

HERRIMAN, UTAH
ORDINANCE NO. 2016-12

AN ORDINANCE OF THE CITY COUNCIL OF HERRIMAN CITY,
ADOPTING THE "HERRIMAN BUSINESS CENTER COMMUNITY
DEVELOPMENT AMENDED PROJECT AREA PLAN," DATED MARCH
2016, FOR THE HERRIMAN BUSINESS CENTER COMMUNITY
DEVELOPMENT PROJECT AREA.

WHEREAS, the City Council ("Council") met in regular session on April 13, 2016, to consider, among other things, adopting the "Herriman Business Center Community Development Amended Project Area Plan," dated March, 2016, for the Herriman Business Center Community Development Area; and

WHEREAS, the Community Development and Renewal Agency of Herriman has adopted a resolution approving the Herriman Business Center Community Development Amended Project Area Plan; and

WHEREAS, the Council finds that it is in the best interest of Herriman City ("City") to adopt the Herriman Business Center Community Development Amended Project Area Plan.

NOW THEREFORE BE IT ORDAINED as follows:

Section 1. Adoption of Project Area Plan. The Community Development and Renewal Agency of Herriman (the "Agency") has adopted the Project Area Plan entitled, "Herriman Business Center Community Development Amended Project Area Plan," dated March, 2016 (the "Project Area Plan"). The Project Area Plan is hereby designated as the official Community Development Project Area Plan of the Herriman Business Center Community Development Amended Project Area Plan (the "Project Area"). The Council, after review of the Agency's findings, as set forth herein, hereby adopts by Ordinance the Project Area Plan pursuant to Section 17C-4-105 of the Utah Community Development and Renewal Agencies Act.

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

The boundary of the CDA is as described below:

All of Lot D, Lot E, Lot F, Lot G, Lot H, Lot J, and Lot K of the South Herriman subdivision plat as recorded on May 7th, 2013 in the office of the Salt Lake County Recorders as Entry #11635733 on Book 2013P at Page 77.

All of Parcels ID# 33-08-151-001 and 33-07-200-011, described as follows:

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04/29/2016 11:23 AM \$0.00
Book - 10426 Pg - 2586-2591
ERRRY M - OTT
RECORDER, SALT LAKE COUNTY, UTAH
HERRIMAN
13011 S PIONEER ST
HERRIMAN UT 84096
BY: SGA, DEPUTY - MA 6 P.

A parcel of land located in the East Half of Section 7 and the West Half of Section 8, Township 4 South, Range 1 West, Salt Lake Base and Meridian, Salt Lake County, Utah, described as follows:

BEGINNING at a point South 89°55'01" East 1,647.29 feet along the north line of Section 7, Township 4 South, Range 1 West, Salt Lake Base and Meridian and South 1,979.31 feet from the North Quarter Corner of said Section 7, and thence North 38°24'00" East 2,150.89 feet; thence North 85°56'02" East 202.12 feet to a point of tangency of a 167.31 foot radius curve to the right; thence Easterly 41.02 feet along said curve through a central angle of 14°02'50" and a long chord of South 87°02'33" East 40.92 feet; thence South 80°01'08" East 275.05 feet to a point of tangency of a 210.31 foot radius curve to the right; thence Southeasterly 172.49 feet along said curve through a central angle of 46°59'31" and a long chord of South 56°31'23" East 167.69 feet; thence South 33°01'37" East 262.36 feet to a point of tangency of a 862.31 foot radius curve to the right; thence Southeasterly 306.99 feet along said curve through a central angle of 20°23'53" and a long chord of South 22°49'40" East 305.38 feet; thence South 12°37'44" East 241.98 feet to a point of tangency of a 934.69 foot radius curve to the left; thence Southerly 229.37 feet along said curve through a central angle of 14°03'36" and a long chord of South 19°39'32" East 228.79 feet; thence South 26°41'20" East 252.50 feet; thence South 29°06'35" East 52.63 feet to a point on the arc of a 1,085.00 foot radius non-tangent curve to the left, the center of which bears South 45°39'42" East; thence Southwesterly 112.45 feet along said curve through a central angle of 05°56'17" and a long chord of South 41°22'09" West 112.40 feet; thence South 38°24'00" West 1,713.86 feet; thence North 51°36'00" West 1,761.87 feet to the POINT OF BEGINNING. Said parcel contains 3,920,400 square feet or 90.00 acres, more or less.

AND

All of Parcel ID# 33-08-326-001, described as follows:

A parcel of land located in the Southwest Quarter of Section 8, Township 4 South, Range 1 West, Salt Lake Base and Meridian, Salt Lake County, Utah, described as follows:

BEGINNING at a point South 00°33'20" West 637.35 feet along the east line of the Southwest Quarter of Section 8, Township 4 South, Range 1 West, Salt Lake Base and Meridian and North 89°26'40" West 33.00 feet from the Center Quarter Corner of said Section 8, and thence parallel to said east line South 00°33'20" West 663.07 feet to a point 33.00 feet perpendicularly distant northerly of the south line of the Northeast Quarter of said Southwest Quarter; thence parallel to said south line South 89°40'12" West 657.02 feet; thence parallel to said east line North 00°33'20" East 663.07 feet; thence parallel to said south line North 89°40'12" East 657.02 feet to the POINT OF BEGINNING. Said parcel contains 435,600 square feet or 10.00 acres, more or less.

AND

Lot C of the South Herriman subdivision plat as recorded on May 7th, 2013 in the office of the Salt Lake County Recorders as Entry #11635733 on Book 2013P at Page 77.

LESS AND EXCEPT

Beginning South 00°26'18" West 857.93 feet and South 89°33'42" East 387.82 feet from the monument located at the North Quarter Corner of Section 7, Township 4 South, Range 1 West, Salt Lake Base and Meridian and on the West Right of Way line of Autumn Crest Boulevard as dedicated on the South Herriman Plat as recorded in the office of the Salt Lake County Recorder in Book 2013P on page 77 and running:

Thence South 86°16'38" East 34.94 feet;
Thence South 41°56'51" East 795.94 feet;
Thence South 48°03'09" West 5.00 feet;
Thence South 51°43'15" West 117.94 feet;
Thence South 60°22'16" West 81.00 feet;
Thence South 65°25'58" West 59.24 feet;
Thence South 69°48'12" West 59.18 feet;
Thence South 73°48'32" West 59.08 feet;
Thence South 78°34'32" West 56.90 feet;
Thence South 81°41'30" West 388.11 feet;
Thence South 60°17'08" West 103.00 feet to a point of curvature;
Thence 19.37 feet along the arc of 533.00 foot radius curve to the left through a central angle 02°04'58" (Long Chord Bears North 28°40'24" West 19.37 feet) to a point of tangency;
Thence South 62°22'05" West 223.52 feet;
Thence South 37°56'56" West 254.19 feet;
Thence North 52°03'04" West 266.57 feet;
Thence North 46°19'06" West 223.74 feet;
Thence North 39°47'40" West 429.30 feet;
Thence North 47°20'29" East 170.06 feet to a point of curvature;
Thence 513.64 feet along the arc of a 755.00 foot radius curve to the right through a central angle 38°58'45" (Long Chord Bears North 66°49'51" East 503.79 feet) to a point of tangency;
Thence North 86°19'13" East 91.67 feet to a point of curvature;
Thence 31.42 feet along the arc of a 20.00 foot radius curve to the right through a central angle 90°00'00" (Long Chord Bears South 48°40'47" East 28.28 feet) to a point of tangency;
Thence North 86°19'13" East 66.00 feet to a point of curvature;
Thence 31.42 feet along the arc of a 20.00 foot radius curve to the right through a central angle 90°00'00" (Long Chord Bears North 41°19'13" East 28.28 feet) to a point of tangency;
Thence North 86°19'13" East 24.46 feet to a point of curvature;
Thence 544.61 feet along the arc of a 845.00 foot radius curve to the left through a central angle of 36°55'39" (Long Chord Bears North 67°51'24" East 535.23 feet) to the point of beginning.

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

B. Provide for the strengthening of the tax base and economic health of the entire community and the State of Utah.

C. Implement the tax increment financing provisions of the Act, which are incorporated herein by reference and made a part of this Plan.

D. Encourage economic use of and new construction upon the real property located within the Project Area.

E. Promote and market the Project Area for community development that would be complementary to existing businesses and industries or would enhance the economic base of the City through diversification.

F. Provide for compatible relationships among land uses and quality standards for development, such that the area functions as a unified and viable center of community activity for the City.

G. Remove any impediments to land disposition and development through assembly of land into reasonably sized and shaped parcels served by adequate public utilities and infrastructure improvements.

H. Achievement of an environment reflecting an appropriate level of concern for architectural, landscape and design principles, developed through encouragement, guidance, appropriate controls, and financial and professional assistance to owner participants and developers.

I. Provide for construction of public streets, utilities, curbs and sidewalks, other public rights-of-way, street lights, landscaped areas, public parking, water utilities, sewer utilities, storm drainage, parks and open space, and other public improvements.

J. Provide improved public streets and road access to the area to facilitate better traffic circulation and reduce traffic hazards by assisting in the street alignments.

Section 4. Project Area Plan Incorporated by Reference. The Project Area Plan, together with any supporting documents, is incorporated herein by 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. Findings. The 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 the City's general plan; the Plan provides that all development in the Project Area is to be in accordance with the City's zoning ordinances and requirements;
- E. Promote the public peace, health, safety and welfare of the 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:

“17C-4-201. Consent of a taxing entity or public entity to an agency receiving tax increment or sales tax funds for community development project. (1) An agency may negotiate with a taxing entity and public entity for the taxing entity's or public entity's consent to the agency receiving the entity's or public entity's tax increment or sales tax revenues, or both, for the purpose of providing funds to carry out a proposed or adopted community development project area plan. (2) The consent of a taxing entity or public entity under Subsection (1) may be expressed in:

- (a) a resolution adopted by the taxing entity or public entity; or
- (b) an interlocal agreement, under Title 11, Chapter 13, Interlocal Cooperation Act, between the taxing entity or public entity and the agency.

(3) A school district may consent to an agency receiving tax increment from the school district's basic levy only to the extent that the school district also consents to the agency receiving tax increment from the school district's local levy. (4) (a) A resolution or interlocal agreement under this section may be amended from time to time. (b) Each amendment of a resolution or interlocal agreement shall be subject to and receive the benefits of the provisions of this part to the same extent as if the amendment were an original resolution or interlocal agreement. (5) A taxing entity's or public entity's consent to an agency receiving funds under this section is not subject to the requirements of Section 10-8-2.”

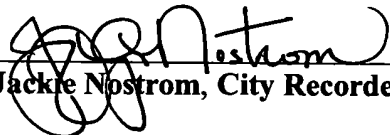
B. Except for grants, the particulars as to the amount and duration of funding for the Project Area shall be as provided for in the funding resolutions or interlocal agreements of taxing entities and public entities, unless another method is provided by law that the Agency deems more beneficial to the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

Section 8. Effective Date. This Ordinance shall take effect upon its first publication or posting.

PASSED and APPROVED by the Council this 13th day of April 2016.

HERRIMAN

ATTEST:


Jackie Nostrum, City Recorder

