



Redevelopment
Agency
TEL 801 852 6160
351 W CENTER ST
PO BOX 1849
PROVO, UT 84603

July 23, 2013

NOTICE OF ADOPTION OF ORDINANCE ADOPTING THE CENTER STREET
COMMUNITY DEVELOPMENT PROJECT AREA PLAN



Utah County Recorder
100 East Center
Provo, UT 84606

ENT 72219:2013 PG 1 of 11
JEFFERY SMITH
UTAH COUNTY RECORDER
2013 Jul 29 3:57 pm FEE 0.00 BY CLS
RECORDED FOR PROVO CITY CORPORATION

Dear County Recorder:

Recently, on July 9, 2013, the City Council of Provo City formally adopted by Ordinance a community development project area plan entitled "Center Street Community Development Project Area Plan," dated May 14, 2013 (the "Project Area Plan"), as authorized by the Utah Community Development and Renewal Agencies Act, Title 17C, Chapters 1 through 4, Utah Code Annotated, 1953, as amended (the "Act"). Pursuant to the requirements of the Act, the Redevelopment Agency of Provo City forwards to you and files with you the following documentation as required by Section 17C-4-107 of the Act:

1. A copy of the legal description of the land within said Project Area.
2. A map indicating the boundaries of the Project Area.
3. A copy of Ordinance No. 2013-25 of the City Council of Provo City adopting the Project Area Plan.

The Project Area Plan allows for funding for the Project Area Plan from tax increment as well as sales tax, through voluntary agreements negotiated with and agreed to by each taxing entity from which funds are sought.

Very truly yours,

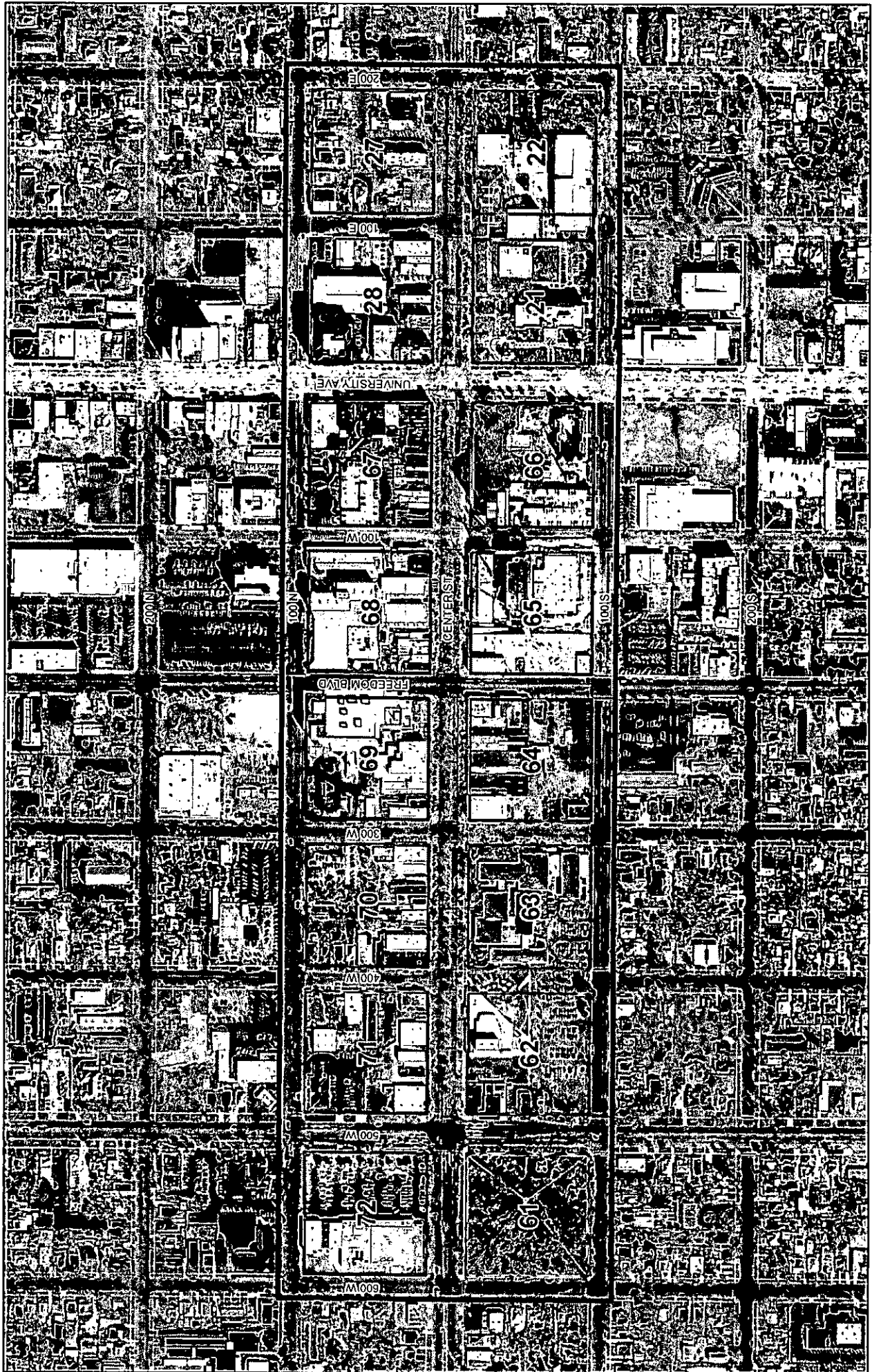
By *A. Paul Glauser*
A. Paul Glauser, Director for the
Redevelopment Agency of Provo City

Enclosures

CENTER STREET COMMUNITY DEVELOPMENT PROJECT AREA
ADOPTED JULY 9, 2013
LEGAL DESCRIPTION OF LAND WITHIN THE PROJECT AREA

All of Blocks 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, Plat "A", Provo City Survey; and all of Blocks 21, 22, 27, and 28, Plat "B", Provo City Survey; and the full width of the segments of Center Street, 100 North, 100 South, 600 West, 500 West, 400 West, 300 West, 200 West, 100 West, University Avenue, 100 East, and 200 East Streets which are contiguous to said blocks.

Project Area contains approximately 58 acres within platted City blocks plus approximately 43 acres of public right-of-way and vacated right-of-way, for a total of approximately 101 acres.



ORDINANCE 2013-25

SHORT TITLE:

An ordinance adopting the Center Street Community Development Project Area Plan, dated May 14, 2013.

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER	
CW 1	LAURA H. CABANILLA			✓			
CW 2	GARY GARRETT			✓			
CD 1	GARY WINTERTON			✓			
CD 2	RICHARD D. HEALEY			✓			
CD 3	HAL MILLER	✓		✓			
CD 4	KAY VAN BUREN			✓			
CD 5	STERLING BECK		✓	✓			
				TOTALS	7	0	0

This ordinance was passed by the Municipal Council of Provo City, on the 9 day of July, 2013 on a roll call vote as described above. Signed this 9 day of July, 2013.

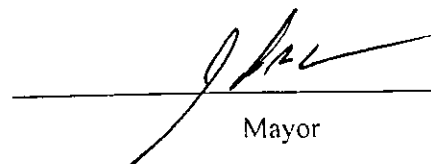


 Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 9 day of July, 2013.



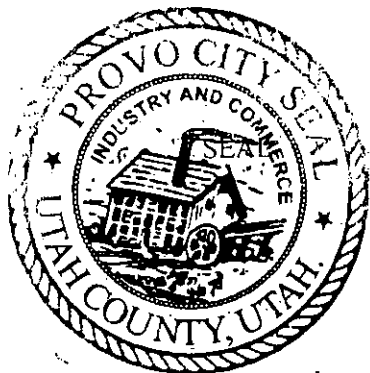
 Mayor

ORDINANCE 2013-25

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 22 day of July 2013, with a short summary being published on the 20 day of July 2013, in The Daily Herald, a newspaper circulated in Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2013-25.



Signed this 22 day of July 2013.

Janeel Heiser
City Recorder

ORDINANCE 2013-25.

AN ORDINANCE OF THE CITY COUNCIL OF PROVO CITY CORPORATION,
 STATE OF UTAH, ADOPTING THE CENTER STREET COMMUNITY
 DEVELOPMENT PROJECT AREA PLAN DATED MAY 14, 2013. (13-055)

WHEREAS, on June 18, 2013, the Redevelopment Agency of Provo City (the "Agency")
 adopted by resolution a Project Area Plan entitled, "Center Street Community Development Project
 Area Plan;" and

WHEREAS, pursuant to Section 17C-4-105, Utah Code Annotated 1953, as amended, the
 Project Area Plan must be adopted by ordinance by the legislative body of the community in order to
 take effect; and

WHEREAS, on June 18, 2103, the Municipal Council held a duly noticed public meeting to
 receive public comment and ascertain the facts regarding the adoption of the Project Area Plan,
 which facts and comments are found in the hearing record; and

WHEREAS, all interested persons were heard, for or against the adoption of the Project Area
 Plan; and

WHEREAS, after considering the facts and comments presented to the Municipal Council, the
 Council finds (i) the Center Street Community Development Project Area Plan should be adopted as
 set forth below; and (ii) such action reasonably furthers the health, safety and general welfare of the
 citizens of Provo City;

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF PROVO
 CITY CORPORATION, STATE OF UTAH, AS FOLLOWS:

PART I:

This uncodified Ordinance pertaining to the "Center Street Community Development Project Area
 Plan" is hereby enacted to read as follows:

CENTER STREET COMMUNITY DEVELOPMENT PROJECT AREA PLAN

Sections:

1. Adoption of Project Area Plan.
2. Project Area Boundaries.
3. Purposes of Project Area Plan.
4. Project Area Plan Incorporated by Reference.
5. Findings.

- 47 6. Acquisition of Property.
 48 7. Funding.
 49 8. Effective Date.

50
 51 Section 1. Adoption of Project Area Plan. The Redevelopment Agency of Provo City (the
 52 “Agency”) has adopted the Center Street Community Development Project Area Plan dated May 14,
 53 2013 (the “Project Area Plan”). The Project Area Plan is hereby designated as the official
 54 Community Development Project Area Plan of the Center Street Community Development Project
 55 Area (the “Project Area”). The City, after review of the Agency’s findings, as set forth herein,
 56 hereby adopts by Ordinance the Project Area Plan pursuant to Section 17C-4-105 of the Utah
 57 Community Development and Renewal Agencies Act.

58
 59 Section 2. Project Boundaries. The legal description of the boundaries of the Project Area
 60 covered by the Project Area Plan is as follows, to-wit:

61
 62 The Center Street Community Development Project Area is bounded by 100 North, 200 East, 100
 63 South, and 600 West Streets in Provo City, and includes all of Blocks 61, 62, 63, 64, 65, 66, 67, 68,
 64 69, 70, 71, 72, Plat “A”, Provo City Survey; and all of Blocks 21, 22, 27 and 28, Plat “B”, Provo
 65 City Survey; and the full width of the segments of Center Street, 100 North, 100 South, 600 West,
 66 500 West, 400 West, 300 West, 200 West, 100 West, University Avenue, 100 East, and 200 East
 67 Streets which are contiguous to said blocks.

68
 69 A map of the Center Street Community Development Project Area is attached and incorporated
 70 herein as Exhibit “A.”

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 72 Section 3. Purposes of Project Area Plan. The purposes and intent of the Municipal Council
 73 of Provo City with respect to the Project Area are to accomplish the following purposes by adoption
 74 of the Project Area Plan:

- 75
 76 A. To enhance employment & income opportunities for community residents;
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 78 B. To improve access to goods and services for residents;
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 80 C. To increase and diversify the tax base, thus increasing the resources available for
 81 performing governmental services while minimizing tax rates;
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 83 D. To provide for a wide range of housing opportunities, and to cultivate the market
 84 for downtown goods and services by adding residents in the downtown;
 85
 86 E. To reaffirm and enhance downtown Provo’s long-established role as the center of
 87 Utah County.

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 89 Section 4. Project Area Plan Incorporated by Reference. The Project Area Plan, together
 90 with any supporting documents, is incorporated herein by reference and made a part of this
 91 Ordinance. Copies of the Project Area Plan shall be filed and maintained in the office of the City
 92 Recorder and the Redevelopment Agency for public inspection.

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Section 5. Findings. The Redevelopment Agency has determined and found as follows:

The adoption of the Project Area Plan will:

- A. Satisfy a public purpose by, among other things, encouraging and accomplishing appropriate development and economic development within the Project Area;
- B. Provide a public benefit, as shown by the benefit analysis included in the Project Area Plan as required pursuant to Subsection 17C-4-103(11) of the Act;
- C. Be economically sound and feasible; it is expected that the private sector will perform required construction and installation relating to projects, and any related funding from the Agency will be pursuant to interlocal agreements entered into between the Agency and one or more taxing entities and/or by way of grants received by the Agency;
- D. Conform to Provo City’s general plan;
- E. Promote the public peace, health, safety and welfare of Provo City.

Section 6. Acquisition of Property. Pursuant to this Project Area Plan the Agency may acquire (but is not required to acquire) property in the Project Area by negotiation, gift, devise, exchange, purchase, or other lawful method, but not by **eminent domain (condemnation)** except from an Agency board member or officer with their consent. Pursuant to this Project Area Plan the Agency is authorized to acquire (but is not required to acquire) any other interest in real property in the Project Area less than fee title such as leasehold interests, easements, rights of way, etc. by negotiation, gift, devise, exchange, purchase or other lawful method, but not by **eminent domain (condemnation)** except from an Agency board member or officer with their consent.

Section 7. Financing.

A. Subject to any limitations required by currently existing law (unless a limitation is subsequently eliminated), this Ordinance hereby specifically incorporates all of the provisions of the Act that authorize or permit the Agency to receive funding for the Project Area and that authorize the various uses of such funding by the Agency, and to the extent greater (or more beneficial to the Agency) authorization for receipt of funding by the Agency or use thereof by the Agency is provided by any amendment of the Act or by any successor provision, law or act, those are also specifically incorporated herein. It is the intent of this Ordinance that the Agency shall have the broadest authorization and permission for receipt of and use of sales tax, tax increment and other funding as is authorized by law, whether by existing or amended provisions of law. This Ordinance also incorporates the specific provisions relating to funding of community development project areas permitted by Title 17C, Chapter 4, Part 2, Utah Code Annotated, 1953, as amended, which provides in part as follows:

- 137 **“17C-4-201. Consent of a taxing entity or public entity to an agency receiving tax increment or**
 138 **sales tax funds for community development project.**
- 139 (1) An agency may negotiate with a taxing entity and public entity for the taxing entity's or public
 140 entity's consent to the agency receiving the entity's or public entity's tax increment or sales tax
 141 revenues, or both, for the purpose of providing funds to carry out a proposed or adopted community
 142 development project area plan.
- 143 (2) The consent of a taxing entity or public entity under Subsection (1) may be expressed in:
 144 (a) a resolution adopted by the taxing entity or public entity; or
 145 (b) an interlocal agreement, under Title 11, Chapter 13, Interlocal Cooperation Act, between the
 146 taxing entity or public entity and the agency.
- 147 (3) Before an agency may use tax increment or sales tax revenues collected under a resolution or
 148 interlocal agreement adopted for the purpose of providing funds to carry out a proposed or adopted
 149 community development project area plan, the agency shall:
 150 (a) obtain a written certification, signed by an attorney licensed to practice law in this state, stating
 151 that the agency and the taxing entity have each followed all legal requirements relating to the
 152 adoption of the resolution or interlocal agreement, respectively; and
 153 (b) provide a signed copy of the certification described in Subsection (3)(a) to the appropriate taxing
 154 entity.
- 155 (4) A resolution adopted or interlocal agreement entered under Subsection (2) on or after March 30,
 156 2009 shall specify:
 157 (a) if the resolution or interlocal agreement provides for the agency to be paid tax increment:
 158 (i) the method of calculating the amount of the taxing entity's tax increment from the project area
 159 that will be paid to the agency, including the agreed base year and agreed base taxable value;
 160 (ii) the number of tax years that the agency will be paid the taxing entity's tax increment from the
 161 project area; and
 162 (iii) the percentage of the taxing entity's tax increment or maximum cumulative dollar amount of the
 163 taxing entity's tax increment that the agency will be paid; and
 164 (b) if the resolution or interlocal agreement provides for the agency to be paid a public entity's sales
 165 tax revenue:
 166 (i) the method of calculating the amount of the public entity's sales tax revenue that the agency will
 167 be paid;
 168 (ii) the number of tax years that the agency will be paid the sales tax revenue; and
 169 (iii) the percentage of sales tax revenue or the maximum cumulative dollar amount of sales tax
 170 revenue that the agency will be paid.
- 171 (5) (a) Unless the taxing entity otherwise agrees, an agency may not be paid a taxing entity's tax
 172 increment:
 173 (i) that exceeds the percentage or maximum cumulative dollar amount of tax increment specified in
 174 the resolution or interlocal agreement under Subsection (2); or
 175 (ii) for more tax years than specified in the resolution or interlocal agreement under Subsection (2).
 176 (b) Unless the public entity otherwise agrees, an agency may not be paid a public entity's sales tax
 177 revenue:
 178 (i) that exceeds the percentage or maximum cumulative dollar amount of sales tax revenue specified
 179 in the resolution or interlocal agreement under Subsection (2); or
 180 (ii) for more tax years than specified in the resolution or interlocal agreement under Subsection (2).

181 (6) A school district may consent to an agency receiving tax increment from the school district's
 182 basic levy only to the extent that the school district also consents to the agency receiving tax
 183 increment from the school district's local levy.

184 (7) (a) A resolution or interlocal agreement under this section may be amended from time to time.

185 (b) Each amendment of a resolution or interlocal agreement shall be subject to and receive the
 186 benefits of the provisions of this part to the same extent as if the amendment were an original
 187 resolution or interlocal agreement.

188 (8) A taxing entity's or public entity's consent to an agency receiving funds under this section is not
 189 subject to the requirements of Section 10-8-2.

190 (9) (a) For purposes of this Subsection (9), "successor taxing entity" means any taxing entity that:

191 (i) is created after the date of adoption of a resolution or execution of an interlocal agreement under
 192 this section; and

193 (ii) levies a tax on any parcel of property located within the project area that is the subject of the
 194 resolution or the interlocal agreement described in Subsection (9)(a)(i).

195 (b) A resolution or interlocal agreement executed by a taxing entity under this section may be
 196 enforced by or against any successor taxing entity."

197
 198 B. Except for grants, the particulars as to the amount and duration of funding for the Project
 199 Area shall be as provided for in the funding resolutions or interlocal agreements of taxing entities
 200 and public agencies, unless another method is provided by law that the Agency deems more
 201 beneficial to the Agency.

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 203 PART II:

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 205 A. This ordinance and its various sections, clauses and paragraphs are hereby declared to be
 206 severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the
 207 remainder of the ordinance shall not be affected thereby.

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 209 B. The Municipal Council hereby directs that this ordinance shall be uncodified.

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 211 C. This ordinance shall take effect immediately after being posted or published as required by
 212 law.

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 214 END OF ORDINANCE.

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 216
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EXHIBIT "A"
MAP OF CENTER STREET COMMUNITY DEVELOPMENT PROJECT AREA