

Pocatello Development Authority

**Board of Commissioners Meeting
July 18, 2012 – 11:00 a.m.
Paradise Conference Room**

City of Pocatello
911 North 7th Avenue
Pocatello, Idaho 83205

An urban renewal agency for the City of Pocatello, Idaho

11:00 a.m.

Call to order – Ryan Ward

Acknowledge guests of the Board

Disclosure of conflicts of interest

Agenda – add or delete action or discussion items

Action and Discussion Items:

Minutes of May 16, 2012 – Motion to approve and/or amend

Financial Report: May and June Income and Expenses

Payment Request - South Valley Connector Reimbursement

General Discussion: Hoku Update

Items from staff:

Items from Commission members:

Executive Session:

Matters exist for discussion in an executive session as per I.C. 67-2345 (1) (e)

Motion: "I move that we enter into an executive session as per Idaho Code 67- 2345 (1) (e) to consider preliminary negotiations involving matters of trade or commerce in which the PDA may be in competition with other jurisdictions."

Adjourn

FINANCIAL REPORT
FOR
MAY / JUNE 2012

Pocatello Development Authority
Balance Sheet
As of June 30, 2012

	<u>Jun 30, 12</u>
ASSETS	
Current Assets	
Checking/Savings	
Checking Wells Fargo	1,617,315.91
Restricted Cash Bond 16839700	1,954,294.00
Restricted Cash Bond 16839702	0.29
Restricted Cash Bond 16839703	681,900.00
Savings Wells Fargo	4,240,801.93
Total Checking/Savings	<u>8,494,312.13</u>
Accounts Receivable	
Accounts Receivable	646,867.85
Total Accounts Receivable	<u>646,867.85</u>
Other Current Assets	
Accrued Interest Income	45.96
Property Tax Receivable	146,549.37
Total Other Current Assets	<u>146,595.33</u>
Total Current Assets	<u>9,287,775.31</u>
TOTAL ASSETS	<u><u>9,287,775.31</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Accrued Interest Payable	64,643.86
Total Other Current Liabilities	<u>64,643.86</u>
Total Current Liabilities	64,643.86
Long Term Liabilities	
Deferred Notes Receivable Rev	1,846,867.85
Deferred Tax Revenues	133,050.65
Total Long Term Liabilities	<u>1,979,918.50</u>
Total Liabilities	2,044,562.36
Equity	
Fund Balance	7,024,551.96
Net Income	218,660.99
Total Equity	<u>7,243,212.95</u>
TOTAL LIABILITIES & EQUITY	<u><u>9,287,775.31</u></u>

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07/12/12

Accrual Basis

Pocatello Development Authority
Balance Sheet by Class
 As of June 30, 2012

	<u>1-General Fund</u>	<u>2-Central Corridor</u>	<u>3-North Yellowstone</u>
ASSETS			
Current Assets			
Checking/Savings			
Checking Wells Fargo	244,729.21	1,049,196.34	-121,561.89
Restricted Cash Bond 16839700	0.00	5.61	1,954,288.39
Restricted Cash Bond 16838702	0.00	0.00	0.29
Restricted Cash Bond 16839703	0.00	-5.61	681,905.61
Savings Wells Fargo	132,921.97	4,107,879.96	0.00
Total Checking/Savings	<u>377,651.18</u>	<u>5,157,076.30</u>	<u>2,514,632.40</u>
Accounts Receivable			
Accounts Receivable	50,000.00	596,867.85	0.00
Total Accounts Receivable	<u>50,000.00</u>	<u>596,867.85</u>	<u>0.00</u>
Other Current Assets			
Accrued Interest Income	0.87	26.22	18.87
Property Tax Receivable	0.00	112,989.05	26,797.20
Total Other Current Assets	<u>0.87</u>	<u>113,015.27</u>	<u>26,816.07</u>
Total Current Assets	<u>427,652.05</u>	<u>5,866,959.42</u>	<u>2,541,448.47</u>
TOTAL ASSETS	<u><u>427,652.05</u></u>	<u><u>5,866,959.42</u></u>	<u><u>2,541,448.47</u></u>
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Other Current Liabilities			
Accrued Interest Payable	0.00	0.00	64,643.86
Total Other Current Liabilities	<u>0.00</u>	<u>0.00</u>	<u>64,643.86</u>
Total Current Liabilities	<u>0.00</u>	<u>0.00</u>	<u>64,643.86</u>
Long Term Liabilities			
Deferred Notes Receivable Rev	50,000.00	1,796,867.85	0.00
Deferred Tax Revenues	0.00	99,490.33	26,797.20
Total Long Term Liabilities	<u>50,000.00</u>	<u>1,896,358.18</u>	<u>26,797.20</u>
Total Liabilities	<u>50,000.00</u>	<u>1,896,358.18</u>	<u>91,441.06</u>
Equity			
Fund Balance	422,439.19	4,069,957.74	2,208,612.70
Net Income	-44,787.14	-99,356.50	241,394.71
Total Equity	<u>377,652.05</u>	<u>3,970,601.24</u>	<u>2,450,007.41</u>
TOTAL LIABILITIES & EQUITY	<u><u>427,652.05</u></u>	<u><u>5,866,959.42</u></u>	<u><u>2,541,448.47</u></u>

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Accrual Basis

Pocatello Development Authority
Balance Sheet by Class
As of June 30, 2012

	4-Naval Ordinance	6-North Portneuf	TOTAL
ASSETS			
Current Assets			
Checking/Savings			
Checking Wells Fargo	295,634.53	149,317.72	1,617,315.91
Restricted Cash Bond 16839700	0.00	0.00	1,954,294.00
Restricted Cash Bond 16839702	0.00	0.00	0.29
Restricted Cash Bond 16839703	0.00	0.00	681,900.00
Savings Wells Fargo	0.00	0.00	4,240,801.93
Total Checking/Savings	295,634.53	149,317.72	8,494,312.13
Accounts Receivable			
Accounts Receivable	0.00	0.00	646,867.85
Total Accounts Receivable	0.00	0.00	846,867.85
Other Current Assets			
Accrued Interest Income	0.00	0.00	45.96
Property Tax Receivable	0.00	6,763.12	146,549.37
Total Other Current Assets	0.00	6,763.12	146,595.33
Total Current Assets	295,634.53	156,080.84	9,287,775.31
TOTAL ASSETS	295,634.53	156,080.84	9,287,775.31
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Other Current Liabilities			
Accrued Interest Payable	0.00	0.00	64,643.86
Total Other Current Liabilities	0.00	0.00	64,643.86
Total Current Liabilities	0.00	0.00	64,643.86
Long Term Liabilities			
Deferred Notes Receivable Rev	0.00	0.00	1,846,867.85
Deferred Tax Revenues	0.00	6,763.12	133,050.65
Total Long Term Liabilities	0.00	6,763.12	1,979,918.50
Total Liabilities	0.00	6,763.12	2,044,562.36
Equity			
Fund Balance	226,891.29	96,651.04	7,024,551.96
Net Income	68,743.24	52,666.68	218,660.99
Total Equity	295,634.53	149,317.72	7,243,212.95
TOTAL LIABILITIES & EQUITY	295,634.53	156,080.84	9,287,775.31

Pocatello Development Authority
Profit & Loss
All Transactions

	<u>Jun 22, 12</u>
Income	
Interest income	1,041.13
Loan Interest Income	2,500.00
Property Taxes	3,770,107.96
Uncategorized Income	1,846,867.85
Total Income	<u>5,620,516.94</u>
Gross Profit	5,620,516.94
Expense	
Administrative	9,812.93
Debt Service	
Interest	661,116.22
Principal	1,155,000.00
Total Debt Service	<u>1,816,116.22</u>
Dues and Memberships	1,500.00
Economic Grants Issued	319,532.92
Economic Loans	171,610.00
Professional Services	
Other Professional Services	20,053.70
Total Professional Services	<u>20,053.70</u>
Total Expense	<u>2,338,625.77</u>
Net Income	<u><u>3,281,891.17</u></u>

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Accrual Basis

Pocatello Development Authority
Profit & Loss by Class
October 2011 through June 2012

	<u>1-General Fund</u>	<u>2-Central Corridor</u>	<u>3-North Yellowstone</u>
Income			
Interest Income	9.99	303.26	182.56
Property Taxes	0.00	71,950.24	577,452.11
Total Income	<u>9.99</u>	<u>72,253.50</u>	<u>577,634.67</u>
Gross Profit	9.99	72,253.50	577,634.67
Expense			
Administrative	4,539.13	0.00	0.00
Debt Service			
Interest	<u>0.00</u>	<u>0.00</u>	<u>210,025.00</u>
Total Debt Service	0.00	0.00	210,025.00
Dues and Memberships	500.00	0.00	0.00
Economic Grants Issued	37,758.00	0.00	122,014.96
Economic Loans	0.00	171,610.00	0.00
Professional Services			
Other Professional Services	<u>2,000.00</u>	<u>0.00</u>	<u>4,200.00</u>
Total Professional Services	2,000.00	0.00	4,200.00
Total Expense	<u>44,797.13</u>	<u>171,610.00</u>	<u>336,239.96</u>
Net Income	<u><u>-44,787.14</u></u>	<u><u>-99,356.50</u></u>	<u><u>241,394.71</u></u>

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Accrual Basis

Pocatello Development Authority
Profit & Loss by Class
October 2011 through June 2012

	<u>4-Naval Ordinance</u>	<u>6-North Portneuf</u>	<u>TOTAL</u>
Income			
Interest Income	0.00	0.00	495.81
Property Taxes	68,743.24	52,666.68	770,812.27
Total Income	<u>68,743.24</u>	<u>52,666.68</u>	<u>771,308.08</u>
Gross Profit	68,743.24	52,666.68	771,308.08
Expense			
Administrative	0.00	0.00	4,539.13
Debt Service			
Interest	<u>0.00</u>	<u>0.00</u>	<u>210,025.00</u>
Total Debt Service	0.00	0.00	210,025.00
Dues and Memberships	0.00	0.00	500.00
Economic Grants Issued	0.00	0.00	159,772.96
Economic Loans	0.00	0.00	171,610.00
Professional Services			
Other Professional Services	<u>0.00</u>	<u>0.00</u>	<u>6,200.00</u>
Total Professional Services	0.00	0.00	6,200.00
Total Expense	<u>0.00</u>	<u>0.00</u>	<u>552,647.09</u>
Net Income	<u>68,743.24</u>	<u>52,666.68</u>	<u>218,660.99</u>

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Accrual Basis

Pocatello Development Authority
Profit & Loss
May through June 2012

	<u>May - Jun 12</u>
Income	
Interest Income	114.94
Property Taxes	<u>24,437.33</u>
Total Income	<u>24,552.27</u>
Gross Profit	24,552.27
Expense	
Administrative	<u>261.87</u>
Total Expense	<u>261.87</u>
Net Income	<u><u>24,290.40</u></u>

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Accrual Basis

Pocatello Development Authority

Profit & Loss by Class

May through June 2012

	<u>1-General Fund</u>	<u>2-Central Corridor</u>	<u>3-North Yellowstone</u>	<u>TOTAL</u>
Income				
Interest Income	2.26	68.62	44.06	114.94
Property Taxes	0.00	5,500.97	18,936.36	24,437.33
Total Income	<u>2.26</u>	<u>5,569.59</u>	<u>18,980.42</u>	<u>24,552.27</u>
Gross Profit	2.26	5,569.59	18,980.42	24,552.27
Expense				
Administrative	261.87	0.00	0.00	261.87
Total Expense	<u>261.87</u>	<u>0.00</u>	<u>0.00</u>	<u>261.87</u>
Net Income	<u>-259.61</u>	<u>5,569.59</u>	<u>18,980.42</u>	<u>24,290.40</u>

**POCATELLO DEVELOPMENT AUTHORITY
CENTRAL CORRIDOR CASH FLOW PROJECTIONS
2012 THROUGH 2013****

YEARS ENDED	Budget 2012	Actual 2012 As of June	Remaining 2012	Budget 2013
Previous Year Balance*:	\$4,056,432.80	\$4,056,432.80	\$5,157,076.30	\$5,157,076.30
INCOME:				
Projected Estimated Tax Revenues: ^{8,9}		71,950.24	-71,950.24	
Taxes Received from Previous Years & yearly interest: ⁷			0.00	
South Cliffs Repayment: ¹²			0.00	
AMI Repayment (Building Owners): ¹²	1,200,000.00	1,200,000.00	0.00	
Positron Repayment: ¹² (\$600,000.00)			0.00	
Interest earning on trust accounts	230.00	303.26	-73.26	230.00
Total Projected Income:	1,200,230.00	1,272,253.50	-72,023.50	230.00
EXPENSE:				
Cheyenne Crossing: Committed \$3 million total ^{15 & 16}	2,964,390.00		2,964,390.00	
Clark Street Overpass: Committed \$258,880.93	258,800.93		258,800.93	
Admin Transfer to Unrestricted Account: ¹¹	1,819,778.09		1,819,778.09	
City of Pocatello, triangle land reimbursement	171,610.00	171,610.00	0.00	
			0.00	
			0.00	0.00
Total Projected Expense:	5,214,579.02	171,610.00	5,042,969.02	0.00
CALCULATED ANNUAL BALANCE	\$42,083.78	\$5,157,076.30	\$42,083.78	\$5,157,306.30

**POCATELLO DEVELOPMENT AUTHORITY
NORTH YELLOWSTONE FUND CASH FLOW PROJECTIONS
2012 THROUGH 2028**

YEARS ENDED	Budget 2012	YTD 2012 As of June	Remaining 2012	Budget 2013	Budget 2014	Budget 2015	Budget 2016	Budget 2017 - 2028
Previous Year Balance:	\$2,273,237.69	\$2,273,237.69	\$2,514,632.40	\$2,514,632.40	\$3,107,027.44	\$3,699,547.48	\$4,293,017.52	\$4,293,017.52
INCOME:								
Property taxes (org \$781,120.03)	1,270,000.00	577,452.11	692,547.89	1,400,000.00	1,400,000.00	1,400,000.00	1,400,000.00	16,800,000.00
Interest on trust accounts	160.00	182.56	-22.56	160.00	160.00	160.00	160.00	12,000.00
Loan from General Fund								
Total Projected Income:	1,270,160.00	577,634.67	692,525.33	1,400,160.00	1,400,160.00	1,400,160.00	1,400,160.00	16,812,000.00
EXPENSE:								
Current Year Debt Service:	680,050.00	210,025.00	470,025.00	660,750.00	680,625.00	679,675.00	677,900.00	8,155,900.00
Del Monte Meat	100,000.00		100,000.00					
Contingency (sewer)	250,000.00		250,000.00					
Refund of property taxes			0.00					
Arbitrage fees	2,500.00	2,500.00		2,500.00	2,500.00	2,500.00	2,500.00	30,000.00
Trustee fees	2,500.00	1,700.00	0.00	2,500.00	2,500.00	2,500.00	2,500.00	30,000.00
Administrative fee to PDA (year 2028)			0.00					
Costco employment payment (\$854,105.00) 1	122,014.96	122,014.96	0.00	122,014.96	122,014.96	122,014.96	122,014.96	244,029.92
Total Projected Expense:	1,157,064.96	336,239.96	820,025.00	807,764.96	807,639.96	806,689.96	804,914.96	8,459,929.92
CALCULATED ANNUAL BALANCE	\$2,386,332.73	\$2,514,632.40	\$2,387,132.73	\$3,107,027.44	\$3,699,547.48	\$4,293,017.52	\$4,888,262.56	\$12,645,087.60
Bond reserve trust fund		681,900.00	681,900.00	681,900.00	681,900.00	681,900.00	681,900.00	
Current debt payment allocation fund reserve		678,525.00	678,525.00	678,525.00	680,050.00	680,750.00	680,750.00	
Amount available		1,154,207.40	1,026,707.73	1,746,602.44	2,337,597.48	2,930,367.52	3,526,612.56	12,645,087.60

Note: \$691,458.36 in bonded debt reserves are included in cash balance

1 = Per letter from David Messner, Costco Agent, the \$1 mil employment grant was reduced by a construction advance to PEG development of \$145,895.00, Dated 12/31/2007

**POCATELLO DEVELOPMENT AUTHORITY
NORTH PORTNEUF DISTRICT CASH FLOW PROJECTIONS - Tentative
2012 THROUGH 2028**

YEARS ENDED	Budget 2012	YTD 2012 As of June	Remaining 2012	Budget 2013	Budget 2014	Budget 2015	Budget 2016	Budget 2017 - 2028
Previous Year Balance:	\$96,651.04	\$96,651.04	\$149,317.72	\$149,317.72	\$149,317.72	\$149,317.72	\$149,317.72	\$99,249.83
INCOME:								
Property taxes	3,000,000.00	52,666.68	2,947,333.32	3,000,000.00	3,000,000.00	3,000,000.00	3,000,000.00	33,975,586.00
Interest on trust accounts			0.00					
Loan from General Fund			0.00					
Total Projected Income:	3,000,000.00	52,666.68	2,947,333.32	3,000,000.00	3,000,000.00	3,000,000.00	3,000,000.00	33,975,586.00
EXPENSE:								
Debt service			0.00					
Hoku:			0.00					
Infrastructure reimbursement			0.00		3,000,000.00	2,821,851.00	1,484,826.00	15,024,665.38
Employment reimbursement			0.00					9,269,326.00
Other payments:								
City Infrastructure	3,000,000.00		0.00	3,000,000.00		78,149.00	1,565,241.89	358,609.11
PDA admin			0.00					797,206.51
Taxing Entity operational costs			0.00					8,527,779.00
Total Projected Expense:	3,000,000.00	0.00	0.00	3,000,000.00	3,000,000.00	3,000,000.00	3,050,087.89	33,975,586.00
CALCULATED ANNUAL BALANCE	\$96,651.04	\$149,317.72	\$3,096,651.04	\$149,317.72	\$149,317.72	\$149,317.72	\$99,249.83	\$99,249.83
Assessed valuation 2009	\$6,639,105.00							
Base valuation	\$3,458,800.00							
Increase 2009	\$3,180,305.00							

**POCATELLO DEVELOPMENT AUTHORITY
NAVAL ORDINANCE PLANT FUND CASH FLOW PROJECTIONS
2012 THROUGH 2028**

YEARS ENDED	Budget 2012	YTD 2012 As of June	Remaining 2012	Budget 2013	Budget 2014	Budget 2015	Budget 2016	Budget 2017 - 2028
Previous Year Balance:	\$226,891.29	\$226,891.29	\$295,634.53	\$295,634.53	\$634.53	\$125,634.53	\$415,634.53	\$705,634.53
INCOME:								
Property taxes	305,000.00	68,743.24	236,256.78	290,000.00	290,000.00	290,000.00	290,000.00	290,000.00
Whisper Creek payback			0.00					
Loan from General Fund			0.00	165,000.00				
Total Projected Income:	305,000.00	68,743.24	236,256.78	455,000.00	290,000.00	290,000.00	290,000.00	290,000.00
EXPENSE:								
Log Homes (\$225,000.)			0.00					
Owner Contract: (RDA)			0.00	750,000.00				
Repay loan to General Fund			0.00		165,000.00			
Sewer line flushing			0.00					
Administrative fee to General Fund			0.00					453,997.95
Sewer inspection station			0.00					
Total Projected Expense:	0.00	0.00	0.00	750,000.00	165,000.00	0.00	0.00	453,997.96
CALCULATED ANNUAL BALANCE	\$531,891.29	\$295,634.53	\$531,891.29	\$634.53	\$125,634.53	\$415,634.53	\$705,634.53	\$541,636.58



ENGINEERING DEPARTMENT
911 N. 7th
P.O. Box 4169
Pocatello, Idaho 83205-4169
(208) 234-6225 FAX (208) 234-6296



July 13, 2012

Pocatello Development Authority
c/o Lonnie Crowell, Director
City of Pocatello
PO Box 4169
Pocatello, ID 83205

Dear Lonnie:

Please consider this as the City's formal request for reimbursement of City of Pocatello funds deposited into county court for the Isley and Christensen properties for the South Valley Connector land acquisition. We requested that the court deposit the funds prior to the court decision that will ultimately determine fair market value, in order to save the amount of interest that we will owe. The State will not reimburse the city for this payment until we obtain possession of the property. Estimated possession is 1-2 months from now. This large sum of \$489,083.00 impacts the city's operations. Once the State reimburses the city, we will then reimburse PDA.

If you have any questions concerning this request, please contact me.

Sincerely,

Deirdre Castillo

Deirdre Castillo, City Engineer

V# 190

Date: 5/30/2012
Acct. No: 070-600-500.88-01
Proj. Acct No: EM6050
Transaction Amt: 50,819.25
Appr. By: [Signature]
Group No/Seq No: 6147-7500
CL # 7065758

Timothy W. Tyree, ISB No. 5630
Howard D. Burnett, ISB No. 3377
Steven P. Wieland, ISB No. 8282
HAWLEY TROXELL ENNIS & HAWLEY LLP
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swieland@hawleytroxell.com

Attorneys for Plaintiff

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

CITY OF POCATELLO,)
a municipal corporation,)
)
Plaintiff,)
)
vs.)
)
SUB CITY: POCATELLO 1, LLC,)
an Idaho limited liability company;)
and DOES I-X,)
)
Defendants.)
_____)

Case No. CV 2012-1321 OC
MOTION FOR ORDER ALLOWING
DEPOSIT OF MONEY WITH COURT

COMES NOW Plaintiff City of Pocatello ("City"), by and through its counsel of record,
Hawley Troxell Ennis & Hawley LLP, and hereby respectfully moves the Court for an order
allowing the deposit of money with the Court pursuant to I.R.C.P. 67. This Motion is made upon
the following grounds:

1. The City has brought an action to take by eminent domain fee title to certain real property described in the Complaint and the attachments thereto ("Property") which is owned by Defendant Sub City: Pocatello 1, LLC ("Sub City").

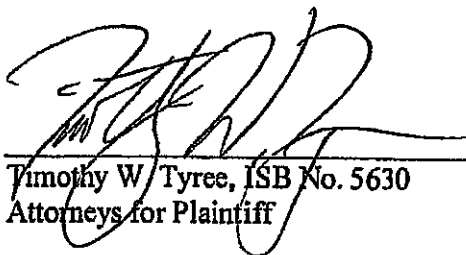
2. The City has offered Sub City the sum of \$50,819.25 for fee title in the Property and desires to deposit such amount with the Court pending resolution of the condemnation proceedings under Title 7, Chapter 7 of the Idaho Code.

3. The City respectfully requests the Court to enter an order providing that the sum of fifty thousand eight hundred nineteen dollars and twenty-five cents (\$50,819.25) be deposited with the Clerk of the Court pursuant to I.R.C.P. 67 until further order of this Court disposes of such funds.

DATED THIS 18th day of May, 2012.

HAWLEY TROXELL ENNIS & HAWLEY LLP

By



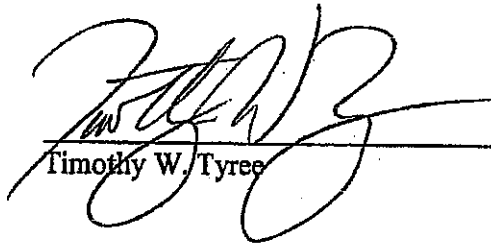
Timothy W. Tyree, ISB No. 5630
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16 day of May, 2012, I caused to be served a true copy of the foregoing MOTION FOR ORDER ALLOWING DEPOSIT OF MONEY WITH COURT by the method indicated below, and addressed to each of the following:

Jack H. Robison
JONES, CHARTERED
203 South Garfield
P.O. Box 967
Pocatello, ID 83204-0967
[Attorneys for Defendant]

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- E-mail
- Telecopy 208.232.5962



Timothy W. Tyree

Received of: City of Pocatello

\$ 50819.25

911 N 7th Ave

Pocatello, ID 83201

Thousand Eight Hundred Nineteen and 25/100 Dollars

Case: CV-2012-0001321-OC

Plaintiff: City of Pocatello vs. Sub City, etal.

Cash bond:

50819.25

Check: 7065758

Payment Method: Check

Amount Tendered: 50819.25

Dale Hatch, Clerk Of The District Court

By: _____
Deputy Clerk

Clerk: CINDYBF

Date: 5/30/2012

Acct. No: DTN-6001-500.82-01

Proj. Acct No: F46050

Transaction Amt: 241,680.75

Appr. By: [Signature]

Group No/Seq No: 60147-7400

CU # 7065757

Timothy W. Tyree, ISB No. 5630
Howard D. Burnett, ISB No. 3377
Steven P. Wieland, ISB No. 8282
HAWLEY TROXELL ENNIS & HAWLEY LLP
877 Main Street, Suite 1000
P.O. Box 1617
Boise, ID 83701-1617
Telephone: 208.344.6000
Facsimile: 208.954.5276
Email: ttyree@hawleytroxell.com
hburnett@hawleytroxell.com
swieland@hawleytroxell.com

Attorneys for Plaintiff

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

CITY OF POCATELLO,
a municipal corporation,

Plaintiff,

vs.

BBMAD, LLC, an Idaho limited
liability company; JAMES GABRIEL
ROSSITER; MARSHALL STEWART
ROSSITER; and DOES I-X,

Defendants.

Case No. CV-2012-1323-OC

MOTION FOR ORDER ALLOWING
DEPOSIT OF MONEY WITH COURT

COMES NOW Plaintiff City of Pocatello ("City"), by and through its counsel of record,
Hawley Troxell Ennis & Hawley LLP, and hereby respectfully moves the Court for an order

MOTION FOR ORDER ALLOWING DEPOSIT OF MONEY WITH COURT - 1

Timothy W. Tyree, ISB No. 5630
 Howard D. Burnett, ISB No. 3377
 Steven P. Wieland, ISB No. 8282
HAWLEY TROXELL ENNIS & HAWLEY LLP
 877 Main Street, Suite 1000
 P.O. Box 1617
 Boise, ID 83701-1617
 Telephone: 208.344.6000
 Facsimile: 208.954.5276
 Email: tyree@hawleytroxell.com
 hburnett@hawleytroxell.com
 swieland@hawleytroxell.com

FILED
 BANNOCK COUNTY
 2012 MAY 21 AM 11:36
 DEPUTY CLERK

Attorneys for Plaintiff

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

CITY OF POCATELLO,
 a municipal corporation,

Plaintiff,

vs.

BBMAD, LLC, an Idaho limited
 liability company; JAMES GABRIEL
 ROSSITER; MARSHALL STEWART
 ROSSITER; and DOES I-X,

Defendants.

Case No. CV-2012-1323-OC

MOTION FOR ORDER ALLOWING
 DEPOSIT OF MONEY WITH COURT

COMES NOW Plaintiff City of Pocatello ("City"), by and through its counsel of record,
 Hawley Troxell Ennis & Hawley LLP, and hereby respectfully moves the Court for an order

allowing the deposit of money with the Court pursuant to I.R.C.P. 67. This Motion is made upon the following grounds:

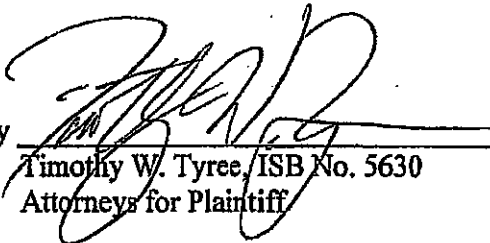
1. The City has brought an action to take by eminent domain fee title to certain real property described in the Complaint and the attachments thereto ("Property") which is owned by Defendant BBMAD, LLC and subject to a deed of trust in favor of Defendants James and Marshall Rossiter.

2. The City has offered BBMAD, LLC the sum of \$241,680.75 for fee title in the Property and desires to deposit such amount with the Court pending resolution of the condemnation proceedings under Title 7, Chapter 7 of the Idaho Code.

3. The City respectfully requests the Court to enter an order providing that the sum of two hundred forty one thousand, six hundred eighty dollars and seventy-five cents (\$241,680.75) be deposited with the Clerk of the Court pursuant to I.R.C.P. 67 until further order of this Court disposes of such funds.

DATED THIS 18th day of May, 2012.

HAWLEY TROXELL ENNIS & HAWLEY LLP

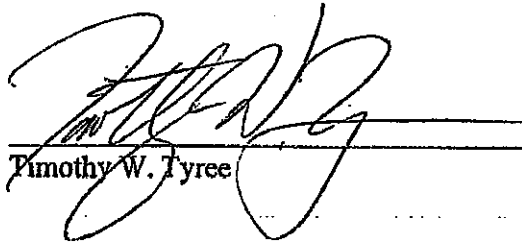
By 
Timothy W. Tyree, ISB No. 5630
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18 day of May, 2012, I caused to be served a true copy of the foregoing MOTION FOR ORDER ALLOWING DEPOSIT OF MONEY WITH COURT by the method indicated below, and addressed to each of the following:

Jack H. Robison
JONES, CHARTERED
203 South Garfield
P.O. Box 967
Pocatello, Idaho 83204-0967
[Attorneys for Defendants]

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- E-mail: jackrobison@cablone.net
- Telecopy: 208.232.5962



Timothy W. Tyree

Received of: City of Pocatello

\$ 241680.75

911 N 7th Ave

Pocatello, ID 83201

Hundred Forty-One Thousand Six Hundred Eighty and 75/100 Dollars

Case: CV-2012-0001323-OC

Plaintiff: City of Pocatello vs. BBMAD, LLC, et al.

Cash bond: 241680.75

Check: 7065757

Payment Method: Check

Amount Tendered: 241680.75

Dale Hatch, Clerk Of The District Court

By: _____
Deputy Clerk

Check: DENAP

FILED
BANNOCK COUNTY
CLERK

2012 MAY 25 AM 11:26

BY
CLERK

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

CITY OF POCATELLO,
a municipal corporation,

Plaintiff,

vs.

BRAD LEE CHRISTENSEN and
KRISTI MICHELLE CHRISTENSEN,
husband and wife; KARL E. HAYS,
FBO PAIGE McRAE; PAIGE McRAE,
individually; ADVANTAGE PLUS
FEDERAL CREDIT UNION; W.J.
CHRISTENSEN; DIXIE MARIE
CHRISTENSEN; and DOES I-X,

Defendants.

Case No. CV-2012-1324-OC

ORDER TO DEPOSIT MONEY IN
COURT

WHEREAS Plaintiff City of Pocatello, by and through its counsel of record, Hawley Troxell Ennis & Hawley LLP, has filed its Motion to Deposit Money in Court in the amount of one hundred ninety-six thousand, five hundred eighty three dollars (\$196,583.00), and good cause appearing therefore;

IT IS HEREBY ORDERED that the sum of one hundred ninety-six thousand, five hundred eighty three dollars (\$196,583.00) shall be deposited by Plaintiff with the Clerk of the Court pending further order of this Court.

ORDER TO DEPOSIT MONEY IN COURT - 1

60139.0004.5034668.1

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25 day of May, 2012, I caused to be served a true copy of the foregoing ORDER TO DEPOSIT MONEY IN COURT by the method indicated below, and addressed to each of the following:

Shawn Anderson
P.O. Box 95
Pocatello, ID 83204-0095
[Attorney for Brad Lee Christensen, Kristi Michelle Christensen, W.J. Christensen, and Dixie Marie Christensen]

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail

Karl E. Hays FBO Paige McRae
2101 South I.H. 35, Suite 210
Austin, TX 78746

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- E-mail
- Telecopy

Paige McRae
5753 Arrowhead Drive
Sand Springs, OK 74063

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- E-mail
- Telecopy

Advantage Plus Federal Credit Union
2133 E. Center St.
Pocatello, ID 83201

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- E-mail
- Telecopy

Timothy W. Tyree, ISB No. 5630
Howard D. Burnett, ISB No. 3377
Steven P. Wieland, ISB No. 8282
HAWLEY TROXELL ENNIS & HAWLEY LLP
877 Main Street, Suite 1000
P.O. Box 1617
Boise, ID 83701-1617
[Attorneys for Plaintiff]

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- E-mail: ttyree@hawleytroxell.com
- Telecopy: 208.954.5276

CLERK OF THE COURT

By _____
Deputy Clerk

(Handwritten initials)

PAYMENT REQUEST
FOR
South Valley Connector

Received of: City of Pocatello

\$ 196583.00

911 N 7th Ave

Pocatello, ID 83201

One Hundred Ninety-Six Thousand Five Hundred Eighty-Three and 00/100 Dollars

Case: CV-2012-0001324-OC

Plaintiff: City of Pocatello vs. Brad Lee Christensen, etal.

Cash bond: 196583.00

CITY OF POCATELLO • POCATELLO, IDAHO 83205-4169

INVOICE DATE	INVOICE NO.	INVOICE AMOUNT	INVOICE DATE	INVOICE NO.	INVOICE AMOUNT
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05/30/2012	CV2012-1324 OC	196,583.00			
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VENDOR'S NAME	PAYMENT DATE	CHECK NO.	REMITTANCE TOTAL
MOCK COUNTY MAGISTRATE COURT	05/30/2012	7065759	*****196,583.00

Check: 7065759

Payment Method: Check

Amount Tendered: 196583.00

Dale Hatch, Clerk Of The District Court

By: _____
Deputy Clerk

Printed by: CINDYBF
Fiscal Officer

Received of: City of Pocatello

\$ 196583.00

911 N 7th Ave

Pocatello, ID 83201

Hundred Ninety-Six Thousand Five Hundred Eighty-Three and 00/100 Dollars

Case: CV-2012-0001324-OC

Plaintiff: City of Pocatello vs. Brad Lee Christensen, etal.

Cash bond: 196583.00

check: 7065759

Payment Method: Check

Amount Tendered: 196583.00

Dale Hatch, Clerk Of The District Court

By: _____
Deputy Clerk

Clerk: CINDYBF
Duplicate

Account #: 153395057752 MICR Acct. #: 153395057752 Check No.: 7065758
Transaction Type: Check Amount: \$50,819.25 Date: 05/31/2012
Reference Number: 9396288689

Front:

ORIGINAL DOCUMENT PRINTED ON CHEMICAL RESISTIVE PAPER WITH MICROPRINTED BORDER

U.S. BANK
659 N. Yellowstone Ave.
Pocatello, ID 83201

Pocatello
AN ANNUAL CITY OF POCATELLO OFFICIAL

CITY OF POCATELLO
TREASURER'S OFFICE
811 North 7th • P.O. Box 4169
Pocatello, ID 83205-4169

92-372/1231 **7065758**

PAY TO THE ORDER OF **DATE** **CHECK NO.** **PAY AMOUNT**

*****50,819 **25** **05/30/2012 7065758** *****50,819.25

FIFTY THOUSAND EIGHT HUNDRED NINETEEN AND 25/100 DOLLARS

TO: **BANNOCK COUNTY MAGISTRATE COURT**
ATTN CINDY HANEY
624 E CENTER ROOM #215
POCATELLO ID 83201

[Signature]

VOID AFTER 90 DAYS **TWO SIGNATURES REQUIRED**

CV-12-1321

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES A SECURITY MICRIFED BACKER

⑈ 7065758 ⑈ ⑆ 123103729 ⑆ 153395057752 ⑈

Back:

NO HOT WHITE STAMP OR SIGNATURE
IF STAMP OR SIGNATURE IS PRESENT, THIS IS NOT A VALID CHECK


PAY TO THE ORDER OF
BURSEY/ONS FIRST NATIONAL BANK
PAY TO ORDER OF BURSEY/ONS FIRST
NATIONAL BANK
DEPOSIT ONLY
NATIONAL BANK
42303630

Account #: 153395057752 MICR Acct. #: 153395057752 Check No.: 7065757
Transaction Type: Check Amount: \$241,680.75 Date: 05/31/2012
Reference Number: 9396288690

Front:

ORIGINAL DOCUMENT PRINTED ON CHEMICAL RESISTIVE PAPER WITH MICROPRINTED NUMBER

U.S. BANK
855 N. Yellowstone Ave.
Pocatello, ID 83201



CITY OF POCATELLO
TREASURER'S OFFICE
911 North 7th • P.O. Box 4169
Pocatello, ID 83205-4169

62-472/1231 **7065757**

PAY TO THE ORDER OF DATE CHECK NO. PAY AMOUNT

*****241,680 75 05/30/2012 7065757 *****241,680.75

TWO HUNDRED FORTY ONE THOUSAND SIX HUNDRED EIGHTY AND 75/100 DOLLARS

TO: **BANNOCK COUNTY MAGISTRATE COURT**
ATTN CINDY HANEY
624 E CENTER ROOM #215
POCATELLO ID 83201

Cindy Haney

CV-2012-1323-BC VOID AFTER 90 DAYS TWO SIGNATURES REQUIRED

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES A SECURITY SCREED BACKER

⑈ 7065757 ⑈ ⑆ 1231037290 ⑆ 153395057752 ⑈

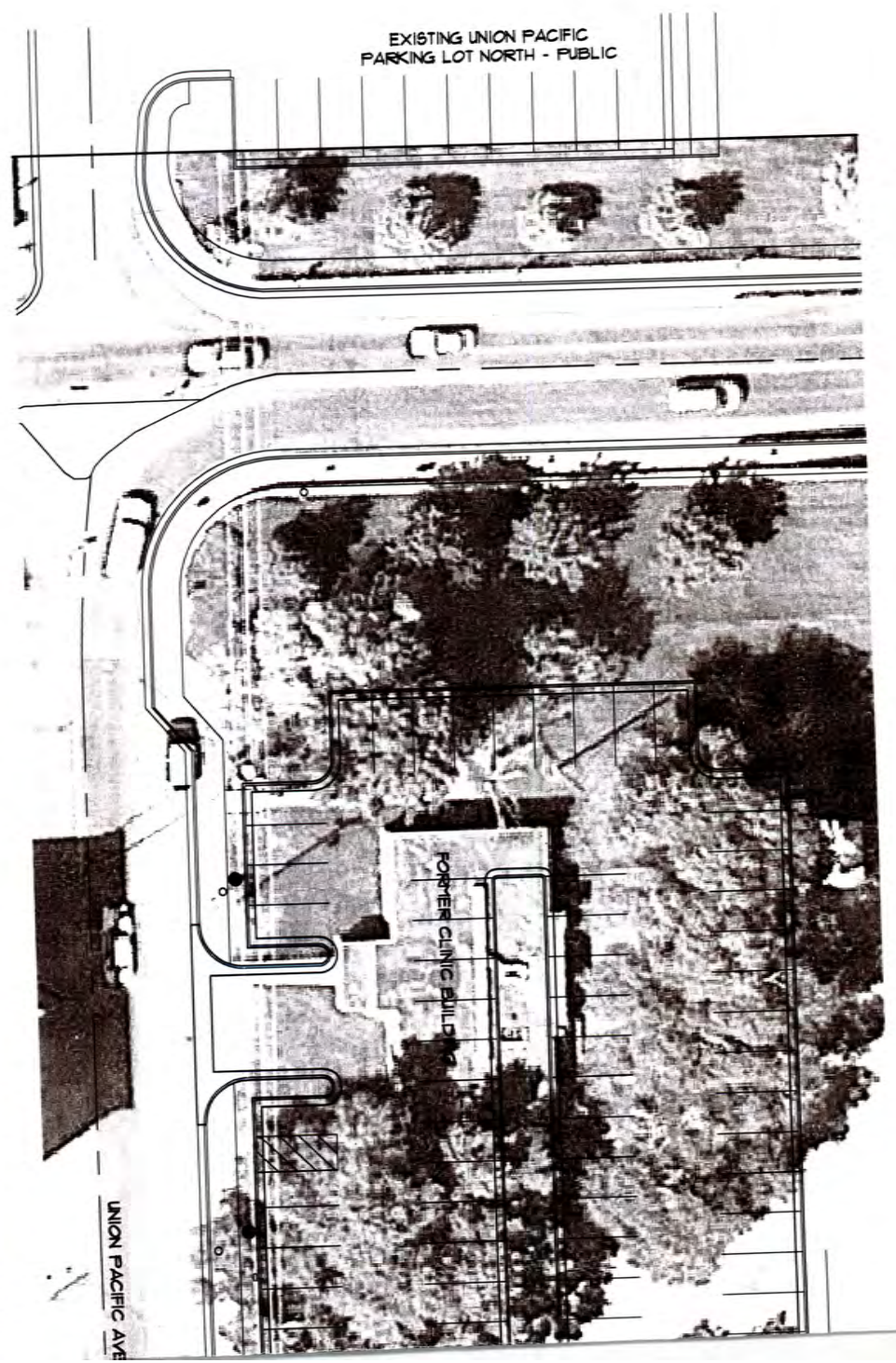
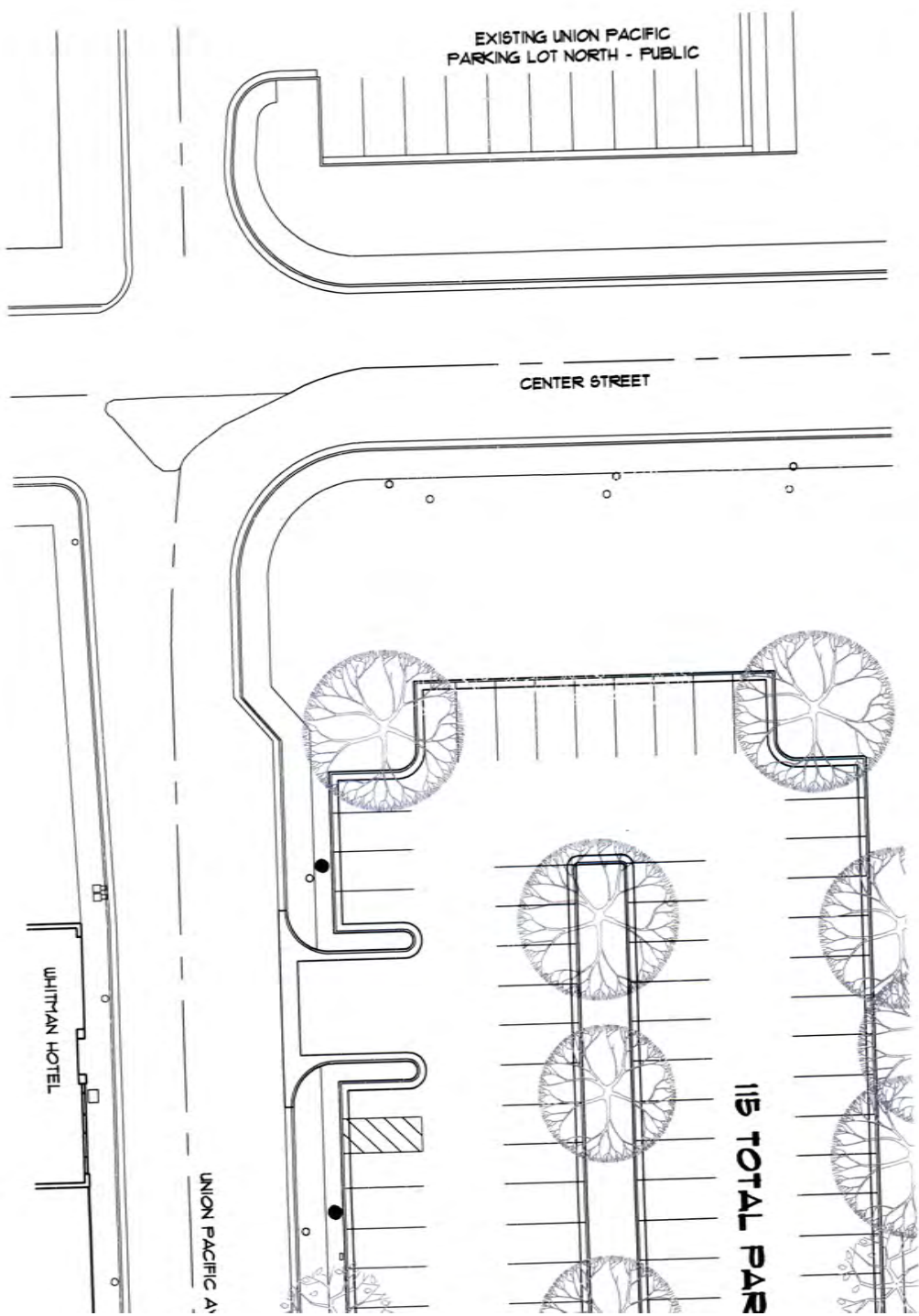
Back:

ENDORSE HERE

PAY TO THE ORDER OF ZIONS FIRST NATIONAL BANK AND BANK OF AMERICA DEPOSIT ONLY BANNOCK COUNTY TRUST

FOR DEPOSIT ONLY
BANNOCK COUNTY TRUST ACCOUNT
MAGISTRATE
45205030

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
PLEASE PRINT NAME IN INK





EXISTING UNION PACIFIC RR
PARKING LOT SOUTH - PRIVATE

**CONCEPT
PLAN**

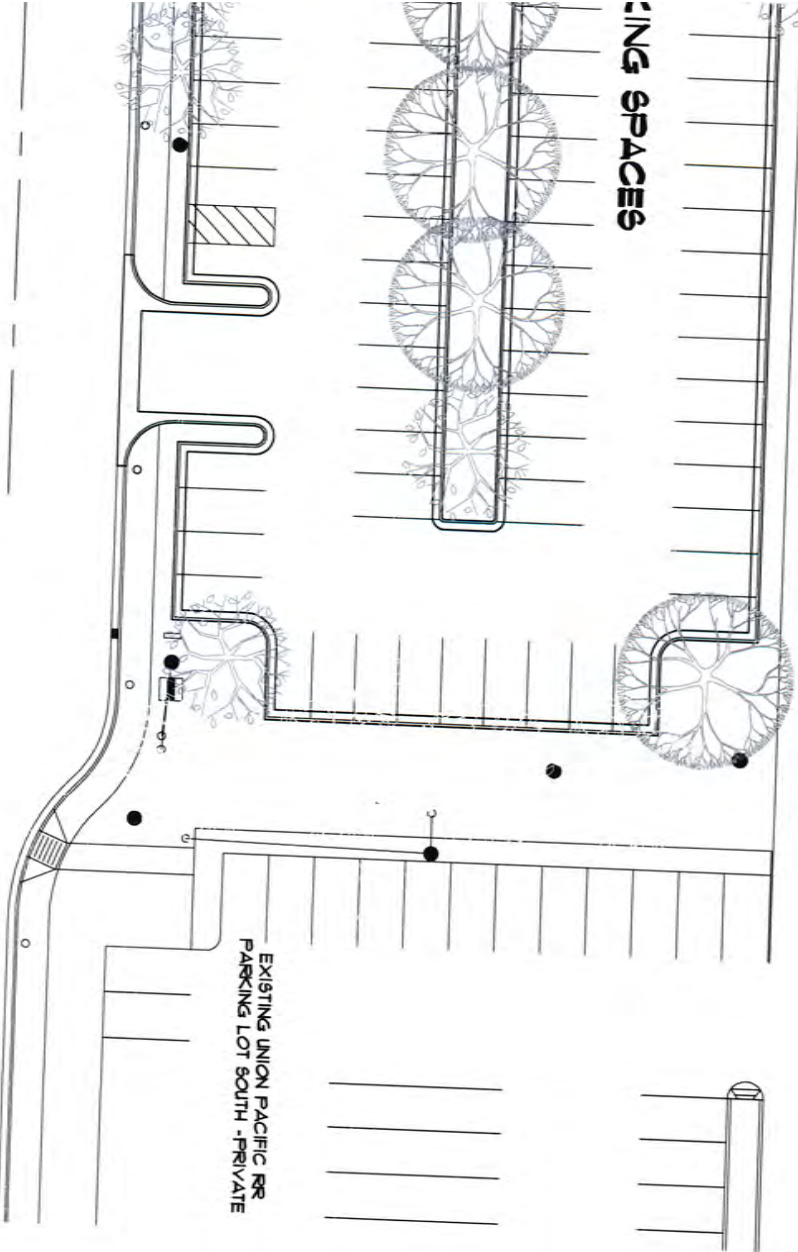
Myers ■ Anderson

- Architecture
- Interior Design
- Landscape Architecture

101 North Main Street • Pocatello, Idaho 83204 • Tel. (208) 232 - 3741 • Fax (208) 232 - 3782
927 Main Street, Suite 300 • Evanston, Wyoming 82930 • Tel. (307) 789 - 0934

AIA NCARB ASLA

EXISTING SPACES



EXISTING UNION PACIFIC RR
PARKING LOT SOUTH - PRIVATE

PROJECT:
**UP PARKING LOT EXPANSION
100 BLOCK SOUTH
OLD TOWN POCATELLO
POCATELLO, IDAHO**

SHEET TITLE:

**PROPOSED
PARKING LOT**

CONTRACTOR SHALL VERIFY
ALL DIMENSIONS & CONDITIONS
SHOWN OR IMPLIED

DRAWING SCALE APPLIES TO
27" X 34" SHEET SIZE

REVISION DATE

DRAWN BY _____
CHECKED BY _____
JOB NUMBER: _____
PROJECT DATE: JULY 2012
SHEET C100 OF 1

SITE PLAN

SCALE: 1" = 20'-0"



UP Parking Lot Expansion 100 Block South

Old Town Pocatello and City of Pocatello

Construction Work Estimate

Item	Quantity	Unit	Coast / Unit	Total
1 Mobilization - In General Conditions	1	ls	\$ -	\$ -
2 Demplition - Trees	11	ea	\$ 950.00	\$ 10,450.00
3 Demolition - Concrete	350	sf	\$ 1.50	\$ 525.00
4 Relocate OH Utilities	1	ls	\$ 6,000.00	\$ 6,000.00
5 Clear and Grub	35000	sf	\$ 0.23	\$ 8,050.00
6 Excavation	1	ls	\$ 2,500.00	\$ 2,500.00
7 Curb and Gutter	1285	lf	\$ 24.00	\$ 30,840.00
8 Valley Gutter	50	sf	\$ 8.50	\$ 425.00
9 Asphalt Paving w/ Base	31720	sf	\$ 3.50	\$ 111,020.00
10 Pavement Markings	60	ea	\$ 17.00	\$ 1,020.00
11 Landscape Restoration	2500	sf	\$ 2.50	\$ 6,250.00
12 Lights	4	ea	\$ 2,500.00	\$ 10,000.00
13 Subtotal				\$ 187,080.00
14 General Conditions	15%			\$ 28,062.00
15 Contingency	10%			\$ 18,708.00
16 Total Construction Work Estimate				\$ 233,850.00
Number of parking spaces and cost per space	115		\$ 2,033.48	
17 Soft Costs				
18 A/E	10%			\$ 23,385.00
19 Survey	1	ls	\$ 1,500.00	\$ 1,500.00
20 Grand Total				\$ 258,735.00