



W2548376

11-1

ORDINANCE NO. 2011-18

AN ORDINANCE OF THE COUNTY COMMISSION OF WEBER COUNTY, STATE OF UTAH, ADOPTING THE ECONOMIC DEVELOPMENT PROJECT AREA PLAN ENTITLED, "LITTLE MOUNTAIN ECONOMIC DEVELOPMENT PROJECT AREA PLAN"

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WEBER COUNTY, STATE OF UTAH AS FOLLOWS:

SECTION I. This Ordinance pertaining to the "Little Mountain Economic Development Project Area Plan" is hereby enacted to read as follows:

LITTLE MOUNTAIN ECONOMIC 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. Findings.
6. Acquisition of Property.
7. Tax Increment Financing.
8. Effective Date.


EN 2548376 PG 1 OF 7
ERNEST D ROWLEY, WEBER COUNTY RECORDER
03-NOV-11 343 PM FEE \$1.00 DEP TDT
REC FOR: WEBER CO REDEVELOPMENT AGENCY

Section 1. Adoption of Project Area Plan. The Redevelopment Agency of Weber County (the "Agency") on September 27, 2011 has adopted the Project Area Plan entitled, "Little Mountain Economic Development Project Area Plan" (the "Project Area Plan"). The Project Area Plan is hereby designated as the official economic development project area plan of the Little Mountain Economic Development Project Area. Weber County, after review of the Agency's findings, as set forth herein, hereby adopts by Ordinance the Project Area Plan pursuant to Section 17C-3-106 of the Utah Community Development and Renewal Agencies Act.

Section 2. Project Area Boundaries. The legal description of the boundaries of the Little Mountain Economic Development Project Area (the "Project Area") covered by the Project Area Plan is as follows, to-wit:

LITTLE MOUNTAIN ECONOMIC DEVELOPMENT PROJECT AREA:

The Little Mountain Economic Development Project Area referred to as the Economic Development Project Area or Project Area, is enclosed within the following boundaries:

PARCEL A: 10-041-0011 

PART OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 6 NORTH, RANGE 3 WEST, SALT LAKE MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 20; THENCE SOUTH ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, 425.58 FEET, THENCE EAST 25.00 FEET TO THE CENTERLINE OF AN EXISTING DRILL TRACK; THENCE IN A GENERAL SOUTHERLY DIRECTION ALONG SAID CENTERLINE AS FOLLOWS: SOUTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE NORTHEASTERLY (FROM A TANGENT BEARING SOUTH) HAVING A RADIUS OF 477.68 FEET, THROUGH A CENTRAL ANGLE OF 55D23'00", A DISTANCE OF 461.74 FEET, SOUTH 55D23'00" EAST, TANGENT TO SAID CURVE, 100.00 FEET, SOUTHEASTERLY ALONG THE ARC OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 477.68 FEET, THROUGH A CENTRAL ANGLE OF 55D23'00", A DISTANCE OF 461.74 FEET, SOUTH, TANGENT TO LAST SAID CURVE 46.51 FEET, THENCE SOUTH 5D43'29" EAST, 97.80 FEET, THENCE SOUTHEASTERLY ALONG THE ARC OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 545.87 FEET, THROUGH A CENTRAL ANGLE OF 71D11'58", A DISTANCE OF 678.33 FEET TO A POINT IN THE NORTHERLY LINE OF THE LAND (100 FEET WIDE) OF SOUTHERN PACIFIC TRANSPORTATION COMPANY THAT IS DISTANT THEREON SOUTH 89D21'31" EAST 950.41 FEET FROM THE WEST LINE OF THE EAST 1/2 OF SAID SECTION 20; THENCE SOUTH 89D21'31" EAST ALONG SAID NORTHERLY LINE 244.51 FEET, THENCE NORTH PARALLEL WITH SAID WEST LINE 1892.46 FEET TO THE SOUTH LINE OF 900 SOUTH STREET, THENCE WEST ALONG SAID SOUTH LINE 1195.00 FEET TO THE POINT OF BEGINNING.

RESERVING THEREFROM AN EASEMENT FOR RAILROAD TRANSPORTATION AND COMMUNICATION PURPOSES TOGETHER WITH THE RIGHT TO GRANT SAME TO OTHERS OVER THAT PORTION LYING WESTERLY OF A LINE THAT IS PARALLEL AND CONCENTRIC WITH AND 15.00 FEET EASTERLY OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT ON THE NORTHERLY LINE OF THE ABOVE DESCRIBED REAL PROPERTY THAT BEARS EAST 25.00 FEET FROM THE NORTHWEST CORNER THEREOF; THENCE SOUTH 425.50 FEET TO A POINT IN THE GENERAL WESTERLY BOUNDARY OF SAID REAL PROPERTY; THENCE SOUTHERLY ALONG SAID BOUNDARY FOLLOWING THE COURSES AND CURVATURES THEREOF TO THE NORTHERLY LINE OF THE LAND (100 FEET WIDE) OF SOUTHERN PACIFIC TRANSPORTATION COMPANY. THE EASTERLY SIDE LINE OF THE ABOVE DESCRIBED EASEMENT TERMINATES IN THE NORTHERLY AND SOUTHERLY LINES OF THE ABOVE DESCRIBED REAL PROPERTY. EXCEPTING THEREFROM THAT PORTION OF SAID PROPERTY LYING BELOW A DEPTH OF FIVE HUNDRED (500) FEET MEASURED VERTICALLY FROM THE CONTOUR OF THE SURFACE THEREOF; PROVIDED, HOWEVER, THAT GRANTOR, ITS SUCCESSORS AND ASSIGNS, SHALL NOT HAVE THE RIGHT FOR ANY PURPOSE WHATSOEVER TO ENTER UPON, INTO OR THROUGH THE SURFACE OF THE PROPERTY GRANTED HEREIN OR ANY PART THEREOF LYING BETWEEN SAID SURFACE AND FIVE HUNDRED (500) FEET

BELOW SAID SURFACE.

PARCEL B:

10-038-0014A

PART OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 6 NORTH, RANGE 3 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT WHICH IS 25 FEET NORTH 89D50' EAST AND NORTH 0D02'24" EAST 50 FEET FROM THE INTERSECTION OF THE CENTERLINE OF 900 SOUTH STREET (BEING THE SOUTH SECTION LINE OF SECTION 17) AND THE WEST LINE OF THE EAST 1/2 OF SECTION 17; RUNNING THENCE NORTH 89D50' EAST ALONG THE NORTH LINE OF 900 SOUTH STREET 949.8 FEET TO THE WESTERLY LINE OF 9300 WEST STREET; THENCE NORTH 0D02'24" EAST ALONG THE WESTERLY LINE OF 9300 WEST STREET 2219.25 FEET; THENCE SOUTH 89D50' WEST 949.80 FEET TO THE CENTERLINE OF EASEMENT AS DEEDED IN BOOK 1229, PAGE 641, PARCEL 1, SAID POINT BEING ON EAST LINE OF THE PROPERTY DEEDED TO THE WESTERN ZIRCONIUM INC IN BOOK 1265, PAGE 698; THENCE SOUTH 0D02'24" WEST ALONG SAID EASTERLY LINE 2219.25 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM: THE FOLLOWING DESCRIBED PARCEL: BEGINNING AT A POINT IN THE CENTER OF SPUR RAIL SAID POINT BEING 24.85 FEET NORTH 89D50' EAST ALONG THE SECTION LINE AND 1181.94 FEET NORTH 0D02'24" EAST FROM THE SOUTHWEST CORNER OF SAID QUARTER SECTION, RUNNING THENCE NORTH 0D02'24" EAST 255.62 FEET ALONG THE CENTERLINE OF SAID SPUR RAIL, THENCE NORTH 89D45'54" EAST 268.03 FEET TO AN EXISTING FENCE LINE EXTENDED, THENCE SOUTH 1D16'45" WEST 255.71 FEET ALONG SAID FENCE AND FENCE LINE EXTENDED THENCE SOUTH 89D45'54" WEST 262.50 FEET TO THE POINT OF BEGINNING.

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

1. Encourage and assist economic development in order for a public or private employer to create additional jobs within the state.
2. Provide for the strengthening of the tax base and economic health of the community and the State of Utah.
3. Implement the tax increment financing provisions of the Utah Community Development and Renewal Agencies Act and any successor law or act (the "Act") which are incorporated herein by reference and made a part of this Plan.
4. Encourage economic use of and new construction upon the real property located within the Project Area.
5. Promote and market the Project Area for economic development that would be complimentary to existing businesses and industries or would enhance the economic base of the County through diversification.

6. Provide for compatible relationships among land uses and quality standards for development, such that the area functions as a unified and viable center of economic activity for the County.
7. Removal of impediments to land disposition and development through assembly of land into reasonably sized and shaped parcels served by adequate public utilities and infrastructure improvements.
8. 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.
9. Provide for improvements to public streets, utilities, curbs and sidewalks, other public rights-of-way, street lights, landscaped areas, public parking, and other public improvements, give the area a new look and to attract business activity.
10. 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 and the implementation of County institutional controls and regulations to ensure management of any contaminated materials.

Section 4. Project Area Plan Incorporated by Reference. The Project Area Plan, together with 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 Weber County Recorder and the Redevelopment Agency for public inspection.

Section 5. Findings. The Redevelopment Agency of Weber County has determined and found as follows:

- A. There is a need to effectuate a public purpose, and implementation of the Project Area Plan would accomplish the public purposes set forth in the Act.
- B. There is a public benefit under the benefit analysis referred to in Exhibit "C" to the Project Area Plan and described in Subsection 17C-3-103(2) of the Act.
- C. It is economically sound and feasible to adopt and carry out the Project Area Plan.
- D. The Project Area Plan conforms to Weber County's general plan.
- E. The Project Area Plan would develop the Project Area in conformity with the Act, and carrying out the Project Area Plan will promote the public peace, health, safety and welfare of Weber County.

Section 6. Acquisition of Property. The Agency may 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. The Agency is authorized 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. Tax Increment 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 tax increment from the Project Area and that authorize the various uses of such tax increment by the Agency, and to the extent greater authorization for receipt of tax increment 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 tax increment as is authorized by law, whether by existing, amended or new provisions of law. This Ordinance also incorporates the specific provisions of tax increment financing permitted by Sections 17C-1-401 and 404 of the Act, which provide, in part, as follows:

- 401 “(1) An agency may receive and use tax increment and sales tax, as provided in this part.
(2)(a) The applicable length of time or number of years for which an agency is to be paid tax increment or sales tax under this part shall be measured:

(ii) for a post-June 30, 1993 urban renewal or economic development project area plan, from the first tax year for which the agency receives tax increment under the project area budget; . . .

(b) Tax increment may not be paid to an agency for a tax year prior to the tax year following:
(i) for an urban renewal or economic development project area plan, the effective date of the project area plan; . . .

(4) With the written consent of a taxing entity, an agency may be paid tax increment, from that taxing entity's tax revenues only, in a higher percentage or for a longer period of time, or both, than otherwise authorized under this title.
(5) Each county that collects property tax on property within a project area shall pay and distribute to the agency the tax increment that the agency is entitled to collect under this title, in the manner and at the time provided in Section 59-2-1365.”

B. Subject to modifications of the Act by amendments or by any successor act or law, the Project Area Plan incorporates the provisions of Section 17C-1-408(2)(a) of the Act, which states:

408(2) "(a) The amount of the base taxable value to be used in determining tax increment shall be:

(i) increased or decreased by the amount of an increase or decrease that results from:
(A) a statute enacted by the Utah State Legislature or by the people through an initiative;

(B) a judicial decision;

(C) an order from the Utah State Tax Commission to a county to adjust or factor its assessment rate under Subsection 59-2-704(2);

(D) a change in exemption provided in Utah Constitution, Article XIII, Section 2, or Section 59-2-103; or

(E) an increase or decrease in the percentage of fair market value, as defined under Section 59-2-102; and

(ii) reduced for any year to the extent necessary, even if below zero, to provide an agency with approximately the same amount of money the agency would have received without a reduction in the county's certified tax rate if:

(A) in that year there is a decrease in the county's certified tax rate under Subsection 59-2-924(2)(c) or (d)(i);

(B) the amount of the decrease is more than 20% of the county's certified tax rate of the previous year; and

(C) the decrease would result in a reduction of the amount of tax increment to be paid to the agency.

(b) Notwithstanding an increase or decrease under Subsection (a), the amount of tax increment paid to an agency each year for payment of bonds or other indebtedness may not be less than would have been paid to the agency each year if there had been no increase or decrease under Subsection (a)."

C. The Project Area Plan specifically incorporates the provisions of Section 17C-1-407(2)(a) of the Act as follows:

407 "(2) (a) An agency may not be paid any portion of a taxing entity's taxes resulting from an increase in the taxing entity's rate that occurs after the taxing entity committee approves the Project Area Budget unless, at the time the taxing entity committee approves the Project Area Budget, the taxing entity committee approves payment of those increased taxes to the agency."

D. As shown in the Project Area Budget, the Agency, for a period not to exceed five (5) years, has elected to receive from the Project Area 70% of the tax increment monies attributable to the levies of taxing entities during the five (5) year period, with no maximum dollar amount or cap.

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

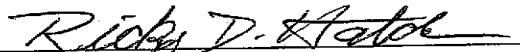
PASSED, APPROVED and ADOPTED by the County Commission of Weber County, State of Utah, this 1st day of November, 2011.

WEBER COUNTY COMMISSION


By: Jan Zogmaister, Chair

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| Commissioner Dearden voted | <u>aye</u> |
| Commissioner Gibson voted | <u>aye</u> |
| Commissioner Zogmaister voted | <u>aye</u> |

ATTEST:


Ricky D. Hatch
Weber County Recorder