

ORDINANCE NO. 16-08-23

AN ORDINANCE ADOPTING THE ENERGY & INDUSTRY COMMUNITY DEVELOPMENT PROJECT AREA PLAN, AS APPROVED BY THE REDEVELOPMENT AGENCY OF MILLARD COUNTY, AS THE OFFICIAL COMMUNITY DEVELOPMENT PROJECT AREA PLAN FOR THE PROJECT AREA, AND DIRECTING THAT NOTICE OF THE ADOPTION BE GIVEN AS REQUIRED BY STATUTE.

WHEREAS, the Board of the Redevelopment Agency of Millard County (the "Agency"), having authorized by resolution the preparation of a Project Area Plan (the "Plan") (Resolution 16-03-15C & revised in 16-07-19B) for the Energy & Industry Community Development Project Area but previously referred to as the CDA for ECG Utah Solar 1, LLC, the legal description of which is attached hereto as **EXHIBIT A** (the "Project Area"), prior to April 1, 2016 in accordance with Utah Code Annotated ("UCA") § 17C-4-101.2; and created the Plan pursuant to and in accordance with UCA § 17C-4-103, and having held the required public hearing on the Plan on August 23, 2016, pursuant to UCA § 17C-4-102, adopted the Plan as the Official Community Development Plan for the Project Area; and

WHEREAS, the Utah Community Development and Renewal Agencies Act (the "Act") mandates that, before the community development project area plan approved by an agency under UCA § 17C-4-102 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; and

WHEREAS, the Act also requires that notice is 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 COUNTY COUNCIL OF THE COUNTY OF MILLARD AS FOLLOWS:

1. The County of Millard hereby adopts and designates the Project Area Plan, as approved by the Agency Board, as the official community development plan for the Project Area (the "Official Plan").
2. County staff and consultants are hereby authorized and directed to publish or cause to be published the notice required by UCA § 17C-4-106, whereupon the Official Plan shall become effective pursuant to UCA § 17C-4-106(2).
3. Pursuant to UCA § 17C-4-106(4), the Agency may proceed to carry out the Official Plan upon its adoption.
4. This ordinance shall take effect immediately.

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RESOLUTION APPROVED AND ADOPTED by the unanimous/majority vote of the Millard County Commission this 23rd day of August 2016.

VOTING

Commissioner Roper

<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yes	No

Commissioner Draper

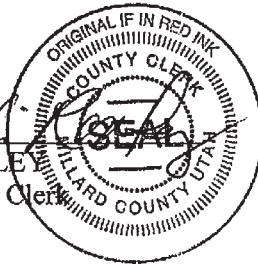
<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yes	No

Commissioner Withers

<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yes	No

Attest:

Mark Rowley
MARKI ROWLEY
Millard County Clerk



MILLARD COUNTY COMMISSION

By: *Dean W. Draper*
DEAN W. DRAPER, Chairperson

08-23-2016

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PROJECT AREA LEGAL DESCRIPTION

ENERGY & INDUSTRIAL PARK AREA

That certain real property located in Millard County, Utah, more particularly described as follows:

Beginning at the Northwest corner of Section 4, Township 15 South, Range 7 West, Salt Lake Base and Meridian,

thence S 89° 15' 36.72" E, 26487.578 feet,
thence S 0° 49' 0.84" W, 10603.105 feet,
thence S 89° 7' 18.12" E, 10566.792 feet,
thence S 0° 54' 57.96" W, 5285.176 feet,
thence S 89° 18' 12.96" E, 15832.42 feet,
thence S 0° 18' 53.64" W, 5029.158 feet,
thence S 89° 32' 15.72" E, 5332.364 feet,
thence N 0° 7' 29.28" E, 2649.106 feet,
thence S 88° 47' 10.68" E, 5316.684 feet,
thence S 0° 16' 0.48" W, 2657.41 feet,
thence N 89° 58' 32.16" E, 2668.559 feet,
thence S 1° 2' 37.68" W, 5659.481 feet,
thence S 40° 2' 3.84" W, 13408.258 feet,
thence S 89° 33' 11.88" W, 4852.821 feet,
thence N 0° 57' 10.08" E, 5334.191 feet,
thence N 89° 34' 46.92" W, 5230.124 feet,
thence S 1° 51' 45.72" W, 6314.337 feet,
thence S 89° 31' 29.64" W, 5306.302 feet,
thence N 1° 53' 9.96" E, 6418.477 feet,
thence N 89° 15' 47.88" W, 15881.399 feet,
thence S 1° 10' 13.08" W, 11920.655 feet,
thence N 89° 18' 14.4" W, 3984.82 feet,
thence N 1° 33' 18" E, 1317.955 feet,
thence S 89° 7' 47.64" E, 1334.167 feet,
thence N 1° 19' 29.28" E, 10608.991 feet,
thence N 89° 15' 47.88" W, 2664.253 feet,
thence N 0° 39' 55.44" E, 5250.082 feet,
thence N 89° 0' 7.92" W, 5295.606 feet,
thence S 0° 44' 19.68" W, 2623.666 feet,
thence N 89° 0' 28.8" W, 1321.755 feet,
thence N 0° 28' 9.84" E, 2643.551 feet,
thence N 89° 1' 40.8" W, 3963.384 feet,
thence N 0° 58' 25.32" E, 5262.13 feet,
thence N 89° 16' 4.8" W, 2645.926 feet,
thence N 0° 47' 10.32" E, 2654.186 feet,
thence N 89° 21' 50.4" W, 2656.944 feet,
thence N 0° 45' 41.76" E, 1321.163 feet,
thence N 88° 41' 12.48" W, 1323.157 feet,

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thence N 0° 48' 12.24" E, 1322.103 feet,
thence N 88° 36' 42.84" W, 2645.011 feet,
thence 0° 45' 6.12" E, 1324.278 feet,
thence S 88° 32' 59.64" E, 1322.442 feet,
thence N 0° 44' 7.08" E, 1323.643 feet,
thence N 88° 30' 18.36" W, 2644.154 feet,
thence N 0° 46' 4.8" E, 1325.699 feet,
thence S 88° 26' 51" E, 1321.718 feet,
thence N 2° 40' 45.12" E, 1311.015 feet,
thence N 87° 55' 43.68" W, 1391.433 feet,
thence N 0° 33' 33.12" E, 2641.646 feet,
thence N 89° 57' 44.64" W, 2653.451 feet,
thence N 0° 0' 0" E, 1320 feet,
thence S 89° 57' 41.04" E, 1326.725 feet,
thence N 0° 0' 0" E, 1268.263 feet,
thence S 89° 2' 36.6" E, 1385.518 feet,
thence N 0° 52' 27.12" E, 5325.053 feet to the point of beginning.

SEVIER PLAYA AREA

That certain real property located in Millard County, Utah, more particularly described as follows:

Beginning at the Northeast corner of Section 35, Township 19 South, Range 10 West, Salt Lake Base and Meridian,

thence S 0° 52' 27.12" W, 42465.42 feet,
thence N 89° 4' 1.56" W, 21066.912 feet,
thence S 0° 54' 50.04" W, 58231.907 feet,
thence N 89° 2' 1.68" W, 5455.776 feet,
thence S 1° 1' 33.96" W, 31968.627 feet,
thence S 89° 7' 52.32" E, 24900.656 feet,
thence S 31° 37' 10.56" W, 6477.176 feet,
thence S 39° 32' 59.64" W, 6537.738 feet,
thence N 89° 12' 10.08" W, 6880.968 feet,
thence S 1° 14' 37.68" W, 5274.743 feet,
thence N 88° 28' 58.08" W, 2631.659 feet,
thence S 0° 18' 49.32" W, 2645.679 feet,
thence S 89° 56' 19.32" W, 5339.454 feet,
thence S 1° 29' 53.52" W, 7825.788 feet,
thence N 89° 2' 6.36" W, 34796.685 feet,
thence N 88° 55' 39" W, 47254.779 feet,
thence N 1° 9' 52.2" E, 58081.496 feet,
thence N 1° 6' 11.88" E, 61865.469 feet,
thence S 90° 0' 0" W, 329.81 feet,
thence N 1° 21' 19.8" E, 7362.568 feet,
thence N 67° 14' 6.72" E, 16908.035 feet,

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thence N 63° 5' 54.6" E, 27243.526 feet,
thence N 54° 30' 31.32" E, 18957.538 feet,
thence N 89° 52' 44.4" E, 51089.865 feet to the point of beginning.

GREENWOOD AREA

That certain real property located in Millard County, Utah, more particularly described as follows:

Beg at the Northwest corner of Section 14, Township 19 South, Range 5 West, Salt Lake Base and Meridian,

thence S 89° 5' 50.64" E, 5332.662 feet,
thence S 88° 51' 49.32" E, 1212.282 feet,
thence S 44° 20' 48.84" E, 727.782 feet,
thence S 27° 48' 38.88" E, 368.587 feet,
thence S 23° 13' 22.8" E, 227.972 feet,
thence S 43° 26' 29.04" E, 970.177 feet,
thence N 0° 21' 40.32" E, 1731.696 feet,
thence S 89° 5' 51" E, 2744.698 feet,
thence S 89° 30' 22.32" E, 5337.198 feet,
thence S 1° 18' 12.6" W, 1346.678 feet,
thence N 89° 34' 58.08" W, 1335.664 feet,
thence S 1° 11' 19.32" W, 1344.067 feet,
thence N 89° 23' 47.04" W, 1327.96 feet,
thence S 1° 1' 15.96" W, 1343.806 feet,
thence S 89° 19' 7.32" E, 1324.479 feet,
thence S 1° 24' 30.96" W, 1326.343 feet,
thence N 88° 28' 47.64" W, 3937.286 feet,
thence N 89° 16' 7.68" W, 5328.434 feet,
thence N 89° 31' 35.04" W, 5323.182 feet,
thence N 0° 28' 13.08" W, 5360.18 feet to the point of beginning.

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THE REDEVELOPMENT AGENCY OF MILLARD COUNTY ENERGY & INDUSTRY COMMUNITY DEVELOPMENT PROJECT AREA (CDA)

TRANSMITTAL DOCUMENT

On behalf of the Redevelopment Agency of Millard County, for whom Lewis Young Robertson & Burningham, Inc. (LYRB), acts as consultant, we are transmitting this document in conjunction with the creation of the Energy & Industry Community Development Project Area within the County. Should questions arise relating to this document, contact Jason Burningham or Cody Hill with LYRB at (801) 596-0700 or jason@lewisyoung.com or chill@lewisyoung.com.

This document fulfills the requirement located in Utah Code Annotated 17C-4-107 which requires that "Within 30 days after the community legislative body adopts, under 17C-4-105, a community development project area plan, the agency shall:

- (1) record with the recorder of the county in which the project area is located a document containing:
 - (a) a description of the land within the project area;
 - (b) a statement that the project area plan for the project area has been adopted; and
 - (c) the date of the adoption;

- (2) transmit a copy of the description of the land within the project area and an accurate map or plat indicating the boundaries of the project area to the Automated Geographic Reference Center created under Section 63F-1-506; and

- (3) For a project area plan that provides for the payment of tax increment to the agency, transmit a copy of the description of the land within the project area, a copy of the community legislative body ordinance adopting the project area plan, and a map or plat indicating the boundaries of the project area to:
 - (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any part of the project area is located;
 - (b) the officer or officers performing the function of auditor or assessor for each taxing entity that does not use the county assessment rolls or collect its taxes through the county;
 - (c) the legislative body or governing board of each taxing entity;
 - (d) the State Tax Commission; and
 - (e) the State Board of Education."

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PROJECT AREA PLAN ADOPTION

The County of Millard County Commission adopted Ordinance 16-08-23 on August 23, 2016 which adopted the Energy & Industry Community Development Project Area Plan, as approved by the Redevelopment Agency of Millard County through Resolution No. 16-08-23A, as the official community development project area plan for the area. Notice was then given in the newspaper on August 30, 2016 and the CDA was then officially adopted.

ENERGY & INDUSTRY CDA**LEGAL DESCRIPTION OF LAND WITHIN THE CDA****ENERGY & INDUSTRIAL PARK AREA**

That certain real property located in Millard County, Utah, more particularly described as follows: Beginning at the Northwest corner of Section 4, Township 15 South, Range 7 West, Salt Lake Base and Meridian,

thence S 89° 15' 36.72" E, 26487.578 feet,
 thence S 0° 49' 0.84" W, 10603.105 feet,
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 Beg at the Northwest corner of Section 14, Township 19 South, Range 5 West, Salt Lake Base and Meridian,

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MAP INDICATING THE BOUNDARIES OF THE CDA

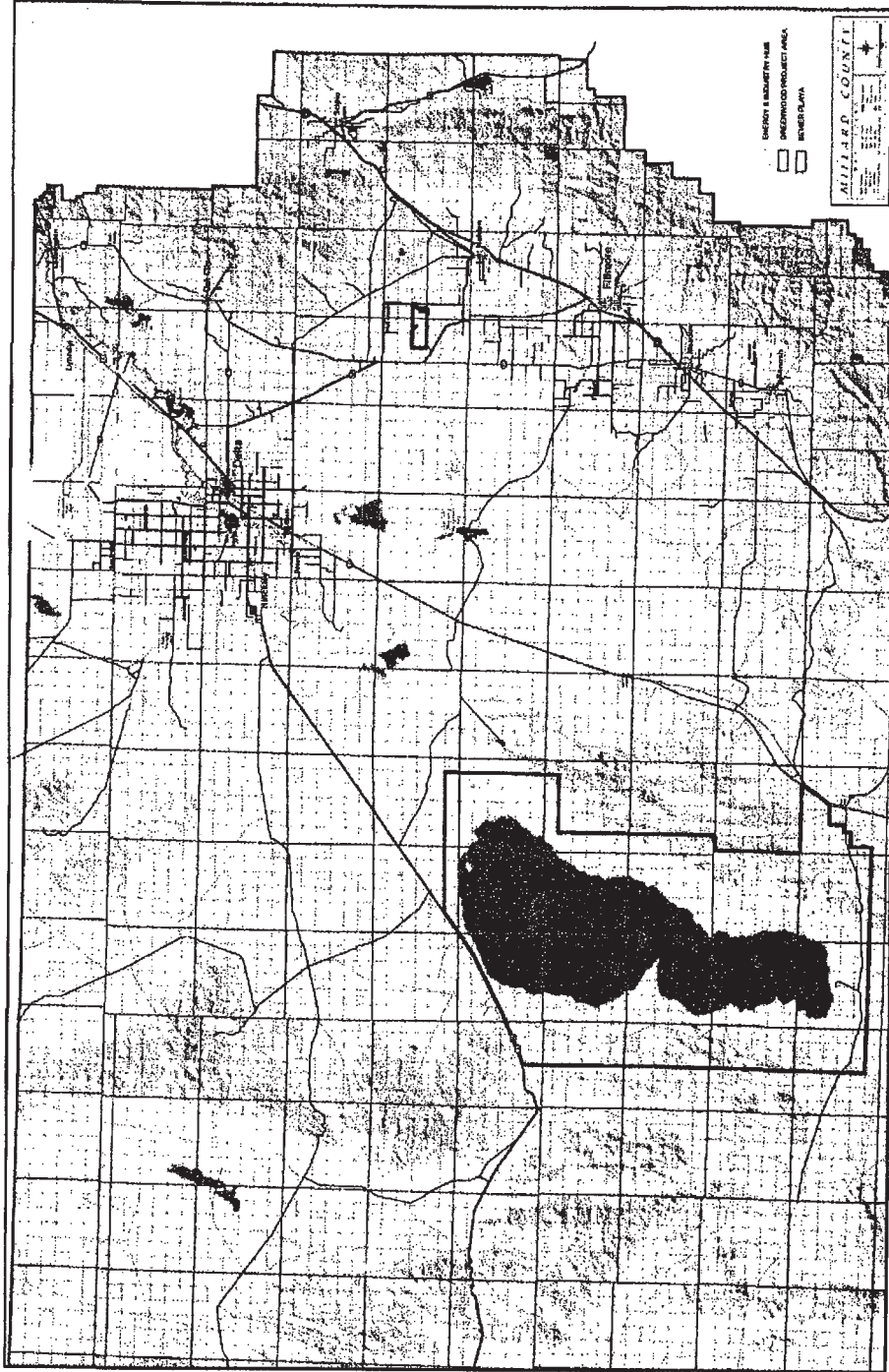
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PLAN AREA

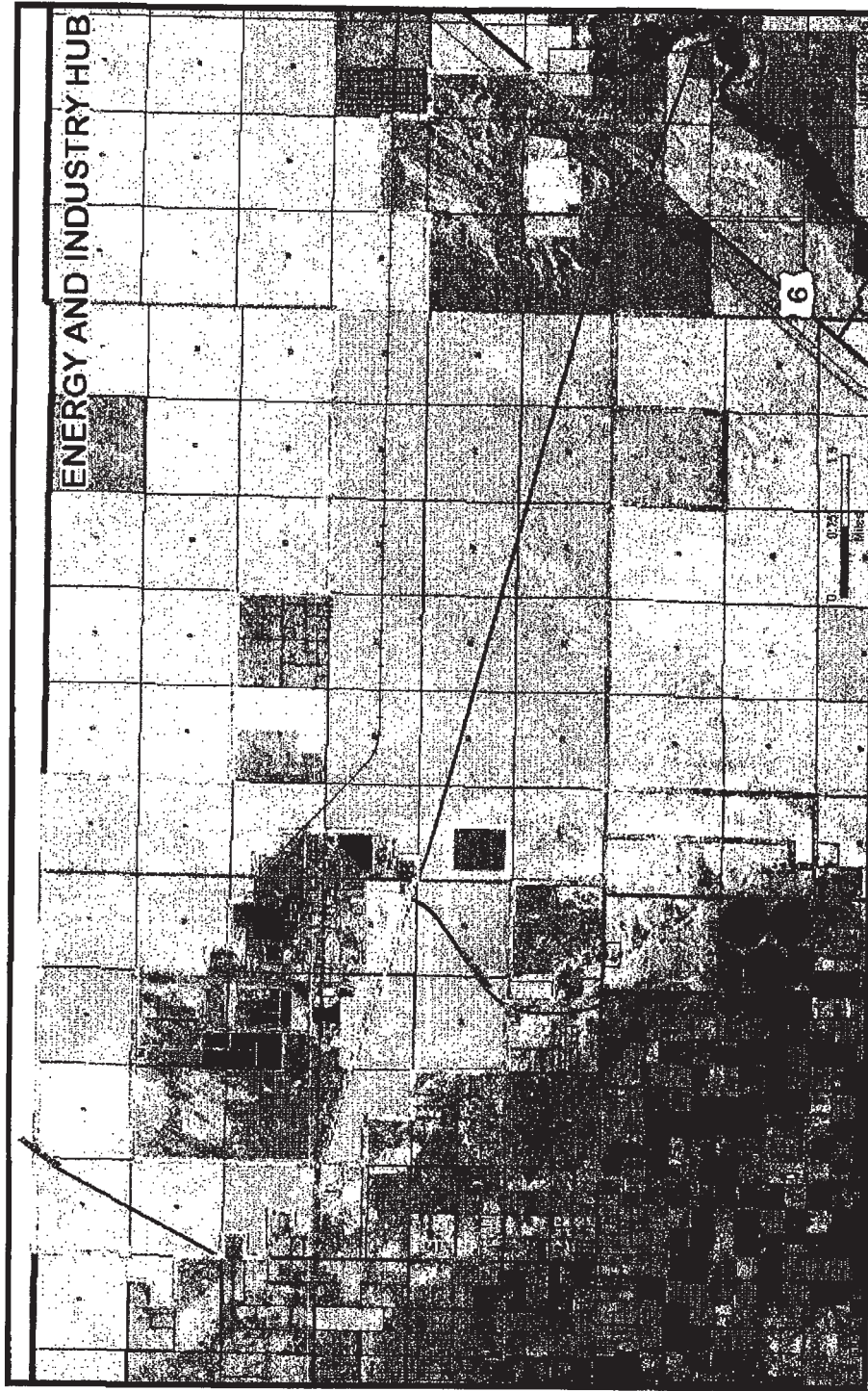


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ENERGY & INDUSTRY PARK AREA



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SEVIER PLAYA AREA

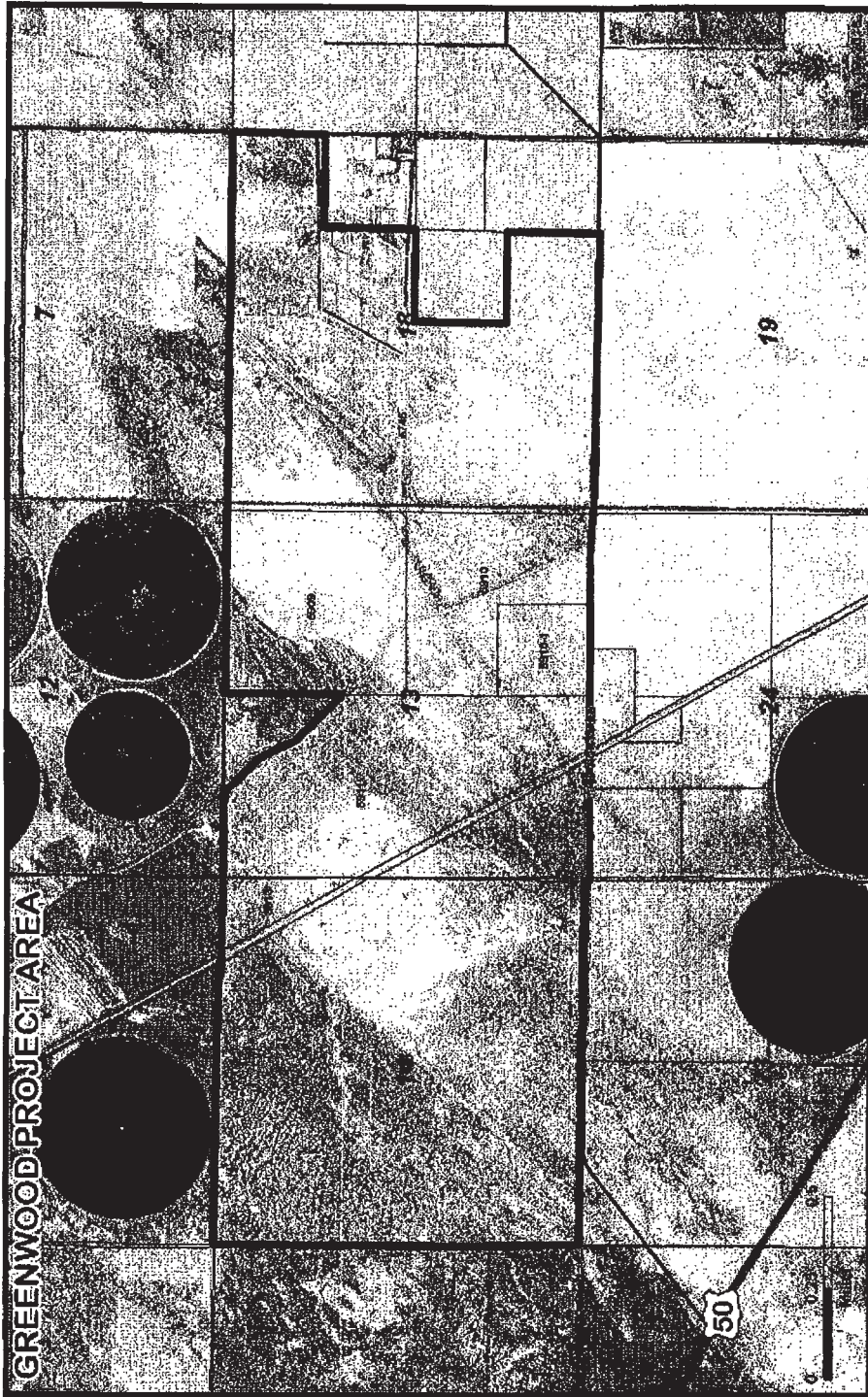


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GREENWOOD AREA



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