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LEANN H KILTS, WEBER COUNTY RECORDER  
23-NOV-15 2:03 PM FEE \$0.00 DEP TN  
REC FOR: OGDEN CITY

ORDINANCE NO. 2015-44

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OGDEN, STATE OF UTAH, ADOPTING THE KIESEL COMMUNITY DEVELOPMENT PROJECT AREA PLAN DATED SEPTEMBER 22, 2015.

BE IT ORDAINED BY THE CITY COUNCIL OF OGDEN CITY AS FOLLOWS:

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

KIESEL 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. Acquisition of Property.
6. Tax Increment Financing.
7. Effective Date.

**SECTION 1 Adoption of Project Area Plan.** The Ogden City Redevelopment Agency (the "Agency") has approved the Project Area Plan dated September 22, 2015 and entitled the "Kiesel Community Development Project Area Plan" (the "Project Area Plan" or the "Plan"). The City, after review of the Agency's approval, hereby adopts by Ordinance the Project Area Plan pursuant to Section 17C-4-105 of the Limited Purpose Local Government Entities - Community Development and Renewal Agencies Act ("the Act") as the *Official Community Development Project Area Plan of the Kiesel Community Development Project Area.*

**SECTION 2 Project Area Boundaries.** The legal description of the boundaries of the Project Area covered by the Project Area Plan is as follows:

*Beginning at the Northeast Corner of Block 33, Plat "A" Ogden City Survey, thence South 01°17'14" West 763.79 feet along east side and a projection of said line of said block to the Northeast Corner of Block 24, Plat "A", Ogden City Survey, thence South 88°48'45" East 460.58 feet along the projected North line of Block 25, Plat "A", Ogden City Survey, to the northwest corner of Lot 7 of said block, thence South 01°17'49" West 534.55 feet along east right of way line of Kiesel Avenue to a point which is 132.00 feet North of the southwest corner of Lot 1 of said block, thence North 88°41'53" West 361.90 feet along a projected line along the north line of Lot 2 of said block to the a point on the east right of way line of Grant Avenue, thence North 75°36'30" West 101.61 feet to a point on the west right of way line of Grant Avenue, which point is 155.00 feet north of the southeast corner of Block 24, Plat "A", Ogden City Survey, thence North 88°41'06" West 139.91 feet, thence South 01°18'44" West 14.63 feet to a point of curve to the right, having a radius of 25.50 feet and a arc length of 39.56 feet (Long chord bearing is South 45°44'42" West 35.71 feet, thence North 88°41'19" West 369.06 feet to a point of curve to the left having a radius of 10.00 feet and an arc length of 15.71 feet (Long chord bearing is North 43°43'42" West 14.14 feet), thence to a point of reverse curve to the right, having a radius of 73.78 feet and an arc length of 21.83 feet (Long chord bearing is North 80°15'02" West 21.75 feet),*

01-019-0014, 0015, 0019, 0023, 0024, 0029, 0032, 0034, 0037  
 01-020-0005, 0006, 0008, 0003, 0007, THRU 0077 & 0023  
 01-086-0001 THRU 0020 & 01-089-0001, 01-029-0001 THRU 0006, 0011 THRU-0027  
 0020, & 0033 THRU 0042

EST

01-021-0021 THRU 0032, 0019, 0024 THRU 0041, 0043  
0046, 0047, 0052 & 0093 THRU 0096

*thence North 01°16'18" East 4.97 feet, thence North 88°41'06" West 101.17 feet to the east right of way line of Lincoln Avenue, thence North 89°16'01" West 99.02 feet to a point on the west right of way line of said street, thence North 88°41'29" West 383.59 feet, thence South 01°10'56" West 12.00 feet, thence North 88°41'29" West 283.02 feet to a point on the east right of way line of Wall Avenue, thence North 01°18'29" East 937.67 feet along said right of way line, thence South 88°41'31" East 133.32 feet, thence North 01°18'53" East 16.37 feet, thence South 87°54'08" East 266.65 to a point of the west line of Lot 2, Block 34, Plat A, Ogden City Survey, thence South 01°21'17" West 407.11 feet to a point on the north line of Block 23, Plat A, Ogden City Survey, thence South 88°49'04" East 365.55 along the north line and the projection of said block to the Northwest corner of Block 24, Plat A, Ogden City Survey, thence North 01°20'21" East 765.00 feet along the extension of the west side of Block 33, Plat A, Ogden City Survey and the west side of said block to the Northwest corner of Block 33, Plat A, Ogden City Survey, thence South 88°42'50" East 666.60 feet along the north line of said block to the point of beginning.*

The Project Area contains approximately 38.7 acres of private and public real property.

**SECTION 3 Purposes of Project Area Plan.** The purposes and intent of the City Council of Ogden City with respect to the Project Area are to accomplish the following purposes by adoption of the Project Area Plan:

1. Promote and market the Project Area for development that will enhance the economic health of the community through increase of the City's commercial tax base;
2. Encourage development and expanded economic activity;
3. Promote functional utilities and other infrastructure to provide for expanded residential and business activity;
4. Promote attractive and functional buildings, streetscapes, parking areas and landscaping;
5. Coordinate and promote improvement of the transportation system within the Project Area, including road improvements, access management and pedestrian/bicycle amenities; and
6. Provide for the use of tax increment by the Agency in accordance with the provisions of the Act.

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

**SECTION 5 Acquisition of Property.** The use of eminent domain for the purposes of acquiring real property is not provided for in the Project Area Plan. The Agency may acquire property in the Project Area by negotiation, gift, devise, exchange, purchase, or other lawful methods. The Agency is authorized to acquire any other interest in real property in the Project

Area, including less than fee title interests, such as leasehold interests, easements, and rights of way, by and through negotiation, gift, devise, exchange, purchase or other lawful methods.

**SECTION 6 Tax Increment Financing.** This Ordinance hereby specifically incorporates all of the provisions of the Act, including all future provisions that grant additional powers and authorizations to the Agency, as the Act is amended from time to time after the date hereof, that authorize or permit the Agency to receive tax increment from the Project Area and that authorize various uses of such tax increment by the Agency. It is the intent of this Ordinance that the Agency shall have the broadest authorization and permission for receipt of and use of tax increment as is authorized by law, whether by existing or amended provisions of law.

**SECTION 7 Effective Date.** This Ordinance shall take effect immediately upon posting after final passage.

**PASSED, ADOPTED AND ORDERED POSTED** by the Council of Ogden City, Utah this 22<sup>ND</sup> day of September, 2015.



*Richard A. [Signature]*  
CHAIR

ATTEST:

*Nancy [Signature]*  
CITY RECORDER

TRANSMITTED TO THE MAYOR ON: 9/23/15

MAYOR'S ACTION:  Approved  Vetoed

*[Signature]*  
MAYOR

ATTEST:

*Nancy [Signature]*  
CITY RECORDER



POSTING DATE: 10/2/15

EFFECTIVE DATE: 10/2/15

APPROVED AS TO FORM: *[Signature]* 9/17/15  
Legal Date