

ORDINANCE NO. 924

AN ORDINANCE OF THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ADOPTING THE COMMUNITY DEVELOPMENT PROJECT AREA PLAN ENTITLED, "PROJECT AREA PLAN FOR THE DRAPER GATEWAY COMMUNITY DEVELOPMENT PROJECT AREA," DATED NOVEMBER 5, 2009.

BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

SECTION I. This Ordinance pertaining to the "Project Area Plan for the Draper Gateway Community Development Project Area" is hereby enacted to read as follows:

PROJECT AREA PLAN FOR THE DRAPER GATEWAY COMMUNITY DEVELOPMENT PROJECT AREA

Sections:

- 1. Adoption of Project Area Plan.
- 2. Project Area Boundaries.
- 3. Purposes of Project Area Plan.
- 4. Project Area Plan Incorporated by Reference.
- 5. Findings.
- 6. Acquisition of Property.
- 7. Funding.
- 8. Effective Date.

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 GARY W. OTT
 RECORDER, SALT LAKE COUNTY, UTAH
 CITY OF DRAPER
 1020 E PIONEER RD
 DRAPER UT 84020
 BY: ZJM, DEPUTY - MA *l p.*

Section 1. Adoption of Project Area Plan. The Redevelopment Agency of Draper City (the "Agency") has adopted the Project Area Plan entitled, "Project Area Plan for the Draper Gateway Community Development Project Area," dated November 5, 2009 (the "Project Area Plan"). The Project Area Plan is hereby designated as the official Community Development Project Area Plan of the Draper Gateway Community Development Project Area (the "Project Area"). The City, after review of the Agency's findings, as set forth herein, hereby adopts by Ordinance the Project Area Plan pursuant to Section 17C-4-105 of the Utah Community Development and Renewal Agencies Act.

Section 2. Project Area Boundaries. The legal description of the boundaries of the Project Area covered by the Project Area Plan is as follows, to-wit:

Beginning at a point being North 89°59'05" West 1981.23 feet along the North section line of Section 30, Township 3 South, Range 1 East, Salt Lake Base and Meridian and South 0°02'32" East 1305.32 feet from the North quarter corner of said section 30, thence North 89°59'23" East



a distance of 622.35 feet; thence South 0°02'32" East a distance of 1312.62 feet; thence South 89°57'50" West a distance of 1171.56 feet; thence North 11°35'00" West a distance of 946.16 feet, to a point on the arc of an 1969.96 foot radius curve; thence along said curve a distance of 121.58 feet to the right (the chord of which curve bears North 9°53'06" West a distance of 121.56 feet); thence North 0°02'25" West a distance of 265.40 feet; thence North 89°59'23" East a distance of 759.28 feet to the point of beginning.

Contains: 39.16 acres

Section 3. Purposes of Project Area Plan. The purposes and intent of the City Council of Draper City with respect to the Project Area are to accomplish the following purposes by adoption of the Project Area Plan:

- A. Promote and market the redevelopment of the existing mall to enhance the economic health of the community by increasing the local shopping diversity.
- B. Assist in the addition of a movie theater, which is the most frequently requested economic need expressed by Draper residents.
- C. Encourage development of out-pads with new restaurants in order to expand dining opportunities within the community.
- D. Provide utilities, streets, curbs, sidewalks, parking areas, landscaping to give the area an improved look and to attract and encourage expanded business activity. Removal of structurally substandard buildings or improvements to permit the return of the Project Area land to economic use and new construction.

Section 4. Project Area Plan Incorporated by Reference. The Project Area Plan, together with any supporting documents, is incorporated herein by reference and made a part of this Ordinance. Copies of the Project Area Plan shall be filed and maintained in the office of the City Recorder and the Redevelopment Agency for public inspection.

Section 5. Findings. The Redevelopment Agency has determined and found as follows:

The adoption of the Project Area Plan will:

- A. Satisfy a public purpose by, among other things, encouraging and accomplishing appropriate development and economic development within the Project Area;
- B. Provide a public benefit, as shown by the benefit analysis included in the Project Area Plan as required pursuant to Subsection 17C-4-103(11) of the Act;
- C. Be economically sound and feasible; it is expected that the private sector will perform required construction and installation relating to projects, and any related funding from the

Agency will be pursuant to interlocal agreements entered into between the Agency and one or more taxing entities and/or by way of grants received by the Agency;

- D. Conform to Draper City's general plan; the Plan provides that all development in the Project Area is to be in accordance with the City's zoning ordinances and requirements;
- E. Promote the public peace, health, safety and welfare of Draper City.

Section 6. Acquisition of Property. Pursuant to this Project Area Plan the Agency may acquire (but is not required to acquire) property in the Project Area by negotiation, gift, devise, exchange, purchase, or other lawful method, but not by **eminent domain (condemnation)** except from an Agency board member or officer with their consent. Pursuant to this Project Area Plan the Agency is authorized to acquire (but is not required to acquire) any other interest in real property in the Project Area less than fee title such as leasehold interests, easements, rights of way, etc. by negotiation, gift, devise, exchange, purchase or other lawful method, but not by **eminent domain (condemnation)** except from an Agency board member or officer with their consent.

Section 7. Funding.

- A. Subject to any limitations required by currently existing law (unless a limitation is subsequently eliminated), this Ordinance hereby specifically incorporates all of the provisions of the Act that authorize or permit the Agency to receive funding for the Project Area and that authorize the various uses of such funding by the Agency, and to the extent greater (or more beneficial to the Agency) authorization for receipt of funding by the Agency or use thereof by the Agency is provided by any amendment of the Act or by any successor provision, law or act, those are also specifically incorporated herein. It is the intent of this Ordinance that the Agency shall have the broadest authorization and permission for receipt of and use of sales tax, tax increment and other funding as is authorized by law, whether by existing or amended provisions of law. This Ordinance also incorporates the specific provisions relating to funding of community development project areas permitted by Title 17C, Chapter 4, Part 2, Utah Code Annotated, 1953, as amended, which provides in part as follows:

"17C-4-201. Consent of a taxing entity or public entity to an agency receiving tax increment or sales tax funds for community development project.

- (1) An agency may negotiate with a taxing entity and public entity for the taxing entity's or public entity's consent to the agency receiving the entity's or public entity's tax increment or sales tax revenues, or both, for the purpose of providing funds to carry out a proposed or adopted community development project area plan.
- (2) The consent of a taxing entity or public entity under Subsection (1) may be expressed in:
 - (a) a resolution adopted by the taxing entity or public entity; or

(b) an interlocal agreement, under Title 11, Chapter 13, Interlocal Cooperation Act, between the taxing entity or public entity and the agency.

(3) A school district may consent to an agency receiving tax increment from the school district's basic levy only to the extent that the school district also consents to the agency receiving tax increment from the school district's local levy.

(4) (a) A resolution or interlocal agreement under this section may be amended from time to time.

(b) Each amendment of a resolution or interlocal agreement shall be subject to and receive the benefits of the provisions of this part to the same extent as if the amendment were an original resolution or interlocal agreement.

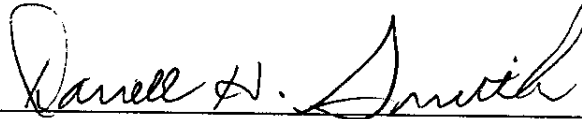
(5) A taxing entity's or public entity's consent to an agency receiving funds under this section is not subject to the requirements of Section 10-8-2."

B. Except for grants, the particulars as to the amount and duration of funding for the Project Area shall be as provided for in the funding resolutions or interlocal agreements of taxing entities and public agencies, unless another method is provided by law that the Agency deems more beneficial to the Agency.

Section 8. Effective Date. This Ordinance shall take effect upon its first publication or posting.

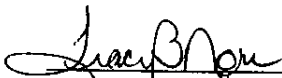
PASSED and **APPROVED** by the City Council of Draper City, State of Utah, this 15th day of December 2009.

THE CITY COUNCIL OF DRAPER CITY



Darrell H. Smith, Mayor

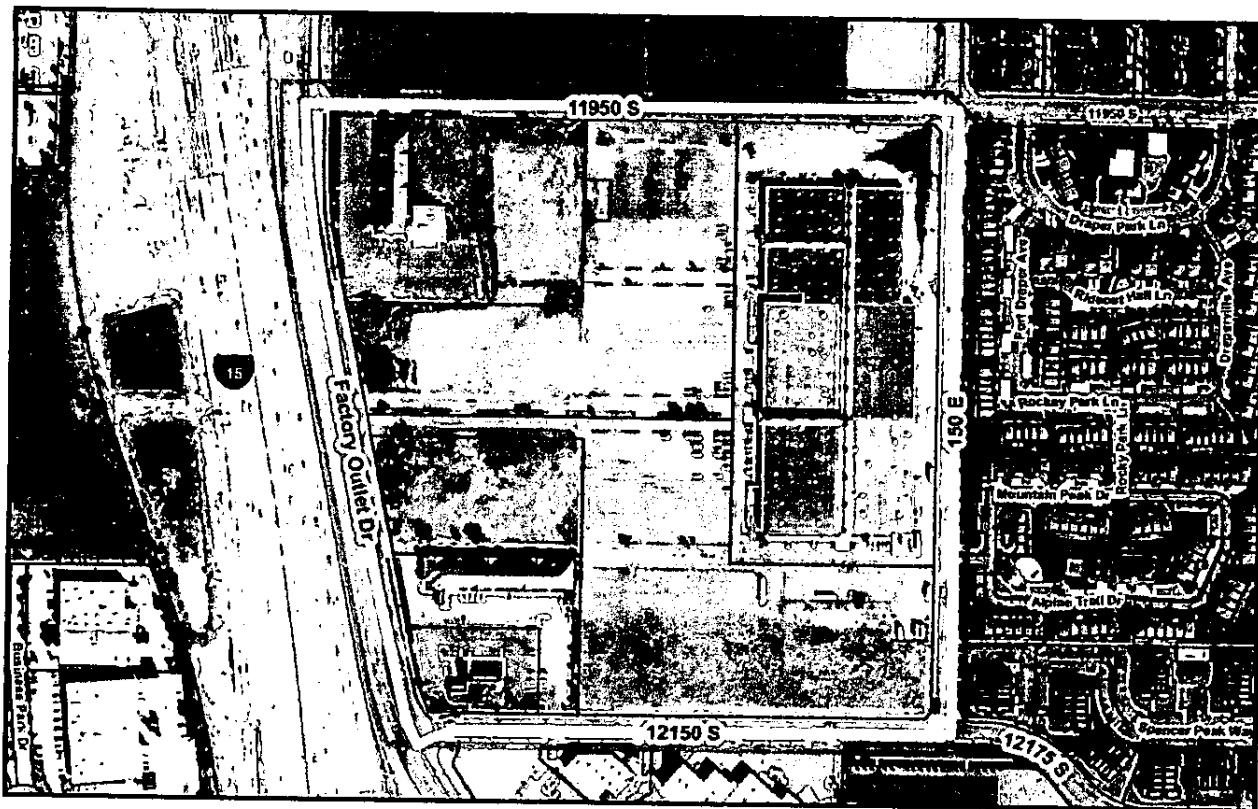
ATTEST:



Tracy B. Norr, City Recorder



EXHIBIT "A"
MAP OF DRAPER GATEWAY COMMUNITY DEVELOPMENT PROJECT AREA



Affidavit of Posting

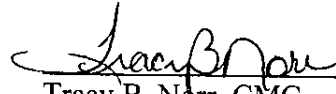
SALT LAKE COUNTY, STATE OF UTAH

I, the Recorder of Draper City, by my signature below, certify that copies of **Ordinance No. 924** for the **City of Draper**, which **Passed and Adopted by the City Council of Draper City, State of Utah on the 15th day of December, 2009** were posted at the following places: Draper City Bulletin Board, Salt Lake County Library, Draper Senior Citizens Center, within the municipality.

Posting Period: December 17, 2009 to January 6, 2010

City Seal




Tracy B. Norr, CMC
City Recorder
Draper City, State of Utah