under the applicable City of Ketchum Subdivision and Zoning Ordinances as they currently exist and as the same may be amended from time to time.

##### **4.2 Designated Land Uses**

###### **4.2.1 Commercial Uses**

The areas designated in Attachment 4 for area business and central district business uses shall be used for the commercial uses set forth and described in the Ketchum City Zoning Ordinance as it presently exists and as it may be amended from time to time.

###### **4.2.2 Residential Uses**

The areas designated in Attachment 4 for residential uses shall be used for the residential uses set forth and described in the Ketchum City Zoning Ordinance as it presently exists and as it may be amended from time to time.

##### **4.3 Other Land Uses**

###### **4.3.1 Public Rights-of-Way**

In addition to the anticipated improvements by the Agency in the public rights-of-way as discussed in this Plan, the public rights-of-way are used to link the various Projects within the Revenue Allocation Area to each other.

Additional public streets, alleys, and easements may be created in the Revenue Allocation Area as need for proper development. Existing streets, alleys and easements may be abandoned, closed, expanded or modified as necessary for proper development of the Project, in conjunction with any applicable policies and standards of the City of Ketchum regarding changes to dedicated rights-of-way.

#### **4.3.2 Other Public, Semi-Public, Institutional, and Nonprofit Uses**

The Agency is also authorized to permit the maintenance, establishment or enlargement of public, semi-public, institutional, or nonprofit uses. All such uses shall, to the extent possible, conform to the provisions of this Plan applicable to the uses in the specific area involved. The Agency may impose such other reasonable requirements and/or restrictions as may be necessary to protect the development and use of the Revenue Allocation Area.

#### **4.3.3 Interim Uses**

Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Revenue Allocation Area for interim uses that are not in conformity with the uses permitted in this Plan. However, any interim use must comply with applicable Ketchum City Code as it presently exists and as it may be amended from time to time.

### **4.4 General Controls and Limitations**

All real property in the Revenue Allocation Area, under the provisions of either a disposition and development agreement or owner participation agreement is made subject to the controls and requirements of this Plan. No such real property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of this Plan, except in conformance with the provisions of this Plan.

#### **4.4.1 Construction**

All construction in the Revenue Allocation Area shall comply with all applicable state and local laws and codes in effect presently and as the same may be amended from time to time. In addition to applicable codes, ordinances, or other requirements governing development in the Revenue Allocation Area, additional specific performance and development standards may be adopted by the Agency to control and direct redevelopment activities in the Revenue Allocation Area in the event of a disposition and development agreement or owner participation agreement.

#### **4.4.2 Rehabilitation and Retention of Properties**

Any existing structure within the Revenue Allocation Area, subject to either a disposition and development agreement or owner participation agreement, approved by the Agency for retention and rehabilitation, shall be repaired, altered, reconstructed, or rehabilitated in such a manner that it will be safe and sound in all physical respects and be attractive in appearance and not detrimental to the surrounding uses.

#### **4.4.3 Limitation on Type, Size, Height of Building**

The type, size and height of buildings shall be as limited by applicable federal, state and local statutes, ordinances, and regulations.

#### **4.4.4 Open Spaces, Landscaping, Light, Air and Privacy**

The issues of open space, landscaping, light, air and privacy shall be governed by applicable federal, state and local ordinances.

#### **4.4.5 Signs**

All signs shall conform to City sign ordinances as they now exist or are hereafter amended.

#### **4.4.6 Utilities**

The Agency shall require that all utilities be placed underground whenever physically and economically feasible.

#### **4.4.7 Incompatible Uses**

No use or structure which would be incompatible with the surrounding areas or structures because such use or structure would constitute a common law nuisance shall be permitted in any part of the Revenue Allocation Area.

#### **4.4.8 Non-discrimination and Non-segregation**

There shall be no discrimination or segregation based upon race, color, creed, religion, sex, marital status, national origin, handicap, or ancestry permitted in the sale, lease sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Revenue Allocation Area.



#### **4.4.9 Subdivision of Parcels**

Any parcel in the Revenue Allocation Area shall be subdivided only in compliance with the City Subdivision Ordinance as it presently exists and as it may be amended from time to time.

#### **4.4.10 Minor Variations**

Under exceptional circumstances, the Agency is authorized to permit a variation from the limits, restrictions, and controls established by this Plan. In order to permit such variation, the Agency must determine that:

- a. The application of certain provisions of this Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Plan;
- b. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions, and controls;
- c. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area; and
- d. Permitting a variation will not be contrary to the objectives of this Plan.

In permitting any such variation, the Agency shall impose such conditions as are necessary to protect this public peace, health, safety, or welfare and to assure compliance with the purposes of this Plan. Any variation permitted by the Agency hereunder shall not supersede any other approval required under City codes and ordinances.

#### **4.4.11 Off-Street Loading**

Any development and improvements shall provide for off-street loading as required by the City ordinances as they now exist or are hereafter amended.

#### **4.4.12 Off-Street Parking**

All new construction in the area shall provide off-street parking as required by the City ordinances as they now exist or are hereafter amended.

## **4.5 Design for Development**

### **4.5.1 Design Guidelines for Development**

All development within the Revenue Allocation Area shall comply with applicable design standards and regulations of the City of Ketchum as they may be amended from time to time.

### **4.5.2 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 as imposed 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 and 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 Revenue Allocation Area. Therefore, such plans shall give consideration to good design and amenities to enhance the aesthetic quality of the Revenue Allocation 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 and every development shall comply with all applicable City zoning and building ordinances.

## **5. METHODS OF FINANCING THE PROJECT**

### **5.1 General Description of the Proposed Financing Method**

The Agency is authorized to finance the Projects 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 all as more specifically detailed in Attachment 5.1.

### **5.2 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, 2006 for the Revenue Allocation Area (EXHIBIT A) described in the Urban Renewal Plan adopted November

15, 2006 and effective retroactively to January 1, 2010 for the additional parcels within the amended Revenue Allocation Area, included in Attachment 1, 2 and 3. These revenue allocation provisions shall apply to all taxing districts in which the Revenue Allocation Area is located and described on Attachments 1, 2 and 3 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 Projects.

The Agency, acting by one or more resolutions adopted by its Board of Directors, 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 Section 50-2903[11]) of one or more urban renewal projects.

Upon enactment of an ordinance by the governing body of the City of Ketchum, 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 Section 50-2908. The Agency shall use such funds solely in accordance with Idaho Code Section 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 Directors.

A statement listing proposed public improvements and facilities, an economic feasibility study, estimated project costs, fiscal impact upon other taxing districts, and methods of financing project costs required by Idaho Code Section 50-2905 is included in Attachments 5.1, 5.2 and 5.3 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 update the presently anticipated Projects and use of revenue allocation financing of the related Project Costs if the Board of Directors of the Agency deems such updates necessary or convenient to effectuate the general objectives of the Plan. Such updates shall not constitute amendments or modifications of this Plan, including without limitation, modification pursuant to Idaho Code Section 50-2903(4).

The Agency may expend revenue allocation proceeds on an annual basis without the issuance of bonds. The Agency may obtain advances or loans from the City or private entities in order to immediately commence construction of certain of the public improvements. Revenues will continue to be allocated to the Agency until the Projects are completed or until any obligation to the City or other public entity or private entity are fulfilled. Attachment 5.1 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.

The revenue allocation proceeds are hereby irrevocably pledged to the payment of the principal and interest on the advance of monies, making of loans, or the incurring of any indebtedness such as bonds, notes, and other obligations (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Projects in whole or in part.

The Agency is authorized to make such pledges as to specific advances, loans, and indebtedness as appropriate in carrying out the Projects.

### **5.3 Participation With Local Improvement Districts**

Under the Idaho Local Improvement District Code, Chapter 17, Title 50, Idaho Code, the City has the authority to establish local improvement districts, including without limitation local business improvement districts for various public facilities, including, but not limited to, streets, curbs, gutters, sidewalks, drains, landscaping, and other like facilities. To the extent allowed by the Law and the Act, the Agency reserves the authority to participate in the funding of local improvement district facilities and local business improvement district facilities. This participation may include either direct funding to reduce the overall cost of the LID or BLID or to participate as an assessed entity to finance the LID or BLID project.

### **5.4 Issuance of Debt**

Any debt incurred by the Agency shall be subject to all terms and conditions of applicable state and federal laws.

### **5.5 Impact on Other Taxing Districts**

A specific delineation of tax dollars generated by revenue allocation upon each taxing district is included in Attachment 5.3.

## **6. 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 Revenue Allocation 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 Revenue Allocation Area;

- b. Revision of zoning (if necessary) within the Revenue Allocation 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 Revenue Allocation 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 Revenue Allocation Area throughout the duration of this Plan;
- e. Building code enforcement;
- 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 Revenue Allocation Area to be commenced and carried to completion without unnecessary delays;
- g. Institution and completion of proceedings necessary for the establishment of a local improvement district under Chapter 17, Title 50, Idaho Code;
- h. The undertaking and completing of any other proceedings necessary to carry out the Projects;
- i. Administration of Community Development Block Grant and other state and federal grant funds that may be made available for the Projects;
- j. Appropriate agreements with the Agency for administration, supporting services, funding sources, and the like; and
- k. The waiver of any hookup or installation fee for sewer, water, or other utility services for any facility owned by any public agency, including the Agency and facility.

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

## **7. 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 Revenue Allocation Area may be enforced by such owners.

## **8. TERMINATION DATE AND DISPOSITION OF ASSETS**

Except for the nondiscrimination and non-segregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective. The provisions of other documents formulated pursuant to this Plan shall be effective through ~~November 15, 2030~~ November 15, 2034, (the "Plan Termination Date") which is twenty-four (24) years from the date of adoption of the ~~original~~ Urban Renewal Plan (~~November 15, 2006~~) (November 15, 2010) by the City Council. The Revenue Allocation Area and Revenue Allocation Financing Provisions shall be effective through October 15, 2034 (the "Revenue Allocation Area Termination Date") recognizing that during the time period between the Plan Termination Date and the Revenue Allocation Area Termination Date, any Revenue Allocation Area revenues exceeding the amount necessary to repay the bonds shall be returned to the taxing districts in the Revenue Allocation Area on a pro rata basis.

Upon the Plan Termination Date, the Agency shall retain assets and revenues generated from such assets as long as the Agency shall have resources other than revenue allocation funds to operate and manage such assets. In the event that the Agency has no such resources or has only inadequate resources, or in the event that the Agency is dissolved, then any remaining assets shall be given without consideration to the City of Ketchum, an Idaho municipal corporation, subject to any and all liens or other encumbrances.

## **9. PROCEDURE FOR AMENDMENT**

The Urban Renewal Plan may be further modified at any time by the Agency subject to variations and exemptions set forth in any previously executed disposition and development agreements or owner participation agreements. 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. Substantial changes for City Council approval purposes shall be regarded as revisions which will violate the objectives of this Plan.

## **10. 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.

## **11. ANNUAL REPORT**

Under the Idaho Urban Renewal Law, the Agency is required to file with the City, on or before March 31 of each year, a report of the Agency's activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such calendar year.