

BOX ELDER COUNTY COMMISSION

04-079-0005

ORDINANCE NO. 253

AN ORDINANCE ADOPTING THE ECONOMIC DEVELOPMENT PLAN FOR THE AGRIBUSINESS ECONOMIC DEVELOPMENT PROJECT AREA AS THE OFFICIAL ECONOMIC DEVELOPMENT 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 Box Elder County Redevelopment Agency ("Agency"), in consultation with the Box Elder County Planning Commission and the Corinne City Planning Commission, has prepared an Economic Development Plan for the Agri-Business Economic Development Project Area (the "Proposed Economic Development Plan"); and

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

WHEREAS the County Commission has considered the Agency 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 its Report that the Agri-Business Economic Development Project Area (the "Project Area") meets the requirements of an economic development project area; and

WHEREAS the Box Elder County Commission ("Commission") concurs in the findings that the Project Area meets the requirements of an economic development project area; and

WHEREAS the Agency has recommended the adoption of the proposed Economic Development Plan with the modifications, if any, and the Agency has submitted the same to the Commission for its action; and

WHEREAS the Commission 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 Commission 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 Commission; and

WHEREAS the Commission has determined that the owners of less than forty percent (40%) of the area of the property included within the Project Area, excluding property owned by the public agencies or dedicated to public use, have objected in writing prior to or at the hearing; and

WHEREAS the Commission 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 Economic Development Plan is economically sound and feasible; and that a number of other appropriate reasons call for the adoption and implementation of the Official Economic Development Plan for the Agri-Business Economic Development Project Area;

NOW, THEREFORE, BE IT ORDAINED BY THE BOX ELDER COUNTY COMMISSION AS FOLLOWS:

SECTION 1 Legal Description

The Project Area comprises the entirety of Parcel No. 04-079-0005 of Section 36, Township 10 North, Range 3 West, Salt Lake Base and Meridian, more particularly described as follows:

<i>All of that part of the eastern half of Section 36, Township 10 North, Range 3 West, Salt</i>	<i>Lake Base and Meridian, as follows:</i>	<i>Beginning at the northwest corner of the northeast quarter of the Section, thence</i>
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east 33 feet, more or less, to the east boundary of the 4800 West street right of way;

Thence southerly 433.2 feet, more or less, along the east boundary of the 4800 West street right of way, to the true point of beginning;

Thence south 73 °29' east 622.65 feet, more or less, to

the western boundary of the O.S.L.R.R. right of way;

Thence southeasterly along the said western boundary of the O.S.L.R.R. right of way to the eastern boundary of the Section;

Thence south to the northern boundary of the State Highway 83 right of way;

Thence west-northwesterly to east boundary of the 4800 West right of way;

Thence northerly along the east boundary of the 4800 West right of way to the true point of beginning.

Containing 109.9 Acres

The Project Area lies east of 4800 West street, and between State Highway 83 and the railroad right-of-way west of State Highway 13. These boundaries are delineated on the Project Area map attached hereto as Exhibit "A."

SECTION 2 Purpose and Intent of the Box Elder County Commission

The purpose and intent of the Box Elder County Commission with respect to the Project Area are as follows:

- § 2.1 To facilitate new development of agriculturally based industrial and commercial concerns within the Project Area, thereby creating new jobs for the County, the City and the State.
- § 2.2 To encourage the use and beautification of the Project Area.
- § 2.3 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 Agri-Business Economic Development Project Area Plan*, as modified by the Commission to incorporate changes recommended by the Agency, if any, is hereby designated the *Official Agri-Business Economic Development Project Area Plan* (the "Official Plan").
- § 3.2 The Box Elder County Commission hereby officially approves of and adopts the said *Official Plan for the Agri-Business Economic Development Project Area*.
- § 3.3 The *Official Agri-Business Economic Development Project Area Plan*, incorporating those modifications to the Proposed Agri-Business Economic Development Project Area Plan recommended by the Agency and made by the Commission, and the final Report to accompany the Economic Development Plan for the Project Area, including the *Report and Recommendations* of the County (and, if they wish, the City) Planning Commission(s) on the proposed Economic Development Plan for the Project Area, are incorporated herein by this reference.

SECTION 4 Findings and Determinations of the Box Elder County Commission

The Commission hereby makes the following findings and determinations:

§ 4.1 Need to Effectuate a Public Purpose

As set forth in the Agency Report, adoption of the *Official Economic Development Plan* is needed in order to support the variety of public purposes identified therein. In particular, adoption of the *Official Economic Development Plan* will promote the creation of jobs for residents of Corinne City and Box Elder County, and will strengthen the tax base of both City and County, as well as that of other affected taxing entities.

§ 4.2 Assurance of Public Benefit

An analysis of the nature and scope of public benefits to be derived from adoption of the Official Economic Development Plan is set forth in the Agency Report. The County Commission hereby reaffirms the findings made therein. Moreover, the land within the Project Area will benefit from installation of improvements and infrastructure accompanying the planned development. The location of the Agri-Business facility in Corinne City, a focal location within Box Elder County, will make possible a significant increase in both tax base and additional jobs within both communities.

§ 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 enables the Agency to make financing alternatives available to developers and tenants of the Agri-Business Park, thereby providing necessary assistance for investment, economic development, and growth within the Project Area.
- § 4.32 It strengthens the economic bases of both Corinne City and Box Elder County.
- § 4.33 It will help attract desirable businesses to locate and expand within the Project Area and increase job opportunities for the City, the County, and the State.
- § 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

The adoption and carrying out of the Official Economic Development Plan is economically sound and feasible in that under Part VI of the Official Economic Development Plan, all actions and disbursements proposed pursuant to and in furtherance of the Official Economic Development Plan will proceed and be carried out only if and when financing becomes available. 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 Economic Development 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 Economic Development Plan* conforms to the provisions of the Corinne City General Plan, as noted in the *Report and Recommendations* of the Box Elder County Planning Commission (and, if submitted, the Corinne City Planning Commission) on the Proposed Agri-Business Economic Development Project Area Plan.

§ 4.6 Effects of Carrying Out the Official Economic Development Plan

The carrying out of the *Official Economic Development 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;
- § 4.64 The provision of enhanced parking, traffic circulation, 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 cannot make use of the power of eminent domain. Therefore, the inclusion of the power of eminent domain will not be allowed in the plan or this project area.

§ 4.8 Relocation

No residences exist within the Agri-Business Project Area, nor will eminent domain be permitted in the development thereof. Therefore, the relocation rules required under redevelopment are not necessary.

SECTION 5 Participation Rules

The *Official Economic Development Plan* shall operate subject to the Rules Governing Participation and Preferences by Owners, Operators of Businesses, and Tenants in the Agri-Business Economic Development Project Area, as adopted by resolution of the Box Elder County Redevelopment Agency and the Box Elder County Commission.

SECTION 6 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 Box Elder County Economic Development Agency shall be of the same individuals who constitute the legislative body of the Box Elder County Commission.

SECTION 7 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 County would normally provide in connection with a hearing on a proposed zoning change.

SECTION 8 Severability

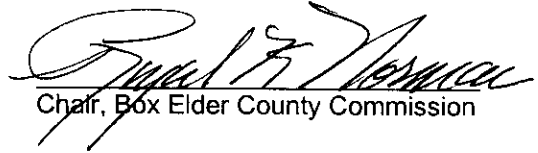
If any one or more provision, section, subsection, sentence, clause, phrase, or word of this Ordinance or the application thereof to any person, property or circumstance is found to be unconstitutional or otherwise contrary to law, the same is declared to be severable and the balance of this Ordinance 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.

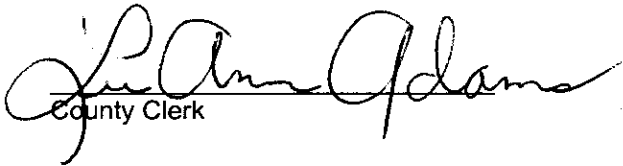
SECTION 9 Effective Date

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,


Chair, Box Elder County Commission

ATTEST:


County Clerk