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No. 370181

RECORDED AT THE REQUEST OF
Tooele City Corp.
DATE OCT 31 1985 TIME 9:35 a.m.
BOOK 234 OF RECORDS PAGE 256
DONNA S. MCKENDRICK TOOELE COUNTY RECORDER
Tooele County Recorder
DONNA S. MCKENDRICK

ORDINANCE
85- 11

AN ORDINANCE DESIGNATING AND ADOPTING A NEIGHBORHOOD DEVELOPMENT PLAN ENTITLED "TOOELE NEIGHBORHOOD DEVELOPMENT PLAN AND REPORT", DATED THE 31st DAY OF JULY, 1985

WHEREAS, the "Tooele Central Business District Neighborhood Development Plan", dated July 31, 1985, is hereby designated as the official redevelopment plan of the project area and report; and,

WHEREAS, the legal description of the boundaries of the project area covered by the redevelopment plan entitled, "Tooele Central Business District Neighborhood Development Plan", dated July 31, 1985, is as follows:

- ✓ All of Block 2. Excepting the East 177.96 feet of Lots 1 and 2 thereof.
- ✓ Block 3: the North 49.5 feet of Lot 5 and Lots 7 and 8; the South 72.5 feet of Lot 3; and the East 99 feet of the North 33 feet of Lot 2.
- ✓ Block 4: the North 55 feet of the East 201.96 feet of Lot 6 and the East 201.96 feet of Lots 6 and 7 and the South 61.875 feet of the West 132 feet of Lot 7.
- ✓ Block 6: Excepting the Bevan property in Lots 2, 3 and 4 and the North 36 feet of Lot 8 and Lots 9 and 10 and the West 100 feet of Lots 14 and 15 and the East 63.5 feet of the South 60 feet of Lot 1.

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✓ Block 7: Excepting the West 100 feet of the South 34.5 feet of Lot 1.

Block 11: Lots 8 and 9 and the beginning at the Southeast corner of Lot 10 of said Block 11, running thence West 333.96 feet to the East line of the alley; thence North 62.5 feet; thence South 87°37' East 218.645 feet; thence East 115.5 feet; thence South 53.5 feet to the point of beginning.

✓ Block 14: the North 49.5 feet of Lots 2, 3 and 4. Excepting the East 187.96 feet of the North 78 feet of said Lot 4.

✓ All of Block 15.

✓ Block 28: excepting the North 110 feet of Lots 2 and 3.

✓ Block 29: Lot 4 and the North 44 feet of the South 69 feet of Lot 2 and the East 165 feet of the South 25 feet of Lot 2 and the North 25 feet of the East 165 feet of Lot 1.

✓ All of block 67.

Also the following property situated in the Northeast quarter of Section 21, Township 3 South, Range 4 West, Salt Lake Base and Meridian:

Beginning at the North quarter corner of said Section 21, running thence East 1155 feet to the West line of Highway U-36; thence South 792.26 feet along said right of way line thence West 1155 feet to the quarter Section line; thence North 792.26 feet to the point of beginning. Also

Beginning 1373.26 feet South and 770.88 feet East of the North quarter corner of said Section 21, running thence East 383.46 feet to the West line of Highway U-36; thence South 900.5 feet along said right of way line; thence West 208.96 feet; thence North 290 feet; thence West 125 feet; thence North 410.5 feet; thence West 49.5 feet; thence North 200 feet to the point of beginning. Also

Beginning 33 feet South and 1336.5 feet West of the Northeast corner of said Section 21, said point being on the East line of Highway U-36 and the South line of a County road; running thence East 297 feet; thence South 330 feet; thence East 288.653 feet; thence South 650 feet; thence West 294.03 feet; thence South 291.05 feet; thence West 20 feet; thence South 200 feet; thence East 30 feet, more or less; thence South 225 feet to the Southeast corner of the Sinclair property; thence East 1034.87 feet to the Section line; thence South 910 feet to the East quarter corner of said Section 21; thence West 1354.84 feet to the East line of said Highway U-36; thence North along said right of way line 2610 feet to the point of beginning.

WHEREAS, the purposes and intent of the City Council of Tooele, Utah, with respect to the project area is to accomplish the following purposes by adoption of the redevelopment plan entitled, "Tooele Central Business District Neighborhood Development Plan and Report", dated July 31, 1985.

a. Removal of structurally substandard buildings to permit the return of the project area land to economic use and new construction.

b. Removal of impediments to land disposition and development through assembly of land into reasonably sized and shaped parcels served by improved public utilities and community facilities.

c. Rehabilitation of buildings to assure sound long term economic activity in the core area of the City of Tooele.

d. The elimination of environmental deficiencies,

including among others, small and irregular lot subdivisions, overcrowding of the land and inadequate off-street parking.

e. Achievement of an environment reflecting a high level of concern for architectural and urban design principles developed through encouragement, guidance, appropriate controls and professional assistance to owner participants and redevelopers.

f. Implement the tax increment financing provisions of the Utah Neighborhood Development Act, which is incorporated herein by reference and made a part of this Ordinance.

g. The strengthening of the tax base and economic health of the entire community and of the State of Utah.

h. Provisions for improvements to public streets, curbs and sidewalks, other public rights-of-way, street lights, landscaped areas, public parking and other public improvements; and,

WHEREAS, the redevelopment plan entitled, "Tooele Central Business District Neighborhood Development Plan", dated July 31, 1985, and the report, is incorporated herein by reference and made a part of this Ordinance. Three (3) copies of said plan shall be filed and maintained in the office of the City Recorder for public inspection; and,

WHEREAS, the City Council of Tooele, Utah, hereby

determines and finds as follows:

a. The project area comprising the major portion of the commercial area of the City of Tooele as above described is a "blighted area" as defined in Section 11-19-2, Utah Code Annotated (1953, as amended), and that the redevelopment of said area is necessary to effectuate the public purposes set forth in the Utah Neighborhood Development Act and public purposes intended by the establishment of the Redevelopment Agency of the City of Tooele.

b. The redevelopment plan would redevelop the above-described area in conformity with the Utah Neighborhood Development Act and is in the best interests of the public peace, health, safety and welfare of the area and the community.

c. The adoption and carrying out of the plan is feasible and economically sound.

d. The redevelopment plan conforms to and is compatible with the master plan of the City of Tooele, Utah.

e. The carrying out of the redevelopment plan will promote the public peace, health, safety and welfare of the community and will effectuate the purposes and policy of the Utah Neighborhood Development Act.

f. The condemnation of the real property, if and as provided for in the redevelopment plan, is necessary to the

execution of the redevelopment plan and adequate provisions have been made for the payment of said property to be acquired as required by law.

g. The Redevelopment Agency of the City of Tooele has a feasible plan for the relocation of persons, if any, to be temporarily or permanently displaced from housing facilities in the project area.

h. Persons displaced from the project area, if any, are able to find or will be able to find either in the project area or in areas not generally less desirable in regard to public utilities and public and commercial facilities, and at rents or prices within their financial means and available to them, decent, safe and sanitary dwellings equal in number to the number of dwellings displaced and reasonably accessible to their places of employment; and,

WHEREAS, the City Council of the City of Tooele is satisfied that permanent housing facilities will be available within three (3) years from the time occupants of the project area, if any, are displaced, and that pending the development of such facilities, temporary housing at comparable rents to those existing at the time of the displacement will be available in the general area; and,

WHEREAS, this Ordinance adopting the redevelopment plan

entitled, "Tooele Central Business District Neighborhood Development Plan", dated July 31, 1985, incorporates the provisions of tax increment financing permitted by the Utah Neighborhood Development Act and specifically Section 11-19-29, Utah Code Annotated (1953, as amended), which provides as follows:

a. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in a redevelopment project each year by or for the benefit of the State of Utah, any city, county, city and county, district or other public corporation [hereinafter sometimes called "Taxing Agencies"] after the effective date of the Ordinance approving the redevelopment plan shall be divided as follows:

- (1) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such Ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for said

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taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment project on the effective date of such Ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the county last equalized on the effective date of the Ordinance shall be used in determining the assessed valuation of the taxable property in the project on the effective date); and,

- (2) In a redevelopment project with a redevelopment plan adopted after April, 1983, that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under subsection (1) shall be allocated to and when collected shall be paid into a special fund of the redevelopment agency according to the limits set forth in subsection (3) to pay the principal and interest on loans, money advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) included in such redevelopment

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agency after April 1, 1983, to finance or
refinance, in whole or in part, such
redevelopment.

Payment of tax revenues to the redevelopment
agency shall be subject to and shall except
uncollected or delinquent taxes in the same manner
as payments of taxes to other taxing agencies are
subject to collection. Unless and until the total
assessed valuation of the taxable property in a
redevelopment project exceeds the total assessed
value of the taxable property in such project as
shown by the last equalized assessment roll
referred to in subsection (a)(1) of this section,
all of the taxes levied and collected upon the
taxable property in such redevelopment project
shall be paid into the funds of the respective
taxing agencies. When such loans, advances and
indebtedness, if any, and interest thereon, have
been paid, taxable property in such redevelopment
project shall be paid into the funds of the
respective taxing agencies as taxes on all other
property are paid.

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(3) For purposes of subsection (2) the maximum amounts which shall be allocated to and when collected shall be paid into the special fund of the redevelopment agency may not exceed the following percentages:

(i) For a period of the first five (5) tax years commencing from the first tax year a redevelopment agency accepts an amount allocated to and when collected paid into a special fund of the redevelopment agency to pay the principal of and interest on loans, money advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) which loans, advances, or indebtedness are incurred by such redevelopment agency after April 1, 1983, one hundred percent (100%) of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under subsection (1);

(ii) For a period of the next five (5) years, eighty percent (80%) of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective

taxing agencies under subsection (1).

(iii) For a period of the next five (5) years, seventy five percent (75%) of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under subsection (1);

(iv) For a period of the next five (5) years, seventy percent (70%) of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under subsection (1);

(v) For a period of the next five (5) tax years, sixty percent (60%) of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under subsection (1).

- (4) Nothing contained in subsection (a)(2), and (a)(3) shall prevent an agency from receiving a greater percentage than those set forth in subsection (a)(3) of the levied taxes of any local taxing agency each year in excess of the amount allocated

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to and when collected paid into the funds of the respective local taxing agency if the governing body of such local taxing agency consents in writing.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOOELE, that due to the peace, health and welfare of the citizens of Tooele City that this Ordinance take effect immediately upon passage.

DATED this 31st day of August, 1985.

TOOELE CITY COUNCIL

[For]

[Against]

<u><i>J. David Faddis</i></u>	_____
<u><i>Michael J. Smith</i></u>	_____
<u><i>Quincey S. De La Mare</i></u>	_____
<u><i>Donald E. Peterson</i></u>	_____
<u><i>Robert J. Johnson</i></u>	_____

MAYOR OF TOOELE CITY

[For]

[Against]

<u><i>George W. Dull</i></u>	_____
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ABSTAINING

Effective Date: 8-31-85

Approved as to Form: *Donna G. Draughon*
Donna G. Draughon, Tooele City Attorney

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TOOELE CITY CORPORATION

90 NORTH MAIN

TOOELE, UTAH
84074

PHONE 882-0110

I, Patrick H. Dunlavy, Recorder of Tooele City Corporation, do hereby certify that the foregoing copy of Ordinance 85-11, an Ordinance designating and adopting a Neighborhood Development plan entitled "Tooele Neighborhoods Development Plan and Report", Dated the 31st Day of July, 1985 has been compared by me with the original thereof, now of record in my office, and that the same is a full, true and correct transcript there from and of the whole of said original, as the same appears of record in my office and is in my custody.

IN WHINESS WHEREOF, I have herunto set my hand an official seal the 29th day of October, 1985.



Patrick H. Dunlavy

PATRICK H. DUNLAVY, City Recorder