

**ROY CITY COUNCIL
Ordinance No. 881**

AN ORDINANCE ADOPTING THE REDEVELOPMENT PLAN FOR THE 1900 WEST REDEVELOPMENT PROJECT AREA AS THE OFFICIAL REDEVELOPMENT PLAN FOR THE PROJECT.

WHEREAS, acting pursuant to the Utah Neighborhood Development Act as amended (the "Act"), Title 17A, Chapter 2, Part 1200 of the Utah Code Annotated, the Roy City Redevelopment Agency ("Agency"), in consultation with the Roy City Planning Commission (the "Planning Commission") has prepared a Redevelopment Plan for the 1900 West Redevelopment Project Area (the "Proposed Redevelopment Plan"); and

WHEREAS, the Agency has caused to be prepared and has approved the Agency's Report to accompany the Redevelopment Plan for the Roy City 1900 West Redevelopment Project Area (the "Agency Report"); and

WHEREAS, the Roy 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; and

WHEREAS, the Agency has determined in its Report that the 1900 West Redevelopment Project Area (the "Project Area") meets the requirements of a redevelopment project area; and

WHEREAS, the Roy City Council ("Council") concurs in the findings that the Project area meets the requirements of a redevelopment project area; and

WHEREAS, the Planning Commission and the Agency have recommended the adoption of the proposed Redevelopment Plan with the modifications, if any, and the Agency has submitted the same to the Council for its action; and

WHEREAS, the Council has concurred in the modifications, if any, recommendations 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 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 Council; and

WHEREAS, the 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 the public agencies or dedicated to public use, made objections in writing prior to or at the hearing;

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DOUG CROFTS, WEBER COUNTY RECORDER
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REC FOR: ROY.CITY

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WHEREAS, the Council finds and determines that the Official Redevelopment Plan would develop the Project Area in conformity with the Utah Neighborhood Development Act, as amended; that it would further the interest of the public peace, health, safety and welfare; and 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 1900 West Redevelopment Project Area;

NOW, THEREFORE, BE IT ORDAINED BY THE ROY CITY COUNCIL AS FOLLOWS:

SECTION 1 Legal Description

The legal description of the boundaries of the 1900 West Redevelopment Project Area (the "Project Area") are as provided in Exhibit A to this Ordinance, which Exhibit A is attached hereto and incorporated herein by this reference.

SECTION 2 Purpose and Intent of the Roy City Council

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

- 2.1 To reduce and eliminate existing blighted conditions and to prevent further deterioration within the Project Area.
- 2.2 To facilitate new development of the type and quality desired by the community, thereby creating new jobs for the City and the State.
- 2.3 To encourage the business located in the Project Area to renovate and beautify the area.
- 2.4 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 deterioration within the Project Area.

SECTION 3 Designation, Adoption and Incorporation of the Plan

- 3.1 The Proposed 1900 West Redevelopment Project Area Plan, as modified by the Council incorporates changes recommended by the Agency, if any, is hereby designated the Official Redevelopment Project Area Plan (the "Official Plan").
- 3.2 The Roy City Council hereby officially approves of and adopts the said Official Plan for the 1900 West Redevelopment Project Area.
- 3.3 The Official 1900 West Redevelopment Project Area Plan, incorporating those modifications to the Proposed Redevelopment Project Area Plan recommended by

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the Agency and made by the Council, and the final Report to accompany the Redevelopment Plan for the Project Area, including the Report and Recommendations of the Planning Commission on the proposed Redevelopment Plan for the Project Area, are incorporated herein by this reference.

SECTION 4 Findings and Determinations for the Roy City Council

The Council hereby makes the following findings and determinations:

4.1 Need to Effectuate a Public Purpose

As detailed in the Agency Report, adoption of the Official Redevelopment Plan is needed in order to support the variety of public purposes identified herein. In particular, adoption of the Official Redevelopment Plan will help to bring about development of the downtown area which will create jobs for Roy city residents and will strengthen the Roy City tax base as well as that of other affected taxing entities, and eliminate existing blighted conditions within the Project Area.

4.2 Assurance of Public Benefit

An analysis of the nature and scope of public benefits to be derived from adoption of the Official Redevelopment Plan is set for the in the Agency Report. The City Council hereby reaffirms the findings made in that Agency Report. Several key types of benefits are identified there. First, current and future occupants of the proposed Project Area will benefit in that needed infrastructure will be upgraded and/or installed, land will be assembled, and problems currently standing in the way of development of the Project Area will be eliminated. This in turn will make it possible to help bring about the high community priorities on strengthening Roy City's tax base and eliminating blighted influences. In addition to these general benefits, the Official Redevelopment Plan requires that each of the items to be analyzed under Section 17A-2-1220 of the Act in terms of identifying specific public benefit and subsidies provided to particular development (i.e., to each subpart of the overall redevelopment project contemplated by the Official Redevelopment Plan) as well as the resulting public benefit to the community must be reanalyzed, both as to the specific development and in terms of the impact of that development on the whole Project, at any time new funds are committed to the Project. Thus, each major step in the implementation of the Official Redevelopment Plan may only be undertaken after ongoing benefit analysis is completed, and this process, as set forth in the Official Redevelopment Plan, will provide the best possible assurance that the benefits contemplated by the Act will be achieved.

4.3 Conformity with the Utah Neighborhood Development Act and Other Public Purposes

The Official Plan will develop the Project Area in conformity with the Act and in the interest of the public peace, health, safety and welfare in that:

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- 4.3.1 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, economic development, and rehabilitation of the Project Area.
- 4.3.2 It will help to prevent erosion of the City's economic base.
- 4.3.3 It will help attract or retain desirable businesses to located and expand within the Project Area and increase job opportunities for the City and State.
- 4.3.4 It will facilitate revitalization of the Project Area.
- 4.3.5 It will contribute in a variety of other ways to the redevelopment of the Project Area in conformity with the Act, and to the furthering of the interests of public peace, health, safety and welfare.
- 4.3.6 It will eliminate blighted conditions that have been documented to exist with the area.

4.4 Feasibility

The adoption and carrying out the Official Redevelopment Plan is economically sound and feasible in that under the 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. Furthermore, as set forth in the Official Redevelopment Plan, feasibility of specific projects and the overall feasibility of the Plan will be reanalyzed each time the commitment of additional tax increment funds is authorized. Thus, there will be ongoing checks to assess the feasibility of the Project as a whole and individual components of the Project, and this process, as set forth in the Official Redevelopment Plan and the Agency Report, will provide the best possible assurance that the Project will be feasible as contemplated by the Act.

4.5 Conformity to Comprehensive Plan

The Official Redevelopment Plan conforms to the Roy City Master Plan as adopted by Roy City as more particularity shown in the Agency Report.

4.6 Effects of Carrying Out the Official 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:

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- 4.6.1 The elimination of blighted conditions found in the Project Area;
- 4.6.2 Measures which will eliminate current sources of stagnation and inability to develop within the Project Area;
- 4.6.3 The attraction of desirable business into the Project Area;
- 4.6.4 The encouragement of attractive, high quality development within the Project Area;
- 4.6.5 The provision of enhanced parking, traffic circulation, infrastructure, and other such improvements.
- 4.6.6 Other measures which will promote the public peace, health, safety, and welfare and which would be consistent with the purposes of the Act.

4.7 Eminent Domain

The Redevelopment Agency acting pursuant to the Official Redevelopment Plan shall have the power of eminent domain, as it is more particularly indicated in the Official Redevelopment Plan.

1. The inclusion of the power of eminent domain is necessary to the execution of the Official Redevelopment Plan
2. Condemnation of real property or the threat of condemnation is necessary to the execution of the Official Redevelopment Plan.
3. Before any condemnation action is initiated pursuant to the Official Redevelopment Plan, the Agency shall be required to ascertain and assure that all requirements of the Utah Neighborhood Development Act, regarding the use of the power of eminent domain are met.

4.8 Relocation

The Agency has a feasible method or plan for the relocation of families and persons displaced from the Project Area in the 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 the Redevelopment Plan specifies that the Relocation Rules and Regulations for Implementation of the Utah Relocation Assistance Act for the Redevelopment Project Area ("Relocation Rules") shall govern relocation of persons, businesses, and other entities displaced by any Agency action.

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4.9 Relocation Dwellings

The Relocation Rules which govern relocation of persons displaced from the Project Area under the Official Redevelopment Plan as indicated in Section 4.8 hereof, also provide that "[no 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 his 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 5 Availability of Replacement Housing

The Roy City Council is satisfied that 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. Significantly, the Relocation Rules, which govern relocation and persons displaced from the Project Area under the Official Redevelopment Plan, as indicated in Section 4.8 hereof, imposed a very stringent requirement. They provide in Section 503 thereof that "[no person shall be required to move from his dwelling on account of any project of the Agency unless the Agency's Executive Director 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. In all likelihood, inhabitants of the affected residential structures will voluntarily seek and find alternative housing before any action is taken by the Agency that would necessitate their moving.

SECTION 6 Participation Rules

The Official Redevelopment Plan shall operate subject to the Rules Governing Participation and Preferences by Owners, Operators of Businesses, and Tenants in the 1900 West Redevelopment Project Area, as adopted by ordinance by the Roy City Council.

SECTION 7 The Agency's Governing Board

As required by the Utah Neighborhood Development Act, as amended, and as specifically provided for in the Agency's bylaws, the governing body of the

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Redevelopment Agency of Roy City shall be of the same individuals who constitute the legislative body of the Roy City Council.

SECTION 8 Public Hearings

The Agency may 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 the tax increment financing. For any public hearing the Agency may give such general public notice as the City would normally provide in connection with a hearing on a proposed zoning change by the Roy City Planning Commission. This notice shall be provided in the same manner that individualized notice is given prior to making any zoning changes in the City.

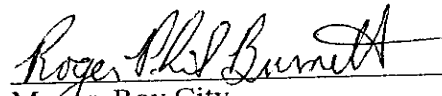
SECTION 9 Severability

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 hereby declares that it would have passed this Resolution 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 10 Effective Date


This Ordinance shall become effective on the date on which a summary hereof is posted or published as required by the Utah Neighborhood Development Act.

APPROVED AND ADOPTED this 15 day of May, 2001



Mayor, Roy City

ATTEST:



Roy City Recorder

E# 1776404 BK2145 PG2945

When Recorded Mail to:
City Recorder
Roy City Corporation
5051 South 1900 West
Roy, UT 84067

RECORDING STATEMENT

FOR THE

Roy City 1900 West Redevelopment
PROJECT AREA

The following information is being recorded by the Weber County Recorder on all property located within the 1900 West Redevelopment Project Area, Roy City Utah. This is being done in accordance with Section 17A-12-1257 of the Utah Neighborhood Development Act as amended.

1. Description of Land Within the Project Area.

The description of the 1900 West Redevelopment Project Area, is as follows:

Part of the Northwest Quarter and the Southwest Quarter of Section 24, Township 5 North, Range 2 West, Salt Lake Base & Meridian, US Survey.

Beginning at the intersection of the west right-of-way line of 1900 West Street and the north right-of-way line of 5600 South Street and running thence; Northerly along said west right-of-way of 1900 West Street 805 feet more or less to the north line of 5475 South Street, thence Easterly 100 feet more or less to the intersection of the east right-of-way line of 1900 West Street and an existing property line, said point being 790.48 feet more or less from the intersection of the east right-of-way line of 1900 West Street and the north right-of-way line of 5600 South Street, thence Easterly along said property line 435.72 feet more or less to the west right-of-way line of Union Pacific Rail Road, thence Easterly 70 feet more or less to the east right-of-way line of said Rail Road, thence southerly along said east right-of-way 204 feet more or less to an existing property line, thence Easterly along said property line 286.3 feet more or less to the west right-of-way line of Interstate Highway 15, thence Southerly along said west right-of-way 285 feet more or less to an existing property line, thence Westerly along said property line 205 feet more or less to the east right-of-way line of said Rail Road property. Thence Southerly 345 feet more or less to the north right-of-way line of 5600 South Street, thence easterly 141 feet more or less to the intersection of the north right-of-way line of said 5600 South Street and the west right-of-way line of said 5600 South Street and the west right-of-way line of said 5600 South Street

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0019, 0020, 0021, 0022, 0024, 0026, 0028,
0031, 0032, 0033, 0034, 0038, 0042, 0009,
0027, 0035, 0039, 0045, 0044, 0023, 0040,
0041

09-448-0001

09-465-0001 to 0005

09-490-0001 & 0002

08-113-0012, 0014, 0015, 0016, 0017, 0018, 0020, 0003
0021, 0022, 0023, 0024, 0025, 0026, 0027,
0028, 0029, 0030, 0031, 0032,
0040, 0041, 0043, 0035, 0046

and the west right-of-way line of said Interstate Highway 15, thence Southwesterly 108.5 feet more or less to the intersection of the south right-of-way line of said 5600 South Street and the west right-of-way line of said Interstate Highway 15, thence Southerly along said west right-of-way 504 feet more or less to the northerly right-of-way line of said Interstate Highway 15, thence Westerly along said right-of-way 66 feet more or less to the easterly right-of-way line of said Rail Road property, thence southerly along said east right-of-way line 766 feet more or less to the north line of the Southwest Quarter of the Northwest Quarter of said Section 24, thence Westerly along said north line 109 feet more or less to the west right-of-way line of Interstate Highway No. 15, thence Southerly along said west right-of-way line 2030 feet more or less to the south Corporate Limits of Roy City, thence Westerly along said South line 20 feet more or less to the east right-of-way line of said 1900 West Street, thence Westerly 100 feet to the west right-of-way line of said 1900 West Street, thence northerly along said west right-of-way 3345 feet more or less to the point of beginning. Containing 39.8+ acres.

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0037, 0039, 0003

2. Statement that the Redevelopment Plan has been Approved.

The Roy City Redevelopment Agency in conjunction with the Planning Commission has prepared a required Redevelopment Plan for the 1900 West Redevelopment Project Area, which plan is dated April 2001. The plan was adopted and approved by the Roy City Redevelopment Agency through Resolution #38, and adopted by the Roy City Council by Ordinance #881, copies of which are on file in the office of the Roy City recorder.

3. Date of Approval.

The Redevelopment Plan for the 1900 West Redevelopment Project Area was approved after a public hearing and adopted by the RDA and City Council on May 15, 2001.

Roger Phil Burnett

Roy City RDA Chairman

ATTEST:

[Signature]

Secretary, Roy City RDA


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09-142-0019, 0020, 0021
0022, 0023, 0024,
0025, 0026, 0027, 0028,
0029, 0030, 0031, 0032