

BOOK 238

RECORDED AT REQUEST OF

Tooele City Corp.

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PAGE 182-198

DARNA S. MCKENRICK
TOOELE COUNTY RECORDER

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ORDINANCE
86 - 05

AN ORDINANCE DESIGNATING AND ADOPTING THE AMENDED NEIGHBORHOOD DEVELOPMENT PLAN ENTITLED "TOOELE NEIGHBORHOOD DEVELOPMENT PLAN AND REPORT", DATED THE 15th DAY OF JANUARY, 1986

WHEREAS, the "Tooele Central Business District Neighborhood Development Plan", dated July 31, 1985, was designated as the official redevelopment plan of the project area and report in Ordinance 85-11; and,

WHEREAS, there was a discrepancy in the interpretation of the legal description of the boundaries of the project area; and,

WHEREAS, the legal description of the boundaries of the project area covered by the redevelopment plan entitled, "Tooele Central Business District Neighborhood Development Plan", dated July 31, 1985, has been amended; and,

WHEREAS, the amended legal description of the "Tooele Central Business District Neighborhood Development Plan", dated January 15, 1986, is as follows:

Beginning at the North Quarter corner of Section 21, Township 3 South, Range 4 West, Salt Lake Base and Meridian, in the City of Tooele, and running thence East 1275 feet, more or less, to the East line of State Highway U-36; thence South 33 feet; thence East 297 feet, more or less, to the Northeast Corner of the Cochrane property; thence South 330 feet, more or less, to the Southeast corner of the Mantes property; thence East 288.653 feet; thence South 685.62 feet; thence West 316.58 feet to the Northeast corner of the

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Hollien property; thence South 281.0 feet, more or less, to the Southeast corner of the Steadman property; thence West 20 feet; thence South 200 feet, more or less, to the Southeast Corner of Steadman's Recreation property; thence East 308 feet to a point 166.03 feet West; and 219.6 feet North of the East line of First East Street; thence South 219.6 feet, more or less, to the extended North line of the Johnson Subdivision; thence East 166.03 feet, more or less, to the East line of First East Street; thence South 881.54 feet; thence West 428.61 feet, more or less, to the Northwest Corner of Block 66, also being the East line of Garden Street; thence South 1963 feet, more or less, to the Northwest Corner of Block 9, thence West 366.96 feet, more or less, to the Northwest Corner of Block 10, also being the East line of Main Street; thence South 1490.28 feet, more or less, to the Southwest Corner of said Block 10; thence East 366.96 feet to the Southwest Corner of Block 9; thence South 1810.38 feet, to a point 168.96 feet North of the Southwest Corner of Block 1, Plat "A" Tooele City Survey; thence West 206.96 feet to the Northeast Corner of the Lawrence property; thence South 66 feet; thence West 160 feet, more or less, to the East line of Main Street; thence South 102.96 feet, more or less, to the Southwest corner of Block 2; thence West 123.42 feet, more or less, to the Southeast Corner of Block 3, also being the West line of Main Street, thence North 132 feet, more or less, to the Southeast Corner of First Security Bank property; thence West 99 feet; thence North 33 feet; thence West 284.46 feet, more or less to the East line of Block 4, being on the West line of 50 West Street, thence along said west line 301.02 feet to the Southeast Corner of the Jones property; thence West along the South line of the Jones property 201.96 feet, more or less, to the Southwest corner of said Jones property; thence North 289.98 feet to the South line of Block 5, also being the North line of Vine Street; thence East 201.96 feet, more or less, to the Southeast Corner of said Block 5; thence North along the West line of 50 West Street 1311.42 feet, more or

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less, to the Southeast Corner of Block 12, Plat "A";
thence East along the North line of 100 North Street
383.46 feet to the Southeast Corner of Block 11, Plat
"A"; thence North along the East line of Block 11,
635.58 feet, to the Southeast corner of the Texaco
property; thence West 383.46 feet, more or less, to
the West line of 50 West Street; thence North along
said West line 248.62 feet, more or less; thence East
49.5 feet, more or less, to the Northwest corner of
the Texaco property; thence Southeasterly 333.96 feet,
more or less, to the Northeast Corner of the Texaco
property, said point also being on the West line of
Main Street; thence North along the West line of Main
Street 966.86 feet, more or less, to the Southeast
Corner of the Ferguson property; thence West along the
South line of said Ferguson property 383.46 feet, more
or less, to the West line of 50 West Street; thence
North along said West line 1171.5 feet, more or less,
to the Southeast corner of Block 69; thence East
383.46 feet, more or less, to the Southeast Corner of
Block 68, also being on the West line of Main Street;
thence North along said West line 789.76 feet, more or
less, to the Southeast Corner of the Gibson property;
thence West 213.5 feet; thence North 0°55' West 290
feet, more or less, along the West line of the Gibson
property, to the South line of the Paulos property;
thence West 125 feet, more or less, to the Southwest
corner of the Paulos property; thence North 410.5
feet, more or less, along the West line of the Paulos
property; thence West 49.5 feet, to the East line of
the Vorwaller property; thence North 200 feet, more or
less, to the Northwest corner of the McFarland and
Hullinger property; thence East 303.46 feet, more or
less, to the West line of Main Street; thence North
along said West line 581 feet, more or less, to the
Southeast Corner of the Roberts Pontiac property;
thence West 1155 feet, more or less, to the Southwest
Corner of the Tooele County property; thence North
along the Half Section line 792.26 feet, to the point
of beginning. Containing 103.003 acres, less and
excepting the roads.

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EXCEPTING THEREFROM the following described properties:

Beginning at the Southeast corner of Lot 4, Block 3, Plat "A", Tooele City Survey; and running thence North 41.5 feet; thence West 20.24 rods to an alley; thence South 51.5 feet; thence East 20.24 rods; thence North 10 feet to the point of beginning.

Beginning 49.5 feet South of the Northeast corner of Lot 5, Block 3, Plat "A", Tooele City Survey, running thence South 74 feet; thence West 20 rods, more or less, to the East line of an alley; thence North 74 feet along the East line of said alley; thence East 20 rods to the point of beginning.

Commencing at the Northeast corner of Lot 6, Block 3, Plat "A", Tooele City Survey; and extending thence South 25 feet; thence West 40 feet; thence North 25 feet; thence East 40 feet to the point of beginning.

Beginning at the Southeast corner of Lot 6, Block 3, Plat "A", Tooele City Survey; and running thence West 333.96 feet to an alley; thence North 82.5 feet; thence East 293.96 feet; thence South 25 feet; thence East 40 feet; thence South 57.5 feet to the point of beginning.

Commencing at the Southeast Corner of Lot 1, Block 6, Plat "A", Tooele City Survey, running thence North 22 feet; thence West 63.5 feet; thence South 22 feet; thence East 63.5 feet to the point of beginning

Commencing at a point 22 feet North from the Southeast Corner of Lot 1, Block 6, Plat "A", Tooele City Survey; running thence North 17 feet; thence West 63.5 feet; thence South 39 feet; thence East 9 feet; thence North 22 feet; thence East 54.4 feet to the point of beginning.

Beginning at a point 40 feet 2.6 inches West and 22 feet North from the Southeast corner of Lot 1, Block 6, Plat "A", Tooele City Survey, running thence West

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22 feet 2.25 inches; thence South 1-3/4 inches, thence East 22 feet 2.25 inches, more or less, thence North 2-5/8 inches to the point of beginning.

Commencing 60 feet North of the Southeast Corner of Block 6, Plat "A", Tooele City Survey; running thence West 63.5 feet; thence South 21 feet; thence East 63.5 feet; thence North 21 feet to the point of beginning.

Commencing at a point 138.5 feet North of the Southeast Corner of Lot 1, Block 6, Plat "A", Tooele City Survey; running thence North 26.91 feet; thence West 180 feet; thence South 26.91 feet; thence East 180 feet to the point of beginning.

Commencing 28 feet South and 110 feet East of the Southwest Corner of Lot 3, Block 6, Plat "A", Tooele City Survey; which is a point on the South line of the present Droubay property; and running thence East 44.5 feet; thence North 55 feet 1/2 inch; thence East 64 feet 10 inches; thence North 21 feet 2 inches to the South line of Private Alley on said Lot 3; thence West 109 feet 4 inches, thence South 76 feet 2-1/2 inches to the point of beginning.

Commencing 213.57 feet North of the Southeast corner of Lot 1, Block 6, Plat "A", Tooele City Survey; running thence West 224.5 feet; thence North 18.75 feet; thence East 224.5 feet; thence South 18.75 feet to the point of beginning.

Beginning 232.32 feet North and 224.50 feet West of the Southeast Corner of Lot 1, Block 6, Plat "A", Tooele City Survey; running thence South 95.21 feet; thence West 110 feet; thence North 116.17 feet; thence East 218 feet; thence South 20-5/6 feet; thence West 104.5 feet to the point of beginning.

The North 2 rods of Lot 8, and the South 3 feet of Lot 9, Block 6, Plat "A", Tooele City Survey.

Beginning at a point which is 3 feet North from the

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Southeast Corner of Lot 9, Block 6, Plat "A", Tooele City Survey; running thence North 4 rods; thence West 20.24 rods, more or less, to the alley; thence South 4 rods; thence East 20.24 rods to the point of beginning.

All of Lot 10, and the North 13.5 feet of Lot 9, Block 6, Plat "A", Tooele City Survey.

Commencing at the Northwest corner of Block 6, Plat "A", Tooele City Survey; running thence South 168 feet; thence East 100 feet; thence North 168 feet; thence West 100 feet to the point of beginning.

Commencing at the Southwest Corner of Lot 1, Block 7, Plat "A", Tooele City Survey; running thence North 34.5 feet; thence East 100 feet; thence South 34.5 feet; thence West 100 feet to the point of beginning.

Beginning at the Northeast corner of Block 14, Plat "A", Tooele City Survey; running thence South 78 feet; thence West 187.96 feet; thence North 78 feet; thence East 187.96 feet to the point of beginning.

Beginning at the Southeast corner of Lot 1, Block 29, Plat "A", Tooele City Survey; running thence North 136.5 feet; thence West 165 feet; thence North 49.5 feet; thence West 168.96 feet, more or less, to the alley; thence South 186 feet, more or less, to the alley; thence South 186 feet; more or less to the Southwest Corner of said Lot 1, thence East 333.96 feet to the point of beginning.

WHEREAS, the purposes and intent of the City Council of Tooele, Utah, with respect to the project area is to accomplish the following purposes by adoption of the redevelopment plan entitled, "Tooele Central Business District Neighborhood Development Plan and Report", dated January 15, 1986.

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a. Removal of structurally substandard buildings to permit the return of the project area land to economic use and new construction.

b. Removal of impediments to land disposition and development through assembly of land into reasonably sized and shaped parcels served by improved public utilities and community facilities.

c. Rehabilitation of buildings to assure sound long term economic activity in the core area of the City of Tooele.

d. The elimination of environmental deficiencies, including among others, small and irregular lot subdivisions, overcrowding of the land and inadequate off-street parking.

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

f. Implement the tax increment financing provisions of the Utah Neighborhood Development Act, which is incorporated herein by reference and made a part of this Ordinance.

g. The strengthening of the tax base and economic health

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of the entire community and of the State of Utah.

h. Provisions for improvements to public streets, curbs and sidewalks, other public rights-of-way, street lights, landscaped areas, public parking and other public improvements; and,

WHEREAS, the redevelopment plan entitled, "Tooele Central Business District Neighborhood Development Plan", dated July 31, 1985, and the report, is incorporated herein by reference and made a part of this Ordinance. Three (3) copies of said plan shall be filed and maintained in the office of the City Recorder for public inspection; and,

WHEREAS, the City Council of Tooele, Utah, hereby determines and finds as follows:

a. The project area comprising the major portion of the commercial area of the City of Tooele as above described is a "blighted area" as defined in Section 11-19-2, Utah Code Annotated (1953, as amended), and that the redevelopment of said area is necessary to effectuate the public purposes set forth in the Utah Neighborhood Development Act and public purposes intended by the establishment of the Redevelopment Agency of the City of Tooele.

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b. The redevelopment plan would redevelop the above-described area in conformity with the Utah Neighborhood Development Act and is in the best interests of the public peace, health, safety and welfare of the area and the community.

c. The adoption and carrying out of the plan is feasible and economically sound.

d. The redevelopment plan conforms to and is compatible with the master plan of the City of Tooele, Utah.

e. The carrying out of the redevelopment plan will promote the public peace, health, safety and welfare of the community and will effectuate the purposes and policy of the Utah Neighborhood Development Act.

f. The condemnation of the real property, if and as provided for in the redevelopment plan, is necessary to the execution of the redevelopment plan and adequate provisions have been made for the payment of said property to be acquired as required by law.

g. The Redevelopment Agency of the City of Tooele has a feasible plan for the relocation of persons, if any, to be temporarily or permanently displaced from housing facilities in the project area.

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h. Persons displaced from the project area, if any, are able to find or will be able to find either in the project area or in areas not generally less desirable in regard to public utilities and public and commercial facilities, and at rents or prices within their financial means and available to them, decent, safe and sanitary dwellings equal in number to the number of dwellings displaced and reasonably accessible to their places of employment; and,

WHEREAS, the City Council of the City of Tooele is satisfied that permanent housing facilities will be available within three (3) years from the time occupants of the project area, if any, are displaced, and that pending the development of such facilities, temporary housing at comparable rents to those existing at the time of the displacement will be available in the general area; and,

WHEREAS, this Ordinance adopting the redevelopment plan entitled, "Tooele Central Business District Neighborhood Development Plan", dated January 15, 1986, incorporates the provisions of tax increment financing permitted by the Utah Neighborhood Development Act and specifically Section 11-19-29, Utah Code Annotated (1953, as amended), which provides as

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ORDINANCE 06-05. AN ORDINANCE DESIGNATING AND ADOPTING THE AMENDED NEIGHBORHOOD DEVELOPMENT PLAN ENTITLED "TOOELE NEIGHBORHOOD DEVELOPMENT PLAN AND REPORT", DATED THE 15th DAY OF JANUARY, 1986
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follows:

a. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in a redevelopment project each year by or for the benefit of the State of Utah, any city, county, city and county, district or other public corporation [hereinafter sometimes called "Taxing Agencies"] after the effective date of the Ordinance approving the redevelopment plan shall be divided as follows:

- (1) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such Ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied

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by or for any taxing agency or agencies which did not include the territory in a redevelopment project on the effective date of such Ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the county last equalized on the effective date of the Ordinance shall be used in determining the assessed valuation of the taxable property in the project on the effective date); and,

- (2) In a redevelopment project with a redevelopment plan adopted after April, 1983, that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under subsection (1) shall be allocated to and when collected shall be paid into a special fund of the redevelopment agency according to the limits set forth in subsection (3) to pay the principal and interest on loans, money advanced to, or indebtedness (whether funded, refunded, assumed,

or otherwise) included in such redevelopment agency after April 1, 1983, to finance or refinance, in whole or in part, such redevelopment.

Payment of tax revenues to the redevelopment agency shall be subject to and shall except uncollected or delinquent taxes in the same manner as payments of taxes to other taxing agencies are subject to collection. Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in such project as shown by the last equalized assessment roll referred to in subsection (a)(1) of this section, all of the taxes levied and collected upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies. When such loans, advances and indebtedness, if any, any interest thereon, have been paid, taxable property in such redevelopment project shall be

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paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(3) For purposes of subsection (2) the maximum amounts which shall be allocated to and when collected shall be paid into the special fund of the redevelopment agency may not exceed the following percentages:

(1) For a period of the first five (5) years commencing from the first tax year a redevelopment agency accepts an amount allocated to and when collected paid into a special fund of the redevelopment agency to pay the principal of and interest on loans, money advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) which loans, advances, or indebtedness are incurred by such redevelopment agency after April 1, 1983, one hundred percent (100%) of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under subsection (1);

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(ii) For a period of the next five (5) years, eighty percent (80%) of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under subsection (1);

(iii) For a period of the next five (5) years, seventy five percent (75%) of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under subsection (1);

(iv) For a period of the next five (5) years, seventy percent (70%) of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under subsection (1);

(v) For a period of the next five (5) years, sixty percent (60%) of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the

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respective taxing agencies under subsection (1).

(4) Nothing contained in subsection (a)(2), and (a)(3) shall prevent an agency from receiving a greater percentage than those set forth in subsection (a)(3) of the levied taxes of any local taxing agency each year in excess of the amount allocated to and when collected paid into funds of the respective local taxing agency if the governing body of such local taxing agency consents in writing.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOOELE, that due to the peace, health and welfare of the citizens of Tooele City that this Ordinance take effect immediately upon passage.

DATED this 22 day of January, 1986.

TOOELE CITY COUNCIL

[For]

[Against]

J. Dan T. Talbot
Gordon P. [unclear]

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TOOELE CITY COUNCIL (continued)

[For]

[Against]

Walter E. Toole

Charles S. DeLima

Raymond Johnson

MAYOR OF TOOELE CITY

[For]

[Against]

George W. Diehl

ABSTAINING

Effective Date: *January 23, 1986*

Approved as to Form: *Donna G. Draughon*
Donna G. Draughon, Tooele City Attorney

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ALAN K. JEPPESEN
Attorney for Petitioner
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85 North Main Street
Tooele, Utah 84074
Telephone: 882-2444

IN THE THIRD JUDICIAL DISTRICT COURT, IN AND FOR TOOELE COUNTY
STATE OF UTAH

--oo0cc--

IN THE MATTER OF
THE ESTATE OF:

LETTERS OF ADMINISTRATION

EDWARD A. ROBERTS,
Deceased.

Probate No. 4227

--oo0oo--

Lucy R. Sandberg was duly appointed and qualified as
Personal Representative of the estate of the above-named decedent
on the 18th day of ~~July~~ ^{Nov.}, 1985, by the Registrar and District
Judge with all authority pertaining thereunto.

Administration of the estate is unsupervised.

These letters are issued to evidence the appointment,
qualification and authority of said Personal Representative.

WITNESS, my signature and the seal of this Honorable Court
this 15th day of ~~July~~ ^{NOVEMBER}, 1985.

DENNIS EWING, CLERK OF THE COURT

By [Signature]
Deputy Clerk

ALAN K. JEPPESEN
ATTORNEY AT LAW
SUITE 200
85 NORTH MAIN STREET
TOOELE, UTAH 84074
PHONE 882-2444