

CITY COUNCIL OF LINDON, UTAH

ORDINANCE NO. 174

AN ORDINANCE ADOPTING THE REDEVELOPMENT PLAN FOR THE LINDON REDEVELOPMENT PROJECT AREA #3 (AS MODIFIED BY THE LINDON CITY COUNCIL) AS THE OFFICIAL REDEVELOPMENT PLAN FOR THE LINDON REDEVELOPMENT PROJECT AREA #3.

WHEREAS, acting pursuant to the Utah Neighborhood Development Act, as amended (the "Act"), Utah Code Ann. § 11-19-1, et seq., the Lindon Redevelopment Agency ("Agency"), in consultation with the Lindon Planning Commission (the "Planning Commission"), and the Agency's staff and consultants, has caused to be prepared a Proposed Redevelopment Plan for the Lindon Redevelopment Project Area #3 (the "Proposed Redevelopment Plan");

WHEREAS, since the initial preparation of the Proposed Redevelopment Plan, the Planning Commission, Agency staff and consultants, other taxing agencies, and various Lindon property owners have recommended various modifications of the Proposed Redevelopment Plan;

WHEREAS, the Planning Commission has prepared and submitted to the Agency its Report and Recommendations of the Lindon Planning Commission on the Proposed Redevelopment Plan for the Lindon Redevelopment Project Area #3 (the "Planning Commission Report");

WHEREAS, the Agency has caused to be prepared and has approved the Agency's Report to Accompany the Redevelopment Plan for the Lindon Redevelopment Project Area #3 (the "Agency Report");

WHEREAS, a duly noticed joint public hearing on the Proposed Redevelopment Plan has been held by the Agency and the City Council (the "Hearing");

WHEREAS, the Planning Commission has participated in the Hearing and considered proposed changes in the Proposed Redevelopment Plan and the Agency Report;

WHEREAS, the City Council has considered the Agency Report, the Planning Commission Report, the matters contained in the record of the Hearing, and all evidence and testimony for and against the adoption of the Proposed Redevelopment Plan submitted to it at or prior to the Hearing;

WHEREAS, both the Agency and the Planning Commission have determined in their respective Reports prepared in connection with the Proposed Redevelopment Plan that numerous statutory indications of blight exist within the Lindon Redevelopment Project Area #3 (the "Project Area");

WHEREAS, both the Agency and the Planning Commission have determined in their respective Reports that the Project Area is a blighted area and that the Project Area is restricted to buildings, improvements, or lands which are detrimental or inimical to the public health, safety, or welfare;

WHEREAS, the Lindon City Council ("City Council") concurs in the findings of the Agency and the Planning Commission that the Project Area is a blighted area and that the Project Area is restricted to buildings, improvements, or lands which are detrimental or inimical to the public health, safety, or welfare;

WHEREAS, the Planning Commission, Agency staff and consultants, other taxing agencies, and various Lindon property owners have recommended such additional modifications of the Proposed Redevelopment Plan as have seemed necessary or appropriate in light of the Hearing, many of which have been incorporated into the Proposed Redevelopment Development Plan by means of the City Council's Resolution No. 213, dated December 21, 1989 (the "Modification Resolution");

WHEREAS, the Planning Commission and the Agency have recommended the adoption of the Proposed Redevelopment Plan with the modifications that have been incorporated by the Modification Resolution and the Agency has submitted it to the City Council for action;

WHEREAS, the City Council has concurred in the modifications recommended by the Agency and the Planning Commission in the Proposed Redevelopment Plan, has made the recommended modifications in the Proposed Redevelopment Plan, and has overruled all objections to the adoption of the Proposed Redevelopment Plan received by the City Council at or prior to the Hearing, whether written or oral, except insofar as such objections are the basis for the modifications recommended by the Agency and subsequently made by the City Council;

WHEREAS, the City Council has determined that the owners of less than forty percent (40%) of the area of the property included within the Project Area proposed in the Proposed Redevelopment Plan as modified (the "Official Redevelopment Plan"), excluding property owned by public agencies or dedicated to public use, made objections in writing prior to or at the Hearing;

WHEREAS, the City Council finds and determines that the Official Redevelopment Plan would redevelop the Project Area in conformity with the Utah Neighborhood Development Act, as amended; that it would further the interests of the public peace, health, safety and welfare; that the adoption and carrying out of the Official Redevelopment Plan is economically sound and feasible; and that a number of other appropriate reasons call for the adoption and

implementation of the Official Redevelopment Plan for the Lindon Redevelopment Project Area #3 (the "Redevelopment Project");

BE IT ORDAINED BY THE CITY COUNCIL OF LINDON, UTAH:

SECTION 100 Adoption of the Plan

The Lindon City Council hereby approves and adopts the Official Redevelopment Plan for the Lindon Redevelopment Project Area #3, which is the Proposed Redevelopment Plan as modified by the City Council to incorporate changes recommended by the Agency.

SECTION 200 Legal Description

The legal description of the boundaries of the Lindon Redevelopment Project Area #3 ("Project Area") are as provided in Exhibit A to this Ordinance, which Exhibit A is attached hereto and incorporated herein by this reference.

SECTION 300 Purpose and Intent of City Council

The purposes and intent of the City Council with respect to the Project Area are as follows:

- A. [§ 310] to reduce and eliminate existing blight and to prevent further deterioration within the Project Area;
- B. [§ 320] to facilitate new development of types and quality desired by the community;
- C. [§ 330] to encourage the businesses already located in Lindon to renovate and beautify;
- d. [§ 340] to take any or all additional steps which may be appropriate or necessary to promote or further the aim of improving the Project Area (and, indirectly, surrounding areas) and to prevent further deterioration within the Project Area.

SECTION 400 The Redevelopment Plan

The Official Redevelopment Plan, which incorporates modifications to the Proposed Redevelopment Plan recommended by the Agency and made by the City Council, and the final Report to Accompany the Redevelopment Plan for the Lindon Redevelopment Project Area #3, including the Report and Recommendations of the Lindon Planning Commission on the Proposed Redevelopment Plan for the Lindon Redevelopment Project Area #3, are incorporated herein by this reference.

SECTION 500 Designation of the Redevelopment Plan as the Official Redevelopment Plan for the Project Area

The Proposed Redevelopment Plan as modified and approved by the City Council is hereby adopted and approved by the City Council and designated as the Official Redevelopment Plan for the Lindon Redevelopment Project Area #3 (the "Official Redevelopment Plan").

SECTION 600 Findings and Determinations of the City Council

The City Council hereby makes the following findings and determinations:

A. [\$ 610] Conditions of the Project Area.

1. [\$ 611] Blight. In view of the various existing conditions described in the final Agency Report, and in light of the various findings made in and on the basis of the Agency Report, the Project Area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes of the Act.
2. [\$ 612] Detrimental or Inimical. In view of the various existing conditions described in the Agency Report, and in light of the various findings made in and on the basis of the Agency Report, the Project Area is restricted to buildings, improvements or lands which are detrimental or inimical to the public health, safety, or welfare.
3. [\$ 613] Findings Not Exhaustive. Nothing herein shall be construed to imply that the Agency Report exhaustively describes all the facts and conditions that are the basis of the findings in the foregoing two paragraphs, and other additional justifications for these findings may exist which have not been expressly noted.

B. [\$ 620] Conformity with Utah Neighborhood Development Act and Other Public Purposes. The Official Redevelopment Plan will redevelop the Project Area in conformity with the Act, and in the interests of the public peace, health, safety and welfare in that:

1. [\$ 621] it will enable the Agency to make financing alternatives available to parties electing to become participants in the Redevelopment Project and to developers, thereby

providing necessary assistance for investment, redevelopment, rehabilitation, and the elimination of blight within the Project Area;

2. [§ 622] it will help to prevent erosion of Lindon's economic base;
 3. [§ 623] it will help attract desirable businesses to locate and expand within the Project Area;
 4. [§ 624] it will facilitate revitalization and beautification of the Project Area;
 5. [§ 625] it will enable the Agency to help meet some of the infrastructure needs of the City of Lindon which are important for revitalization of the Project Area; and
 6. [§ 626] it will contribute in a variety of other ways to the redevelopment of the Project Area in conformity with the Act, and to furthering the interests of public peace, health, safety and welfare.
- C. [§ 630] Feasibility. The adoption and carrying out of the Official Redevelopment Plan is economically sound and feasible in that under Section 601 of the Official Redevelopment Plan, developments proposed pursuant to and in furtherance of the Official Redevelopment Plan will proceed and be carried out only if and when financing becomes available, and the financing of projects is primarily based upon the willingness of public and private entities to invest and develop in the Project Area.
- D. [§ 640] Conformity to Comprehensive Plan. The Official Redevelopment Plan conforms to the Lindon City Master Plan, as amended, as more particularly shown in the Agency Report.
- E. [§ 650] Effects of Carrying Out the Redevelopment Plan. The carrying out of the Official Redevelopment Plan will promote the public peace, health, safety and welfare of the community, and will effectuate the purpose and policy of the Act in that it will promote and facilitate:
1. [§ 651] the elimination or reduction of blight in the Project Area;

2. [§ 652] measures which will prevent further stagnation, deterioration, and/or fragmentation within the Project Area;
3. [§ 653] the attraction of desirable businesses into the Project Area;
4. [§ 654] the revitalization and beautification of the Project Area; and
5. [§ 655] other measures which will promote the public peace, health, safety and welfare and which would be consistent with the purposes of the Act.

F. [§ 660] Eminent Domain. The Redevelopment Agency acting pursuant to the Official Redevelopment Plan shall have the power of eminent domain, as is more particularly indicated in Section 303 of the Official Redevelopment Plan.

1. [§ 661] The inclusion of the power of eminent domain is necessary to the execution of the Official Redevelopment Plan.
2. [§ 662] Condemnation of real property or the threat of condemnation is necessary to the execution of the Official Redevelopment Plan.
3. [§ 663] Before any condemnation action is initiated pursuant to the Official Redevelopment Plan, the Agency shall be required to ascertain and assure that adequate provisions have been made for payment for property to be acquired as provided by law.
4. [§ 664] In view of Section 663, the City Council finds that adequate provisions have been made for payment for property to be acquired as provided by law.

G. [§ 670] Relocation. The Agency has a feasible method or plan for the relocation of families and persons displaced from the Project Area in the unlikely event that the Redevelopment Plan may result in the temporary or permanent displacement of any occupants of housing facilities in the Project Area, in that Section 312 of the Redevelopment Plan specifies that the Relocation Rules and Regulations for Implementation of the Utah Relocation Assistance Act for the Lindon Redevelopment Project Area #3 ("Relocation Rules") shall govern relocation of persons, businesses, and other entities displaced by Agency action. Section 503 of the

Relocation Rules specifies that "[n]o person shall be required to move from his dwelling on account of any project of the Agency unless the Agency Governing Board is satisfied that replacement housing is available to this person." That is, unless a feasible method or plan for relocation exists, execution of the Redevelopment Plan cannot go forward. Moreover as indicated in Section IV of the Agency Report, it is "highly unlikely that any substantial amount of residential relocation will be required."

- H. [§ 680] Relocation Dwellings. The Relocation Rules which govern relocation of persons displaced from the Project Area under the Redevelopment Plan as indicated in Section 670 hereof, also provide in Section 501 thereof that "[n]o person shall be required to move or be relocated from land used as his residence and acquired under any of the condemnation or eminent domain laws of this state until he has been offered a comparable replacement dwelling which is a safe, clean and sanitary dwelling adequate to accommodate this person, reasonably accessible to public services and places of employment, and available on the private market." Thus, there are or will be provided in the Project Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons displaced from the Project Area, decent, safe, and sanitary dwellings equal in number to the number of and available to such families and persons as may be displaced by the Official Redevelopment Plan and reasonably accessible to their places of employment.

SECTION 700 Availability of Replacement Housing

The Lindon City Council is satisfied permanent housing facilities will be available within three years from the time occupants of the Project Area may be or are displaced and that pending the development of such facilities there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement. The basis for this statement is that only a small number of residential units exist in the Project Area, even in the unlikely event that all were required to move, sufficient housing is available in surrounding areas. Moreover, the Relocation Rules, which govern relocation and persons displaced from the Project Area under the Official Redevelopment Plan as indicated in Section 670 hereof, impose a more stringent requirement. They provide in Section 503 thereof that "[n]o person shall be required to move from his dwelling on account of any project of the Agency unless the Agency Governing Board is

satisfied that replacement housing is available to this person." Persons may not be displaced from property pursuant to the Official Redevelopment Plan unless or until this condition is met, and meeting this requirement assures (and shall be construed to require) that replacement housing be available in substantially less than three years.

SECTION 800 Participation Rules

This Official Redevelopment Plan shall operate subject to the Rules Governing Participation and Preferences by Owners, Operators of Businesses, and Tenants in the Lindon Redevelopment Project Area #3.

SECTION 900 The Agency's Governing Board

As required by the Utah Neighborhood Development Act, as amended, and as specifically provided by the Agency's Bylaws, adopted by the Agency's Resolution No. 1 dated April 21, 1982, the Agency's Governing Board consists of the same individuals who constitute the legislative body of the City of Lindon, i.e., the Mayor and the Lindon City Council.

SECTION 1000 Public Hearings

The Agency shall hold a public hearing on any proposed development within the Project Area with respect to which the Agency proposes to enter into a legally binding agreement (e.g., a participation agreement or a development agreement) that will obligate the financial resources of the Agency, including but not limited to tax increment financing. Prior to such public hearing, the Agency shall give such general public notice as it would normally provide in connection with a hearing on a proposed zoning change. In addition, the Agency shall give notice to landowners whose property is located within 300 feet of proposed development in the Project Area covered by this Section 1000. This notice shall be provided in the same manner that individualized notice is given prior to making any zoning changes in the City.

SECTION 1100 Severability

If any one or more provision, section, subsection, sentence, clause, phrase or word of this Ordinance or the application thereof to any person, property or circumstance is found to be unconstitutional or otherwise contrary to law, the same is declared to be severable and the balance of this Ordinance shall remain effective. The City Council hereby declares that it would have passed this Ordinance, and each provision, section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more provision, section,

subsection, sentence, clause, phrase or word be declared unconstitutional or otherwise contrary to law.

SECTION 1200 Effective Date

This Ordinance shall become effective on the 28th day of December, 1989, or, if a summary of this Ordinance has not been published in the Pleasant Grove Review by that date, as soon thereafter as a summary of this Ordinance is published in the Pleasant Grove Review.

PASSED AND ADOPTED BY THE CITY COUNCIL OF LINDON, UTAH this 21st day of December, 1989.

ATTEST:

E. Ray Brown
City Recorder

Kenneth D. Miller
Mayor

STATE OF UTAH)
 : ss
COUNTY OF UTAH)

I, Ray Brown, City Recorder of Lindon, Utah County, Utah, do hereby certify that the above and foregoing is a full, true, and correct copy of an Ordinance passed by the City Council of Lindon on the 21st day of December, 1989.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Lindon, Utah, this 27 day of DECEMBER, 1989.

E. Ray Brown
City Recorder

(SEAL)

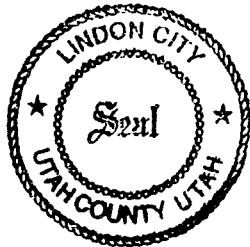


EXHIBIT A
BOUNDARY DESCRIPTION
OF THE
LINDON REDEVELOPMENT PROJECT AREA #3

Beginning at a point on the North right-of-way line of 200 South Street, Lindon, Utah, said point being EAST 568.50 feet and NORTH 35.38 feet from the northwest corner of Section 4, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence North 89°45'36" East along said right-of-way 360.95 feet; thence South 00°07'00" West 232.25 feet; thence North 89°57'00" East 400.00 feet; thence North 00°07'00" East 233.58 feet; thence North 89°45'36" East 158.70 feet; thence South 00°07'00" West 212.88 feet; thence North 89°57'00" East 243.04 feet; thence South 12°00'00" West 372.02 feet; thence South 88°38'20" East 491.54 feet; thence South 00°42'00" East 512.89 feet; thence North 90°00'00" East 552.80 feet to the East right-of-way line of 400 West Street, Lindon, Utah; thence South 00°09'34" East along said right-of-way line 1589.75 feet to the center line of 600 South Street, Lindon, Utah; thence South 89°48'14" West along said center line 1200.03 feet; thence NORTH 199.38 feet; thence South 89°38'41" West 282.90 feet; thence North 03°38'30" West 6.62 feet; thence WEST 109.14 feet; thence North 62°31'51" West 487.48 feet; thence North 00°06'03" West 204.07 feet; thence North 88°49'00" East 258.66 feet; thence North 02°58'00" West 698.14 feet; thence WEST 388.73 feet; thence SOUTH 109.92 feet; thence WEST 526.39 feet to the West right-of-way line of 800 West Street, Lindon, Utah; thence North 00°56'01" West along said right-of-way line 265.60 feet; thence North 88°09'35" East 294.68 feet; thence NORTH 280.40 feet; thence North 46°31'09" East 87.74 feet; thence North 42°11'00" East 359.10 feet; thence North 22°08'00" East 74.15 feet; thence North 09°44'00" West 212.65 feet; thence North 01°39'00" West 305.27 feet.

Notwithstanding the foregoing, the Lindon Redevelopment Project Area #3 does not include any portion of the parcels designated with serial numbers 17:015:18 and 17:015:31 in the official tax records of Utah County for Tax Year 1989.

TOTAL AREA = 102.615 Acres
NET AREA (excluding streets) = 98.156 Acres