

WASHINGTON TERRACE CITY COUNCIL

ORDINANCE NO. 17-97

AN ORDINANCE ADOPTING THE REDEVELOPMENT PLAN FOR THE ADAMS AVENUE 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 Washington Terrace Redevelopment Agency ("Agency"), in consultation with the Washington Terrace Planning Commission (the "Planning Commission") has prepared a Redevelopment Plan for the Adams Avenue Economic Development Project Area (the "Proposed Redevelopment Plan");

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

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 Washington Terrace City Council ("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 Council for its action;

WHEREAS, the 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 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 Council;

WHEREAS, the 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

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~~07-079-0038, 07-573-0001 to 0007, 07-541-0001 to 0006, 07-525-0001 to 0007~~
~~07-524-0005 (07-524-0004), 07-552-0006 (07-552-0005), 07-079-0043 (07-079-0002)~~
~~07-079-0044 (07-079-0001), 07-079-0045 (07-079-0032),~~
~~07-079-0046 (07-079-0032), 07-080-0102 (07-080-0008)~~

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owned by the public agencies or dedicated to public use, made objections in writing prior to or at the hearing;

WHEREAS, the 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 Adams Avenue Economic Development Project Area (the "Redevelopment Project");

BE IT ORDAINED BY THE WASHINGTON TERRACE CITY COUNCIL

SECTION 1 Adoption of the Plan

The City Council hereby approved and adopts the Official Redevelopment Plan for the Adams Avenue Economic Development Project Area, which is the Proposed Redevelopment Plan as modified by the Commission to incorporate changes recommended by the Agency, if any.

SECTION 2 Legal Description

The legal description of the boundaries of the Adams Avenue 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 Agency's

The purpose and intent of the Redevelopment Agency with respect to the Project Area are as follows:

- A. To reduce and eliminate existing blighted 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 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.

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SECTION 4 The Redevelopment Plan

The Official Redevelopment Plan, which incorporates modifications to the Proposed Redevelopment Plan recommended by the Agency made by the Council, and the final Report to accompany the Redevelopment Plan for the Project Area, including the Report and Recommendations of the 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 City Council and is designated as the Official Redevelopment Plan for the Adams Avenue Economic Development Project Area, (the "Official Redevelopment Plan").

SECTION 6 Findings and Determinations of the Washington Terrace City Council

The 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 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 and State.
 4. It will facilitate revitalization of the Project Area.
 5. 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

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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 City's 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.
 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, 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. The Agency has a feasible method or plan for the relocation of families and persons displaced from the Project Area 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 entities displaced by Agency action.

SECTION 7 Availability of Replacement Housing

The 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

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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 Adams Avenue Economic Development Project Area as adopted by ordinance by the Washington Terrace 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 Washington Terrace Redevelopment Agency shall be of the same individuals who constitute the legislative body of the Washington Terrace City Council.

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 Washington Terrace Planning Commission. This notice shall be provided in the same manner that individualized 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.

SECTION 12 Effective Date

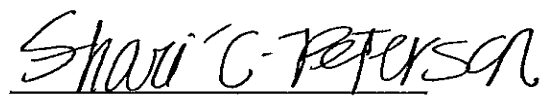
This Ordinance shall become effective on the 16th day of December, 1997, or if a summary of this Ordinance is required, on the date said summary of this Ordinance is posted or published.

PASSED AND ADOPTED BY THE WASHINGTON TERRACE CITY COUNCIL the 16th day of December 1997.

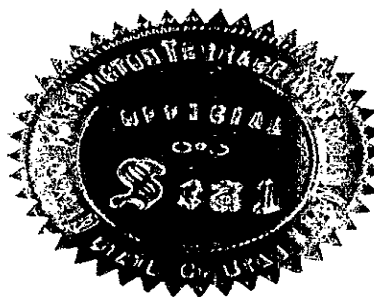


Mayor

ATTEST:



City Recorder



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REDEVELOPMENT PLAN
FOR THE
ADAMS AVENUE ECONOMIC DEVELOPMENT PROJECT AREA

I. INTRODUCTION

The Economic Development Plan ("Economic Development Plan" or "Plan") for the Adams Avenue Economic Development Project Area has been prepared by the Weber County Redevelopment Agency of ("Agency") pursuant to the Utah Neighborhood Development Act, Chapter 12 of part 2 of Title 17A of the Utah Code, as amended (the "Act"), and pursuant to the Utah Constitution, the United States Constitution, and all applicable local laws and ordinances. Activities carried out in furtherance of the Plan are referred to collectively as the "Project"; individual subcomponents of the Project are sometimes referred to herein as "Projects."

II. PROJECT AREA BOUNDARIES

The boundaries of the Adams Avenue Economic Development Project Area ("Project Area") are, as of the time of adoption of the Plan, located entirely within Weber County, Utah ("County") and are illustrated on the map entitled "Land Use Map," which is attached hereto as Exhibit A and made a part hereof by this reference. The legal description of the boundaries of the Project Area is attached hereto and made a part hereof as Exhibit B.

III. PROPOSED REDEVELOPMENT ACTIONS

301 General

The Agency proposes to promote economic development in the Project Area by some or all of the following actions:

1. Acquisition of real property;
2. Demolition or removal of buildings and improvements;
3. Relocation assistance to residential, commercial and other occupants displaced by the Project activities, if any;
4. Installation construction or reconstruction of streets, utilities, and other public improvements;

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5. Disposition of property acquired by the Agency;
6. Providing appropriate assistance for the development of land by private enterprise and public agencies for uses in accordance with this Plan;
7. Rehabilitation of buildings and structures;
8. Participation by persons or entities engaged in business or holding interests in property within the Project Area through remaining in or re-entering the Project Area.

302 Property Acquisition

302.01 Acquisition of Real Property

The Agency will determine in its sole discretion whether effective development of the proposed project can best be promoted throughout acquisition of land in the Project Area by the Agency or the City, or by cooperating in direct purchases of land by other parties. The Agency will be assisting and encouraging public and private entities to bring about economic development by installing needed utilities, rehabilitating properties, and developing properties in the Project Area in a manner that is consistent with the Plan. A principal objective of this Plan is to promote economic development by helping to bring about controlled growth in the private sector within the Project Area. As is more particularly specified in Section 601 hereof, the Agency will not acquire property unless or until the Agency determines that the specific project involved is feasible in light of investments or commitments made or reasonably likely to be made by developers or participants in the Plan, or by other parties. Usually, this will occur only when the Agency has an agreement assuring that the property will be disposed of to a public or private developer or participant. However, in order to bring about the development of an integrated business park it may be necessary to take some actions and acquire some land before immediate plans for development are at hand.

The Agency is authorized to acquire (but is not required to acquire) real property located in the Project Area. The Agency is authorized to acquire such property by gift, devise, exchange, purchase, or any other lawful method, except that the Agency shall not be authorized to exercise the power of eminent domain. Nothing herein shall be deemed to be a waiver of the City's power of eminent domain, which the City may continue to use where necessary to acquire land for roads or their public purposes as permitted by law, within the project area.

The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interests in real property.

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302.02 Acquisition of Personal Property

Generally personal property will not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area in connection with acquisitions of interests in real property.

303 Participation Opportunities and Preferences

303.01 Participation and Preference Rules

The Rules Governing Participation and Preferences by Owners, Operators of Businesses, and Tenants in the Adams Avenue Redevelopment Project Area were adopted by the Washington Terrace Redevelopment Agency in conjunction with the adoption of this Plan. Those rules as they exist or as they may subsequently be amended (the "Participation Rules"), shall govern participation opportunities and preferences granted to persons or entities engaged in business or holding interests in property within the Adams Avenue Economic Development Project Area.

303.02 Opportunities for Participation by Owners, Operators of Businesses and Other Persons or Entities with Property Interest in the Project Area

The Agency shall extend preferences to persons or entities who are engaged in business or hold interests in property within the Project Area and who sell, terminate, or otherwise transfer those interests and who re-enter the Project Area if they otherwise meet the requirements prescribed by the Plan and the Participation Rules.

The Agency may permit persons who are owners of real property in the Project Area to be given the opportunity to participate in economic development by rehabilitation, by retention of improvements or land, or by new development by retaining all or a portion of their properties, by acquiring adjacent or other properties from the Agency of purchasing other properties in the Project Area.

If conflicts develop between participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences between and among participants in accordance with the Participation Rules. This may include but is not limited to determining a solution by consideration of such factors as length of time in the area, accommodation of as many participants as possible, ability to perform, potential for generation of new tax revenues, likelihood to create new jobs, quality of proposed development, consistency of proposed development with other surrounding uses, and conformity with intent and purpose of this Plan.

In addition to opportunities for participation by persons and firms individually, participation to the extent it is feasible shall also be available for two or more persons, firms, or institutions, to join together in partnerships, corporations, or other joint entities as indicated in the Participation Rules.

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The Agency and the City desire as much participation as possible in the economic development of the Project Area by owners and tenants in the Project Area.

303.03 Participation Agreements

When deemed necessary by the Agency to carry out the Plan, each owner and tenant may be required to enter into a binding participation agreement with the Agency by which the participant agrees to rehabilitate, develop, or use the property in conformance with such agreements and to be subject to the provisions thereof. In such agreements, participants who retain real property shall be required to join in the recordation of such documents as are necessary to make the provisions of the agreement applicable to their properties.

304 Cooperation with Public Bodies

Many public bodies are authorized by state law to aid and cooperate with or without consideration in the planning, undertaking, construction, or operation of this Project. The Agency may seek the aid and cooperation of such public bodies and attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the parallel purposes of the economic development and the highest public good. The Agency will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area and may enter into contracts or other arrangements with such bodies as permitted by law in furtherance of this plan. Any public body which owns or leases property in the Project Area will be afforded all the privileges of participation if such public body is willing to enter into a participation agreement with the Agency. All plans for development of property in the Project Area by a public body shall be subject to Agency approval. The Agency is authorized to assist financially (and otherwise) any public entity with the costs of public land, buildings, facilities, structures, or other improvements if such land, building, facilities, structures, or other improvements are of benefit to the Project.

The Agency may pay to any taxing district with territory located within the Project Area any amounts of money which, in the Agency's determination, are appropriate to alleviate any financial burden or detriment caused to any school district by the Project.

305 Property Management

During such time as property, if any, in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for economic development purposes and such rental or lease shall be pursuant to such policies as the Agency may adopt.

In any year during which the Agency owns property in the Project Area, the Agency may, but is not required, to make compensating payments to taxing agencies which would have received tax revenues from the property were it not exempt by virtue of Agency ownership. The total amount of such compensating payments shall not exceed the tax increments the Agency actually received from the Project and the payments to particular taxing

agencies shall not exceed the amount the entity would have received but for the property's exempt status.

306 Relocation of Persona Displaced by the Project

306.01 Relocation Rules

The Relocation Rules and Regulations for Implementation of the Utah Relocation Assistance Act for the Adams Avenue Redevelopment Project Area were adopted by the Washington Terrace Redevelopment Agency in conjunction with the adoption of this Plan. The rules as they exist or as they may subsequently be amended (the "Relocation Rules") shall govern relocation of persons, businesses, and other entities displaced by Agency action.

306.02 Assistance in Finding Other Locations

Since most of the Project Area consists of vacant land, it is unlikely that any substantial relocation costs will be incurred in carrying out the Project. The Agency may assist all persons and entities, if any, (including families, business concerns, and others) displaced by Agency acquisition of property in the Project Area in finding other locations and facilities. The Agency shall not be required to make such relocation payments except as required by Utah law. The Agency shall structure economic development efforts, to the greatest extent possible consistent with Agency objectives, to minimize the need to displace persons or entities, except in accordance with their voluntary agreement. The Agency shall assist individuals and families in finding housing that is decent, safe, sanitary, within their financial means. In reasonably convenient locations, and otherwise suitable to their needs. The Agency is also authorized to provide housing or to arrange for the provision of housing outside the Project Area for displaced persons, and to provide such other assistance as may be necessary or appropriate under the Relocation Rules.

306.03 Relocation Payments

The Agency shall pay all relocation payments required by law (if any arise). In addition, the Agency may make any additional relocation payments which in the opinion of the Agency's Governing Board may be reasonable necessary to carry out the purposes of this Plan. Such additional relocation payments shall be subject to the availability of funds for this purpose.

307 Public Improvements, Demolition and Land Clearance, and Site Preparation

307.01 Public Improvements, Public Facilities and Public Utilities

The Agency is authorized to install and construct or to cause to be installed and constructed the public improvements, public facilities, and public utilities (within or outside the Project Area) as appropriate or necessary to carry out the Plan or to benefit the Project. The Agency is also authorized to reimburse the City for costs the City has already

incurred in this regard in anticipation of adoption of an economic development plan. Such improvements, facilities and utilities may be paid for in whole or in part by the Agency, by private developers or by participants in the Plan. They may be financed by any means available to the Agency and/or developers or participants which are authorized or permitted by law.

307.02 Demolition and Land Clearance

The Agency is authorized to demolish and clear buildings, structures, and other improvements from any real property in the Project Area that the Agency owns or acquires, as necessary to carry out the purposes of this Plan.

307.03 Preparation of Sites

The Agency is authorized to prepare or cause to be prepared as sites any real property in the project Area that the Agency owns or acquires.

308 Rehabilitation, Conservation and Moving Structures by the Agency

308.01 Rehabilitation and Conservation

It shall be the purpose of this Plan to allow for the retention of existing businesses and to add to the economic life of businesses by a program of voluntary participation in their conservation and rehabilitation. The Agency is authorized to conduct a program of assistance to encourage owners or property within the area to upgrade and maintain their property consistent with property rehabilitation standards to be adopted for the Project Area by the Agency Board.

The extent of rehabilitation in the Project Area shall be subject to the following limitations:

- a. The rehabilitation of the structure must be compatible with land uses as provided for in this Plan.
- b. Rehabilitation and conservation activities on a structure must be carried out in an expeditious manner and in conformance with property rehabilitation standards to be adopted by the Agency.
- c. The expansion of public facilities, improvements and structures.
- d. The assembly and development of areas in accordance with this Plan.

The Agency is authorized to rehabilitate and conserve or cause to be rehabilitated and conserved buildings and structures in the Project Area. The Agency is also authorized and directed to advise, encourage and assist in the rehabilitation and conservation of property in the Project Area.

308.02 Moving of Structures

With respect to buildings or structures owned or acquired by the Agency, the Agency is authorized to move or to cause to be moved any structure or building or any structure or building which can be rehabilitated to a location within or outside the Project Area as necessary in carrying out this Plan.

309 Property Disposition and Development

309.01 Real Property Disposition and Development

309.01.01 General

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property. To the extent permitted by law, the Agency is authorized to dispose of real property by negotiation through leases or sales without public bidding.

No real or personal property of the Agency, or any interest herein, shall be sold or leased to a private person or private entity for an amount less than its fair value for uses in accordance with this Plan and the covenants and controls recorded against the property by the Agency.

All real property acquired by the Agency in the Project Area shall be sold or leased to public or private persons or entities for development for the uses permitted in the Plan. Real property may be conveyed by Agency to the City or any other public body without charge. The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes before development and to insure that development is carried out pursuant to this Plan. All purchasers or lessees of property shall be obligated to use the property for the purpose designated in this Plan, and in accordance with any additional requirements imposed by participation agreements, development agreements, or any other covenants or agreements that affect the property in question. They shall begin and complete development of the property within a period of time which the Agency fixes as reasonable, and comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

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309.01.02 Purchase and Development by Participants

Pursuant to the provisions of this Plan and the Participation Rules adopted by the Agency, the Agency shall to the greatest extent feasible offer real property acquired by the Agency for disposition and development to persons or entities engaged in business or holding other interests in the property in the Project Area on a preference basis over other persons or entities.

309.01.03 Purchase and Development Documents

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased or conveyed by the Agency, as well as all property subject to participation agreements, shall be made subject to the provisions of this Plan by leases, deeds, contracts, agreements, declarations of restrictions, provisions of the zoning ordinance, conditional use permits, or other means. Where appropriate, as determined by the Agency, such documents or portions thereof shall be recorded in the Office of the Recorder of the County.

The leases, deeds, contracts, agreements, and declarations of restrictions may contain restrictions, covenants, covenants running with the land, rights of reverted, conditions subsequent, equitable servitude's, or any other provisions necessary to carry out this Plan.

All property in the Project Area is hereby made subject to the restrictions of Section IV08.08 of this Plan. All deeds, leases, or contracts for the sale, lease, sublease or other transfer of land in the Project Area and all participation agreements dealing with land in the Project Area shall contain nondiscrimination and nonsegregation clauses consistent with the provisions of Section IV08.08 of this Plan.

309.01.04 Development

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop, or construct any building, facility, structure, or other improvements either inside or outside the Project Area for itself or for any public body or public entity to the extent that such improvement would be of benefit to the Project Area and to the extent permitted by law.

During the period of development in the Project Area, the Agency shall insure that the provisions of this Plan and of other documents formulated pursuant to this Plan are being observed, and that development in the Project Area is proceeding in accordance with development documents and time schedules.

Development plan, both public and private, shall be submitted to the Agency for approval and architectural review. The Agency shall develop architectural and design standards and submit them to the City Council and Planning

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Commission for its consideration and approval. All development must conform to this Plan, such Agency architectural and design standards as may be approved by the City Council and all applicable laws.

309.02 Personal Property Disposition

The Agency is authorized to sell, lease, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property that has been acquired by the Agency.

IV. USES PERMITTED IN THE PROJECT AREA

401 Land Use Map and Uses Generally

The property involved is the Stephen's property which is currently zoned for the use proposed within the project area.

The Plan does not supplant the need for compliance with established procedures for securing the approval of the City Council, the Planning Commission, or other officials or bodies within the City as required by law, City ordinances, and by normal City practice.

402 Permitted Uses

The Redevelopment Agency proposes to help bring about controlled growth in the Project Area by providing financial incentives to attract new business and support for economic development and by providing and/or encouraging vital improvements in the Project Area.

In general, the Project Area will ultimately be used for business development as provided in the Washington Terrace zoning ordinances. Existing uses will be allowed to continue. Other uses defined herein may be permitted to the extent they are permitted by zoning regulations as they currently exist or as they may hereafter be amended.

403 Federal, State and Local Controls and Limitations

No real property shall be developed, constructed, rehabilitated, modified, altered, repaired, or otherwise changed after the date of the adoption of this Plan, except in conformance with the provisions of Federal law, State law, or the ordinances of Washington Terrace City, all as they currently exist or as they may hereafter be amended.

403.01 Nonconforming Uses

The Agency may permit nonconforming uses to remain in the Project Area to the extent they are permitted by State and local laws as they may hereinafter be amended.

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403.02 Nondiscrimination and Nonsegregation

There shall be no discrimination or segregation based upon sex, race, color, creed, religion, national origin, or ancestry permitted in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area. Nothing herein shall be construed to preclude religious or religiously affiliated institutions from engaging in activities which uniquely benefit adherents of the religion in question or foster or advance the religious mission of the institution.

403.03 Subdivision of Parcels

No parcel in the Project Area shall be subdivided or resubdivided without the approval of the Agency.

403.04 Variations

Variations from State and local law shall be permitted only pursuant to the processes, procedures, and standards of the State or local law from which a variation is being sought.

404 Building Permits

Building permits shall be issued for the construction of any new building or for any construction on existing buildings in the Project Area only after compliance with normal City requirements for obtaining a building permit and after receiving approval of the Agency. The Agency may delegate to its Executive Director or one or more other persons or entities the right to give such approvals or to participate in the giving of such approvals on such terms and conditions and with respect to such types of projects as it may determine by resolution.

405 Notice to Landowners

The Agency shall give notice to landowners located within 300 feet of proposed development in the Project Area before finalizing participation or development agreements on the same basis and using the same process as notice is given in zoning ordinance changes and to any owners of property within the Project Area who submit written requests to receive such notices.

** V. AESTHETICS AND LANDSCAPING

501 Aesthetics and Landscaping

It is a goal of this Plan to promote development which will be visually attractive and generally conducive to attracting high quality, clean development. The Agency is authorized

to submit standards to the City Council for consideration and approval which shall govern aesthetic requirements for structures and landscaping within the Project Area.

VI. METHODS FOR FINANCING THE PROJECT

601 General Description of the Proposed Financing Methods

The Agency is authorized to finance this Project with financial assistance from the City, County, State of Utah, the Federal government, property tax increments which accrue within the Project Area, interest income, Agency bonds, or any other available source.

The property tax increments referred to in the preceding paragraph shall be as set forth in Section 602 below. Briefly stated, the tax increments that will be available under this Plan are determined in the following manner. After the Plan is adopted, the total taxable value of property within the Project Area is determined using the taxable values shown on the last equalized assessment roll prior to adoption of the Plan. This provides a base figure. To the extent the taxable values of property within the Project Area increase above this base figure, application of prevailing tax rates to the increased value above the base figure yields "tax increments." These tax increments arise only with respect to property located in the Project Area. Other taxing entities continue to be entitled to receive the tax revenues that result from application of prevailing tax rates to the base figure of taxable value, so long as the total of taxable values in the Project Area exceed the base figure. The tax increments are made available for financing or assisting with the financing of economic development within the Project Area. Such financing can be accomplished through the use of tax increment bonds or other borrowing. These bonds or other borrowing are retired using the tax increments generated from increased taxable values within the Project Area. Bond holders and other creditors have no recourse against anything but such tax increments for payment of such bonds or other borrowing to the extent such bonds or other borrowing are based solely on tax increments. In particular, they have no claims against City funds.

Advances and loans for the processes in creating the Agency and adopting this plan for survey and planning, and for the operating capital for administration of this Project have been and are to be provided by the City until adequate tax increments or other funds are available or sufficiently assured to repay the loans and/or to permit borrowing adequate working capital from sources other than the City. The City as it is authorized to supply additional assistance through City loans and grants for various public facilities. All advances and loans from the City shall bear a reasonable rate of interest.

The Agency is authorized to issue bonds if appropriate and feasible in an amount sufficient to finance all or any part of the Project.

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The Agency is authorized to obtain advances, to borrow funds and to create indebtedness in carrying out this Plan. The principal and interest on such advances, funds, and indebtedness may be paid from tax increments or any other funds available to the Agency.

It is the intent of this Plan that the Agency will usually purchase property only when the Agency has an agreement assuring that the property will be disposed of to a public or private developer or participant or when the City determines that it is in the best interest of the City to advance funds to the Agency for the purpose of acquiring business property. Thus this Project will proceed and be carried out only if and when financing becomes available. The financing of this Project is primarily based upon the willingness of public and private entities to invest and develop in the Project Area.

The financing of the Project can also occur through advances from private developers and from purchase prices and rental payments paid by developers and participants.

Under amendments to the Utah Neighborhood Development Act adopted in 1993, the budget of the Agency in carrying out its Projects must be approved by a taxing agency committee, as more particularly provided in Section 17A-2-1247.5 of the Act. This provides a further assurance that Projects undertaken by the Agency for purposes of economic development will be both feasible and beneficial to the community.

602 Tax Increments

Pursuant to Section 17A-2-1247.5 of the Utah Code, as amended, all taxes levied upon taxable property within the Project Area each year by or for the benefit of the State of Utah, County of Weber, any district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving this Plan, shall be divided as follows:

- (A) [See Utah Code Section 17A-2-1247.5(3)(a)] The Agency must obtain the majority consent of the taxing agency committee ("Taxing Agency Committee") for the project area budget before an agency may collect any tax increment for the Project Area.
- (B) [See Utah Code Section 17A-2-1247.5(3)(b)] The Project Area Budget may be amended from time to time by obtaining the majority consent of the taxing agency committee. If an amendment is proposed and the taxing agency committee does not consent to the amendment, the agency will continue to operate under the previously approved, unamended Project Area Budget.
- (C) [See Utah Code Section 17A-2-1247.5(4)(a)] The Agency may collect tax increment from all or part of the Project Area. The tax increment shall be paid to the Agency in the same manner and at the same time as payments of taxes to other taxing agencies to pay the principal of and interest on loans, moneys advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise,

to finance or refinance, in whole or in part, the redevelopment or economic development project according to the limits established by majority consent of the Taxing Agency Committee.

- (D) [See Utah Code Section 17A-2-1247.5(4)(b)] The Agency, in adopting this Plan, elects the following alternative for tax increment collection: 100% of annual tax increment to be paid to the Agency for a period of twelve years commencing from the first tax year an agency accepts tax increment from a project area.
- E. [See Utah Code Section 17A-2-1247.5(4)(c)] The Agency may receive a greater percentage of tax increment or receive tax increment for a longer period of time than that specified in this subsection if the Agency obtains the majority consent of the Taxing Agency Committee (created pursuant to 17A-2-1247.5(2)).
- (F) [See Utah Code Section 17A-2-1247.5(5)(a)] The portion of the property taxes, if any, due to an increase in the tax rate by a taxing agency after the date the Project Area Budget is approved by the Taxing Agency Committee may not be allocated to and when collected paid into a special fund of the Agency according to the provisions of subsections(c), (d), and (e) unless the Taxing Agency Committee approves the inclusion of the increase in the tax rate at the time the Project Area Budget is approved. If approval of the inclusion of the increase in the tax rate is not obtained, the portion of the taxes attributable to the increase in the rate shall be distributed by the county to the taxing agency imposing the tax rate increase in the same manner as other property taxes.
- (G) [See Utah Code Section 17A-2-1247.5(5)(b)] In each year in which there are increases or decreases in the tax rate of a taxing agency as described in subsection (f) as a result of (i) statutes enacted by the Legislature, a judicial decision, or an order from the State Tax Commission to a county to adjust or factor its assessment rate to Subsection 59-2-704(2), (ii) changes in exemptions provided in Article XIII, Sec. 2, Utah Constitution, or Section 59-2-103, and (iii) and increase or decrease in the percentage of fair market value, as defined under Section 59-2-102, the amount of the tax rate to be used in determining tax increment shall be increased or decreased by the amount of the increases or decreases as a result of the applicable action described in (i), (ii), or (iii).
- (H) [See Utah Code Section 17A-2-1247.5(5)(c)] Notwithstanding the increase or decrease resulting from subsection (g), the amount of money allocated to, and when collected paid to the agency each year for payment of bonds or other indebtedness may not be less than would have been allocated to and when collected paid to the agency each year if there had been no increase or decrease under Subsection (g).

The Agency is authorized to make pledges of portions of taxes allocated to the Agency pursuant to Section 602 above as to specific advances loans and indebtedness as

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appropriate in carrying out the Project. Such pledges may be irrevocable pledged by the Agency for the payment of the principal of and interest on the advance of moneys, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed or otherwise) by the Agency to finance or refinance the Project in whole or in part.

Taxes shall be allocated and paid to the Agency consistent with the provisions of this Plan only to pay the principal of and interest on loans, moneys advances to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Agency to finance or refinance, in whole or in part, the Project.

603 Other Loans and Grants

Any other loans, grants, guarantees, or financial assistance from the United States or any other public or private source will be utilized if available as appropriate in carrying out the Project.

604 No Encumbrances on Private Property Without Owner Consent

The Agency shall not be entitled to create any indebtedness which would encumber or lien any privately owned property within the Project Area without the express written consent of the owner of such property. Nothing herein shall be construed to preclude the Agency from issuing revenue bonds secured by pledges of portions of taxes allocated to the Agency pursuant to Section 602 above. Further, nothing herein shall be construed as a limitation or waiver of any of the normal powers of the city of Washington Terrace or any other governmental entity that may have authority with respect to one or more properties in the Project Area.

605 Taxing Agency Committee

605.1 Structure of the Committee

A taxing agency committee (the "Taxing Agency Committee") shall be established as provided in Section 17A-2-1247.5(2)(a) of the Utah Code, as amended. The designated representatives of the various taxing agencies there specified may be replaced from time to time in the sole discretion of the various taxing agencies by naming a new representative or representatives by resolution.

605.02 Meetings of the Taxing Agency Committee

Any two members of the Taxing Agency Committee may call a meeting at any time by giving one week's notice in writing to other members of the Taxing Agency Committee, or such other notice as may be acceptable to other members of the Taxing Agency Committee. Such meetings shall be held in Washington Terrace City, unless a majority of the members of the Committee otherwise agrees. A member of the committee may elect to

attend a meeting by telephone or by other electronic means, and will be deemed to be present and participating and entitled to vote if he or she does so. The meetings of the Taxing Agency Committee shall comply with notice, agenda and other requirements of the Utah Open Meetings Law, Section 52-4-1 of the Utah Code, as amended.

605.03

Taxing Agency Committee Budget Review Authority

Because of the nature of economic development contemplated by this Plan, it is not possible to establish a Project Area Budget as defined in Section 17A-2-1202(11) of the Utah Code, as amended, at the time the Plan is adopted. Rather, it is anticipated that budgeting for various aspects of the Project will be approved as various developments go forward within the Project Area over time. Accordingly, the Taxing Agency Committee shall have authority to review and approve Agency budgeting of projects carried out within the Project Area on an ongoing basis, as follows:

- (a) The Taxing Agency Committee shall have the right to review those aspects of the Agency's proposed annual budget or proposed amendments to the budget, which contain or are likely to result in increases in the Project Area Budget that have not been approved by the Taxing Agency Committee. The Agency shall not adopt an annual budget or budget amendment if the Taxing Agency Committee objects to budget items that the Taxing Agency is authorized to review by this subparagraph (a). Nothing herein shall be construed to authorize the Taxing Agency Committee to intervene in matters related to other Project Areas or to the internal management of the Agency.
- (b) The Taxing Agency Committee shall provide copies of each of the annual reports specified in Section 17A-2-1217 of the Utah Code, as amended, to each of the members of the Taxing Agency Committee at the same time these reports are filed with the various taxing and other entities specified in Section 17A-2-1217.
- (c) The Agency shall not be authorized to commit, obligate, pledge, or expend funds that have not been approved by the Taxing Agency Committee as part of a multi-year Project Area Budget that shall be established by the Taxing Agency Committee and that may be amended from time to time to reflect additional Agency costs incurred in the course of implementing this Plan. Once a specified level of expenditures has been authorized for a particular development, the Project Area Budget may not be subsequently amended in a manner that reduces or impairs available funding for the particular development. It is vital that the Agency be able to rely on authorized Project Area Budget amounts in working with particular developers, in issuing bonds, and otherwise in implementing this Plan. The Agency shall have reasonable flexibility in negotiating, modifying, and otherwise altering agreements with developers or participants under the Plan, so long as the Agency reasonably believes that this will not result in any expenditures or commitment of funds in excess of those authorized by the Project Area Budget.

605.04

Feasibility Reviews

Before any increase in the Project Area Budget is approved by the Taxing Agency Committee, the Agency shall submit a feasibility and benefit analysis with respect to new projects being proposed and with respect to the ongoing feasibility of the overall Project being implemented pursuant to this Plan. The purpose of this provision is to assure that the feasibility, the nature, extent of, and need for any public subsidy or other assistance, and the likely public benefit of new projects is reviewed on their own merits and in the context of implementing this Plan as a whole before additional expenditures are authorized by the Taxing Agency Committee.

605.05

Taxing Agency Committee Powers

The Taxing Agency Committee shall have all powers and authority conferred upon it by the Utah Neighborhood Development Act, as amended.

VII. ACTION BY THE CITY

The City has the authority under this plan to aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions which could deter the economic prosperity of the area. Subject to the provisions of applicable federal, state and local law, action by the City shall include, but not be limited to, the following:

- a. Institution and completion of proceedings for openings, closing, vacating, widening, or changing the grades of streets, alleys, and other public right-of-ways, and for other necessary modifications of the streets, the street layout, and other public right-of-ways in the Project Area.
- b. The requirement of abandonment and relocation by the public utility companies of their operations in public right-of-ways as appropriate to carry out the Plan.
- c. Institution and completion of proceedings necessary for changes and improvements in publicly owned public utilities within the Project Area.
- d. Revision of zoning within the Project Area to permit the land uses and development authorized by this Plan.
- e. Performance of the above, and of all other functions and services relating to public health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment or

- economic development of the Project Area to be commenced and carried to completion without unnecessary delays.
- f. The undertaking and completing of any other actions or proceedings necessary to carry out the Project.

VIII. ADMINISTRATION AND ENFORCEMENT OF THE PLAN

Authority to take action or enter into agreements under this Plan shall be vested exclusively in the Agency's Governing Board. The Agency's Governing Board shall be authorized to delegate this authority pursuant to resolutions approved by the Board.

The administration and enforcement of this Plan and any documents implementing this Plan shall be performed by the Agency and/or the City.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.

The City Council shall have the financial affairs of the Agency audited annually by an independent auditing firm.

IX. DURATION OF THIS PLAN AND VARIOUS PLAN PROVISIONS

The nondiscrimination and nonsegregation provisions of this Plan shall run in perpetuity. With respect to property which is sold, conveyed, leased or otherwise disposed of by the Agency pursuant to this Plan, the Agency shall retain controls and establish restrictions and covenants running with the land sold or leased for private use for not more than 25 years from the date of such sale or lease and under such conditions as are provided in the Plan.

The Agency may not issue bonds for redevelopment or economic development projects undertaken pursuant to this Plan after fifteen years from the date of the approval of this Plan. The Agency is not authorized to exercise the power of eminent domain at any time under this Plan.

The Agency must commence implementation of this Plan within three (3) years after the date the Plan is adopted, unless the Plan is readopted as if it were a modified plan in accordance with Section 17A-2-1229 of the Utah Code (see Utah Code Section 17A-2-1221).

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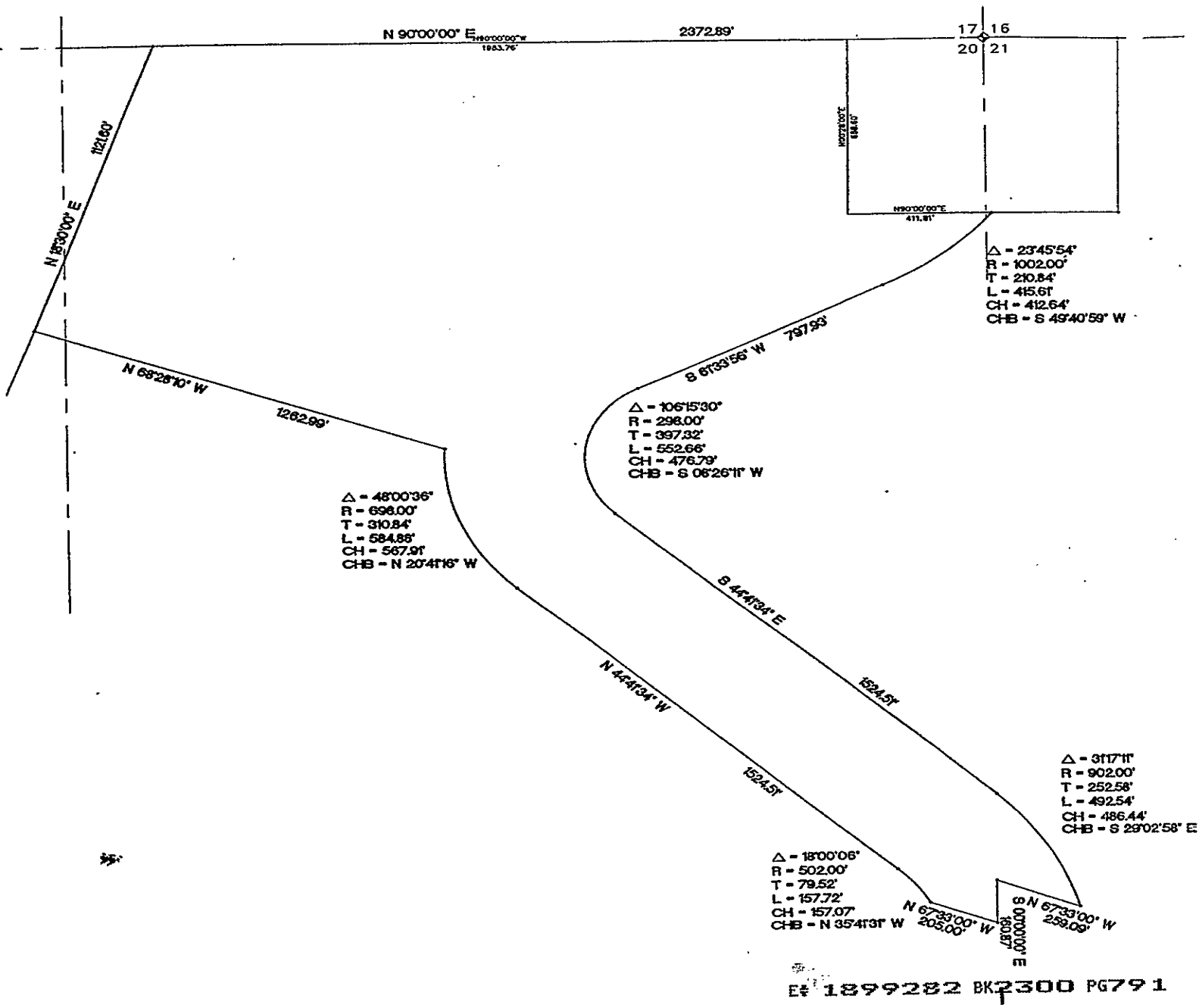
No tax increment from the Project Area may be allocated to or used by the Agency after twenty-five (25) years from the date of the approval of this Plan without the Agency obtaining the majority consent of the Taxing Agency Committee in accordance with Section 17A-2-1247.5 of the Utah Code for a longer period for the collection of tax increment (see Utah Code Section 17A-2-1221).

X. PROCEDURE FOR AMENDMENT

This Plan may be amended by means of the procedure established in Section 17A-2-1229 of the Utah Neighborhood Development Act or by any other procedure established by law.

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EXHIBIT "A"
LAND USE MAP



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EXHIBIT "B"

BEGINNING AT A POINT ON THE NORTH LINE OF SECTION 21 T5N R1W, SLB&M SAID POINT BEING 389.13 FEET WEST OF THE NORTHWEST CORNER OF SECTION 21 T5N R1W, SLB&M (BASIS OF BEARING SOUTH ALONG THE WEST LINE OF SAID SECTION 21) THENCE;

S 00°28'00" W 658.60 FT. THENCE;
 N 90°00'00" E 411.81 FT. TO A NON-TANGENT CURVE TO THE RIGHT; THENCE
 SOUTHWESTERLY 415.61 FT. (R = 1002.00, DELTA = 23°45'54", T = 210.84,
 CH = 412.64, CHB = S 49°40'59" W) TO A TANGENT LINE;
 THENCE
 S 61°33'56" W 797.93 FT. TO A TANGENT CURVE TO THE LEFT; THENCE
 SOUTHWESTERLY 552.66 FT. (R = 298.00, DELTA = 106°15'30", T = 397.32,
 CH = 476.79, CHB = S 08°26'11" W) TO A TANGENT LINE;
 THENCE
 S 44°41'34" E 1,524.51 FT. TO A TANGENT CURVE TO THE RIGHT; THENCE
 SOUTHEASTERLY 492.54 FT. (R = 902.00, DELTA = 31°17'11", T = 252.58,
 CH = 486.44, CHB = S 29°02'58" E) TO A NON-TANGENT
 LINE; THENCE
 N 67°33'00" W 259.09 FT. THENCE;
 S 00°00'00" W 160.87 FT. THENCE;
 N 67°33'00" W 205.00 FT. TO A NON-TANGENT CURVE TO THE LEFT; THENCE
 NORTHWESTERLY 157.72 FT. (R = 502.00, DELTA = 18°00'06", T = 79.52, CH = 157.07,
 CHB = N 35°41'31" W) TO A TANGENT LINE; THENCE
 N 44°41'34" W 1,524.51 FT. TO A TANGENT CURVE TO THE RIGHT; THENCE
 NORTHWESTERLY 584.88 FT. (R = 698.00, DELTA = 48°00'36", T = 310.84, CH =
 567.91, CHB = N 20°41'16" W) TO A NON-TANGENT
 LINE; THENCE
 N 68°28'10" W 1,262.99 FT. THENCE;
 N 18°30'00" E 1,121.60 FT. TO THE NORTH LINE OF SECTION 20, THENCE
 S 90°00'00" E 1983.76 FT. ALONG SAID NORTH LINE TO THE POINT OF
 BEGINNING.

CONTAINS; 3,833,550 QS. FT. / 88.006 ACRES

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