

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF BILLINGS
AND
THE DOWNTOWN BILLINGS PARTNERSHIP, INC.,
AN I.R.C. 501 (c)(4) MONTANA NON-PROFIT CORPORATION, (DBP)
FOR PROGRAM COORDINATION AND TAX INCREMENT FINANCING
RECOMMENDATIONS AS PER MCA 7-15-4233 IN THE EXPANDED
NORTH 27TH STREET URBAN RENEWAL DISTRICT**

This Memorandum of Understanding (“MOU”) is made and entered into on _____, 2020 (the “Effective Date”) by and between the City of Billings (“City”), and the Downtown Billings Partnership, Inc. (“DBP”), a 501 c(4) tax exempt corporation that is managed with the purpose of assisting the City in revitalization of the Expanded North 27th Street Urban Renewal District (27th Street URD) for projects, regulations, planning, and to render opinions and give recommendations to the City Council as outlined in MCA 7-15-4233 on all financial assistance provided by Tax Increment Financing (TIF) in the North 27th Street URD. For purposes of this MOU, the City, and the DBP are each a “Party” and are sometimes collectively referred to as the “Parties.”

I. TERM & TERMINATION OF THIS MOU

This MOU shall be in effect for Five (5) years from the Effective Date and shall automatically renew for one additional five (5) year term unless and until the Building is sold. If and where applicable, days are defined in this Agreement to be business days.

II. BACKGROUND AND PURPOSE OF THIS MOU

- A. The North 27th Street Urban Renewal District (URD) was created by the City of Billings in 2008 by Ordinance No. 08-5483. The 2008 modification of the downtown URD followed multiple amendments by the City to the boundary of the original URD first created by the City in 1976.
- B. The DBP works in cooperation with the Downtown Billings Alliance (DBA). This MOU is between the City and the DBP, and concerns the potential sale and disposition of sale proceeds of the YesterYears building (hereinafter “Building”) located at 102 North 29th Street in downtown Billings and within the boundaries of the North 27th Street URD.
- C. The purchase of the Building using Tax Increment Finance (TIF) funds was approved by the City of Billings Mayor and Council on May 9, 2016. The approval authorized up to \$850,000 for the purchase of the building.
- D. On May 24, 2016, the Building was purchased for \$835,750,000 using the City of Billings’ Downtown Tax Increment Fund. The title to the Building and lot is currently held in Fee Simple by the DBP who is sole record owner.

III. ALLOCATION OF BUILDING SALE PROCEEDS

A. The City and DBP agree and affirm that if and when the Building is sold by DBP that proceeds from such sale will be deposited into the City of Billings Downtown Tax Increment Fund which was the sole source of monies used to purchase the Building in 2016.

IV. NO MODIFICATION TO EXISTING MOU

Nothing herein is intended to amend or modify the current Memorandum of Understanding dated May 13, 2019, between the City and the DBP concerning duties and responsibilities of both parties in the oversight and management of the North 27th Street Urban Renewal District.

IV. AUTHORITY AND EXECUTION

Each Party represents that it has the authority to enter into this MOU and to perform the functions stated herein, and that the persons executing this MOU on their respective behalf are authorized by law, resolution or other requisite action of the Party's governing body.

IN WITNESS WHEREOF, the Parties hereto have executed this MOU on the dates indicated below.

THE CITY OF BILLINGS:

By: _____
William A. Cole, MAYOR

ATTEST:

By: _____
Denise R. Bohlman, CITY CLERK

APPROVED AS TO FORM:

By: _____
Brent Brooks, CITY ATTORNEY

DOWNTOWN BILLINGS PARTNERSHIP, INCORPORATED

Dated: _____

By: _____
DBP Board President