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BY: TRP, DEPUTY - MA 6 P.

**HERRIMAN, UTAH
ORDINANCE NO. 2015-43**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERRIMAN,
READOPTING THE COMMUNITY DEVELOPMENT PROJECT AREA
PLAN ENTITLED, "HERRIMAN BUSINESS CENTER COMMUNITY
DEVELOPMENT PROJECT AREA PLAN," DATED JANUARY 2015.**

WHEREAS, the City Council ("Council") met in regular session on December 9, 2015, to consider, among other things, readopting the Community Development Project Area Plan entitled, "Herriman Business Center Community Development Project Area Plan," dated January 2015; and

WHEREAS, the Community Development and Renewal Agency of Herriman has adopted a resolution readopting the Herriman Business Center Community Development Project Area Plan; and

WHEREAS, the Council finds that it is in the best interest of Herriman City ("City") to readopt the Herriman Business Center Community Development Project Area Plan.

NOW THEREFORE BE IT ORDAINED that Council readopts the Herriman Business Center Community Development Project Area Plan dated January 2015 as follows:

Section 1. Adoption of Project Area Plan. The Community Development and Renewal Agency of Herriman (the "Agency") has readopted the Project Area Plan entitled, "Herriman Business Center Community Development Project Area Plan," dated January 2015 (the "Project Area Plan"). The Project Area Plan is hereby designated as the official Community Development Project Area Plan of the Herriman Business Center Community Development Project Area Plan (the "Project Area"). The Council, 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 Boundaries. The legal description of the boundaries of the Project Area covered by the Project Area Plan is as follows, to-wit:

The outer boundary of the CDA is as described below:

A tract of land located within the East half of Section 7, and the West Half of Section 8, Township 4 South, Range 1 West, Salt Lake Base and Meridian. Herriman City, Salt Lake County, State of Utah, and being more particularly described as follows;

Commencing at a point said point being a distance of 1647.29 feet, S 89°55'01" E along the section line and a distance of 1979.31 feet, South from the North Quarter corner of said Section 7, and running thence bearing N 38°24'00" E a distance of 2150.90 feet to the Westerly bank of the Provo Reservoir canal; thence along said Westerly bank the following 25 calls; (1) bearing N

85°56'02" E a distance of 202.12 feet; (2) along a curve to the RIGHT, having a radius of 167.31 feet, a delta angle of 14° 02' 54", and whose long chord bears S 87°02'33" E a distance of 40.92 feet; (3) bearing S 80°01'08" E a distance of 275.05 feet; (4) along a curve to the RIGHT, having a radius of 210.31 feet, a delta angle of 46° 59' 26", and whose long chord bears S 56°31'23" E a distance of 167.69 feet; (5) bearing S 33°01'37" E a distance of 262.36 feet; (6) along a curve to the RIGHT, having a radius of 862.31 feet a delta angle of 20° 23' 54.19", and whose long chord bears S 22°49'40" E a distance of 305.38 feet; (7) bearing S 12°37'44" E a distance of 241.98 feet; (8) along a curve to the LEFT, having a radius of 934.69 feet, a delta angle of 14° 03' 36", and whose long chord bears S 19°39'32" E a distance of 228.79 feet; (9) bearing S 26°41'20" E a distance of 252.50 feet; (10) bearing S 29°06'35" E a distance of 54.88 feet; (11) bearing N 42°27'54" E a distance of 16.05 feet; (12) bearing S 29°06'35" E a distance of 469.45 feet; (13) bearing S 31°00'12" E a distance of 438.47 feet; (14) along a curve to the RIGHT, having a radius of 326.87 feet, a delta angle of 16° 05' 17", and whose long chord bears S 22°57'34" E a distance of 91.48 feet; (15) along a curve to the RIGHT, having a radius of 66.81 feet, a delta angle of 35° 46' 26", and whose long chord bears S 2°58'25" W a distance of 41.04 feet; (16) bearing S 20°51'46" W a distance of 93.97 feet; (17) bearing S 24°09'11" W a distance of 73.17 feet; (18) along a curve to the LEFT, having a radius of 65.19 feet, a delta angle of 22° 19' 28", and whose long chord bears S 12°59'34" W a distance of 25.24 feet; (19) bearing S 1°49'58" W a distance of 46.07 feet; (20) along a curve to the LEFT, having a radius of 26.95 feet, a delta angle of 50° 25' 29", and whose long chord bears S 23°22'49" E a distance of 22.96 feet; (21) along a curve to the LEFT, having a radius of 83.95 feet, a delta angle of 20° 40' 57", and whose long chord bears S 58°56'06" E a distance of 30.14 feet; (22) along a curve to the LEFT, having a radius of 428.45 feet, a delta angle of 08° 52' 16", and whose long chord bears S 73°42'45" E a distance of 66.27 feet; (23) along a curve to the LEFT, having a radius of 918.95 feet, a delta angle of 02° 58' 48", and whose long chord bears S 79°38'16" E a distance of 47.79 feet; (24) along a curve to the RIGHT, having a radius of 603.05 feet, a delta angle of 13° 44' 58", and whose long chord bears S 74°15'10" E a distance of 144.37 feet; (25) bearing S 67°22'41" E a distance of 400.52 feet to the center section line of said section 8; thence along said center section line bearing S 0°33'21" W a distance of 1034.40 feet; thence bearing S 89°38'27" W a distance of 1316.11 feet; thence bearing S 0°30'43" W a distance of 1340.27 feet to the south line of said section 8; thence along said section line bearing S 89°26'53" W a distance of 1315.17 feet to the Southwest corner of said section 8; thence along the South section line of said section 7, bearing N 89°18'07" W a distance of 1395.38 feet; thence bearing N 52°48'16" W a distance of 324.08 feet; thence bearing N 37°11'44" E a distance of 216.14 feet; thence bearing N 52°48'16" W a distance of 789.63 feet; thence bearing N 38°23'59" E a distance of 1552.91 feet to the easterly right of way of the Mountain View Corridor; thence along said easterly right of way the following 6 calls (1) bearing N 53°57'03" W a distance of 152.48 feet; (2) bearing N 52°03'04" W a distance of 298.19 feet; (3) bearing N 27°21'54" W a distance of 181.27 feet; (4) bearing N 51°35'34" W a distance of 100.00 feet; (5) bearing N 75°49'14" W a distance of 189.81 feet; (6) bearing N 52°03'04" W a distance of 1247.02 feet to the southwest corner of the Meadows at Rosecrest phase 3, subdivision; thence along said south line of subdivision the following 12 calls; (1) bearing N 37°56'56" E a distance of 254.18 feet; (2) bearing N 62°22'05" E a distance of 223.52 feet; (3) along a curve to the LEFT, having a radius of 533.00 a delta angle of 02° 04' 58", and whose long chord bears S 28°40'24" E a distance of 19.37 feet; (4) bearing N 60°17'08" E a distance of 103.00 feet; (5) bearing N 81°41'30" E a distance

of 388.11 feet; (6) bearing N 78°34'32" E a distance of 56.90 feet; (7) bearing N 73°48'32" E a distance of 59.08 feet; (8) bearing N 69°48'12" E a distance of 59.18 feet; (9) bearing N 65°25'58" E a distance of 59.24 feet; (10) bearing N 60°22'16" E a distance of 81.00 feet; (11) bearing N 51°43'15" E a distance of 117.94 feet; (12) bearing N 48°03'09" E a distance of 5.00 feet to the westerly right of way line of Autumn Crest Blvd; thence along said westerly right of way the following 3 calls; (1) bearing S 41°56'51" E a distance of 150.85 feet; (2) along a curve to the LEFT, having a radius of 3045.00 a delta angle of 09° 39' 09", and whose long chord bears S 46°46'26" E a distance of 512.38 feet; (3) bearing S 51°35'59" E a distance of 215.70 feet; thence bearing N 38°24'00" E a distance of 90.00 feet to the point of beginning. Contains 372.9 acres.

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

- B. Provide for the strengthening of the tax base and economic health of the entire community and the State of Utah.
- C. Implement the tax increment financing provisions of the Act, which are incorporated herein by reference and made a part of this Plan.
- D. Encourage economic use of new construction upon the real property located within the Project Area.
- E. Promote and market the Project Area for community development that would be complementary to existing businesses and industries or would enhance the economic base of the City through diversification.
- F. Provide for compatible relationships among land uses and quality standards for development, such that the area functions as a unified and viable center of community activity for the City.
- G. Remove any impediments to land disposition and development through assembly of land into reasonably sized and shaped parcels served by adequate public utilities and infrastructure improvements.
- H. Achievement of an environment reflecting an appropriate level of concern for architectural, landscape and design principles, developed through encouragement, guidance, appropriate controls, and financial and professional assistance to owner participants and developers.
- I. Provide for construction of public streets, utilities, curbs and sidewalks, other public rights-of-way, street lights, landscaped areas, public parking, water utilities, sewer utilities, storm drainage, parks and open space, and other public improvements.
- J. Provide improved public streets and road access to the area to facilitate better traffic circulation

and reduce traffic hazards by assisting in the street alignments.

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 Agency for public inspection.

Section 5. Findings. The 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 the 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 the 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. Financing.

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.

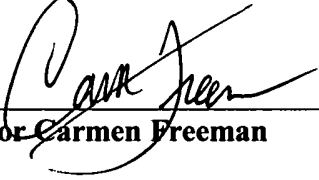
(5) A taxing entity's or public entity's consent to an agency receiving funds under this section is not subject to the requirements of Section 10-8-2.”

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 entities, 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.

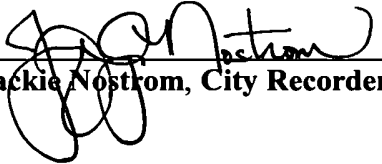
PASSED and **APPROVED** by the Council this 9th day of December 2015.

HERRIMAN



Mayor Carmen Freeman

ATTEST:



Jackie Nostrom, City Recorder

