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RECORDER, SALT LAKE COUNTY, UTAH
BLUFFDALE CITY
14175 S REDWOOD RD
BLUFFDALE UT 84065
BY: ZJM, DEPUTY - WI 11 p.

STATEMENT OF APPROVAL OF THE
OFFICIAL ECONOMIC DEVELOPMENT PLAN FOR THE
JORDAN NARROWS ECONOMIC DEVELOPMENT PROJECT AREA

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

CITY OF BLUFFDALE

I, Dianne H. Hanson, the duly chosen, qualified and acting Recorder of the City of Bluffdale, County of Salt Lake, State of Utah, and the duly chosen, qualified and acting Secretary of the Bluffdale City Redevelopment Agency, do hereby state and certify as follows:

Statement of Plan Approval. On April 25, 2000, the Bluffdale City Redevelopment Agency (the "Agency") approved the proposed Economic Development Plan for the Jordan Narrows Economic Development Project Area (the "Proposed Plan") with its Resolution No. 4-25-00-5, and on the same date, the Bluffdale City Council passed its Ordinance No. 4-25-00-1 (the "Ordinance"), which adopted the Proposed Plan as the Official Redevelopment Plan for the Jordan Narrows Economic Development Project Area (the "Official Plan"), incorporated herein by this reference.

Approval Date. Section 10 of the Ordinance provides that "This Ordinance shall become effective on the date a summary of the ordinance is posted or published as required by the Utah Neighborhood Development Act." The Taxing Agency Committee for the Jordan Narrows Economic Development Project Area gave its consent to a Project Area including in excess of 100 acres of privately owned property on April 28, 2000. A summary of the Ordinance was posted at three locations within Bluffdale (Bluffdale City Hall, 14175 South Redwood Road; Randy's Tire & Muffler, 14250 South Redwood Road; and the Maverick Store, 14416 South Camp Williams Road) on April 29, 2000. Thus, the Official Plan went into effect on April 29, 2000, and was formally approved as of that date.

Approval of Project Area Budget. The Agency approved the Project Area Budget for the Jordan Narrows Economic Development Project Area (the "Project Area Budget") with its Resolution No. 4-25-00-6 on April 25, 2000. The Olene Walker Trust Fund Board provided this certification on April 25, 2000.

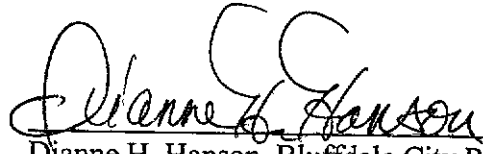
Project Area Description. A copy of the Ordinance ~~and the Official Plan, together with all exhibits thereto,~~ is attached to this Statement and incorporated herein by this reference. The description of the land within the Jordan Narrows Economic Development Project Area is included as Exhibit A to the attached Ordinance.

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This document is being recorded in compliance with Section 1257 of Part 2 of Title 17A of the Utah Code.

IN WITNESS WHEREOF, I have hereunto set my official signature and affixed the seal of the City of Bluffdale, Utah, Salt Lake County, this 29th day of April, 2000.



Dianne H. Hanson, Bluffdale City Recorder and
Bluffdale City Redevelopment Agency Secretary



**BLUFFDALE CITY COUNCIL
ORDINANCE NO. 4-25-00-1**

AN ORDINANCE ADOPTING THE ECONOMIC DEVELOPMENT PLAN FOR THE JORDAN NARROWS ECONOMIC DEVELOPMENT PROJECT AREA AS THE OFFICIAL ECONOMIC DEVELOPMENT PLAN FOR THE PROJECT.

WHEREAS acting pursuant to the Utah Neighborhood Development Act, Title 17A, Chapter 2, Part 12 of the Utah Code as amended (the "Act"), the Bluffdale City Redevelopment Agency (the "Agency"), in consultation with the Bluffdale City Planning Commission (the "Planning Commission") has prepared an Economic Development Plan for the Jordan Narrows Economic Development Project Area (the "Proposed Economic Development Plan" or "Proposed Plan"); and

WHEREAS the Agency has caused to be prepared and has approved the Agency's Report to Accompany the Economic Development Plan for the Jordan Narrows Economic Development Project Area (the "Agency Report"); and

WHEREAS the Agency, the Planning Commission, and the Bluffdale City Council ("City Council"), have held a duly noticed joint public hearing to consider the Proposed Plan and the Agency Report (the "Hearing"); and

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 Economic Development Plan submitted to it at or prior to the Hearing; and

WHEREAS the Agency has determined in the Agency Report that the Jordan Narrows Economic Development Project Area (the "Project Area") meets the requirements of an economic development project area; and

WHEREAS the City Council concurs in the findings that the Project Area meets the requirements of an economic development project area; and

WHEREAS the Planning Commission and the Agency have recommended the adoption of the proposed Economic Development Plan with certain modifications made on the basis of the Hearing and the Agency has submitted the same to the Council for its action; and

WHEREAS the City Council has concurred in the modifications, if any, recommended by the Agency and the Planning Commission in the Proposed Economic Development Plan, has made the recommended modifications in the Proposed Redevelopment Plan, and has overruled all objections to the adoption of the Proposed Economic Development 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; and

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 Economic Development Plan as modified (the "Official Plan"), excluding property owned by the public agencies or dedicated to public use, made objections in writing prior to or at the Hearing; and

WHEREAS the City Council has determined that property constituting less than 10% of the taxable value of Bluffdale City is included in the Project Area and in any previously adopted or economic developed project area in Bluffdale; and

WHEREAS the City Council finds and determines that the Official Economic Development Plan would develop 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 Plan is economically sound and feasible; and that a number of other appropriate reasons call for the adoption and implementation of the Official Plan;

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

SECTION 1 Legal Description.

The Jordan Narrows Economic Development Project Area is more particularly described in the legal description attached hereto as Exhibit "A" (and incorporated herein by this reference).

SECTION 2 Purpose and Intent of the Bluffdale City Council.

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

§ 2.1 To facilitate new development of the type and quality desired by the community, thereby creating new jobs for the City and the State.

§ 2.2 To protect Bluffdale's hallmark rural atmosphere by attracting quality integrated development including commercial and light industrial development, affordable housing, and other types of uses conducive to beneficial to the eastern periphery of Bluffdale City within the Project Area so as to strengthen the tax base of the City and to help preserve and sustain the rural atmosphere of other part of the community;

§ 2.3 To provide sorely needed infrastructure for and in Planning District No. 4 of Bluffdale City, in which the Jordan Narrows Economic Development Project Area lies.

§ 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 Jordan Narrows Economic Development Project Area Plan, as modified by the Council to incorporate changes recommended by the Agency, is hereby designated the Official Jordan Narrows Economic Development Project Area Plan (the "Official Plan").

§ 3.2 The Bluffdale City Council hereby officially approves and adopts the Official Economic Development Plan for the Jordan Narrows Economic Development Project Area.

§ 3.3 The Official Plan, incorporating those modifications to the Proposed Jordan Narrows Economic Development Project Area Plan recommended by the Agency and made by the Council, and the final Report to Accompany the Economic Development Plan for the Jordan Narrows Economic Development Project Area, including the Report and Recommendations of the Planning Commission on the Proposed Economic Development Plan for the Jordan Narrows Economic Development Project Area, are incorporated herein by this reference.

SECTION 4 Findings and Determinations of the Bluffdale 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 Plan is needed in order to support the variety of public purposes identified therein. In particular, adoption of the Official Plan will promote the creation of jobs for Bluffdale City residents and will strengthen the Bluffdale City tax base as well as that of other affected taxing entities. It is also vital for the installation of infrastructure, without which the Project Area is likely to remain economically stagnant and incapable of attracting quality development.

§ 4.2 Assurance of Public Benefit.

An analysis of the nature and scope of public benefits to be derived from adoption of the Official Plan is set forth in Part VI of the Agency Report. The City Council hereby reaffirms the findings made in that Section. Several key types of benefits are identified there. First, the area within the Project Area will benefit by installation of needed infrastructure. This in turn will make possible construction of affordable housing as contemplated by the Bluffdale City Moderate Income Housing Plan, as well as commercial, institutional, and light industrial development appropriate to the Project Area. Such development will make it possible to help bring about the high community priorities on strengthening Bluffdale's tax base, creating additional jobs within the municipality, and focusing non-rural types of development on the eastern periphery of Bluffdale within the Project Area, thereby protecting the rural ambiance characteristic of other areas of Bluffdale City. The Official Plan also assures that the public benefit requirements of the Act will be met

by requiring in Section 800 thereof, that a public hearing be held to determine that any particular project carried out pursuant to the Official Plan meets the public benefit requirements of the Act.

§ 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 interests of the public peace, health, safety and welfare in that:

§ 4.31 It will enable the Agency to facilitate the installation of needed infrastructure within the Project Area, the lack of which has been the key factor in the Area's having so long remained undeveloped.

§ 4.32 It will significantly increase the City's tax base.

§ 4.33 It will help attract desirable businesses to locate within the Project Area, increasing job opportunities for the City and State.

§ 4.34 It will place the locus of development that might be detrimental to Bluffdale's rural lifestyle along the eastern periphery of Bluffdale City within the Project Area, away from central and western Bluffdale, thus protecting Bluffdale's traditional rural milieu.

§ 4.35 It will contribute in a variety of other ways to the economic development of the Project Area in conformity with the Act, and to the furthering of the interests of public peace, health, safety, and welfare.

§ 4.4 Feasibility.

Implementation of economic development in the Project Area will concomitantly increase the value of the property therein, generating increasing tax increment (as provided by § 17A-2-1247.5 of the Act). This increment may be returned to the Project to facilitate financing for planning, design, construction, and development of needed infrastructure, and other development and beneficial improvements, to the extent they can be justified under this Act. In addition, Section 800 of the Official Plan requires that a public hearing be held to determine the feasibility of any individual projects carried out under the plan before any such individual projects are approved, thus assuring the feasibility of the plan on an ongoing basis.

§ 4.5 Conformity to Comprehensive Plan.

The Official Economic Development Plan conforms to the Bluffdale City General Plan, as noted in the *Report and Recommendations of the Bluffdale City Planning Commission*

on the Proposed Jordan Narrows Economic Development Project Area Plan (attached as Exhibit 6 to the Agency Report).

§ 4.6 Effects of Carrying Out the Official Plan.

The carrying out of the Official 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:

§ 4.61 The promotion of economic development in the Project Area;

§ 4.62 The attraction of desirable businesses into the Project Area;

§ 4.63 The encouragement of attractive, high quality development within the Project Area including affordable housing;

§ 4.64 The provision of improved traffic circulation, remediation of seriously deficient infrastructure, and other such improvements;

§ 4.65 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.

Under the requirements of the Utah Neighborhood Development Act, economic development project areas do not have the power of eminent domain. Therefore, the inclusion of the power of eminent domain will not be allowed pursuant to the Official Plan.

§ 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 Economic Development Plan may result in the temporary or permanent displacement of any occupants of housing facilities in the Project Area, in that the Economic Development Plan specifies that the Relocation Rules and Regulations for Implementation of the Utah Relocation Assistance Act for the Jordan Narrows Economic Development Project Area ("Relocation Rules") shall govern relocation of persons, businesses, and other entities displaced by any 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's Executive Director is satisfied that replacement housing is available to this person." The Executive Director's determination in this regard may be appealed to the Agency's Governing Board. That is, unless a feasible method or plan for relocation exists, execution of the Official Economic Development Plan cannot go forward.

The Relocation Rules which govern relocation of persons displaced from the Project Area under the Official Plan as indicated in § 4.8 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 Plan and reasonably accessible to their places of employment.

This point is academic, however, in that eminent domain is not permitted as part of economic development under the Utah Neighborhood Development Act, nor does the Agency at present anticipate the displacement of any person from his or her dwelling as a result of the operation of the Official Plan.

SECTION 5 Availability of Replacement Housing.

The Bluffdale 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 Plan as indicated in § 4.8 hereof, impose a very 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's Executive Director is satisfied that replacement housing is available to this person." Persons may not be displaced from property pursuant to the Official 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. Moreover, as noted in Section 4.8 above, no involuntary displacement resulting from eminent domain is allowed under the Plan.

SECTION 6 Participation Rules.

The Official Plan shall operate subject to the Rules Governing Participation and Preferences by Owners, Operators of Businesses, and Tenants in the Jordan Narrows Economic Development Project Area, as adopted by the Agency and approved by the Bluffdale 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 Bluffdale City Redevelopment Agency shall be of the same individuals who constitute the legislative body of the Bluffdale 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 (i.e, a participation agreement or a development agreement) that will obligate the financial resources of the Agency, including but not limited to tax increment financing. For any such public hearing the Agency shall give such general public notice as the City would normally provide in connection with consideration of routine actions of the Bluffdale City Planning Commission.

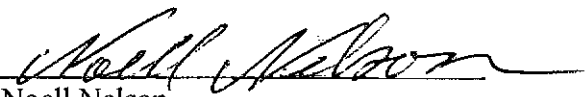
SECTION 9 Severability.

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 Ordinance and each provision, section, subsection, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more provisions, section, subsection, 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 25th day of April, 2000.



Mayor Noell Nelson

ATTEST:


Dianne H. Hansen, Recorder

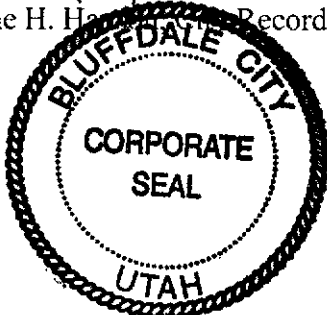


EXHIBIT A

LEGAL DESCRIPTION OF THE JORDAN NARROWS ECONOMIC DEVELOPMENT PROJECT AREA

The Jordan Narrows Economic Development Project Area includes the land located within the following described boundaries, all of which is situated within the boundaries of Bluffdale City in Salt Lake County in the State of Utah:

Beginning at the intersection of the eastern boundary line of Bluffdale City and the northern boundary line of Section 13, Range 1 West, Township 4 South, Salt Lake Base & Meridian, and running thence southerly along the eastern boundary line of Bluffdale City to the southern boundary of Section 14, Range 1 West, Township 4 South, Salt Lake Base & Meridian, and thence westerly along the southern boundary of said Section 14 and of the southern boundary of the adjoining Section 15 to the western meander line of the Jordan River, thence northerly along the western meander line of the Jordan River to the northern boundary of said Section 15, thence easterly along the northern boundary lines of the said Sections 15, 14 and 13 to the point of beginning.

Exhibit A

Jordan Narrows Economic Development
Project Area Boundary

Project Area Boundary

