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RASHELLE HOBBS
RECORDER, SALT LAKE COUNTY, UTAH
COTTONWOOD HEIGHTS
2277 E BENGAL BLVD
COTTONWOOD HEIGHTS UT 84121
BY: MBP, DEPUTY - WI 5 P.

COTTONWOOD HEIGHTS

ORDINANCE No. 311

AN ORDINANCE ADOPTING THE 2ND AMENDED PROJECT AREA PLAN, AS APPROVED BY THE BOARD OF DIRECTORS OF THE COTTONWOOD HEIGHTS COMMUNITY DEVELOPMENT AND RENEWAL AGENCY, AS THE OFFICIAL COMMUNITY DEVELOPMENT PROJECT AREA PLAN FOR THE CANYON CENTRE COMMUNITY DEVELOPMENT PROJECT AREA, AND DIRECTING THAT NOTICE OF THE ADOPTION BE GIVEN AS REQUIRED BY STATUTE

WHEREAS, the Board of Directors of the Community Development and Renewal Agency (the "Agency") of the city of Cottonwood Heights (the "City") heretofore prepared a Project Area Plan (the "Project Area Plan") for the Canyon Centre Community Development Project Area (the "Project Area"); and

WHEREAS, on 8 February 2011, the Agency held a public hearing and took public comment concerning the Project Area Plan, as required by UTAH CODE ANN. 17C-4-102; and

WHEREAS, on 8 March 2011, the Agency adopted the Project Area Plan as the official community development plan for the Project Area pursuant to its Resolution 2011-01; and

WHEREAS, the Limited Purpose Local Government Entities - Community Reinvestment Agency Act, UTAH CODE ANN. 17C-1-101 *et seq.* and any subsequent, replacement or amended law or act (the "Act") requires that, before a community development project area plan approved by an agency under section 17C-4-102 of the Act may take effect, it must be adopted by ordinance of the legislative body of the community that created the agency, in accordance with section 17C-4-105 of the Act; and

WHEREAS, section 17C-4-106 of the Act also requires that notice be given by the community legislative body upon its adoption of a community development project area plan; and

WHEREAS, the City's legislative body (the "Council") met in regular session on 8 March 2011 and, pursuant to its Ordinance 170, adopted the Project Area Plan as the official community development plan for the Project Area and directed the City's staff and consultants to publish or cause to be published the required notice; and

WHEREAS, thereafter, certain landowners requested removal of their realty from the Project Area; and

WHEREAS, consequently, the Board met on 27 September 2011 and, pursuant to its Resolution 2011-03, modified the boundaries of the Project Area to remove the subject realty, adopted an amended Project Area Plan (the "Amended Project Area Plan"), and specified the Agency's purposes and intent for the modified Project Area, all as contemplated by UTAH CODE ANN. 17C-4-108 and other provisions of the Act; and

WHEREAS, based on the Board's approval of the Amended Project Area Plan, the Council met in regular session on 27 September 2011 and, pursuant to its Ordinance 182, adopted the Amended Project Area Plan as the official community development plan for the Project Area, as modified, and directed the City's staff and consultants to publish or cause to be published the required notice; and

WHEREAS, thereafter, the Board met on 18 December 2018 and, pursuant to its Resolution 2018-08, adopted a 2nd Amended Project Area Plan (the "*2nd Amended Project Area Plan*"), and specified the Agency's purposes and intent for the Project Area, all as contemplated by UTAH CODE ANN. 17C-4-108 and other provisions of the Act; and

WHEREAS, based on the Board's approval of the 2nd Amended Project Area Plan, the Council met in regular session on 18 December 2018 to consider, among other things, adopting the 2nd Amended Project Area Plan as the official community development plan for the Project Area, as modified, and directing the City's staff and consultants to publish or cause to be published the required notice; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to so act;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. **Adoption of 2nd Amended Project Area Plan.** The 2nd Amended Project Area Plan, as approved by the Agency pursuant to its Resolution 2018-08, is hereby adopted and designated as the official community development plan (the "*Official Plan*") for the Project Area. The legal description of the Project Area, as modified, is annexed hereto as Exhibit "A", and a copy of the Official Plan, as amended, is annexed hereto as Exhibit "B."

Section 2. **Notice.** City staff and consultants are hereby authorized and directed to publish or cause to be published the notice required by section 17C-4-106(1) of the Act, whereupon the Official Plan shall become effective pursuant to 17C-4-106(2) of the Act.

Section 3. **Pursuit of Plan.** Pursuant to section 17C-4-106(4) of the Act, the Agency may proceed to carry out the Official Plan as soon as it becomes effective.

Section 4. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this ordinance (this "*Ordinance*"), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

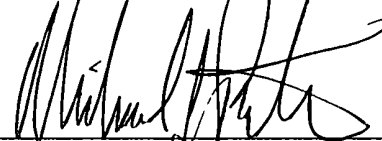
Section 5. **Severability.** It is hereby declared that all parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 6. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 7. **Effective Date.** This Ordinance, assigned no. 311, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder, or such later date as may be required by Utah statute.


PASSED AND APPROVED this 18th day of December 2018.

COTTONWOOD HEIGHTS CITY COUNCIL

By 

Michael J. Peterson, Mayor

ATTEST:



Paula Melgar, Recorder



VOTING:

Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tali C. Bruce	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Christine Watson Mikell	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the Recorder's office this 18th day of December 2018.

POSTED this 18 day of December 2018.

EXHIBIT "A"

PROJECT AREA LEGAL DESCRIPTION

(Attach Legal Description)



EXHIBIT A: Legal Description of Canyons Centre CDA

The following described real property is located in Salt Lake County, Utah:

Beginning on the east line of Racquet Club Drive at a point South 89°59'07" East along the Quarter Section line 1199.11 feet and North 109.58 feet from the West Quarter corner of Section 25, Township 2 South, Range 1 East, Salt Lake Base and Meridian (As surveyed section tie - Beginning on the east line of Racquet Club Drive at a point East 1198.53 feet and North 108.09 feet from the West Quarter corner of Section 25, Township 2 South, Range 1 East, Salt Lake Base and Meridian, Basis of Bearing being South 00°03'19" East - 2672.45 feet between the West Quarter corner and the Southwest corner of said Section 25) and running thence North along said east line 490.42 feet; thence North 57°34'49" East 210.68 feet; thence South 87°44'40" East 406.36 feet to the west line of Wasatch Boulevard; thence along the west line of Wasatch Boulevard for two (2) courses as follows; along the arc of a 1482.69 foot radius curve to the left 136.953 feet (the chord bears South 8°53'50" East 136.904 feet); thence South 11°31'30" East 596.71 feet to the north line of the Canyon Racquet Club Condominiums; thence along the north line of said Canyon Racquet Club Condominiums four (4) courses as follows: South 86°30' West 251.63 feet; thence South 70°30' West 142.96 feet; thence South 47°30' West 90.00 feet; thence North 86°00' West 46.20 feet; thence North 35°00' West 82.40 feet; thence North 34°16'39" West 102.62 feet; thence North 20°20'26" West 107.65 feet; thence West 83.44 feet to the POINT OF BEGINNING.

Containing 474,587 Sq. Ft. or 10.895 acres more or less

Right of way Easement

Together with a perpetual easement and right of way for ingress and egress and for public and private utilities and for the construction, operation and continued maintenance and repair of a roadway on, in, over, across, through, or under the surface of a strip of land described in mesne documents of record and more particularly described in that certain Quit Claim deed dated August 7, 1978 by and between Victor S. Merrill and Marian Y. Merrill, his wife, and Mountain Four, Ltd., a Utah limited partnership, as Grantors and G.H. Bagley, Inc., a Utah corporation, as Grantee, recorded August 11, 1978 as Entry No. 3151481 in Book 4721 at Page 165 of Salt Lake County Recorder's office; which easement and right of way shall be for the benefit of and appurtenant to and shall pass with title to the tract of land described above which is commonly known and referred to as the Canyon Racquet Club property.

Property Address: 3700 East 7000 South, Cottonwood Heights, Utah 84121