

ORDINANCE NO. ~~2001-33~~

AN ORDINANCE OF OGDEN CITY, UTAH, ADOPTING THE WEST 12<sup>TH</sup> STREET ECONOMIC DEVELOPMENT PROJECT AREA ECONOMIC DEVELOPMENT PLAN ENTITLED, "WEST 12<sup>TH</sup> STREET ECONOMIC DEVELOPMENT PLAN," DATED MARCH 30, 2001; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON PUBLICATION AFTER FINAL PASSAGE.

The Council of Ogden City hereby ordains:

SECTION 1. The provisions of this ordinance shall be known, cited and referred to as the "WEST 12th STREET ECONOMIC DEVELOPMENT PLAN."

SECTION 2. Economic Development Plan. It has become necessary and desirable to adopt and Ogden City hereby adopts, an economic development plan entitled, "West 12<sup>th</sup> Street Economic Development Plan," dated March 30, 2001 (the "Economic Development Plan").

SECTION 3. Project Area Boundaries. The legal description of the boundaries of the West 12<sup>th</sup> Street Economic Development Project Area (the "Project Area") covered by the Economic Development Plan is as follows, to-wit:

Beginning at the intersection of the South right-of-way line of 17<sup>th</sup> Street and the East right-of-way line of Gibson Avenue, in Ogden, Utah, which point falls S 0°58' W 33 feet, and South 89°02' E 30 feet from the center line intersection of said Streets.

Thence N 0°58' E along the East right-of-way line of Gibson Avenue 2,752.88 feet to the South right-of-way line of 12<sup>th</sup> Street; thence N 89°03'15" W along the South right-of-way line of 12<sup>th</sup> Street 1,414.65 feet to the West right-of-way line of "A" Avenue; thence S 0°38' W along the West right-of-way line of "A" Avenue 1,482.64 feet to the beginning of a curve; thence along the curve on "A" Avenue to the North right-of-way line of 17<sup>th</sup> Street; thence S 0°58' W 66 feet to the South right-of-way line of 17<sup>th</sup> Street; thence S 89°02' E along the South right-of-way line of 17<sup>th</sup> Street to the point of Beginning.

SECTION 3. Purposes and Intent of Economic Development Plan. The purpose and intent of the City Council of Ogden City with respect to the Project Area is to accomplish the following purposes by adoption of the Economic Development Plan:

12-099-0008 TO 0015/  
12-099-0002,0004,0006/  
12-099-0017,0018,0020,0021/  
12-101-0003 TO 0005/  
12-101-0049,0050/  
12-101-0053 TO 0057/  
12-120-0002 TO 0004/  
12-120-0011 TO 0017/  
12-120-0009,0026/  
12-125-0001 TO 0004/  
12-125-0029 TO 0034/  
12-125-0039 TO 0046/  
12-125-0036,0037,0051/

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A. Encourage and assist economic development in order for a public or private employer to create additional jobs within the State.

B. Removal of impediments to land disposition and development through assembly of land into reasonably sized and shaped parcels necessary for economic development served by improved public utilities, infrastructure improvements and new public or private facilities.

C. The elimination of environmental deficiencies, irregular lot subdivision, improper drainage, overcrowding or underutilization of real property.

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

E. Promote and market the project area for economic development that would be complimentary to existing businesses and industries or would enhance the economic base of the City through diversification.

F. Provide utilities, streets, curbs, sidewalks, parking areas, landscape areas and other infrastructure improvements as appropriate and as necessary.

G. Provide for the strengthening of the property and income tax base and economic health of the entire community and the State of Utah.

H. Provide improved public streets and road access to and within the project area to facilitate better traffic and pedestrian circulation, reduce traffic hazards, and to promote air quality and reduce congestion.

I. Insure compatible relationships among land uses and quality standards for their development, such that the area functions as a unified and viable center of economic activity for the City.

**SECTION 4. Economic Development Plan Incorporated by Reference.** The Economic Development Plan, together with its Report and other supporting documents is incorporated herein by reference, and made a part of this Ordinance. Copies of the Economic Development Plan and Report shall be filed and maintained in the office of the City Recorder for public inspection.

**SECTION 5. Economic Development Plan Officially Designated.** The Economic Development Plan is hereby designated as the official Economic Development Plan for the Project Area.

**SECTION 6. City Council Findings.** The City Council of Ogden hereby determines and finds as follows:

A. There is a need to effectuate a public purpose, and the development of the Project Area is needed to effectuate the public purposes set forth in the Utah Neighborhood Development Act or any successor law or act (the "Act").

B. There is a benefit under the benefit analysis described in Section 17A-2-1220 of the Act.

C. The Economic Development Plan as described in Section 17A-2-1202(6) of the Act would develop the Project Area in conformity with the Act and is in the interests of the public peace, health, safety and welfare of the Project Area and the community.

D. The adoption and carrying out of the Economic Development Plan is economically sound and feasible.

E. The Economic Development Plan conforms to the master plan or general plan of Ogden City.

F. The carrying out of the Economic Development Plan will promote the public peace, health, safety and welfare of the community.

G. The condemnation of real property is not provided for in the Economic Development Plan. Except when acquiring property from an officer or member pursuant to 17A-2-1239 with the officer's or member's consent, the Redevelopment Agency shall not acquire real property within the Project Area by the use of the power of eminent domain.

H. The Redevelopment Agency of Ogden City (the "Agency") has a feasible method or plan for the relocation of families and persons displaced from the project Area, if the implementation of the Economic Development Plan results in the temporary or permanent displacement of any occupants of housing facilities in the Project Area.

I. There are or are being 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 and available to such displaced families and persons and reasonably accessible to their places of employment.

**SECTION 7. Housing Facilities.** In the event that there are displaced families or persons, the Agency is satisfied that permanent housing facilities will be available within three years from the time occupants of the Project Area are displaced and that pending the

development of these housing facilities, there will be available to the displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement.

Since the Economic Development Plan does not authorize the use of the power of eminent domain, the Agency is satisfied that there are no families or persons residing within the Project Area who will be displaced by the Agency from the Project Area.

**SECTION 8.. Tax Increment Financing.**

A. The Economic Development Plan and this Ordinance adopting the Economic Development Plan specifically incorporates the provisions of tax increment financing permitted by the Act, which are set forth in part as follows:

"(4) (a) An Agency may collect tax increment from all or a part of a 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 and the housing projects and programs under Section 17A-2-1263 and 17A-2-1264.

B. The Economic Development Plan provides and the Agency has elected the tax increment alternative of 70% of the annual tax increment for 10 years as shown in the Project Area Budget.

C. The Economic Development Plan specifically incorporates the provisions of Section 17A-2-1247.(5) of the Act as follows:

(5) (a) The Redevelopment Plan shall provide that the portion of the 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 redevelopment agency according to the provisions of Subsection (4) 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.

(b) The amount of the tax rate to be used in determining tax increment shall be increased or decreased by the amount of an increased or decreased by the amount of an increase or decrease as a result of:

(i) a statute 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 pursuant to Subsection 59-704(2), Utah Code Annotated 1953 as amended;

(ii) a change in exemption provided in Utah Constitution, Article XIII, Section 2, or Section 59-2-103;

(iii) any increase or decrease in the percentage of fair market value, as defined under Section 59-2-102, Utah Code Annotated 1953, as amended; or

(iv) a decrease in the certified tax rate under Subsection 59-2-924(2)(c) or (2)(b). The amount of the tax rate to be used in determining tax increment shall be increased or decreased by the amount of an increase or decrease as a result of:

(c) (i) Notwithstanding the increase or decrease resulting from Subsection 1247.5(5)(b) of the Act, 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 (5)(b).

(ii) For a decrease resulting from Subsection (5)(b)(iv), the taxable value for the base year under Subsection 17A-2-1247(2)(a) or 17A-2-1202(2), as the case may be, shall be reduced for any year to the extent necessary, including below zero, to provide an agency with approximately the same amount of money the agency would have received without a reduction in the county's certified tax rate if:

(A) in that year there is a decrease in the certified tax rate under Subsection 59-2-924(2)(c) or (2)(d)(i);

(B) the amount of the decrease is more than 20% of the county's certified tax rate of the previous year; and

(iii) the decrease results in a reduction of the amount to be paid to the agency under Section 17A-2-1247 or 17A-2-1247.5.

**SECTION 9.. Housing Element.** The Economic Development Plan and Project Area Budget allocate 20% of the tax increment to be received by the Agency over the life of the Economic Development Plan for income targeted housing uses. Pursuant to the provisions of Sections 17A-2-1247.5 and 17A-2-1264 of the Act, the Agency has allocated 20% of the total tax increment received by the Agency to be used for eligible housing as set forth in the Act. The tax increment monies received by the Agency from the tax increment period up to the total amount

of \$658,696.00 shall be used to assist eligible housing projects as defined in the Act. The amount of tax increment to be allocated each year is set forth in the Project Area Budget.

**SECTION 10. Effective Date.** This ordinance shall become effective immediately upon publication after final passage.

**PASSED, ADOPTED AND ORDERED PUBLISHED** by the Council of Ogden City, Utah, this 8<sup>th</sup> day of May, 2001.

Ken Alford  
Chair

ATTEST:

Lee Ann Peterson  
Acting City Recorder

TRANSMITTED TO THE MAYOR ON: 5/17/01

MAYOR'S ACTION:  Approved  Vetoed

Matthew R. Godfrey  
Matthew R. Godfrey Mayor

ATTEST:

Lee Ann Peterson  
Acting City Recorder

PUBLICATION DATE: 5/22/01  
EFFECTIVE DATE: 5/22/01

APPROVED AS TO FORM: AW 5-1-01  
Legal Date

