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Date DEC 21 1981 at 10:30 AM CAROL DEAN PAGE Recorder Davis County  
By Janet Ann Swanson Deputy Book 889 Page 229

ORDINANCE  
NO. 242

606705

AN ORDINANCE ADOPTING THE REDEVELOPMENT PLAN FOR THE KAYSVILLE DOWNTOWN REDEVELOPMENT PROJECT (AS MODIFIED BY THE KAYSVILLE REDEVELOPMENT AGENCY ON DECEMBER 15, 1981) AS THE OFFICIAL REDEVELOPMENT PLAN FOR THE KAYSVILLE DOWNTOWN REDEVELOPMENT PROJECT AREA.

WHEREAS both the Kaysville Redevelopment Agency ("Agency") and the Kaysville Planning Commission ("Planning Commission") have determined in their respective reports prepared in connection with the Proposed Redevelopment Plan for the Kaysville Downtown Redevelopment Project ("Proposed Redevelopment Plan") that conditions of age, obsolescence, deterioration, dilapidation, economic deterioration and stagnation and other similar indications of blight exist within the Redevelopment Project Area selected by the Agency (the "Project Area");

WHEREAS the Kaysville City Council ("City Council") concurs in the findings of the Agency and the Planning Commission that the Project Area is a blighted area;

WHEREAS the Agency in consultation with the Planning Commission has caused the Proposed Redevelopment Plan for the Kaysville Downtown Redevelopment Project to be prepared;

WHEREAS the Planning Commission and the Redevelopment Agency have recommended the adoption of the Proposed Redevelopment Plan;

WHEREAS a duly noticed joint public hearing on the Proposed Redevelopment Plan was held by the Agency and the City Council on December 10, 1981 and continued on December 15, 1981 (the "Hearing");

WHEREAS the City Council has considered the Agency's Report to Accompany the Kaysville Downtown Redevelopment Plan ("Agency Report"), including the Report and Recommendations of the Kaysville Planning Commission on the Proposed Redevelopment Plan for the Kaysville Downtown Redevelopment Project ("Planning Commission Report"), everything contained in the record of the Hearing and all evidence and testimony for or against the adoption of the Proposed Redevelopment Plan submitted to it at or prior to the Hearing;

WHEREAS the Planning Commission, Agency staff and consultants, and certain Kaysville citizens have recommended various modifications of the Redevelopment Plan, many of which have been incorporated into the Redevelopment Plan by the Agency's Resolution No. 11 of December 15, 1981 modifying the Proposed Redevelopment Plan;

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WHEREAS the Agency has approved and adopted the Redevelopment Plan for the Kaysville Downtown Redevelopment Project as modified on December 15, 1981 (the "Redevelopment Plan") by its Resolution No. 13, also dated December 15, 1981, and has submitted the Redevelopment Plan to the Kaysville City Council;

WHEREAS the City Council concurs in the modifications made by the Agency and has overruled all objections to the adoption of the Proposed Redevelopment Plan and/or the 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 made by the Agency in its Resolution No. 11 of December 15, 1981;

WHEREAS the City Council has determined that the owners of a majority of the area of the property included within the Project Area proposed in the Redevelopment Plan, excluding property owned by public agencies or dedicated to public use, either have not objected in writing to the adoption of the Redevelopment Plan, or, because objections were withdrawn at or prior to the Hearing, did not object in writing as of the end of the Hearing; and

WHEREAS the City Council finds and determines that the Redevelopment Plan would redevelop the Redevelopment 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 Redevelopment Plan is economically sound and feasible; and that a number of other appropriate reasons call for the adoption and implementation of the Redevelopment Plan;

BE IT ORDAINED BY THE CITY COUNCIL OF KAYSVILLE CITY:

SECTION 100 Adoption of the Plan

The Kaysville City Council hereby approves and adopts the Redevelopment Plan for the Kaysville Downtown Redevelopment Project as modified by Resolution No. 11 of the Agency on December 15, 1981.

SECTION 200 Legal Description

The legal description of the boundaries of the Kaysville Downtown Redevelopment Project Area ("Project Area") is as follows:

Commencing at the Northwest corner of Block 29, Plat "A", Kaysville Townsite located in Section 34, T4N, R1W, SLM; thence South along the East boundary of 100 East Street to the intersection of the South boundary of Center Street, a distance of 1,161.60 feet; thence West along the South boundary of said Center Street to the center of Block 6 Plat "A", Kaysville Townsite, a distance of 330 feet; thence South through the middle of said Block 6 to the intersection of the South boundary of 100 South Street, a distance of 594 feet; thence West along the South boundary of said 100 South Street, a distance of 496 feet; thence North, a distance of 198 feet; thence East a distance of 32 feet; thence North, a distance of 132 feet; thence West, a distance of 25 feet; thence North, a distance of 132 feet; thence West, a distance of 7 feet; thence North to the intersection of the South boundary of Center Street, a distance of 132 feet; thence East along the South boundary of said Center Street, a distance of 31.18 feet; thence North to the intersection of the South boundary of 100 North Street, a distance of 580.80 feet; thence West along the South boundary of said 100 North Street to the Northeast corner of Block 17, Plat "A", Kaysville Townsite, a distance of 229.18 feet; thence North along the West boundary of 100 West Street, a distance of 257.4 feet; thence East to the East boundary of said 100 West Street a distance of 66 feet; thence North along the East boundary of said 100 West Street a distance of 66 feet; thence East to the intersection of the West boundary of Main Street, a distance of 264 feet; thence North along the West boundary of said Main Street, a distance of 96.7 feet; thence West, a distance of 138 feet; thence North, a distance of 43.3 feet; thence West to the intersection of the West boundary of 100 West Street, a distance of 204 feet; thence South along the West boundary of said 100 West Street to the middle of Block 32, Plat "A", Kaysville Townsite, a distance of 140 feet; thence West to the West boundary of Block 35, Plat "A", Kaysville Townsite, a distance of 1918.80 feet; thence North along the West boundary of said Block 35 to the intersection of the North boundary of 200 North Street, a distance of 357.4 feet; thence East along the North boundary of said 200 North Street to the intersection of the West boundary of 400 West Street, a distance of 164 feet more or less; thence North along the West boundary of said 400 West Street to the intersection of the Southerly boundary of Utah State Highway 106, a distance of 1174.4 feet; thence in a Northeasterly direction to a point on the Northerly boundary of said State Highway 106 where the Highway changes bearing, a distance of 110 feet more or less; thence in a Southeasterly direction along the Northerly boundary of said State Highway 106, a distance of 103.6 feet; thence North 28°10' East, a distance of 364 feet; thence North 59°27' West, a distance of 90 feet; thence North 66°45' East, a distance of 150 feet; thence North 18°45' East, a distance of 127 feet; thence North 0°30' East, a distance of 99.03 feet; thence South 70°39'50" East, a distance of 5.45 feet; thence North 0°30' East, a distance of 100.85 feet; thence North 43°55' East, a distance of 217.44 feet; thence North 71°02' East, a distance of 238.7 feet; thence South 62°01' East, a distance of 105.6 feet; thence South 43°14' East to the Southerly boundary of 600 North Street, a distance of 167.82 feet; thence South 46°46' West along the Southerly boundary of said 600 North Street, a distance of 260 feet; thence South 43°14' East, a distance of 711.56 feet; thence North 43°35' East, a distance of 260.41 feet; thence South 43°14' East, a distance of 743.08 feet; thence North

68°42' East, to the intersection of the Easterly boundary of 30 West Street, a distance of 136.60 feet; thence South 34°10'30" East along the Easterly right-of-way of said 30 West Street to the intersection of the Northerly boundary of Crestwood Road, a distance of 394.86 feet; thence North 67°25' East along the Northerly boundary of said Crestwood Road to the intersection of the East boundary of Fairfield Road a distance of 531.78 feet; thence South 17°14' East a distance of 66 feet; thence along the arc of a curve having a radius of 858.5 feet along the Easterly boundary of said Fairfield Road a distance of 263.59 feet; thence South 0°34'04" West to the intersection of the South boundary of 200 North Street, a distance of 692.4 feet; thence West along the South boundary of said 200 North Street to the intersection of the East boundary of 100 East Street a distance of 160 feet more or less, to the point of beginning.

**SECTION 300 Purposes and Intent of City Council**

The purposes and intent of the City Council with respect to the Project Area are as follows:

- A. [§ 310] To reduce and eliminate existing blight and to prevent further deterioration within the Project Area;
- B. [§ 320] To revitalize the core of downtown Kaysville;
- C. [§ 330] To establish a neighborhood retail center and/or a community retail center, thereby attracting increased retail business and office space uses into the Project Area;
- D. [§ 340] To rehabilitate and modernize structures along the west side of Main Street;
- E. [§ 350] To avoid fragmentation of land uses; and/or
- F. [§ 360] 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 preventing further deterioration within that Area.

SECTION 400 The Redevelopment Plan

The Redevelopment Plan as modified by resolutions of the Agency and the City Council on December 15, 1981 (the "Redevelopment Plan") and the Report to Accompany the Kaysville Downtown Redevelopment Plan, including the Report and Recommendations of the Kaysville Planning Commission on the Proposed Redevelopment Plan for the Kaysville Downtown Redevelopment Project, are incorporated herein by this reference.

SECTION 500 Designation of the Redevelopment Plan as the Official Redevelopment Plan for the Project Area

The Redevelopment Plan which has been approved by the Agency is hereby adopted and approved by the City Council and designated as the official redevelopment plan of the Kaysville Downtown Redevelopment Project Area.

SECTION 600 Findings and Determinations of the City Council

The City Council hereby makes the following findings and determinations:

- A. [§ 610] Blight. The Project Area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes of the Utah Neighborhood Development Act, as amended (Utah Code Ann. §11-19-1 et seq.) in view of the various existing conditions outlined in the Agency's Report to Accompany the Kaysville Downtown Redevelopment Plan (the "Agency Report") which is incorporated herein by this reference. Nothing herein shall be construed to imply that the Agency Report exhaustively describes all the conditions of blight within the Project Area.
- B. [§ 620] Conformity with Utah Neighborhood Development Act and Other Public Purposes. The Redevelopment Plan would redevelop the Kaysville Downtown Redevelopment Project Area in conformity with the Utah Neighborhood Development Act, as amended (Utah Code Annotated §11-19-1 et seq.) and in the interests of the public peace, health safety and welfare in that:

1. [§ 621] It would enable the Agency to make financing alternatives available to parties electing to become participants in the Redevelopment Project and to private developers, thereby providing additional stimulus to investment, redevelopment, rehabilitation, and the elimination of blight within the Project Area;
  2. [§ 622] It would help to prevent erosion of Kaysville's economic base;
  3. [§ 623] It would help to prevent fragmentation of commercial land uses within the Project Area;
  4. [§ 624] It would help to create a buffer zone around Kaysville's original core residential area west of Main Street, thereby helping to prevent further deterioration in that area;
  5. [§ 625] It would facilitate revitalization and beautification of the Project Area; and
  6. [§ 626] It would contribute in a variety of other ways to the redevelopment of the Project Area in conformity with the Utah Neighborhood Development Act, as amended, and to furthering the interests of public peace, health, safety and welfare.
- C. [§ 630] Feasibility. The adoption and carrying out of the Redevelopment Plan is economically sound and feasible in that under Section 601 of the Redevelopment Plan, redevelopment projects under the Plan which form parts of the overall Redevelopment Project contemplated by the Plan "will proceed and be carried out only if and when financing becomes available, based upon the willingness of public and private entities to invest and develop in the Project Area."
- D. [§ 640] Conformity to Comprehensive Plan. The Redevelopment Plan conforms to the Kaysville City Comprehensive Plan.

- E. [§ 650] Effects of Carrying out the Redevelopment Plan. The carrying out of the Redevelopment Plan would promote the public peace, health, safety, and welfare of the community and would effectuate the purposes and policy of the Utah Neighborhood Development Act as amended, in that it would promote and facilitate:
1. [§ 651] The elimination or reduction of blight in the Project Area;
  2. [§ 652] Measures which would prevent further stagnation, deterioration, and/or fragmentation within the Project Area;
  3. [§ 653] The revitalization of the Project Area; and
  4. [§ 654] Other measures which would promote the public peace, health, safety, and welfare and which would be consistent with the purposes of the Utah Neighborhood Development Act, as amended.
- F. [§ 660] Eminent Domain. The condemnation of real property is authorized pursuant to §303 of the Redevelopment Plan. If it becomes necessary to exercise this power in the execution of the Redevelopment Plan, it may be used only if adequate provisions have been made for payment for property to be acquired as required by law.
- G. [§ 670] Relocation. The Agency has a feasible method of plan for the relocation of families and persons displaced from the Project Area, to the extent that the Redevelopment Plan may result in the temporary or permanent displacement of any occupants of housing facilities in the Project Area, in that §312 of the Redevelopment Plan specifies that the Relocation Rules and Regulations for Implementation of the Utah Relocation Assistance Act for the Kaysville Downtown Redevelopment Project ("Relocation Rules") shall govern relocation of persons, businesses, and other entities displaced by Agency action. §500 of the Relocation Rules in turn specifies that "[n]o person shall be required to move from his dwelling on account of any project of the Agency, unless the Agency Governing Board is satisfied that replacement housing is available to this person." That is, unless a feasible method or plan for relocation exists, execution of the Redevelopment Plan cannot go forward. Moreover as indicated in Section IV of the Agency Report, it is not expected that any extensive problems of this nature will be encountered.

- H. [\$ 680] Relocation Dwellings. The Relocation Rules which govern relocation of persons displaced from the Project Area under the Redevelopment Plan as indicated in §670 hereof, also provide in §500 thereof that "[n]o person shall be required to move or be relocated from land used as his residence and acquired under any of the condemnation or eminent domain laws of this state until he has been offered a comparable replacement dwelling adequate to accommodate this person, reasonably accessible to public services and places of employment, and available on the private market." Thus, there are or will be provided in the Project Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons displaced from the Project Area, decent, safe, and sanitary dwellings equal in number to the number of and available to such families and persons as may be displaced by the Redevelopment Plan and reasonably accessible to their place of employment.

SECTION 700 Availability of Replacement Housing

The Relocation Rules, which govern relocation of persons displaced from the Project Area under the Redevelopment Plan as indicated in §670 hereof, provide in §500 thereof that "[n]o person shall be required to move from his dwelling on account of any project of the Agency, unless the Agency Governing Board is satisfied that replacement housing is available to this person." Since a project cannot go forward unless this conditions is met, the Kaysville 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.



SECTION 800 Effective Date

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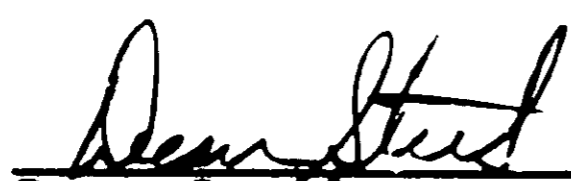
This Ordinance shall become effective 20 days after publication or posting, or on December 30, 1981, whichever is sooner.

PASSED AND ADOPTED BY THE CITY COUNCIL OF KAYSVILLE, UTAH  
this 15<sup>th</sup> day of December, 1981.



Gary T. Elison  
Mayor

ATTEST:



Dean Steel  
City Recorder

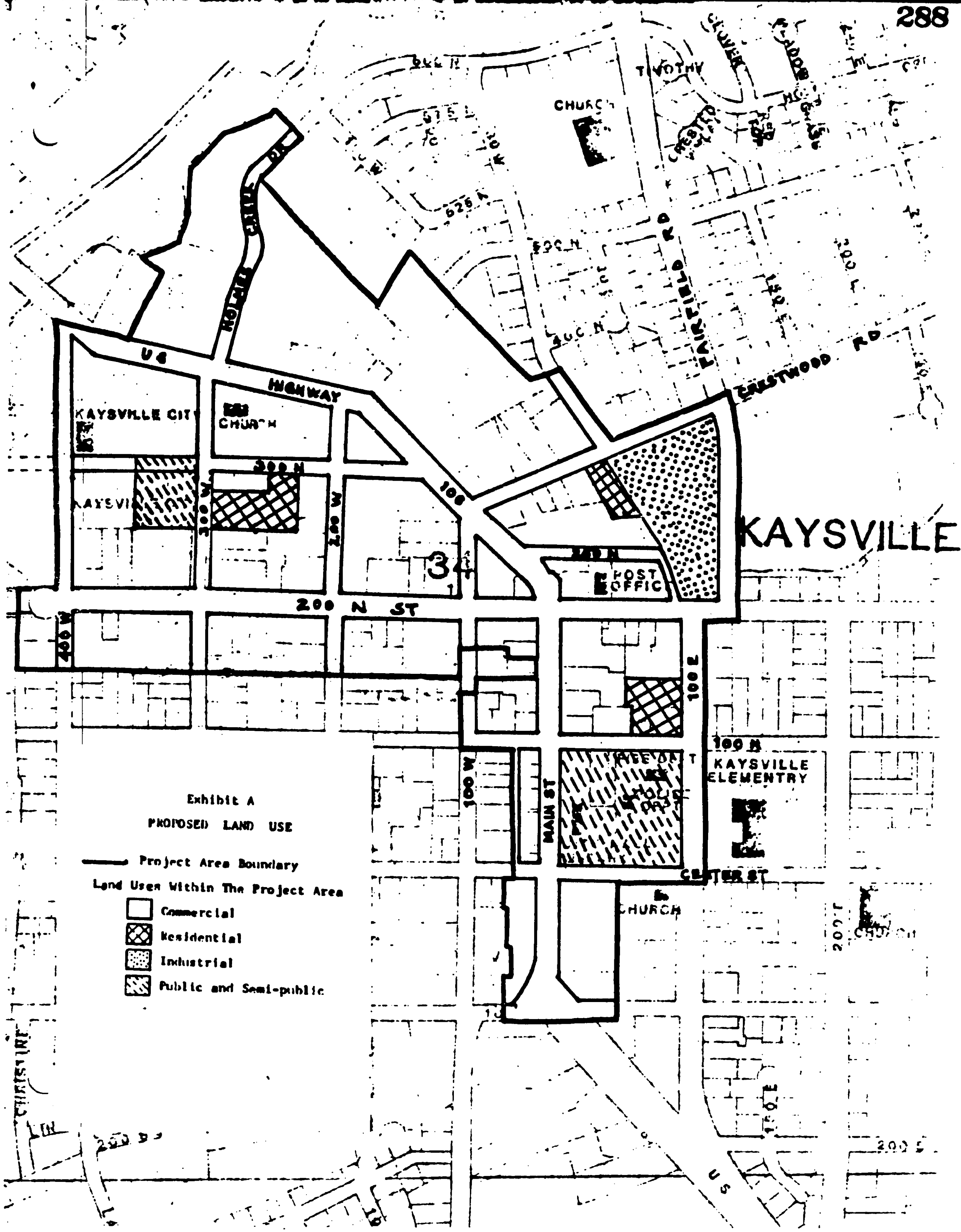


Exhibit A  
 PROPOSED LAND USE

— Project Area Boundary

Land Uses Within The Project Area

- Commercial
- ▨ Residential
- ▤ Industrial
- ▧ Public and Semi-public