

ORDINANCE NO. 1932

AN ORDINANCE OF THE CITY COMMISSION ADOPTING THE URBAN RENEWAL PLAN FOR THE LIVINGSTON URBAN RENEWAL DISTRICT WITH TAX INCREMENT FINANCING PROVISION, PURSUANT TO CHAPTER 7, PART 42 AND 43 OF THE MONTANA CODE ANNOTATED.

Preamble.

The purpose of this Ordinance to promote the general health, safety and welfare of the community by defining the boundaries of the urban renewal area and adopting the Urban Renewal Plan for the redevelopment and rehabilitation of the urban renewal area in the City of Livingston, Montana with provision for tax increment financing.

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

WHEREAS, the Study for the City of Livingston has now been completed and submitted to the City, a copy of which is attached Resolution No. 3460 which defines the boundaries of the blighted area; and

WHEREAS, in Title 7, Chapter 42 and 43 of the Montana Code Annotated, the State of Montana provides 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 of the area is necessary; and

WHEREAS, the Livingston City Commission following due notice, conducted a public hearing on December 1, 2003, and thereafter adopted Resolution No. 3462 finding that a blighted area exists within the City of Livingston, Montana, establishing the boundaries of the blighted area and declaring that rehabilitation and redevelopment of that area is necessary in the interest of public health, safety and welfare of the residents of Livingston, Montana pursuant to 7-15-4210 MCA; and

WHEREAS, the City Commission further finds that the continued existence of blighted areas within the City of Livingston 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, at the request of the Livingston City Commission, the Livingston Downtown Association prepared an Urban Renewal Plan for the rehabilitation and redevelopment of the blighted area defined by Resolution No. 3462; and

WHEREAS, in compliance with 7-15-4213 MCA, the Urban Renewal Plan was submitted to the Livingston Planning Board on November 26, 2003, for review which found the Urban Renewal Plan to be in conformity with the Livingston Comprehensive Plan; and

WHEREAS, 7-15-4215 MCA provides that notice by publication and by mailing to the persons whose names appear on the county treasurer's tax roll as owners, reputed owners or purchasers under contract for deed of property in the urban renewal area must be made not less than 10 days prior to the date of the hearing on the Urban Renewal Plan which will be held by the City Commission on December 15, 2003, at 7:30 p.m.

NOW, THEREFORE, BE IT ORDAINED by the Livingston City Commission as follows:

SECTION 1

Urban Renewal Area Defined:

That the Urban Renewal Area defined by Resolution No. 3462 is hereby adopted.

SECTION 2

Adoption of Urban Renewal Plan:

That the Urban Renewal Plan attached hereto as Exhibit A which is incorporated by this

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Adopting Urban Renewal Plan

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reference as though fully set forth herein for the urban renewal area of the City of Livingston, Montana, is hereby adopted by the Livingston City Commission based upon the following findings of the City Commission:

1. That a workable and feasible plan exists for making available adequate housing for the persons who may be displaced by the project;
2. The Urban Renewal Plan conforms to the Comprehensive Plan or partes thereof for the City of Livingston as a whole;
3. The Urban Renewal Plan will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise; and
4. That a sound and adequate financial program exists for financing projects in the urban renewal area, including special improvement districts, general obligation bonds and private financing.

SECTION 3

Tax Increment Financing Provision:

The Urban Renewal Plan contains a provision for the use of Tax Increment Financing (TIF) in the urban renewal district. The TIF district shall be created and administered pursuant to Section 7-15-4282 through 7-15-4292 MCA.

SECTION 4

Codification:

This Ordinance is not to be codified in the Livingston Municipal Code.

SECTION 5

Statutory Interpretation and Repealer:

Any and all resolutions, ordinances and sections of the Livingston Municipal Code and parts thereof in conflict herewith are hereby repealed.

SECTION 6

Severability:

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by a court having competent jurisdiction, such invalidity shall not affect the other

provisions of this ordinance which may be given effect without the invalid provisions or application, and to this end, the provisions of this ordinance are declared to be severable.

SECTION 7

Savings provision:

This ordinance does not affect the rights or duties that mature, penalties and assessments that were incurred or proceedings that begun before the effective date of this ordinance.

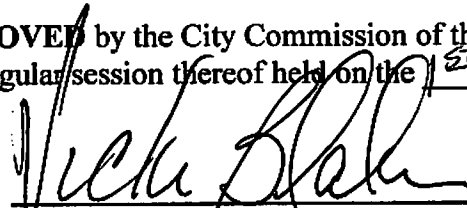
SECTION 8

Effective date:

This ordinance will become effective 30 days after the second and final adoption.

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PASSED, ADOPTED AND APPROVED by the City Commission of the City of Livingston, Montana, on first reading at a regular session thereof held on the 12th day of December, 2003.



VICKI BLAKEMAN - Chairman

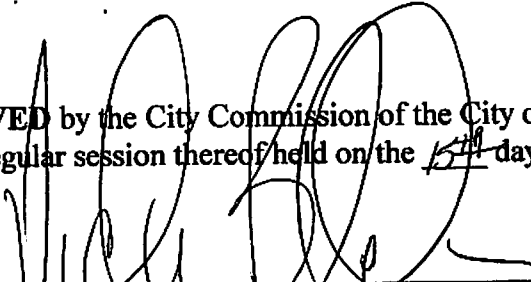
ATTEST:



PAM PAYOVICH
Recording Secretary

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PASSED, ADOPTED AND APPROVED by the City Commission of the City of Livingston, Montana, on second reading at a regular session thereof held on the ~~15th~~ day of December, 2003.




VICKI BLAKEMAN - Chairman

ATTEST:



PAM PAYOVICH
Recording Secretary

APPROVED AS TO FORM:



BRUCE E. BECKER
Livingston City Attorney