

SALINA CITY COUNCIL

Ordinance No. 011104

AN ORDINANCE ADOPTING THE ECONOMIC DEVELOPMENT PLAN FOR THE SALINA CITY TIPPERARY INDUSTRIAL PARK ECONOMIC DEVELOPMENT PROJECT AREA AS THE OFFICIAL ECONOMIC DEVELOPMENT PLAN FOR THE PROJECT.

WHEREAS, acting pursuant to the Utah Redevelopment Agencies Act as amended (the "Act"), Title 17B, Chapter 4, Part 100 of the Utah Code Annotated, the Salina City Redevelopment Agency ("Agency"), in consultation with the Salina City Planning Commission (the "Planning Commission") has prepared an Economic Development Plan for the Salina City Tipperary Industrial Park Economic Development Project Area (the "Proposed Plan"); and

WHEREAS, the Agency has caused to be prepared and has approved the Agency's Report to Accompany the Economic Development Plan for the Salina City Tipperary Industrial Park Economic Development Project Area (the "Agency Report"); and

WHEREAS, the Salina 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 clearing; and

WHEREAS, the Agency has determined in its Report that the Salina City Tipperary Industrial Park Economic Development Project Area (the "Project Area") meets the requirements of an economic development project area; and

WHEREAS, the Salina City Council (the "City Council") concurs in the findings that the Project area meets the requirements of an economic development project area; and

WHEREAS, the Planning Commission and the Agency have recommended the adoption of the Proposed Plan with the modifications, if any, and the Agency has submitted the same to the Council for its action; and

WHEREAS, the City Council has concurred in the modifications, if any, recommendations by the Agency and the Planning Commission to the Proposed Plan, and has overruled all objections to the adoption of the Proposed 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 City Council; and

WHEREAS, the City Council has determined that the owners of less than forty percent (40%) of the area of the property included within the Project Area; excluding property owned by the public agencies or dedicated to public use, made objections in writing prior to or at the hearing;

WHEREAS, the City Council finds and determines that the Proposed Plan would develop the Project Area in conformity with the Redevelopment Agencies Act (formerly known

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as Utah Neighborhood Development Act), as amended; that it would further the interest of the public peace, health, safety and welfare; and the adoption and carrying out of the Official Economic Development Plan is economically sound and feasible; and that a number of other appropriate reasons call for the adoption and implementation of the Proposed;

NOW, THEREFORE, BE IT ORDAINED BY THE SALINA CITY COUNCIL AS FOLLOWS:

SECTION 1 Legal Description

The legal description of the boundaries of the Salina City Tipperary Industrial Park Economic Development Project Area (the "Project Area") are as provided in Exhibit A to this Ordinance, which Exhibit A is attached hereto and incorporated herein by this reference.

SECTION 2 Purpose and Intent of the Salina City Council

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

- 2.1 To facilitate new industrial development desired by the community, thereby creating new jobs for the City and the State.
- 2.2 To encourage the business located in the Project Area to renovate and improve the area.
- 2.3 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.
- 2.4 To increase the tax base of the City and other taxing entities.

SECTION 3 Designation, Adoption and Incorporation of the Plan

- 3.1 The Proposed Plan, as modified by the City Council incorporates changes recommended by the Agency, if any, and is hereby designated the Official Economic Development Project Area Plan for the Salina City Tipperary Industrial Park (the "Official Plan").
- 3.2 The Salina City Council hereby officially approves of and adopts the said Official Plan for the Project Area.
- 3.3 The Official Economic Development Project Area Plan, incorporating those modifications to the Proposed Economic Development Project Area Plan recommended by the Agency and made by the City Council, and the final Report to Accompany the Economic Development Plan for the Project Area, including the Report and Recommendations of the Planning Commission on the proposed Economic Development Plan for the Project Area, are incorporated herein by this reference.

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SECTION 4 Findings and Determinations for the Salina City Council

The City Council hereby makes the following findings and determinations:

4.1 Need to Effectuate a Public Purpose

As detailed in the Agency Report, adoption of the Official Economic Development Plan is needed in order to support the variety of public purposes identified herein. In particular, adoption of the Official Economic Development Plan will help to bring about development of the project area which will create jobs for Salina City residents and will strengthen the Salina City tax base as well as that of other affected taxing entities.

4.2 Assurance of Public Benefit

An analysis of the nature and scope of public benefits to be derived from adoption of the Official Economic Development Plan is set forth in the Agency Report. The City Council hereby reaffirms the findings made in the Agency Report, since several key types of benefits are identified there. First, current and future occupants of the proposed Project Area will benefit in that needed infrastructure will be upgraded and/or installed, land will be assembled, and problems currently standing in the way of development of the Project Area will be eliminated. This in turn will make it possible to help bring about the high community priorities on strengthening Salina City's tax base. In addition to these general benefits, the Official Economic Development Plan requires that each of the items to be analyzed under Section 17B-4-403, as amended, of the Act in terms of identifying specific public benefit and subsidies provided to particular development (i.e., to each subpart of the overall redevelopment project contemplated by the Official Economic Development Plan) as well as the resulting public benefit to the community must be reanalyzed, both as to the specific development and in terms of the impact of that development on the whole Project, at any time new funds are committed to the Project. Thus, each major step in the implementation of the Official Economic Development Plan may only be undertaken after ongoing benefit analysis is completed, and this process, as set forth in the Official Economic Development Plan, will provide the best possible assurance that the benefits contemplated by the Act will be achieved.

4.3 Conformity with the Utah Neighborhood Development Act and Other Public Purposes

The Official Plan will develop the Project Area in conformity with the Act and in the interest of the public peace, health, safety and welfare in that:

4.3.1 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, economic development, and rehabilitation of the Project Area.

4.3.2 It will help to increase the City's economic base.

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- 4.3.3 It will help attract or retain desirable businesses to located and expand within the Project Area and increase job opportunities for the City and State.
- 4.3.4 It will facilitate revitalization of the Project Area.
- 4.3.5 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.

4.4 Feasibility

The adoption and carrying out the Official Economic Development Plan is economically sound and feasible in that under the Redevelopment Plan, developments proposed pursuant to and in furtherance of the Official Economic Development 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. Furthermore, as set forth in the Official Economic Development Plan, feasibility of specific projects and the overall feasibility of the Plan will be reanalyzed each time the commitment of additional tax increment funds is authorized. Thus, there will be ongoing checks to assess the feasibility of the Project as a whole and individual components of the Project, and this process, as set forth in the Official Economic Development Plan and the Agency Report, will provide the best possible assurance that the Project will be feasible as contemplated by the Act.

4.5 Conformity to Comprehensive Plan

The Official Economic Development Plan conforms to the Salina City Master Plan as adopted by Salina City as more particularity shown in the Agency Report.

4.6 Effects of Carrying Out the Official Economic Development Plan

The carrying out of the Official Economic Development 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:

- 4.6.1 Measures which will eliminate current sources of stagnation and inability to develop within the Project Area;
- 4.6.2 The attraction of desirable business into the Project Area;
- 4.6.3 The encouragement of attractive, new development within the Project Area;
- 4.6.4 The provision of enhanced parking, traffic circulation, infrastructure, and other such improvements. **00306443 BR00426 PG00343**
- 4.6.5 Other measures which will promote the public peace, health, safety, and welfare and which would be consistent with the purposes of the Act.

4.7 Eminent Domain

The Salina City Tipperary Industrial Park Project Area Plan does not include the power of eminent domain. Therefore, the Agency does to have any power to condemn or issue the threat of condemnation within the Project Area.

4.8 Relocation

While most land within the Project Area is vacant and the need to relocate families will not be required; the agency has a feasible method in the event that the Economic Development Plan may result in the temporary or permanent displacement of any occupants of housing facilities. The Economic Development Plan specified that the Relocation rules and Regulations for Implementation of the Utah Relocation Assistance Act for the Economic Development Project Area (“Relocation Rules”) shall govern relocation of persons, businesses, and other entities displaced by any Agency action.

SECTION 5 Availability of Replacement Housing

The Salina City Council is satisfied that 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 at rents comparable to those in the community at the time of their displacement. Significantly, the Relocation Rules, which govern relocation and persons displaced from the Project Area under the Official Economic Development Plan, as indicated in Section 4.8 hereof, imposed a very stringent requirement. They provide in Section 503 of the Official Plan thereof that “[no person shall be required to move from his dwelling on account of any project of the Agency unless the Agency’s Executive Directors or Chairman is satisfied that replacement housing is available to his person.]” Persons may not be displaced from property pursuant to the Official Economic Development 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. In all likelihood, inhabitants of the affected residential structures will voluntarily seek and find alternative housing before any action is taken by the Agency that would necessitate their moving.

SECTION 6 Participation Rules

The Official Economic Development Plan shall operate subject to the Rules Governing Participation and Preferences by Owners, Operators of Businesses, and Tenants in the Salina City Tipperary Industrial Park Economic Development Project Area, as adopted by ordinance by the Salina City Council, and Salina City Redevelopment Agency.

SECTION 7 The Agency’s Governing Board

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As required by the Redevelopment Agencies Act, (formerly known as the Utah Neighborhood Development Act), as amended, and as specifically provided for in the Agency’s

bylaws, the governing body of the Salina City Redevelopment Agency shall be of the same individuals who constitute the legislative body of the Salina City Council.

SECTION 8 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 provide in connection with a hearing on a proposed zoning change by the Salina City 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.

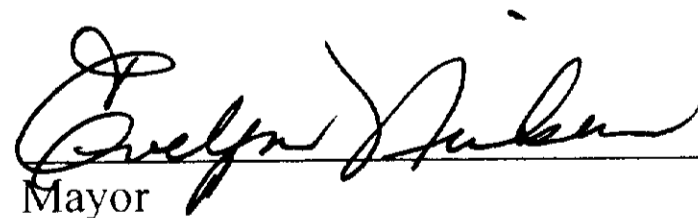
SECTION 9 Severability

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 Resolution 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 10 Effective Date

This Ordinance shall become effective on the date on which a summary hereof is posted or published as required by the Redevelopment Agencies Act, (formerly known as the Utah Neighborhood Development Act).

APPROVED AND ADOPTED this 14th day of Nov., 2001

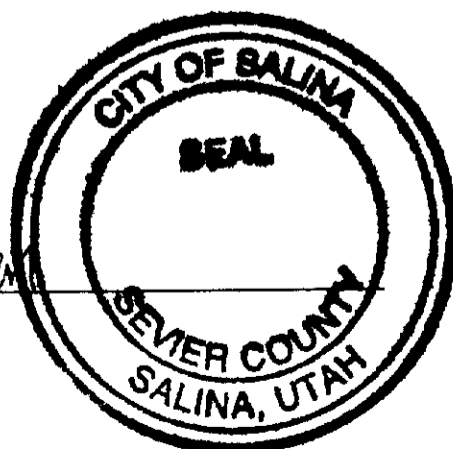


Mayor
Salina City

ATTEST:



Salina City Recorder



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"Exhibit A"

**SALINA CITY TIPPERARY INDUSTRIAL PARK
ECONOMIC DEVELOPMENT
PROJECT AREA**

The Southeast Quarter of Southwest Quarter; the Southeast Quarter; the Southeast Quarter of the Northeast Quarter of Section 35, Township South, Range 1 West, Salt Lake Base & Meridian.

The Southwest Quarter; the South Half of the Northwest Quarter; the South Half of the Northwest Quarter of the Northeast Quarter; the Southwest Quarter of the Northeast Quarter; the West Half of the Southeast Quarter; the Southeast Quarter of the Southeast Quarter of Section 36, Township 21 South, Range 1 West, Salt Lake Case & Meridian.

The North Quarter of section 1, Township 22 South, Range 1 West, Salt Lake Base & Meridian.

LESS the land within the Right-of-Way of Interstate 70.

The total acreage of these parcels = 720 +/- Acres.