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PATTY O. WEEKS  
CLERK OF THE DIST. COURT

DIANE ASH  
CLERK

Tod D. Geidl ISB #5785  
Samuel T. Creason ISB #8183  
CREASON, MOORE, DOKKEN & GEIDL, PLLC  
1219 Idaho Street  
P.O. Drawer 835  
Lewiston, ID 83501  
Telephone: (208) 743-1516  
Facsimile: (208) 746-2231  
Attorneys for Plaintiff

**IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE**

NEZ PERCE COUNTY, IDAHO,	)	
	)	Case No. CV <b>CV14-01600</b>
Plaintiff,	)	
	)	<b>COMPLAINT</b>
v.	)	
	)	
CITY OF LEWISTON, IDAHO; and THE	)	
URBAN RENEWAL AGENCY OF THE	)	IDAHO CODE §§ 50-2027 & 50-2911
CITY OF LEWISTON, IDAHO,	)	
	)	<b>Fee Category: AA</b>
Defendants.	)	<b>Fee: \$221</b>
	)	
	)	

COMES NOW Nez Perce County, Idaho, Plaintiff in the above-entitled matter, by and through its attorney of record, Tod D. Geidl, and for cause of action against the above-named Defendants, alleges as follows:

**Case Assigned to:**

**JAY P. CASILL**

**COMPLAINT - 1**

Creason, Moore, Dokken & Geidl, PLLC  
P.O. Drawer 835, Lewiston, ID 83501  
(208) 743-1516; Fax: (208) 746-2231

## **I. PARTIES**

1.1. Plaintiff, Nez Perce County, is a legal subdivision of the state of Idaho.

1.2. Defendant, the City of Lewiston, Idaho ("City"), is a body corporate and politic municipal corporation and chartered city of the State of Idaho.

1.3. Defendant, The Urban Renewal Agency of the City of Lewiston, Idaho ("Agency") is an independent public body, corporate and politic created pursuant to Title 50 Chapter 20 Idaho Code and Resolution 99-75 of the City of Lewiston passed on October 18, 1999.

## **II. JURISDICTION & VENUE**

2.1. This Declaratory Action is raised pursuant to Idaho Code §§ 50-2027 & 50-2911 challenge of the validity and legality of City Ordinance No. 4607 and the accompanying urban renewal plan, adopted by the City Council of Lewiston, Idaho on July 14, 2014.

2.2. Jurisdiction is proper in the District Court of the Second Judicial District, in and for the County of Nez Perce pursuant to Idaho Code § 1-705.

2.3. Venue is proper in the District Court of the Second Judicial District, in and for the County of Nez Perce pursuant to Idaho Code § 5-404.

## **III. STATEMENT OF FACTS**

3.1 On October 18, 1999, the City adopted Resolution 99-75, creating the Agency.

3.2 On November 8, 1999, the City adopted Resolution 99-83, declaring North Lewiston a deteriorated or deteriorating area and designating it as a tax revenue allocation area.

3.3 On November 15, 1999, the City adopted Resolution 99-85, declaring Nez Perce Terrace a deteriorated or deteriorating area and designating it as a tax revenue allocation area.

3.4 On January 31, 2000, the City adopted Ordinance No. 4261, establishing a plan for the urban renewal of Nez Perce Terrace (“the 2000 Plan”).

3.5 The City took no action in furtherance of the 2000 Plan.

3.6 On September 26, 2005, the City adopted Resolution 2005-76, declaring North Lewiston (“Area #1”), Nez Perce Terrace (“Area #2”), and Downtown Lewiston (“Area #3”) deteriorated or deteriorating areas and designating them as tax revenue allocation areas (collectively the “Allocation Areas”).

3.7 On December 16, 2005, the City adopted Ordinance No. 4428, establishing a plan for the urban renewal of the Allocation Areas (“the 2005 Plan”).

3.8 The 2005 Plan committed collection of revenues available to it under the Idaho Urban Renewal Law and the Local Economic Development Act “until the improvements identified are completely constructed or until any obligation to the City or other entity is fulfilled.”

3.9 The identified improvements in the 2005 Plan were completed prior to January 1, 2014.

3.10 The Agency has a legal duty to propose an urban renewal plan that complies with Idaho Code § 50-2905.

3.11 On or about April 22, 2014, the Agency adopted an urban renewal plan for the Allocation Areas (“the 2014 Plan”).

3.12 The Agency presented multiple different versions of the 2014 Plan to the City, up to and including the plan presented on July 14, 2014.

3.13 On the evening of July 14, 2014, the City adopted Ordinance No. 4607, purporting to amend the 2005 Plan for the Allocation Areas through adoption of the 2014 Plan.

3.14 As of the date of the filing of this Complaint, Ordinance No. 4607 has not been recorded.

3.15 On information and belief, Ordinance No. 4607 was not properly presented for public comment and review, as required by chapter 9, title 50, of the Idaho Code, in that the City revised or amended Ordinance No. 4607 without complying with Idaho Code § 50-902.

3.16 On information and belief, Ordinance No. 4607 was not properly presented for public comment and review, as required by chapter 9, title 50, of the Idaho Code, in that the City failed to properly present Ordinance No. 4607 for public reading as required by Idaho Code § 50-902.

3.17 The City's 2014 Plan does not comply with Idaho Code § 50-2905.

3.18 The 2014 Plan does not identify specific obligatory projects within the Plan, but instead identifies potential projects which would assist in the development of the Allocation Areas.

3.19 The 2014 Plan fails to set forth a statement listing the kind, number, and location of all proposed public works or improvements within the Allocation Areas, as required by statute.

3.20 The 2014 Plan fails to set forth an economic feasibility study, as required by statute.

3.21 The 2014 Plan fails to set forth a detailed list of estimated project costs, as required by statute.

3.22 The 2014 Plan fails to set forth a fiscal impact statement showing the impact of the Allocation Areas, both until and after bonds are repaid, upon all taxing districts levying taxes upon property on the Allocation Areas, as required by statute.

3.23 The 2014 Plan fails to set forth a description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred, as required by statute.

3.24 The 2014 Plan fails to set forth a description of the disposition or retention of any assets of the Agency upon the termination date, as required by statute.

3.25 The 2014 Plan proposes several potential projects that are not supported by the City's finding of blight with respect to the Allocation Areas and, therefore, those potential projects fail to comply with the Idaho Urban Renewal Law and Idaho Local Economic Development Act.

3.26 Ordinance No. 4607 seeks to enact an entirely new urban renewal plan—rather than “amend” the completed 2005 Plan, as it purports to do—without first complying with the statutory requirements for adopting a new plan, as set forth in the Idaho Urban Renewal Law and Idaho Local Economic Development Act.

3.27 Defendants' actions have injured Plaintiff by depriving it of the tax revenue due it from the identified Allocation Areas.

#### IV. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays as follows:

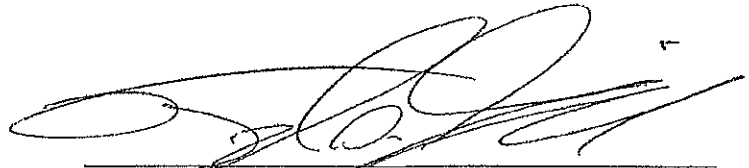
1. For a declaratory decree pursuant to Idaho Code § 10-1201 et seq., that Ordinance No. 4607 and the 2014 Plan are invalid and illegal because they fail to comply with Idaho Code § 50-2905.
2. For a declaratory decree pursuant to Idaho Code § 10-1201 et seq., that the 2014 Plan fails to comply with the Idaho Urban Renewal Law and Idaho Local Economic Development Act in that it sets forth potential projects which are not germane to the City's findings of blight with respect to the Allocation Areas.
3. For a declaratory decree pursuant to Idaho Code § 10-1201 et seq., that the 2014 Plan otherwise fails to comply with the Idaho Urban Renewal Law and Idaho Local Economic Development Act.
4. For a declaratory decree pursuant to Idaho Code § 10-1201 et seq., that the 2014 Plan is not excused from the plan adoption obligations set forth in the Idaho Urban Renewal Law and Idaho Local Economic Development Act, regardless of whether it is termed "an amendment" of the 2005 Plan.
5. For a declaratory decree pursuant to Idaho Code § 10-1201 et seq., that the City failed to properly present Ordinance No. 4607 in the manner required by chapter 9, title 50 of the Idaho Code.
6. For injunctive relief enjoining the City from carrying out the provisions of Ordinance No. 4607 and the 2014 Plan.

7. For an award of attorney fees and costs pursuant to Idaho Code §§ 12-117 & 12-121.

8. For such other and additional relief as the Court deems just.

DATED this 13th day of August, 2014.

CREASON, MOORE, DOKKEN & GEIDL, PLLC

A handwritten signature in black ink, appearing to read 'Tod D. Geidl', written over a horizontal line.

Tod D. Geidl, ISB #5785  
Attorneys for Plaintiff

**CREASON, MOORE, DOKKEN & GEIDL, PLLC**

*LAWYERS*

1219 IDAHO STREET  
P.O. DRAWER 835  
LEWISTON, IDAHO 83501  
[www.cmd-law.com](http://www.cmd-law.com)

THEODORE O. CREASON\*  
CHRISTOPHER J. MOORE\*  
DAVID E. DOKKEN\*  
TOD D. GEIDL\*  
SAMUEL T. CREASON\*

PAUL B. BURRIS\*

\*ADMITTED IN IDAHO AND WASHINGTON

DANIEL W. O'CONNELL  
(1928-1988)  
MARCUS J. WARE  
(1904-1996)

(208) 743-1516  
FAX (208) 746-2231

Email: [cmd@cmd-law.com](mailto:cmd@cmd-law.com)

August 13, 2014

Eugene Reno  
P.O. Box 104  
Lewiston, ID 83501

*Hand delivered*

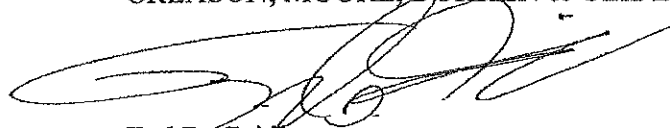
**Re: Nez Perce County, Idaho v. City of Lewiston, Idaho *et al.***

Dear Gene:

Enclosed please find two Summonses with Complaints. Please serve the Summons and Complaint marked for the City of Lewiston on Kari Ravencroft, City Clerk at 1134 F Street, Lewiston, Idaho. Please serve the Summons and Complaint marked for the Urban Renewal Agency on Daniel Marsh, Secretary at 1134 F Street, Lewiston, Idaho. Once service is complete, please forward to me your affidavit of service. Thank you for your attention to this matter.

Yours very truly,

CREASON, MOORE, DOKKEN & GEIDL, PLLC



Tod D. Geidl

Encl.





You are hereby notified that in order to defend this lawsuit, an appropriate written response must be filed with the above designated Court within twenty (20) days after service of this Summons on you. If you fail to so respond the Court may enter judgment against you as demanded by the Plaintiff in the Complaint.

A copy of the Complaint is served with this Summons. If you wish to seek the advice of or representation by an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

An appropriate written response requires compliance with Rule 10(a)(1) and other Idaho Rules of Civil Procedure and shall also include:

1. The title and number of this case.
2. If your response is an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and other defenses you may claim.
3. Your signature, mailing address, and telephone number of your attorney.
4. Proof of mailing or delivery of a copy of your response to Plaintiff's attorney, as designated above.

To determine whether you must pay a filing fee with your response, contact the Clerk of the above-named court.

DATED this 13<sup>th</sup> day of August, 2014.

CLERK OF THE DISTRICT COURT

By: DIANE ASH  
Deputy

Tod D. Geidl ISB #5785  
Samuel T. Creason ISB #8183  
CREASON, MOORE, DOKKEN & GEIDL, PLLC  
1219 Idaho Street  
P.O. Drawer 835  
Lewiston, ID 83501  
Telephone: (208) 743-1516  
Facsimile: (208) 746-2231  
Attorneys for Plaintiff

**FILED**  
2014 AUG 13 AM 10 21

PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
**DIANE ASH**

**IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE**

NEZ PERCE COUNTY, IDAHO, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 CITY OF LEWISTON, IDAHO; and )  
 THE URBAN RENEWAL AGENCY OF )  
 THE CITY OF LEWISTON, IDAHO, )  
 )  
 Defendants. )  
 )  
 )

Case No. **CV14-01600**  
**SUMMONS**

**NOTICE: YOU HAVE BEEN SUED BY THE ABOVE NAMED PLAINTIFF. THE COURT MAY ENTER JUDGMENT AGAINST YOU WITHOUT FURTHER NOTICE UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

**TO: URBAN RENEWAL AGENCY  
OF THE CITY OF LEWISTON, IDAHO  
ATTN: DANIEL J. MARSH, SECRETARY  
1134 F STREET  
LEWISTON, ID 83501-1930**

You are hereby notified that in order to defend this lawsuit, an appropriate written response must be filed with the above designated Court within twenty (20) days after service of this Summons on you. If you fail to so respond the Court may enter judgment against you as demanded by the Plaintiff in the Complaint.

A copy of the Complaint is served with this Summons. If you wish to seek the advice of or representation by an attorney in this matter, you should do so promptly so that your written response, if any, may be filed in time and other legal rights protected.

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1. The title and number of this case.
2. If your response is an Answer to the Complaint, it must contain admissions or denials of the separate allegations of the Complaint and other defenses you may claim.
3. Your signature, mailing address, and telephone number of your attorney.
4. Proof of mailing or delivery of a copy of your response to Plaintiff's attorney, as designated above.

To determine whether you must pay a filing fee with your response, contact the Clerk of the above-named court.

DATED this 15<sup>th</sup> day of August, 2014.

CLERK OF THE DISTRICT COURT

By: DIANE ASH  
Deputy

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PATTY O. WEEKS  
CLERK OF THE DIST. COURT  
**TERESA DAMMON**  
DEPUTY

Tod D. Geidl ISB #5785  
Samuel T. Creason ISB #8183  
CREASON, MOORE, DOKKEN & GEIDL, PLLC  
1219 Idaho Street  
P.O. Drawer 835  
Lewiston, ID 83501  
Telephone: (208) 743-1516  
Facsimile: (208) 746-2231  
Attorneys for Plaintiff

**IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF NEZ PERCE**

NEZ PERCE COUNTY, IDAHO,	)	Case No. CV 14-01600
	)	
Plaintiff,	)	
	)	<b>AMENDED COMPLAINT</b>
v.	)	
	)	
CITY OF LEWISTON, IDAHO; and THE	)	
URBAN RENEWAL AGENCY OF THE	)	
CITY OF LEWISTON, IDAHO,	)	
	)	
Defendants.	)	
	)	
	)	

COMES NOW Nez Perce County, Idaho, Plaintiff in the above-entitled matter, by and through its attorney of record, Tod D. Geidl, and for cause of action against the above-named Defendants, alleges as follows:

**I. PARTIES**

1.1. Plaintiff, Nez Perce County, is a legal subdivision of the state of Idaho.



1.2. Defendant, the City of Lewiston, Idaho (“City”), is a body corporate and politic municipal corporation and chartered city of the State of Idaho.

1.3. Defendant, The Urban Renewal Agency of the City of Lewiston, Idaho (“Agency”) is an independent public body, corporate and politic created pursuant to Title 50 Chapter 20 Idaho Code and Resolution 99-75 of the City of Lewiston passed on October 18, 1999.

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2.1. This Declaratory Action is raised pursuant to Idaho Code §10-1201 et seq. to challenge of the validity and legality of City Ordinance No. 4607 and the accompanying urban renewal plan, adopted by the City Council of Lewiston, Idaho on July 14, 2014.

2.2. Jurisdiction is proper in the District Court of the Second Judicial District, in and for the County of Nez Perce pursuant to Idaho Code § 1-705.

2.3. Venue is proper in the District Court of the Second Judicial District, in and for the County of Nez Perce pursuant to Idaho Code § 5-404.

## **III. STATEMENT OF FACTS**

3.1 On October 18, 1999, the City adopted Resolution 99-75, creating the Agency.

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3.3 On November 15, 1999, the City adopted Resolution 99-85, declaring Nez Perce Terrace a deteriorated or deteriorating area and designating it as a tax revenue allocation area.

3.4 On January 31, 2000, the City adopted Ordinance No. 4261, establishing a plan for the urban renewal of Nez Perce Terrace (“the 2000 Plan”).

3.5 The City took no action in furtherance of the 2000 Plan.

3.6 On September 26, 2005, the City adopted Resolution 2005-76, declaring North Lewiston (“Area #1”), Nez Perce Terrace (“Area #2”), and Downtown Lewiston (“Area #3”) deteriorated or deteriorating areas and designating them as tax revenue allocation areas (collectively the “Allocation Areas”).

3.7 On December 16, 2005, the City adopted Ordinance No. 4428, establishing a plan for the urban renewal of the Allocation Areas (“the 2005 Plan”).

3.8 The 2005 Plan committed collection of revenues available to it under the Idaho Urban Renewal Law and the Local Economic Development Act “until the improvements identified are completely constructed or until any obligation to the City or other entity is fulfilled.”

3.9 The identified improvements under the 2005 Plan in Area #1 were completed in 2009.

3.10 The identified improvements under the 2005 Plan in Area #2 were completed in 2009.

3.11 The project description contained in the 2005 Plan for Area #3 is to “[i]mprove parking infrastructure in historic downtown.”

3.12 The total budget for the improvements under the 2005 Plan for Area #3 is \$800,000.

3.13 In 2009, the Agency loaned \$500,000 of public tax revenue from Area #3 to Area #2 for construction of a road and utilities east of Juniper Drive (“Juniper Drive Loan”).

3.14 In 2013, the Agency completed improvements to 1<sup>st</sup> and 5<sup>th</sup> streets in Area #3, which entailed a complete utility upgrade and expansion, new road surface, sidewalk, landscaping, lighting, and pedestrian amenities (“1<sup>st</sup> & 5<sup>th</sup> Street Project.”)

3.15 The cost of the 1<sup>st</sup> and 5<sup>th</sup> Street Project totaled 3.52 million dollars, which has been funded by bond indebtedness and tax revenues received by the Agency.

3.16 In 2013, the Agency contributed \$350,000 in cash to the City from Area #3 revenue to match a four million dollar FEMA grant for storm water improvements (“FEMA Match”).

3.17 Prior to 2014, the Agency funded with Area #3 revenue “public art” projects for downtown Lewiston (“Public Art”).

3.18 Prior to 2014, the Agency funded out of revenues from Area #3 improvements to the Lewiston City Library that included a fire riser, security lighting, corner treatment and irrigation work to support a City fountain (“Library Project”).

3.19 The Juniper Drive Loan, 1<sup>st</sup> and 5<sup>th</sup> Street Project, the FEMA Match, the Public Art and the Library Project were not authorized under the 2005 Plan and constitute an improper expenditure of public funds by the Agency.

3.20 No capital improvements authorized under the 2005 Plan have been made in Area #3 since 2007.

3.21 The Agency has a legal duty to propose an urban renewal plan that complies with Idaho Code § 50-2905.

3.22 On or about April 22, 2014, the Agency adopted an urban renewal plan for the Allocation Areas (“the April 22, 2014 Plan”).

3.23 The April 22, 2014 Plan is the only version of the plan adopted by the Agency.

3.24 On May 21, 2014, the Planning & Zoning Commission for the City of Lewiston approved the April 22, 2014 Plan at public meeting.



3.25 The City Council was presented with a different plan on or about July 14, 2014 (“the July 14, 2014 Plan”).

3.26 On the evening of July 14, 2014, the City adopted Ordinance No. 4607, purporting to amend the 2005 Plan for the Allocation Areas through adoption of the July 14, 2014 Plan.

3.27 Substantial differences exist between the April 22, 2014 Plan and the July 14, 2014 Plan.

3.28 The Agency did not adopt the July 14, 2014 Plan as required by Idaho Code § 50-2905.

3.29 The City did not submit the July 14, 2014 Plan to the Planning & Zoning Commission of the City of Lewiston as required by Idaho Code § 50-2008(b).

3.30 The Agency did not send to the governing bodies of each taxing district a copy of the July 14, 2014 Plan within the time period required by Idaho Code § 50-2906(3).

3.31 The notice required by Idaho Code § 50-2008(c) did not sufficiently outline the scope of the projects in the July 14, 2014 Plan.

3.32 On information and belief, Ordinance No. 4607 was not properly presented for public comment and review, as required by chapter 9, title 50, of the Idaho Code, in that the City revised or amended Ordinance No. 4607 without complying with Idaho Code § 50-902.

3.33 On information and belief, Ordinance No. 4607 was not properly presented for public comment and review, as required by chapter 9, title 50, of the Idaho Code, in that the City failed to properly present Ordinance No. 4607 for public reading as required by Idaho Code § 50-902.

3.34 Additional changes were made to the July 14, 2014 Plan after it was adopted by the City Council (“the July 14, 2014 Plan v.2”).

3.35 The April 22, 2014 Plan; the July 14, 2014 Plan and the July 14, 2014 Plan v.2 (collectively the “the 2014 Plans”) do not comply with Idaho Code § 50-2905 and are not sufficiently complete.

3.36 The 2014 Plans do not identify specific obligatory projects within the Plans, but instead identify potential projects which would assist in the development of the Allocation Areas.

3.37 The 2014 Plans fail to set forth a statement listing the kind, number, and location of all proposed public works or improvements within the Allocation Areas, as required by statute.

3.38 The 2014 Plans fail to set forth an economic feasibility study, as required by statute.

3.39 The 2014 Plans fail to set forth a detailed list of estimated project costs, as required by statute.

3.40 The 2014 Plans fail to set forth a fiscal impact statement showing the impact of the Allocation Areas, both until and after bonds are repaid, upon all taxing districts levying taxes upon property on the Allocation Areas, as required by statute.

3.41 The 2014 Plans fail to set forth a description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred, as required by statute.

3.42 The 2014 Plans fail to set forth a description of the disposition or retention of any assets of the Agency upon the termination date, as required by statute.

3.43 The 2014 Plans propose several potential projects that are not supported by the City’s finding of blight with respect to the Allocation Areas and, therefore, those potential

projects fail to comply with the Idaho Urban Renewal Law and Idaho Local Economic Development Act.

3.44 Ordinance No. 4607 seeks to enact an entirely new urban renewal plan—rather than “amend” the completed 2005 Plan, as it purports to do—without first complying with the statutory requirements for adopting a new plan, as set forth in the Idaho Urban Renewal Law and Idaho Local Economic Development Act.

3.45 Section 10 of Ordinance No. 4607 purports to utilize the original base assessment roll as of January 1, 2005.

3.46 The 2014 Plans state that base year for revenue calculation for the Allocation Areas is 2005.

3.47 The City and the Agency have failed to set the base assessment roll at January 1, 2014, which is the year in which they passed an ordinance adopting *or modifying* the 2014 Plans, as required by Idaho Code § 50-2903(4).

3.48 All financial obligations for authorized projects under the 2005 Plan have been provided for and no additional project costs need to be funded through revenue allocation financing, such that all further allocation of revenues to the Agency should cease immediately.

3.49 Defendants’ actions have injured Plaintiff by depriving it of the tax revenue due it from the identified Allocation Areas.

#### **IV. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays as follows:

1. For a declaratory decree pursuant to Idaho Code § 10-1201 et seq., that Ordinance No. 4607 and the 2014 Plans are invalid and illegal because they fail to comply with Idaho Code § 50-2905.

2. For a declaratory decree pursuant to Idaho Code § 10-1201 et seq., that the 2014 Plans fail to comply with the Idaho Urban Renewal Law and Idaho Local Economic Development Act in that it sets forth potential projects which are not germane to the City's findings of blight with respect to the Allocation Areas.

3. For a declaratory decree pursuant to Idaho Code § 10-1201 et seq., that the 2014 Plans otherwise fail to comply with the Idaho Urban Renewal Law and Idaho Local Economic Development Act.

4. For a declaratory decree pursuant to Idaho Code § 10-1201 et seq., that the 2014 Plans are not excused from the plan adoption obligations set forth in the Idaho Urban Renewal Law and Idaho Local Economic Development Act, regardless of whether they are termed "an amendment" of the 2005 Plan.

5. For a declaratory decree pursuant to Idaho Code § 10-1201 et seq., that the City failed to properly present Ordinance No. 4607 in the manner required by chapter 9, title 50 of the Idaho Code.

6. To the extent that the court determines that any of the 2014 Plans are valid and enforceable, for a declaratory decree pursuant to Idaho Code § 10-1201 et seq., that the base assessment roll be reset to January 1, 2014 as set forth in Idaho Code § 50-2903(4).

7. For a declaratory decree pursuant to Idaho Code § 10-1201 et seq., and money judgment that the allocation of revenues to the Agency cease immediately, and that all current funds held by the Agency be refunded to the affected taxing districts.

8. For money damages against the Agency, in an amount to be determined, for utilizing public tax revenue for improvements that were not authorized in Area #3 under the 2005 Plan.

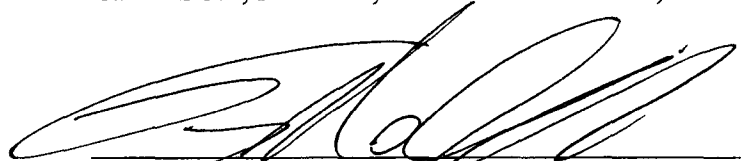
9. For injunctive relief enjoining the City from carrying out the provisions of Ordinance No. 4607 and the 2014 Plans.

10. For an award of attorney fees and costs pursuant to Idaho Code §§ 12-117 & 12-121.

11. For such other and additional relief as the Court deems just.

DATED this 18<sup>th</sup> day of September, 2015.

CREASON, MOORE, DOKKEN & GEIDL, PLLC

A handwritten signature in black ink, appearing to read 'Tod D. Geidl', is written over a horizontal line.

Tod D. Geidl, ISBN: 5785  
Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 18<sup>th</sup> day of September, 2015, a copy of the foregoing **AMENDED COMPLAINT** was served by the method indicated below, and addressed to the following:

Jana Gomez  
City Attorney  
Post Office Box 617  
Lewiston, ID 83501

FIRST-CLASS MAIL  
 HAND DELIVERED  
*Via Valley Messenger*  
 FAX TRANSMISSION

Ryan P. Armbruster  
Meghan Conrad  
Elam & Burke, P.A.  
Post Office Box 1539  
Boise, ID 83701

FIRST-CLASS MAIL  
 HAND DELIVERED  
*Via Valley Messenger*  
 FAX TRANSMISSION  
 E-MAIL *via agreement of  
the parties*

Edwin L. Litteneker  
322 Main Street  
Post Office Box 321  
Lewiston, ID 83501

FIRST-CLASS MAIL  
 HAND DELIVERED  
*Via Valley Messenger*  
 FAX TRANSMISSION



Tod D. Geidl, ISBN: 5785  
Attorneys for Plaintiff