

Clearfield City Corporation  
55 South State Street  
Clearfield, UT 84015

CLEARFIELD CITY COUNCIL

Clearfield City Recorder's Office  
55 South State Street  
Clearfield, Utah 84015

ORDINANCE NO. 95-11

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09-021-0053 + hrw 0056  
09-023-0009, 0036, 0037 +  
09-029-0001, 0002, 0003  
09-030-0001 + hrw 0001

**A ORDINANCE ADOPTING THE REDEVELOPMENT PLAN FOR THE CLEARFIELD ECONOMIC DEVELOPMENT PROJECT AREA AS THE OFFICIAL REDEVELOPMENT PLAN FOR THE PROJECT AREA.**

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 Clearfield City Redevelopment Agency ("Agency"), in consultation with the Clearfield Planning Commission (the "Planning Commission"), has prepared a Redevelopment Plan for the Cowley/Adams Economic Development Project Area (the "Proposed Redevelopment Plan");

WHEREAS, the Agency has caused to be prepared and has approved the Agency's Reports to Accompany the Redevelopment Plan for the Cowley/Adams Economic Development Project Area (the "Agency Report");

WHEREAS, the Planning Commission has been given the opportunity to participate in the development of the Proposed Redevelopment Plan;

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 Redevelopment Plan submitted to it at or prior to the Hearing;

WHEREAS, the Agency has determined in its Report that the Project Area meets the requirements of an economic development project area;

WHEREAS the Clearfield City Council ("City Council") concurs in the findings that the Project Area meets the requirements of an economic development project area;

WHEREAS, the Planning Commission and the Agency have recommended the adoption of the proposed Redevelopment Plan with the modifications, if any, that have been incorporated by the modification Resolution and the Agency has submitted the same to the City Council for its action;

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

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SHERYL L. WHITE, DAVIS CNTY RECORDER  
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REC'D FOR CLEARFIELD CITY

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 Redevelopment Plan as modified (the "Official Redevelopment Plan"), excluding property owned by the public agencies or dedicated to public use, made objections either oral or in writing prior to or at the hearing;

WHEREAS, the City Council finds and determines that the Official Redevelopment Plan would redevelop 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 Redevelopment Plan is economically sound and feasible; and that a number of other appropriate reasons call for the adoption and implementation of the Official Redevelopment Plan for the Cowley/Adams Economic Development Project Area (the "Redevelopment Project");

BE IT ORDAINED BY THE CITY COUNCIL OF CLEARFIELD, UTAH

SECTION 1 Adoption of the Plan

The Clearfield City Council hereby approves and adopts the Official Redevelopment Plan for the Cowley/Adams Economic development Project Area, which is the Proposed Redevelopment Plan as modified by the City Council to incorporate changes recommended by the Agency, if any.

SECTION 2 Legal Description

The legal description of the boundaries of the Cowley/Adams Economic Development Project Area ("Project Area") are as provided in Exhibit A to this resolution, which Exhibit A is attached hereto and incorporated herein by this reference.

SECTION 3 Purpose and Intent of The City's

The purpose and intent of Clearfield City, through its redevelopment agency, with respect to the Project Area are as follows:

- A. To reduce and eliminate existing conditions and to prevent further deterioration within the Project Area;
- B. To facilitate new development of types and quality desired by the community; thereby creating new jobs for the City, County and State.
- C. To encourage the businesses already located in the Project Area to renovate and beautify the area;

- D. 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 4 The Redevelopment Plan

The Official Redevelopment Plan, which incorporates modifications to the Proposed Redevelopment Plan recommended by the Agency made by the City Council, and the final Report to accompany the Redevelopment Plan for the Project Area, including the Report and Recommendations of the Clearfield Planning Commission on the proposed Redevelopment Plan for the Project Area, are incorporated herein by this reference.

SECTION 5 Designation of the Redevelopment Plan as the Official Redevelopment Plan for the Project Area

The proposed Redevelopment Plan as modified and approved by the Redevelopment Agency is hereby adopted and approved by the Clearfield City Council and is designated as the Official Redevelopment Plan for the Cowley/Adams Economic Development Project Area, (the "Official Redevelopment Plan").

SECTION 6 Findings and Determinations of the Clearfield City Council

The City Council hereby makes the following findings and determinations:

A. Conformity with Utah Neighborhood Development Act and Other Public Purposes.

The Official Redevelopment Plan will redevelop the Project Area in conformity with the Act, and in the interests of the public peace, health, safety and welfare in that:

1. It will enable the Agency to make financing alternatives available to parties electing to become participants in the Redevelopment Project and to developers, thereby providing necessary assistance for investment, redevelopment, rehabilitation, within the Project Area;
2. It will help to prevent erosion of the Clearfield City's economic base;
3. It will help attract desirable businesses to locate and expand within the Project Area; and increase job opportunities for the City, County and State.
4. It will facilitate revitalization and beautification of the Project Area;
5. It will enable the Agency to help meet some of the infrastructure needs of the City of Clearfield which are important for revitalization of the Project Area; and

6. It will contribute in a variety of other ways to the redevelopment of the Project Area in conformity with the Act, and to the furthering of the interests of public peace, health, safety and welfare.
- B. Feasibility. The adoption and carrying out of the Official Redevelopment Plan is economically sound and feasible in that the Official Redevelopment Plan will proceed and be carried out only if and when financing becomes available. The financing of projects is primarily based upon the willingness of public and private entities to invest and develop in the Project Area.
  - C. Conformity to Comprehensive Plan. The Official Redevelopment Plan conforms to the Clearfield City General Plan, as amended, as more particularly shown in the Agency and Planning Commission Reports.
  - D. Effects of Carrying Out the Redevelopment Plan. The carrying out of the Official Redevelopment 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:
    1. The elimination or reduction of conditions which may further erode the Project Area;
    2. Measures which will prevent further stagnation, deterioration, and/or fragmentation within the Project Area;
    3. The attraction of desirable businesses into the Project Area;
    4. The revitalization and beautification of the Project Area; and;
    5. Other measures which will promote the public peace, health, safety and welfare and which would be consistent with the purposes of the Act.
  - E. Eminent Domain. Under the requirements of the Utah Neighborhood Development Act, the Cowley/Adams 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 in the plan or this project area.
  - F. Relocation. Under the Plan, the Agency does not anticipate the need to relocate any families or persons from the area. However, the Agency has a feasible method or plan for the relocation of families and persons displaced from the Project Area if any, in the event that the Redevelopment Plan may result in the temporary or permanent displacement of any occupants of housing facilities in the Project Area, in that the Redevelopment Plan specifies that the Relocation Rules and Regulations for Implementation of the Utah Relocation Assistance Act for the Redevelopment Project Area ("Relocation Rules") shall govern relocation of persons, businesses, and other

SECTION 7 Availability of Replacement Housing

The Clearfield City Council is satisfied 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. Persons may not be displaced from property pursuant to the Official Redevelopment 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.

SECTION 8 Participation Rules

This Official Redevelopment Plan shall operate subject to the Rules Governing Participation and Preferences by Owners, Operators of Businesses, and Tenants in the Cowley/Adams Economic Development Project Area, as adopted by ordinance by the Clearfield City Council.

SECTION 9 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 Clearfield Redevelopment Agency shall be of the same individuals who constitute the legislative body of the City of Clearfield.

SECTION 10 Public Hearings

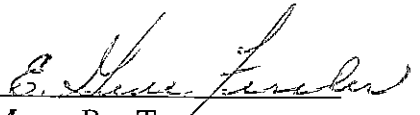
The Agency may hold a public hearing on any proposed development within the Project Area with respect to which the Agency proposes to enter into a legally binding agreement (e.g., a participation agreement or a development agreement) that will obligate the financial resources of the Agency, including but not limited to the tax increment financing. For any public hearing, the Agency may give such general public notice as the City would normally provided in connection with a hearing on a proposed zoning change by the Clearfield City Planning Commission. This notice shall be provided in the same manner that notice is given prior to making any zoning changes in the City.

SECTION 11 Severability

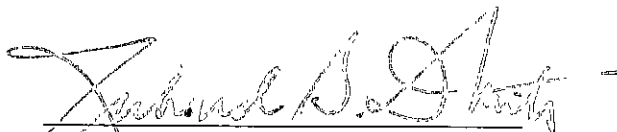
If any one or more provision, section, subsection, sentence, clause, phrase or word of this Ordinance or the application thereof to any person, property or circumstance is found to be unconstitutional or otherwise contrary to law, the same is declared to be severable and the balance of this Ordinance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

This Ordinance shall become effective on the 20th day of December, 1995, or if a summary of this Ordinance is required, on the date said summary of this Ordinance is posted or published.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CLEARFIELD CITY, UTAH this 20th day of December, 1995.

  
Mayor Pro-Temp

ATTEST:

  
City Recorder



A part of the North East & South East Quarters of Section 7 Township 4 North, Range 1 West, Salt Lake Base & Meridian, U.S. Survey:

Beginning at a point which is North 89°39'15" East 1321.41 feet and South 00°20'45" East 101.98 feet from the North Quarter of said Section 7 and running; thence North 89°56'57" East 1282.00 feet along the South right-of-way line of 700 South Street; thence South 00°00'54" East 3789.14 feet along the East boundary line of Clearfield City and the East right-of-way line of 2000 East Street; thence South 89°54'38" West 1303.68 feet along the North right-of-way line of 1450 South Street; thence running Northwesterly along the arc of a curve to the right with a radius of 468.47 feet for a distance of 449.75 feet (long chord bears North 62°35'09" West 432.68 feet); thence North 35°04'56" West 1279.22 feet; thence North 89°41'49" East 1134.02 feet; thence North 00°08'08" East 2538.01 feet to the point of beginning.

Property contains 131.70 acres, more or less

00-001 - 0053 thru 0056  
09-023- 0009, 0032, 0034  
09-299- 0001, 0002  
09-302- 0001 thru 0006