

ENT 522669 Bk 449 Pg 805
DATE 12-MAY-1989 1:54PM FEE 0.00
MICHAEL L GLEED, RECORDER
** CACHE COUNTY, UTAH ** RECORDED BY MG
FOR CITY OF LOGAN

89-11

ORDINANCE AMENDING THE REVISED ORDINANCES OF LOGAN CITY, UTAH, 1969
BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, STATE
OF UTAH, AS FOLLOWS:

SECTION 1: Section 3-6-5, Logan River Redevelopment Plan, is
hereby added to the Revised Ordinances of Logan City, Utah, 1969 to read
as follows:

3-6-5. Logan River Redevelopment Plan.

(a) General Findings.

- (1) Whereas both the Logan Redevelopment Agency ("Agency") and the Logan Planning Commission ("Planning Commission") have determined in their respective reports prepared in connection with the Proposed Redevelopment Plan for the Logan River 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");
- (2) Whereas the Logan Municipal Council ("Municipal Council") concurs to the findings of the Agency and the Planning Commission that the Project Area is a blighted area;
- (3) Whereas the Agency in consultation with the Planning Commission has caused the Proposed Redevelopment Plan for the Logan River Redevelopment Project to be prepared;
- (4) Whereas the Planning Commission and the Redevelopment Agency have recommended the adoption of the Proposed Redevelopment Plan;
- (5) Whereas a duly noticed public hearing on the Proposed Redevelopment Plan was held by the Agency on February 9, 1989 (the "Hearing");
- (6) Whereas the Municipal Council has considered the Agency's Report to accompany the Logan River Redevelopment Plan ("Agency Report"), including the Report and Recommendations of the Logan Planning Commission on the Proposed Redevelopment Plan for the Logan River Redevelopment Project, 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.
- (7) Whereas the Agency has approved and adopted the Redevelopment Plan for the Logan River Redevelopment Project (the "Redevelopment Plan") on February 9, 1989 and has

BOOK 449 PAGE 806

submitted the Redevelopment Plan to the Logan Municipal Council;

(8) Whereas the Municipal Council concurs in the modifications made by the Agency and has overruled all objections to the adoption of the Redevelopment Plan received by the Municipal 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 approval on February 9, 1989;

(9) Whereas the Municipal Council has determined that the owners of forty percent (40%) 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; and

(10) Whereas the Municipal 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.

(b) Adoption of the Plan. The Logan Municipal Council hereby approves and adopts the Redevelopment Plan for the Logan River Redevelopment Project as approved by the Agency on February 9, 1989.

(c) Legal Description. The legal description of the boundaries of the Logan River Redevelopment Project Area ("Project Area") is as follows:

In the SE 1/4 of Section 8 T11N, R1E: Beginning at the intersection of the east right-of-way line of Park Avenue and the centerline of the Logan River, thence westerly along the centerline of the Logan River to the intersection with the West right-of-way line of 1000 West Street, thence South along said right-of-way line of 1800 South, thence East to the intersection with the East right-of-way line of U.S. 89-91; thence Northeasterly to its intersection with the East right-of-way line of Park Avenue, thence North along said right-of-way to the point of beginning.

(d) Purposes and Intent of the Municipal Council. The purposes and intent of the Municipal Council with respect to the Project Area are as follows:

(1) To reduce and eliminate existing blight and to prevent further deterioration within the Project Area;

BOOK 449 PAGE 807

- (2) To revitalize the Logan River Business District;
- (3) To establish the Project Area as a business and industrial center, thereby attracting jobs and increased business and office space uses into the Project Area;
- (4) To rehabilitate and modernize structures within project area;
- (5) To avoid fragmentation of land uses;
- (6) To utilize all economic and financial resources available to develop incentives for owners and developers to renovate; and/or
- (7) 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.

(e) The Redevelopment Plan. The Redevelopment Plan as approved by the Agency on February 9, 1989, (the "Redevelopment Plan") and the Report to Accompany the Logan River Redevelopment Plan, including the Report and Recommendations of the Logan Planning Commission on the Proposed Redevelopment Plan for the Logan River Redevelopment Project, are incorporated herein by this reference.

(f) 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 Municipal Council and designated as the official redevelopment plan of the Logan River Redevelopment Project Area.

(g) Specific Findings and Determinations of the Municipal Council. The Municipal Council hereby makes the following findings and determinations:

(1) Blight. The Project Area is a blighted area, the redevelopment of which is necessary to effectuate public purposes of the Utah Neighborhood Development Act, as amended (U.C.A. 11-19-1, et seq.) in view of the various existing conditions outlined in the Agency's Report to Accompany the Logan River 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.

(2) Conformity with Utah Neighborhood Development Act and Other Public Purposes. The Redevelopment Plan would redevelop the Logan River Redevelopment Project Area in conformity with the Utah Neighborhood Development Act, as amended (U.C.A. 11-19-1 et seq.) and in the interests of the public peace, health, safety and welfare in that:

- (A) It would enable the Agency to make financing alternatives available to parties electing to become participants in the

BOOK 449 PAGE 808

Redevelopment Project and to private developers, thereby providing additional stimulus to investment, redevelopment, rehabilitation, and the elimination of blight within the Project Area;

- (B) It would help to prevent erosion of Logan's economic base;
- (C) It would help to prevent fragmentation of commercial and industrial land uses within the Project Area;
- (D) It would facilitate revitalization and beautification of the Project Area; and
- (E) 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 interest of public peace, health, safety and welfare.

(3) Feasibility. The adoption and carrying out of the Redevelopment Plan is economically sound and feasible in that 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.

(4) Conformity to Comprehensive Plan. The Redevelopment Plan conforms to the Logan City Comprehensive Plan.

(5) 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:

- (A) The elimination or reduction of blight in the Project Area;
- (B) Measures which would prevent further stagnation, deterioration, and/or fragmentation within the Project Area;
- (C) The revitalization and redevelopment of the Project Area; and
- (D) 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.

(6) Eminent Domain. The condemnation of real property is authorized by the Logan Redevelopment Plan.

(7) Relocation. The Agency has a feasible method and 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, the Redevelopment Plan specifies that the Relocation Rules and Regulations for Implementation of the

BOOK 449 PAGE 809

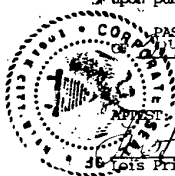
Utah Relocation Assistance Act for the Logan River Redevelopment Project ("Relocation Rules") shall govern relocation of persons, businesses, and other entities displaced by Agency action.

(8) Relocation Dwellings. The Relocation Rules which govern relocation of persons displaced from the Project Area under the Redevelopment Plan that "[n]o person or family shall be required to move or be relocated from land used as his residence and acquired under any of the Utah condemnation or eminent domain laws until he has been offered a comparable replacement dwelling adequate to accommodate such person, reasonable 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.

(h) Availability of Replacement Housing. The Relocation Rules, which govern relocation of persons displaced from the Project Area under The Redevelopment Plan 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 Logan Municipal 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 2: Effective Date. This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH THIS 16th DAY of March, 1989.



Lois Price
Lois Price, City Recorder

Fred Duersch Jr.
Fred Duersch Jr., Chairman

PRESENTATION TO MAYOR

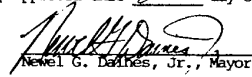
The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for his approval or disapproval on the 16th day of March, 1989.

Fred Duersch Jr.
Fred Duersch Jr., Chairman

BOOK 449 PAGE 810

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 31st day of March, 1989.


Newel G. Daines, Jr., Mayor

6

ENT 522669 Bk 449 Pg 810

BOOK 449 PAGE 811

(Civil)

PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, ss.

On this 5th day of April, A.D. 1989.

personally appeared before me Lorraine Croft, who being first duly sworn,

deposes and says that she is the chief clerk of the Cache Valley Publishing Co., publishers of The Herald Journal
a daily newspaper published in Logan, City, Cache County Utah, and that the advertisement

ORDINANCE OF THE CITY OF LOGAN

a copy of which is hereto attached, was published in said

newspaper for One (1) issue

commencing April 5, 1989 and

ending April 5, 1989

Signed Lorraine Croft

Subscribed and sworn to before me, the day and year
above written.

Signed Cynthia Karrison
Notary Public.

My Commission expires October 18, 1991

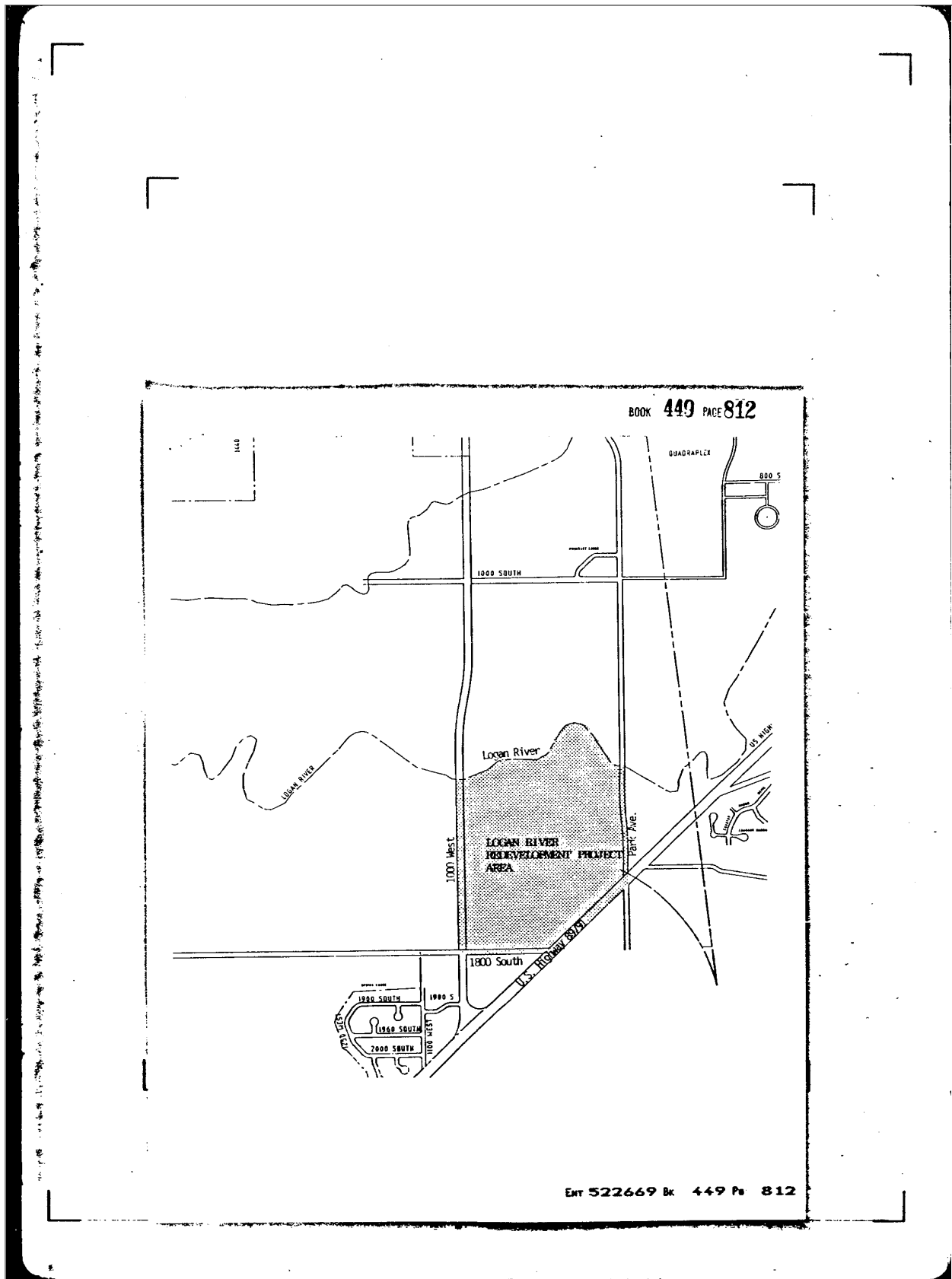


ORDINANCE OF THE CITY OF LOGAN
A SUMMARY of an ordinance amending the revised Ordinances of Logan City, Utah, 1969 and adopting the Logan River Redevelopment Plan is as follows:

ORDINANCE #9-11. Section 34-5. Logan River Redevelopment Plan, was adopted on March 14, 1989 and approved by the Mayor on March 31, 1989. The ordinance provides for the rehabilitation of the Logan River Development Act as amended (UCA 11-19 et seq.), and the City of Logan Comprehensive Plan. The Plan provides for financing methods (tax increment), and other additional stimulus investment, redevelopment, rehabilitation, and the elimination of blights within the project area. The one hundred acre project area is along 1800 South from Park Avenue to 1800 West and north to the Logan River. Eminent domain is authorized. Relocation assistance and/or replacement housing shall be given those who might be displaced by property purchases of the Redevelopment Agency.

The full text of the ordinance as well as the Plan may be reviewed at the Planning Office, Logan City Hall, 255 North Main, Logan, UT
1. Lots Price
2. City Recorder
3. Publication Date: April 5, 1989

ENT 522669 Bk 449 Ps 811



BOOK 449 PAGE 813

DECLARATION

The Logan River Redevelopment Project Area legally described in the attached Ordinance 89-11, was approved by the Logan Municipal Council on March 16, 1989 subject to conditions. Those conditions were fulfilled when on March 31st, 1989, Mayor Newel G. Daines, Jr. approved said ordinance. The ordinance became effective upon publication on April 5, 1989.

Ent 522669 Bk 449 Pg 813