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City Clerk  
435 Ryman  
Missoula, MT 59802

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Missoula, Montana (the "City"), hereby certify that the attached resolution is a true copy of a Resolution No. 6944 entitled: "RESOLUTION CALLING A PUBLIC HEARING ON THE PROPOSED ORDINANCE AMENDING CHAPTER VI OF THE CITY OF MISSOULA'S URBAN RENEWAL PLAN FOR DISTRICT II AND CHAPTER IV OF THE CITY OF MISSOULA'S URBAN RENEWAL PLAN FOR DISTRICT III TO PROVIDE FOR DISPOSITION OF INTEREST IN LAND AND THE USE OF TAX INCREMENT THEREFOR PURSUANT TO A DEVELOPMENT AGREEMENT" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a regular meeting on November 28, 2005, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Council members voted in favor thereof: Ballas, Childers, Crowley, Engen, Floyd, Hendrickson, Kendall, Nicholson, Peissig, Reidy, and Rye; voted against the same: none; abstained from voting thereon: none; or were absent: none.

WITNESS my hand and seal officially this 30<sup>th</sup> day of November, 2005.

(SEAL)

/s/ Martha L. Rehbein  
Martha L. Rehbein, City Clerk

**RESOLUTION NUMBER 6994**

**RESOLUTION CALLING A PUBLIC HEARING ON THE PROPOSED  
ORDINANCE AMENDING CHAPTER VI OF THE CITY OF  
MISSOULA'S URBAN RENEWAL PLAN FOR DISTRICT II AND  
CHAPTER IV OF THE CITY OF MISSOULA'S URBAN RENEWAL  
PLAN FOR DISTRICT III TO PROVIDE FOR DISPOSITION OF  
INTEREST IN LAND AND THE USE OF TAX INCREMENT THEREFOR  
PURSUANT TO A DEVELOPMENT AGREEMENT**

**BE IT RESOLVED** by the City Council (the "Council") of the City of Missoula, Montana (the "City"), as follows:

**Section 1. Recitals.**

1.01. Pursuant to Title 7, Chapter 15, Part 42 and 43 (the "Act") and Ordinance Nos. 2803, 3215, and 3163 respectively (the "Ordinances"), the City has adopted urban renewal plans for its Urban Renewal District II and Urban Renewal District III (collectively, the "Urban Renewal Plans").

1.02. The Act provides that a municipality may amend its plan by ordinance pursuant to the procedures set forth in Sections 7-15-4212 through 7-15-4219, M.C.A. of the Act or the procedure set forth in the Urban Renewal Plans.

1.03. The Urban Renewal Plans provide that they may be amended by an ordinance adopted by the City Council, after a public hearing and notice of such hearing being given by publication in the newspaper for two weeks, with at least six days separating each publication, or if the modification or amendment involves in addition or deletion of land from the District, notice shall also be mailed to all persons owning property to be added or deleted.

1.04. The City proposes to amend the Urban Renewal Plans to provide for an alternative method of the disposition of real property in Urban Renewal District II and Urban Renewal District III and the use of Tax Increment for projects located on such property, pursuant to a development agreement, subject to the terms and conditions as set forth in the ordinance attached hereto as Exhibit A (the "Ordinance").

**Section 2. Intention to Adopt, First Reading.**

2.01. Intention to Adopt. The Council hereby declares its intention to adopt the Ordinance in substantially the form as shown on Exhibit A hereto.

2.02. First Reading. The adoption of this Resolution of Intention shall constitute the first reading of the Ordinance.

**Section 3. Public Hearing.** A public hearing is hereby called and shall be held on Monday December 12, 2005 at 7:00 p.m. on the proposed modification of the City's Urban Renewal Plans.

**Section 4. Notice.** Notice of the public hearing shall be published in the *Missoulian* on December 4 and December 11, 2005, in substantially the form attached as Exhibit B hereto (which is incorporated by reference and made a part hereof).

**PASSED AND APPROVED** by the City Council of the City of Missoula, Montana, this 28<sup>th</sup> day of November, 2005.

/s/ Mike Kadas  
Mike Kadas, Mayor

Attest: /s/ Martha L. Rehbein  
Martha L. Rehbein, City Clerk

EXHIBIT A

FORM OF THE ORDINANCE

AN ORDINANCE AMENDING CHAPTER VI OF THE CITY OF  
MISSOULA'S URBAN RENEWAL PLAN FOR DISTRICT II AND  
CHAPTER IV OF THE CITY OF MISSOULA'S URBAN RENEWAL PLAN  
FOR DISTRICT III TO PROVIDE FOR DISPOSITION OF INTEREST IN  
LAND PURSUANT TO A DEVELOPMENT AGREEMENT

BE IT ORDAINED by the City Council (the "Council") of the City of Missoula, Montana (the "City"), as follows:

Section 1. Recitals.

1.01. Section 7-15-4263, M.C.A. (the "Urban Renewal Law") provides that a Municipality may dispose of real property in an urban renewal area to private persons only under reasonable procedures as it shall prescribe or as specified in the Urban Renewal Law.

1.02. Pursuant to Ordinance Nos. 2803, 3215, and 3163 respectively, the City has adopted urban renewal plans for its Urban Renewal District II and Urban Renewal District III (collectively, the "Urban Renewal Plans").

1.03. Each of the Urban Renewal Plans provide for the disposition of property in the urban renewal districts in accordance with the provisions of Section 7-15-4263, M.C.A.

1.04. To better achieve the goals and objectives of the Urban Renewal Law, the Missoula Redevelopment Agency has recommended that the City Council amend the Urban Renewal Plans to provide an additional method for the disposition of real property in an urban renewal area.

Section 2. Amendments. Chapter VI of the Urban Renewal District II Urban Renewal Plan, and Chapter IV of the Urban Renewal District III Urban Renewal Plan are hereby amended to add the following provision under the heading "Property Disposition and Development":

"Disposition of Interest in Land Pursuant to Development Agreement"

The City may enter into a development agreement with a private entity with respect to the acquisition, sale, lease, or transfer and development of a parcel of land or any interest therein to which the developer has an exclusive option to purchase, and the use of tax increment dollars for projects located on such property, which is located in the urban renewal area without public bidding, but only after a public hearing following published notice as provided in Section 7-1-4127, M.C.A. at which all interested persons shall be entitled to provide comments orally or in writing. The public hearing may be continued from time to time without additional published notice.

The notice of public hearing must be published as provided in Section 7-1-4127, M.C.A. and the public hearing must be conducted, prior to approval by the local governing body of the execution of any development agreement, contract or deed to sell, lease, or otherwise transfer real property and prior to the delivery of any instrument of conveyance under the provisions of Sections 7-15-4262 through 7-15-4266, M.C.A. The notice must identify the area or the portion of the area; the proposed developer, purchaser, vendee or lessee, if known; the nature of the proposed redevelopment or use of the property; and must state that any further information that is available may be obtained at the office of the person designated in the notice.

After considering the comments and other information presented at the public hearing and other information that the local governing body deems relevant, including information regarding the financial and legal ability of the private person to carry out the redevelopment or rehabilitation proposal, the municipality may enter into development or redevelopment and other contracts and agreements and make such dispositions of real property to private persons as it considers to be in the public interest and in furtherance of the purposes of the Urban Renewal Law. Thereafter, the municipality may execute, in accordance with the provisions of Sections 7-15-4262 and 7-15-4264, M.C.A., and deliver contracts, deeds, leases, and other instruments of transfer as may be required.

The terms of any lease shall be fixed by the municipality, and the instrument of lease may provide for renewals or an option to purchase the property at fair value as provided in Section 7-15-4262(3), M.C.A."

Section 3. Effective Date. This Ordinance shall take effect from and after 30 days of its passage by the City Council and approval by the Mayor.

PASSED, ADOPTED and APPROVED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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Mike Kadas, Mayor

Attest: \_\_\_\_\_  
Martha L. Rehbein, City Clerk

EXHIBIT B

NOTICE OF PUBLIC HEARING ON THE PROPOSED ORDINANCE AMENDING  
CHAPTER VI OF THE CITY OF MISSOULA'S URBAN RENEWAL PLAN FOR  
DISTRICT II AND CHAPTER IV OF THE CITY OF MISSOULA'S URBAN RENEWAL  
PLAN FOR DISTRICT III TO PROVIDE FOR DISPOSITION OF INTEREST IN LAND  
PURSUANT TO A DEVELOPMENT AGREEMENT

NOTICE IS HEREBY GIVEN that the City Council (the "Council") of the City of Missoula, Montana (the "City") will hold a public hearing on the proposed modification of the City's Urban Renewal Plans for Urban Renewal District Nos. II and III (the "Urban Renewal Plans") on December 12, 2005 at 7:00 p.m., M.T., at \_\_\_\_\_, Missoula, Montana.

The proposed modifications are the amendment of the Urban Renewal Plans to provide for an alternative method of disposition of property in Urban Renewal District Nos. II and III and the use of Tax Increment for projects located on such property pursuant to a development agreement; and the modification of the boundaries of Urban Renewal District No. II to include therein portions of the Sunnyside Addition adjacent to Urban Renewal District No. II.

A copy of the Ordinance and the proposed modification of the Urban Renewal Plans are in file in the office of the City Clerk of the City of Missoula, at 435 Ryman Street, Missoula, Montana.

Any interested persons may appear and will be heard or may file written comments with the City Clerk prior to such hearing.

Dated: November \_\_\_, 2005.

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Martha L. Rehbein, City Clerk

Publication Dates:      December 4, 2005  
                                 December 11, 2005