

Ent: 316331 - Pg 1 of 6  
Date: 11/10/2008 4:19 PM  
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Filed By: KL  
CALLEEN B. RESHELL, Recorder  
Tooele County, Utah  
For: TOOELE COUNTY COMMISSIONERS

**TOOELE COUNTY BOARD OF COUNTY COMMISSIONERS**

**ORDINANCE NO. 2008-20**

**AN ORDINANCE ADOPTING THE DESERET PEAK COMMERCIAL COMMUNITY DEVELOPMENT PROJECT AREA PLAN, AS APPROVED BY THE REDEVELOPMENT AGENCY OF TOOELE COUNTY BOARD, AS THE OFFICIAL COMMUNITY DEVELOPMENT PROJECT AREA PLAN FOR THE DESERET PEAK COMMERCIAL COMMUNITY DEVELOPMENT PROJECT AREA, AND DIRECTING THAT THE NOTICE OF THE ADOPTION BE GIVEN AS REQUIRED BY STATUTE.**

**WHEREAS** the Redevelopment Agency of Tooele County (the "Agency"), having prepared a Draft Community Development Project Area Plan (the "Draft Plan") for the Deseret Peak Commercial Community Development Project Area, the legal description of which is attached hereto as **EXHIBIT A**, pursuant to Utah Code Annotated ("UCA") §§ 17C-4-102 & -103, and having held the required public hearing on the Draft Plan on October 21, 2008, pursuant to UCA § 17C-4-102(1)(d), adopted the Draft Plan as the Official Community Development Project Area Plan for the Deseret Peak Commercial Community Development Project Area (see Agency Resolution No. 2008-05); and

**WHEREAS** the Utah Community Development and Renewal Agencies Act (the "Act") mandates that, before a community development project area plan approved by a redevelopment agency under UCA § 17C-4-104 may take effect, it must be adopted by ordinance of the legislative body of the community that created the agency in accordance with UCA § 17C-4-105(1); and

**WHEREAS** the Act also requires certain notice to be given by the community legislative body upon its adoption of a community development project area plan under UCA § 17C-4-106.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE COUNTY BOARD OF COUNTY COMMISSIONERS AS FOLLOWS:**

1. The Tooele County Board of County Commissioners hereby adopts the Deseret Peak Commercial Community Development Project Area Plan, as approved by the Agency Board (see Agency Resolution No. 2008-06), as the Official Community Development Project Area Plan for the Deseret Peak Commercial Community Development Project Area (the "Official Plan").
2. The City Staff is hereby authorized and directed to publish or cause to be published the notice required by UCA § 17C-4-106(1)(a)(i), substantially in the form attached hereto as **EXHIBIT B**, whereupon the Official Plan shall become effective pursuant to UCA § 17C-4-106(2)(a).
3. Pursuant to UCA § 17C-4-106(4), the Agency may proceed to carry out the Official Plan as soon as it becomes effective.

4823-5794-2787TO004-003

4. This ordinance shall take effect immediately upon publication and recording.

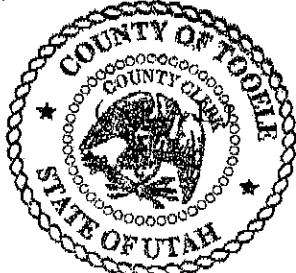
APPROVED AND ADOPTED this 21<sup>ST</sup> day of October, 2008.

ATTEST:

TOOELE COUNTY COMMISSION:

Marilyn K. Gillette  
MARILYN K. GILLETTE, Clerk

Colleen S. Johnson  
COLLEEN S. JOHNSON, Chairman



Commissioner Johnson voted YES  
Commissioner Clegg voted YES  
Commissioner Hurst voted YES

APPROVED AS TO FORM:

Doug Hogan  
DOUG HOGAN  
Tooele County Attorney

**EXHIBIT A**

*[Legal Description of the Deseret Peak Commercial Community Development Project Area]*

4823-5794-2787T0004-003

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## Commercial Development Area Plan

### Description

Beginning at the Northeast corner of Section 1, Township 3 South, Range 5 West, Salt Lake Base and Meridian, running thence, southerly along the section lines to the southeast corner of Section 12; thence, westerly along the section lines to the southwest corner of Section 11; thence, northerly along the section lines to a point of intersection with the north right-of-way line of State Highway 112; thence, easterly along said right-of-way line to a point of intersection with the west right-of-way line of Sheep Lane, a county road; thence, northerly along said right-of-way line to a point of intersection with the north section line of said Section 1; thence, easterly along said section line to the point of beginning.

EXHIBIT B

Notice of Adoption of Ordinance 2008-20 by the Tooele County Board of County Commissioners

Pursuant to Section 17C-4-106(1), Utah Code, the Tooele County Board of County Commissioners (the "County Commission") is providing this notice with respect to Ordinance 2008-20 which was passed by the County Commission on October 21, 2008, adopting the Deseret Peak Commercial Community Development Project Area Plan, as approved by the Board of the Redevelopment Agency of Tooele County (the "Agency"), as the Official Community Development Project Area Plan for the Deseret Peak Commercial Community Development Project Area (the "Official Plan"), and directing that the notice of adoption be given as required by law. Ordinance 2008-20 and the Official Plan shall become effective upon publication of this notice (the "Effective Date"), at which time the Agency may proceed to implement the Official Plan. The Official Plan is available for general public inspection at the office of the Tooele County Clerk located at 47 S. Main St., Tooele, Utah, during regular office hours of 8:00 am to 5:00 pm, Monday through Friday.

For a period of 30 days after the Effective Date of the Official Plan (the "30-Day Period"), any person in interest may contest the Official Plan or the procedure used to adopt it if the Official Plan or procedure fails to comply with applicable statutory requirements. After the 30-Day Period, no person may contest the Official Plan or procedure used to adopt it for any cause.

Published: October 23, 2008.

/s/ Marilyn Gillette  
County Clerk

