

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 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" (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notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.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 special 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notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.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 3309

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 12th day of December, 2005.

ATTEST:

APPROVED:

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

/s/ Mike Kadas
Mike Kadas
Mayor