

CITY COUNCIL OF SOUTH OGDEN CITY, UTAH

ORDINANCE NO. 829

AN ORDINANCE ADOPTING THE REDEVELOPMENT PLAN FOR THE 36TH STREET REDEVELOPMENT PROJECT AS THE OFFICIAL REDEVELOPMENT PLAN FOR THE 36TH STREET REDEVELOPMENT PROJECT AREA.

WHEREAS, acting pursuant to the Utah Neighborhood Development Act, as amended (the "Act"), Utah Code Annotated, the South Ogden Redevelopment Agency ("Agency"), in consultation with the South Ogden City Planning Commission (the "Planning Commission"), and the Agency's staff and consultants, has caused to be prepared a Proposed Redevelopment Plan for the 36th Street Redevelopment Project (the "Proposed Redevelopment Plan");

WHEREAS, the Planning Commission has prepared and submitted to the Agency its Report and Recommendations on the Proposed Redevelopment Plan for the 36th Street Redevelopment Project (the "Planning Commission Report");

WHEREAS, the Agency has caused to be prepared and has approved the Agency's Report to Accompany the Redevelopment Plan for the 36th Street Redevelopment Project (the "Agency Report");

WHEREAS, the Planning Commission has been given the opportunity to consider the proposed changes in the Proposed Redevelopment Plan and 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 is a blighted area and that the Project Area is restricted to buildings, improvements, or lands which are detrimental or inimical to the public health, safety, or welfare;

WHEREAS, the South Ogden City Council ("City Council") concurs in the findings of the Agency that the Project Area is a blighted area and that the Project Area is restricted to buildings, improvements, or lands which are detrimental or inimical to the public health, safety, or welfare;

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 City Council for action;

WHEREAS, the City 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 City 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 City Council;

WHEREAS, the City Council has determined that the owners of more 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 owned by public agencies or dedicated to public use, made objections in writing prior to or at the hearing; and in accordance with Section 17A-2-1225 of the Utah Neighborhood Development Act held an election which approved the creation of the 36th Street Project Area;

WHEREAS, the City 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 36th Street Redevelopment Project (the "Redevelopment Project");

BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH

SECTION 100 Adoption of the Plan

The South Ogden City Council hereby approves and adopts the Official Redevelopment Plan for the 36th Street Redevelopment Project, which is the Proposed Redevelopment Plan as modified by the City Council to incorporate changes recommended by the Agency, if any.

SECTION 200 Legal Description

The legal description of the boundaries of the 36th Street Redevelopment Project ("Project Area") are as provided in Exhibit A to this ordinance, which Exhibit A is attached hereto and incorporated herein by this reference.

SECTION 300 Purpose and Intent of City Council

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

- A. To reduce and eliminate existing blight and to prevent further deterioration within the Project Area;
- B. To facilitate new development of types and quality desired by the community;
- C. To encourage the businesses already located in South Ogden to renovate and beautify;

- 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 further deterioration within the Project Area.

SECTION 400 The Redevelopment Plan

The Official Redevelopment Plan, which incorporates modifications to the Proposed Redevelopment Plan recommended by the Agency made by the City Council, and the final Report to Accompany the Redevelopment Plan for the 36th Street Redevelopment Project, including the Report and Recommendations of the South Ogden Planning Commission on the proposed Redevelopment Plan for the 36th Street 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 proposed Redevelopment Plan as modified and approved by the City Council is hereby adopted and approved by the City Council and is designated as the Official Redevelopment Plan for the 36th Street Redevelopment Project (the "Official Redevelopment Plan").

SECTION 600 Findings and Determinations of City Council

The City Council hereby makes the following findings and determinations:

A. Conditions of the Project Area.

1. Blight. In view of the various existing conditions described in the final Agency Report, and in light of the various findings made in and on the basis of the Agency Report, the Project Area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes of the Act.
2. Detrimental or Inimical. In view of the various existing conditions described in the Agency Report, and in light of the various findings made in and on the basis of the Agency Report, the Project Area is restricted to buildings, improvements or lands which are detrimental or inimical to the public health, safety, or welfare.
3. Findings Not Exhaustive. Nothing herein shall be construed to imply that the Agency Report exhaustively describes all the facts and conditions that are the basis of the findings in the foregoing two paragraphs, and other additional justification for these findings may exist which have not been expressly noted.

B. 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, and the elimination of blight within the Project Area;
2. It will help to prevent erosion of South Ogden City's economic base;
3. It will help attract desirable businesses to locate and expand within the Project Area;
4. It will facilitate revitalization and beautification of the Project Area;
5. It will enable the Agency to help meet some of the infrastructure needs of the City of South Ogden which are important for revitalization of the Project Area; and
6. 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.

C. Feasibility. The adoption and carrying out of the Official Redevelopment Plan is economically sound and feasible in that the Official Redevelopment Plan, developments proposed pursuant to and in furtherance of the Official Redevelopment Plan will proceed and be carried out only if and when financing becomes available, and the financing of projects is primarily based upon the willingness of public and private entities to invest and develop in the Project Area.

D. Conformity to Comprehensive Plan. The Official Redevelopment Plan conforms to the South Ogden City Master Plan, as amended, as more particularly shown in the Agency and Planning Commission Reports.

E. 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 blight in 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; and;
5. Other measures which will promote the public peace, health, safety and welfare and which would be consistent with the purposes of the Act.

F. Eminent Domain. The Redevelopment Agency acting pursuant to the Official Redevelopment Plan shall have the power of eminent domain, as is more particularly indicated in Section 303 of the Official Redevelopment Plan.

1. The inclusion of the power of eminent domain is necessary to the execution of the Official Redevelopment Plan.
2. Condemnation of real property or the threat of condemnation is necessary to the execution of the Official Redevelopment Plan.
3. Before any condemnation action is initiated pursuant to the Official Redevelopment Plan, the Agency shall be required to ascertain and assure that adequate provisions have been made for payment of property to be acquired as provided by law.
4. In view of paragraph F.3., the City Council finds that adequate provisions will be made for payment of property to be acquired as provided by law.

G. 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 Section 312 of the Redevelopment Plan specifies that the Relocation Rules and Regulations for Implementation of the Utah Relocation Assistance Act for the 36th Street Redevelopment Project ("Relocation Rules") shall govern relocation of persons, businesses, and other entities displaced by Agency action. The Relocation Rules specify that "no 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, execution of the Redevelopment Plan cannot go forward, until and unless the Agency Governing Board is satisfied that replacement housing is available to the displaced person(s).

H. Relocation Dwellings. The Relocation Rules which govern relocation of persons displaced from the Project Area under the Redevelopment Plan as indicated in Section G hereof, also provide that "no person shall be required to move or to 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 which is a safe, clean and sanitary 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 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 Official Redevelopment Plan and reasonably accessible to their places of employment.

SECTION 700 Availability of Replacement Housing

The South Ogden 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. Moreover, the Relocation Rules, which govern relocation and persons displaced from the Project Area under the Official Redevelopment Plan as indicated in Section 6 hereof, impose a more stringent requirement. They provide that "no person shall be required to move from his dwelling on account of any project of the Agency and if the Agency Governing Board is satisfied that replacement is available to this person." 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 800 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 36th Street Redevelopment Project, adopted by Ordinance 828 by the South Ogden City Council.

SECTION 900 The Agency's Governing Board

The Governing Board of the Agency shall be the Mayor and City Council who constitute the legislative body of the City of South Ogden.

SECTION 1000 Public Hearings

The Agency shall 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 tax increment financing. Prior to such public hearing, the Agency shall give such general public notice as is

normally provided in connection with a hearing on a proposed zoning change by South Ogden City Planning Commission. In addition, the Agency shall give notice to landowners whose property is located within 300 feet of proposed development in the Project Area covered by this Section 1000. This notice shall be provided in the same manner that individualized notice is given prior to making any zoning changes in the City.

SECTION 1100 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 Council 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 provision, section, subsection, sentence, clause, phrase or word be declared unconstitutional or otherwise contrary to law.

SECTION 1200 Effective Date

This Ordinance shall become effective on the 24th day of November, 1992, or on the date Ordinance is posted in three public places.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH this 24th day of November, 1992.

ATTEST:



[Signature]

[Signature]
Mayor

E# 1208323 BK1650 PG499

STATE OF UTAH)
COUNTY OF UTAH) ss

I, Kathy VanDusen, City Recorder of South Ogden City, Weber County, Utah, do hereby certify that the above and foregoing is a full, true, and correct copy of an Ordinance passed by the City Council of South Ogden City on the 24th day of November, 1992.

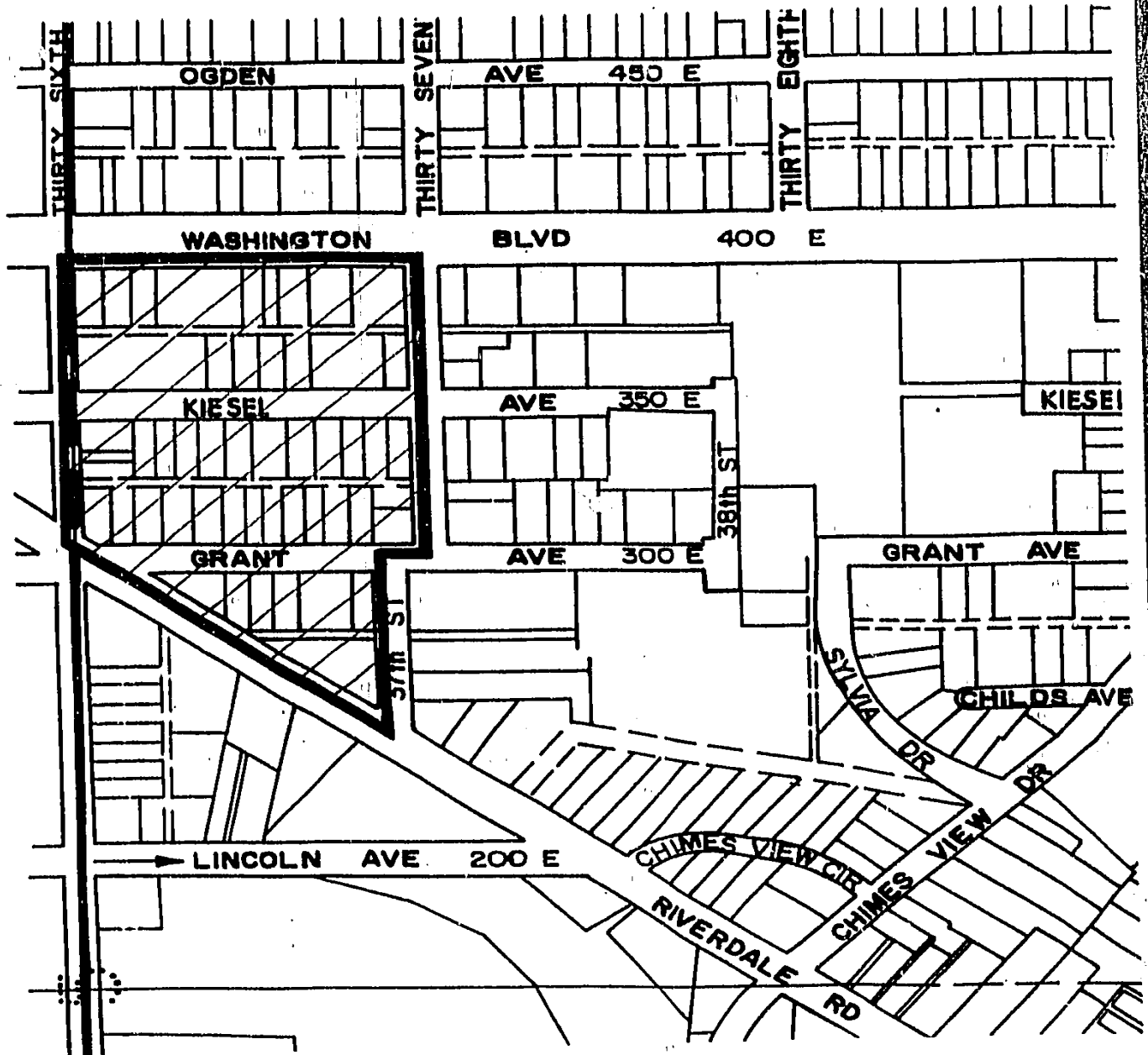
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of South Ogden City, Utah, this 24th day of Nov, 1992.

Kathy VanDusen
City Recorder



E# 1208323 BK1650 PG500

EXHIBIT A



E# 1208323 BK1650 PG501

36TH STREET REDEVELOPMENT PROJECT
("PROJECT AREA")

ORDINANCE NO. 828

AN ORDINANCE OF THE CITY COUNCIL OF SOUTH OGDEN ADOPTING RULES GOVERNING OPPORTUNITIES FOR OWNER PARTICIPATION WITHIN THE 36TH STREET REDEVELOPMENT PROJECT AREA.

WHEREAS, the City Council of South Ogden has established a Redevelopment Agency in accordance with Section 17A-2-1203 of the Utah Code Annotated 1953, as amended; and

WHEREAS, the Redevelopment Agency, in consultation with the Planning Commission of South Ogden, has prepared a redevelopment plan for the 36th Street Redevelopment Project Area; and

WHEREAS, Section 17A-2-1214 of the Utah Neighborhood Development Act requires that prior to the adoption of a final redevelopment plan for a project area, the legislative body of the community shall approve the owner participation rules; and

WHEREAS, the South Ogden City Redevelopment Agency has prepared and adopted said rules, and has submitted these rules for adoption by the City Council of South Ogden.

BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH.

SECTION 100 PARTICIPATION RULES ADOPTED

That the rules governing participation and preferences by the owners and tenants, which rules are attached hereto, be adopted by the City Council and be approved as the official rules governing owner participation within the 36th Street Redevelopment Project Area.

SECTION 200 EFFECTIVE DATE

This Ordinance shall become effective on the 24th day of November, 1992 or upon the date of publication of a summary of this Ordinance in the Ogden Standard Examiner if required.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH THIS 24th DAY OF NOVEMBER, 1992.

ATTEST

Kathy Van Drimmelen
CITY RECORDER



Doug Crofts
MAYOR

Posted December 9, 1992

E# 1208323 BK1650 P60492
DOUG CROFTS, WEBER COUNTY RECORDER
13-JAN-93 947 AM FEE \$0.00 DEP SM
REC FOR: SOUTH_OGDEN_CITY

PLATTED VERIFIED
ENTERED MICROFILMED

*All Blocks 21-24 Lake View Addition
05-127-0001 to 0011, 0013 to 0045, 0047
05-128-0001 to 0007*