

RESOLUTION NO. 3462

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING THAT A BLIGHTED AREA IN NEED OF REDEVELOPMENT AND REHABILITATION EXISTS WITHIN THE CITY OF LIVINGSTON, MONTANA, AND DETERMINING THE BOUNDARIES OF THE BLIGHTED AREA.

WHEREAS, by Resolution No. 3437, the City of Livingston endorsed a study to determine the existence of blight in the City; and

WHEREAS, the Urban Renewal District Study for the City of Livingston has now been completed and submitted to the City, a copy of which is attached Resolution No. 3460; and

WHEREAS, the Study has defined the boundaries of the blighted area as set forth in Exhibit A which is attached hereto and incorporated by this reference as though fully set forth herein.

WHEREAS, the Study determined the existence of blight in said area as follows:

Findings of Study :

- (a) **the substantial physical dilapidation; deterioration; defective construction material, and arrangement; and/or age obsolescence of buildings or improvements, whether residential or nonresidential;** Physical dilapidation in components of the area's infrastructure was "substantial". The area is characterized by aging infrastructure, both visual and underground. Sidewalks, curbs, gutters and alley areas are in noticeably deteriorating condition - cracked, broken and spalled. High curb cuts impede safe access. Some absence of sidewalks force pedestrians into the roadway. Basic services of water and wastewater distribution and collection are inadequate and in need of repair, upgrading or replacement. Municipal water services lines are reaching the end of their serviceable life, and in-ground sewer systems are in need of replacement, as are connecting private service lines. Many properties have plumbed roof drains that route storm water unnecessarily into the sewer treatment system. Some buildings lack compliance with current fire and life safety codes and several properties suffer from deferred maintenance and upkeep. Some upper floor spaces are vacant or underutilized. Access to most of these upper floor spaces is limited. Aging public and private properties, insufficient maintenance, building, fire and life safety codes and ADA compliance, and underutilization contribute to blighting conditions that erode the economic and social base downtown and promote a cycle of disinvestment.
- (b) **inadequate provision for ventilation, light, proper sanitation facilities, or open spaces as determined by competent appraisers on the basis of the building standards**

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of the municipality; no such appraisal was undertaken and no findings are made.

- (c) **inappropriate or mixed uses of land or buildings; some examples of inappropriate and mixed uses of land exist in the study area.** Where light industrial, and heavier commercial activity occurs immediately adjacent to residential uses, conflicts with noise, parking, deliveries, and employee activity arise. The city's Comprehensive Plan should address these issues. In addition, this situation should be examined in light of the existing uses and the community's need for light industrial and heavy commercial business expansion areas in the future. Commercial zoning underlies existing residential uses in established neighborhoods. These single-family neighborhoods are an important part of downtown's economy and should be maintained. Where these conditions occur, it is recommended that the transition of neighborhoods from residential to commercial not be hastened by any local action, and that the value of these modestly scaled residential structures and neighborhoods be underscored in the comprehensive plan as a desirable component in proximity to the downtown area.
- (d) **high density of population and overcrowding;** According to demographics, population loss, transition and aging has occurred significantly in the last 20 years, with the overall population remaining relatively stable. There is significant aging occurring in the Livingston population, and within the study area. This condition will result in continued increase in emergency service calls. This continued increase in demands for service contributes a blighting influence.
- (e) **defective or inadequate street layout;** There is evidence of inadequate railroad crossing opportunities and related street layout defects which may cause some traffic circulation problems and may be a contributing factor to automobile crashes as identified in the Livingston Transportation Study. This is a blighting influence.
- (f) **faulty lot layout in relation to size, adequacy, accessibility, or usefulness;** The placement of utilities and the narrowness of alleys in relationship to lot layout and lot coverage in the study area contributes to limits in alley usefulness and accessibility. The pattern of subdivision along the railroad tracks on the north side of Park Street and the limited services to those properties render some of the study area less useful and is a contributing factor to blight.
- (g) **excessive land coverage;** Excessive land coverage was not examined in the study area.
- (h) **unsanitary or unsafe conditions;** There were a high number of emergency services calls in the Study Area in relation to the rest of the City. Also, lack of provisions for pedestrians, bicyclists and adequate access for those with mobility challenges I

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can lead to unsafe conditions. These factors constitute a blighting influence.

- (i) **deterioration of site;** No glaring examples of deterioration of site were uncovered.
- (j) **diversity of ownership;** The near singularity of ownership/control of railroad right of way creates conditions that impede normal market function, especially with regard to new development, maintenance and services to these properties. Conversely, great diversity in ownership within the study area creates additional challenges to accomplishing management and improvements. This is a blighting influence.
- (k) **tax or special assessment delinquency exceeding the fair value of the land;** tax records were not reviewed for this type of information and no findings are presented.
- (l) **defective or unusual conditions of title;** because of the vast number of properties involved in the Study Area, it was impossible to undertake a determination of whether defective or unusual condition of title exist.
- (m) **improper subdivision or obsolete platting;** no such conditions were examined.
- (n) **the existence of conditions which endanger life or property by fire or other causes;** Fire and emergency service call data received suggests that the Study Area has a proportionately higher share of such incidences than that of the City as a whole. The study area encompasses 9% of the surface area of the city of Livingston, but has 25% of the service calls. This factor is a blighting influence.
- (o) **any combination of the factors listed in this subsection;** and

WHEREAS, the State of Montana has provided for the redevelopment and rehabilitation of those portions of its cities which constitute a menace to public health and safety, constitute an economic and social liability and substantially impair the sound growth of a municipality; and

WHEREAS, the procedure provided in Title 7 Chapter 15, Parts 42 and 43 of the Montana Code Annotated (MCA) for Urban Renewal authorizes municipalities to exercise statutory urban renewal powers for redevelopment and rehabilitation through urban renewal plans and projects by creating Urban Renewal Plan with Tax Increment Financing provisions; and

WHEREAS, 7-15-4202 MCA provides that the City cannot proceed with the development of the Urban Renewal Plan with Tax Increment Financing provisions until the City has adopted a resolution finding that a blighted area exists and that rehabilitation or development

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of the area is necessary; and

WHEREAS, after a finding of blight in the City and that the continued existence of blighted areas substantially impairs or arrests the sound growth of the city or its environs; retards the provision of housing accommodations; constitutes an economic or social liability; aggravates traffic problems and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and/or is detrimental or constitutes a serious and growing menace to the public health, safety, welfare, and morals in its present condition and use; and

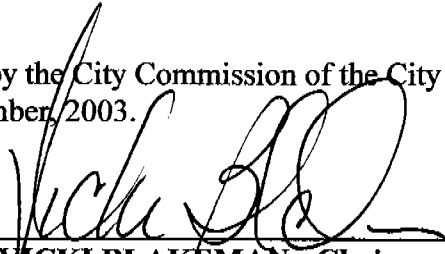
WHEREAS, following due notice, a public hearing on this Resolution of Intent was held by the City Commission on December 1, 2003.

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of the City of Livingston, Montana, as follows:

That pursuant to 7-15-4210 MCA the City Commission finds as follows:

1. Exhibit A describes the blighted area of the City of Livingston; and
2. That the continued existence of the blighted area substantially impairs or arrests the sound growth of the city or its environs; retards the provision of housing accommodations; constitutes an economic or social liability; aggravates traffic problems and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and/or is detrimental or constitutes a serious and growing menace to the public health, safety, welfare, and morals in its present condition and use.
3. The rehabilitation, redevelopment, or a combination thereof of the above described blighted area is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City of Livingston.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 1st day of December, 2003.



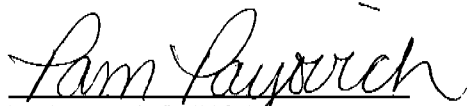
VICKI BLAKEMAN - Chairman

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ATTEST:


PAM PAYOVICH
Recording Secretary

APPROVED AS TO FORM:


BRUCE E. BECKER
City Attorney

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COPY

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Livingston City Commission will conduct a public hearing in the Community Room of the City/County Complex, 414 East Callender Street, Livingston, Montana, on December 1, 2003 at the hour of 7:30 p.m. of its intent to adopt a resolution of necessity declaring that one or more blighted areas exist in the City of Livingston, describing the boundaries of the blighted area or areas and that the rehabilitation, redevelopment, or a combination thereof of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City of Livingston. The public is invited to attend and comment on the proposed budget amendment. For further information contact Pam Payovich, Administrative/Recording Secretary, 414 East Callender Street, Livingston, MT 59047, or call 823-6001.

City of Livingston



Pam Payovich
Administrative/Recording Secretary

Please Publish November 20, 2003 and November 26, 2003.

Date: November 18, 2003

URBAN RENEWAL DISTRICT

City of Livingston

Description of District Boundary

December 1, 2003

Urban Renewal District; being portions the Original Townsite of Livingston, all of the Sacajawea Park and Miles Park Additions to the City of Livingston, a portion of Certificate of Survey No. 1020, and Tract 1 of Certificate of Survey No. 984, (an unincorporated portion of Park County); located in portions of the NE1/4, SE1/4, SW1/4 and NW1/4 of Section 13, and the NE1/4 and NW1/4 of Section 24, all in Township 2 South, Range 9 East, P.M.M., City of Livingston, Park County, Montana; more particularly described as follows:

Beginning at the intersection of the center lines of E Street and Park Street; thence northerly along an extension of the center line of E Street, across the southerly half of the Burlington Northern Santa Fe (BNSF) Right-of-Way; thence westerly approximately 1,075 feet along the center line of the BNSF Main Line; thence northerly across the northerly half of the BNSF Right-of-Way; thence northerly approximately 144.4 feet along the westerly boundary of Tract A-1 of Certificate of Survey No. 970; thence continuing northerly approximately 255.4 feet across a portion of Tract A-1 of Certificate of Survey No. 970 to the southerly boundary of Chinook Street; thence westerly approximately 22.5 feet along the southerly boundary of Chinook Street; thence northerly along the southerly extension of the center line of B Street to the intersection of B and Chinook Streets; thence westerly along the center line of Chinook Street to the intersection of Chinook and 2nd Streets; thence southerly along the center line of 2nd Street to the intersection of 2nd and Front Streets; thence westerly along the center line of Front Street to the intersection of Front and 8th Streets; thence southerly along the southerly extension of 8th Street across all of the BNSF Right-of-Way, U.S. Highway 10, Out Lot No. 2 of the Original Townsite, and Park Street to the southerly boundary of Park Street; thence southerly along the center line of 8th Street to the intersection of 8th and Callender Streets; thence easterly along the center line of Callender Street; thence southerly along the center lines of the center alleys through Blocks 80, 94, 112, and 120 of the Original Townsite to the center line of Butte Street; thence westerly along the center line of Butte Street to the intersection of Butte and Yellowstone Streets; thence southerly along the center line of Yellowstone Street to the north bank of the North Channel of the Yellowstone River; thence southerly along a southerly extension of the center line of Yellowstone Street across the North Channel; thence westerly, southwestwardly, and southerly along the south bank of the North Channel, said south bank also being the northerly boundaries of the Sacajawea Park Addition; thence easterly along the north bank of the Main Channel of the Yellowstone River, said bank of the Main Channel being the southerly boundaries of the Sacajawea and Miles Parks Additions; thence northerly along the easterly boundary of the NE1/4 of Section 24, said section line also being the easterly boundary of the Miles Park Addition; thence northerly along the

easterly boundary of the SE1/4 of Section 13, said section line also being the easterly boundary of the Park High School Tract as shown on Recorder's Plat No. 539; thence continuing northerly along said section line across View Vista Drive; thence continuing northerly along said section line across a portion of Tract 1 of Certificate of Survey No. 1020; thence continuing northerly along said section line along the line common to Tracts 1 and 2 of Certificate of Survey No. 1020 to the south bank of the North Channel; thence continuing northerly along said section line across the North Channel; thence westerly along the north bank of the North Channel to the center line of D Street; thence northerly along the center line of D Street to the intersection of D and Geysler Streets; thence westerly along the center line of Geysler Street; thence northerly along the center lines of the center alleys through Blocks 109, and 97 of the Original Townsite to the center line of Lewis Street; thence easterly along the center line of Lewis Street to the intersection of Lewis and E Streets; thence northerly along the center line of E Street to the point of beginning.

Chapter IV- Implementation

Introduction

The Urban Renewal District Plan identifies community attitudes, problems and opportunities and sets a direction for achieving redevelopment of the urban core. After adoption, this document is the official policy guide for public action. These policies can only be transformed into action through an effective implementation. The implementation of community policies will depend on sound processes of administration, financing and evaluation.

Administration

The Livingston Redevelopment Agency is hereby created pursuant to the provisions of 7-15-4232 MCA is responsible for the administration of the redevelopment effort outlined in this Plan under the provisions of Title VII, Chapter 15, Section 42-43, and M.C.A.

The Livingston Redevelopment Agency may exercise project powers in accordance with 7-15-4233 M.C.A. Those specific powers are itemized as follows:

- a) To formulate and coordinate a workable program as specified in 7-15-4209 MCA;
- b) To prepare urban renewal plans;
- c) To prepare recommended modifications to an urban renewal project plan;
- d) To undertake and carry out urban renewal projects as required by the local governing body;
- e) To make and execute contracts as specified in 7-15-4251, 7-15-4255, 7-15-4281, with the exception of contracts for the purchase and sale of real or personal property;
- f) To disseminate blight clearance and urban renewal information;
- g) To exercise the powers prescribed by 7-15-4255, except the power to agree to conditions for federal financial assistance and imposed pursuant to federal law relating to salaries and wages shall be reserved to the local governing body;
- h) To enter any building or property in any urban renewal area in order to make surveys and appraisals in the manner specified in 70-15-4257;
- i) To improve, clear, or prepare for redevelopment any real or personal property in an urban renewal area;
- j) To top in sure real or personal property as provided in 7-15-4258;
- k) To effectuate the plans provided for in 7-15-4254;
- l) To prepare plans for the relocation of families displaced from an urban renewal area and to coordinate public and private agencies in such relocation;
- m) To prepare plans for the carrying out a program of voluntary or compulsory repair or rehabilitation of buildings and improvements;
- n) To conduct appraisals, title searches, surveys, studies, and other preliminary plans and work necessary to prepare for the undertaking of urban renewal projects;
- o) To negotiate for the acquisition of land;

- p) To study the closing, vacating planning or replanning of streets, roads, sidewalks, ways or other places and to make recommendations with respect thereto;
- q) To organize, coordinate and direct the administration of the provisions of this part and part 43;
- r) To perform such duties as the local governing body may direct so as to make the necessary arrangements for the exercise of the powers and performance of the duties and responsibilities entrusted to the local governing body.

Any powers granted in this part or part 43 that are not enumerated above as powers of the Livingston Urban Renewal Agency may only be exercised by the local governing body or other officers, boards, and commissions as provided under existing law. ~~Any powers granted in Title VII, Chapter 15, Section 42-43, M.C.A. that are not included in this section as powers of the Livingston Redevelopment Agency may only be exercised by the local governing body as provided under existing law.~~ 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 that are expressly for the benefit of owners of property in the Project area may be enforced by such owners.

Agency Financial Transactions

The funds of the Livingston Urban Renewal Agency derived from the tax increment provision, as well as any other funds acquired by the Agency shall be held in trust for the Agency by the City of Livingston Treasurer in accordance with provisions contained in 7-15-4286 (2) (a).

Expenditures of the Livingston Urban Renewal Agency shall be made in accordance with the procedures established by the City of Livingston with respect to claims made against, and paid by, the City of Livingston.

Agency Staff

Consistent with the provisions of 7-15-4239 MCA, the Livingston Urban Renewal Agency may employ the necessary technical experts and other such agents and employees, as are required. Employees hired by the Livingston Urban Renewal Agency shall be considered City of Livingston employees and shall be covered by the same work rules, rights, duties, privileges, and obligations of such employees. The cost of their employment, unless otherwise provided, shall be borne by Livingston Urban Renewal Agency.

Annual Program Budget

The Agency shall prepare an annual work program and budget that will list the activities and costs of activities for the coming fiscal year, as well as the method of financing those

activities. This program and budget may be amended during the course of the fiscal year, in light of funding and program changes. All budgets and revised budgets shall be reviewed and approved by the City of Livingston, and administered in accordance with City policies.

Annual Independent Audit

The Agency shall cause to be performed an annual independent audit covering the operations of the Agency in carrying out this Plan.

The first such audit shall be completed within ninety (90) days of the close of the first fiscal year following the adoption of this Plan by City Commission.

All such annual independent audits shall be maintained as a part of the public records of the City of Livingston.

Evaluation

The Livingston Redevelopment Agency shall provide to the City Commission and the public an annual program evaluation as part of the Annual Report. Such evaluation shall review the Urban Renewal District Plan and the past annual work program.

Amendment

The Livingston Urban Renewal Plan ~~URD Plan~~ may be amended in accordance with Montana statute. In addition, changes to the land use element shall be made consistent with Livingston zoning regulations.

The City Commission may modify and amend the Plan, including modifications and amendments to designate and approve urban renewal projects to be undertaken pursuant thereto, by enacting an ordinance providing for and setting forth the modification and amendment. No such ordinance shall be adopted until after a public hearing has been conducted thereon and notice of said hearing has been given in accordance with State Law.

If the modification or amendment involves the addition or deletion of land from the District, mailed notice shall be given to all persons owning property to be added or deleted at the time and the manner provided by Section 7-15-4215 (1), M.C.A. All notices shall provide the information regarding the modification required by Section 7-15-4215 (1), M.C.A. Nothing herein shall limit or affect the authority of the Commission to undertake and carry out renewal activities on a yearly basis as provided by Section 7-15-4220, M.C.A.

November 26, 2003

Dear City Commissioners,

First, I regret that I'm unable to attend this commission meeting to show my support for the Urban Renewal Plan. I have been a member of the Citizen's Organizing Committee since the beginning. We have worked hard to assemble the package before you. This has been a great example of people working together and getting something done.

After seeing how other communities have benefited from establishing a tax increment district, I have become a believer. Establishing such a district is a vital tool for a successful downtown. With these new resources we have a great opportunity to insure the viability of our downtown into the future.

This group has enjoyed both the efforts and the financial help of a diverse group over a long period of time. From people inside the district to those outside of the city limits have worked hard because this is something that we can do to help ourselves.

I would like to thank the city commission for taking the time to inform themselves on this matter and their dedication to our community.

Sincerely,

Dan Kaul
The Murray Hotel

December 1, 2003
Agenda Item #5, C:

Resolution No. 3462 -- Declaring that a blighted area in need of redevelopment and rehabilitation exists within the City of Livingston, Montana, and determining the boundaries of the blighted area.

Enclosed is a proposed Resolution adopting the above finding. The Study has been provided separately at the last meeting. Please refer to that study which will be attached to this Resolution. The Surveyor, Fred Hall, is in the process of preparing a legal description for the boundaries of the proposed District. This legal description should be available on Monday, December 1, 2003.

I propose to introduce the legal description as an addendum to Resolution No. 3462 on December 1, 2003.