

CERTIFICATE AS TO ORDINANCE 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 ordinance is a true copy of a Ordinance entitled: "AN ORDINANCE OF THE MISSOULA CITY COUNCIL PERTAINING TO THE MODIFICATION TO THE MISSOULA URBAN RENEWAL PLAN FOR URBAN RENEWAL DISTRICT II TO INCLUDE ADDITIONAL PROPERTY BY ADJUSTING THE DISTRICT BOUNDARIES AND BY AMENDING ORDINANCE 2803 TO REFLECT THE ADJUSTED DISTRICT BOUNDARIES" (the "Ordinance"), on file in the original records of the City in my legal custody; that the Ordinance was duly presented for first reading 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notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

WITNESS my hand and seal officially this 15th day of December, 2005.

(SEAL)

/s/ Jane Kelly Stoll
Jane Kelly Stoll, Deputy City Clerk

I further certify that the Ordinance was duly adopted on second reading by the City Council of the City at a regular meeting on December 12, 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notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Ordinance at said meeting, the following Council members voted in favor thereof: Ballas, Childers, Crowley, Engen, Floyd, Haines, 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 15th day of December, 2005.

(SEAL)

/s/ Jane Kelly Stoll
Jane Kelly Stoll, Deputy City Clerk

ORDINANCE NUMBER 3308

AN ORDINANCE OF THE MISSOULA CITY COUNCIL PERTAINING TO THE MODIFICATION TO THE MISSOULA URBAN RENEWAL PLAN FOR URBAN RENEWAL DISTRICT II TO INCLUDE ADDITIONAL PROPERTY BY ADJUSTING THE DISTRICT BOUNDARIES AND BY AMENDING ORDINANCE 2803 TO REFLECT THE ADJUSTED DISTRICT BOUNDARIES

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

Section 1. Recitals.

1.01. On December 16, 1991, the Council created Urban Renewal District II and Urban Renewal District III and an urban renewal plan therefor (the "Plan") through Ordinance 2803, which was amended to include additional area on July 22, 2002 pursuant to City Council Resolution 6533 and Ordinance 3215.

1.02. On November 28, 2005, the Council adopted Resolution No. 6993, A Resolution Declaring A Blighted Area in Need of Redevelopment and Rehabilitation Exists within the City of Missoula, Montana, and to Determine the Boundaries of that Area. There are several parcels of land adjacent to Urban Renewal District II that meet the conditions of blight defined in Section 7-15-4206(2), M.C.A. Such Resolution No. 6993, determined the boundaries of the Area and declared that rehabilitation and redevelopment of the Area is necessary and desirable in the interest of the public health, safety, and welfare of the residents of Missoula, pursuant to 7-15-4210 M.C.A.

1.03. On December 12, 2005, the Council held a public hearing on the proposed modification to the Urban Renewal Plan for Urban Renewal District II to include the Area within the boundaries of the District. Such hearing was preceded by actual notice mailed prior to December 4, 2005 to the persons whose names appear on the county treasurer's tax roll as the owners of property in the Area, and by publication published December 4, 2005 and December 11, 2005 as required by Section 7-15-4215, M.C.A. and the Urban Renewal Plan for Urban Renewal District II. All persons appearing at the hearing were given an opportunity to speak.

Section 2. Finding of Blight. The Council hereby confirms that the property described below is blighted within the meaning of Section 7-15-4206(A), M.C.A.:

Lots 1 to 19 in Block 9 of Sunnyside Addition to the City of Missoula, Montana, according to the official map or plat thereof on file and of record in the office of the County Clerk and Recorder of Missoula County, Montana as recorded in Book 1 of Plats at Page 88; and,

All of Block 18 of Sunnyside Addition to the City of Missoula, lying West of the right-of-way line of the Northern Pacific Railway Company which includes: Fraction of Lots 2 and 3, all of Lots 4 thru 10, and fraction of Lots 11 and 12 of said Block 18 of Sunnyside Addition as recorded in Book 1 of Plats at Page 88 and depicted in Exhibit A hereto and,

That portion of Montana Street lying west of the right of way line of the Montana Rail Link Bitterroot Branch and, that portion of Walnut Street lying between the center line of Montana Street and the extended south right of way line of Dakota Street and, that portion of Wyoming Street lying west of the right of way line of the Montana Rail Link Bitterroot Branch and, that portion of Dakota Street lying west of the right of way line of the Montana Rail Link Bitterroot Branch and, a portion of Hickory Street lying between the center line of Montana Street and the west right of way line of the Montana Rail Link.

Section 3. Modification of the Urban Renewal District II Boundaries. The Council hereby modifies the boundaries of Urban Renewal District I as defined by Ordinance 2803 and Resolution 5210 are hereby amended to include the generally described herein and as set forth in Exhibit A to this Ordinance (the "Area").

Section 4. Conformity with the Plan. The Area included into Urban Renewal District II pursuant to this Ordinance is comparable to adjacent contiguous land within the original boundaries of Urban Renewal District II, and the redevelopment thereof is consistent with the Plan, the Comprehensive Plan, and the City's Growth Plan. [The Area shall be considered part of the "County Lands Sub-Area" within the Urban Renewal Plan for Urban Renewal District II. All goals, objectives, and statements within the Urban Renewal Plan for Urban Renewal District II regarding that Sub-Area shall hereinafter include the area identified and described pursuant to this Ordinance.]

Section 5. Tax Increment Provision. The Urban Renewal Plan for Urban Renewal District II contains a provision for the use of tax increment financing (TIF) district. The TIF district for Urban Renewal District II shall be expanded to include all properties within the modified boundary and be administered pursuant to Section 7-15-4282 through 7-15-4292 M.C.A.

Section 6. Codification. This Ordinance is not to be codified in the Missoula Municipal Code.

Section 7. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision by a court of competent jurisdiction shall not affect the validity of the remaining portions of this ordinance and, if for any reason, a portion of this ordinance should be declared invalid or unconstitutional, the remaining portions will be in full force and effect.

PASSED AND ADOPTED this 12th day of December, 2005.

ATTEST:

/s/ Jane Kelly Stoll
Jane Kelly Stoll
Deputy City Clerk

APPROVED:

/s/ Mike Kadas
Mike Kadas
Mayor

(SEAL)

EXHIBIT A

Area to be Included in Urban Renewal District II

Lots 1 to 19 in Block 9 of Sunnyside Addition to the City of Missoula, Montana, according to the official map or plat thereof on file and of record in the office of the County Clerk and Recorder of Missoula County, Montana as recorded in Book 1 of Plats at Page 88; and,

All of Block 18 of Sunnyside Addition to the City of Missoula, lying West of the right-of-way line of the Northern Pacific Railway Company which includes Fractions of Lots 2 and 3, all of Lots 4 thru 10, and fractions of Lots 11 and 12 of said Block 18 of Sunnyside Addition as recorded in Book 1 of Plats at Page 88, and;

That portion of Montana Street lying west of the right of way line of the Montana Rail Link Bitterroot Branch and, that portion of Walnut Street lying between the center line of Montana Street and the extended south right of way line of Dakota Street and, that portion of Wyoming Street lying west of the right of way line of the Montana Rail Link Bitterroot Branch and, that portion of Dakota Street lying west of the right of way line of the Montana Rail Link Bitterroot Branch and, a portion of Hickory Street lying between the center line of Montana Street and the west right of way line of the Montana Rail Link.

