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November 29, 2007

NOTICE OF ADOPTION OF ORDINANCE

Utah County Recorder
100 East Center Street
Provo, Utah 84601

ENT 170319:2007 PG 1 of 12
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2007 Dec 10 9:50 am FEE 0.00 BY SW
RECORDED FOR SALEM CITY

Dear Recorder:

Recently, the City Council of Salem City formally adopted by Ordinance a community development project area plan entitled "Salem North Community Development Project Area Plan," dated September 28, 2007 (the "Project Area Plan") and adopted November 7, 2007, as authorized by the Utah Community Development and Renewal Agencies Act, Title 17C, Chapters 1 through 4, Utah Code Annotated, 1953, as amended (the "Act"). Pursuant to the requirements of the Act, the Salem City Redevelopment Agency forwards to you the following documentation as required by Section 17C-4-107 of the Act:

1. A copy of the legal description of the land within said Project Area.
2. A map indicating the boundaries of the Project Area.
3. A copy of the Ordinance No. 110707 of the City Council of Salem City adopting the Project Area Plan.

The Project Area Plan allows for funding for the Project Area Plan from grants, tax increment, as well as sales tax, through voluntary agreements negotiated with and agreed to by each taxing entity from which funds are sought.

Very truly yours,

By Randall S. Feil
Randall S. Feil, Special Counsel for the
Salem City Redevelopment Agency

Enclosures

SALEM NORTH COMMUNITY DEVELOPMENT PROJECT AREA
LEGAL DESCRIPTION

Beginning at a fence corner which lies East 1495.22 feet and North 914.61 feet, according to Utah Coordinate Bearings, Central Zone, from the West One Quarter Corner of Section 1, Township 9 South, Range 2 East, Salt Lake Base and Meridian; and running thence South 89°14'50" East 580.64 feet along an existing fence to a fence on the westerly line of State Road 198; thence North 23°02'16" East 387.85 feet along said fence; thence North 88°21'00" West 731.38 feet; thence South 0°12'00" West 370.35 feet to the point of beginning.

ORDINANCE NO. 110707

ROLL CALL

| VOTING | YES | NO |
|--|-----|----|
| J. LANE HENDERSON Mayor (votes only in case of tie) | | |
| LYNN DURRANT City Councilwoman | X | |
| TERRY A. FICKLIN City Councilman | 77 | |
| STANLEY W. GREEN City Councilman | 88 | |
| BRENT HANKS City Councilman | 99 | |
| JEFF D. HIGGINSON City Councilman | 100 | |

I MOVE this ordinance be adopted:

Terry Ficklin
City Councilmember

I SECOND the foregoing motion:

Brent Hanks
City Councilmember

ORDINANCE NO. 110707

AN ORDINANCE OF THE CITY COUNCIL OF SALEM CITY, STATE OF UTAH, ADOPTING THE COMMUNITY DEVELOPMENT PROJECT AREA PLAN ENTITLED, "SALEM NORTH COMMUNITY DEVELOPMENT PROJECT AREA PLAN," DATED SEPTEMBER 28, 2007.

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

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

SALEM NORTH COMMUNITY DEVELOPMENT PROJECT AREA PLAN

Sections:

1. Adoption of Project Area Plan.
2. Project 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.

Section 1. Adoption of Project Area Plan. The Salem City Redevelopment Agency (the "Agency") has adopted the Project Area Plan entitled, "Salem North Community Development Project Area Plan," dated September 28, 2007 (the "Project Area Plan"). The Project Area Plan is hereby designated as the official Community Development Project Area Plan of the Salem North Community Development 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 Boundaries. The legal description of the boundaries of the project area (the "Project Area") covered by the Project Area Plan is as follows, to-wit:

Beginning at a fence corner which lies East 1495.22 feet and North 914.61 feet, according to Utah Coordinate Bearings, Central Zone, from the West One Quarter Corner of Section 1, Township 9 South, Range 2 East, Salt Lake Base and Meridian; and running thence South 89°14'50" East 580.64 feet along an existing fence to a fence on the westerly line of State Road 198; thence North 23°02'16" East 387.85 feet along said fence; thence North 88°21'00" West 731.38 feet; thence South 0°12'00" West 370.35 feet to the point of beginning. A map of the Salem North Community Development Project Area is attached and incorporated herein as Exhibit "A".

Section 3. Purposes of Project Area Plan. The purposes and intent of the City Council of Salem 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 Project Area for development that will be complimentary to existing businesses and will enhance the economic health of the community through diversification of the City's tax base.
- B. Assist in the development of the Project Area if sound long-term economic activity can be increased thereby.

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 by way of grants received by the Agency;

D. Conform to Salem City's general plan, because 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 Salem City.

Section 6. Acquisition of Property. 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. 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 provide in part as follows:

“17C-4-201. Consent of a taxing entity or public agency 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 agency for the taxing entity's or public agency's consent to the agency receiving the entity's or public agency'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 agency under Subsection (1) may be expressed in:

(a) a resolution adopted by the taxing entity or public agency; or

(b) an interlocal agreement, under Title 11, Chapter 13, Interlocal Cooperation Act, between the taxing entity or public agency 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 agency'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 is 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 Salem City, State of Utah, this 7th day

of November 2007.

ATTEST:

[Signature]
J. LANE HENDERSON, Mayor

[Signature]
JEFFERY D. NIELSON, City Recorder

Posted in three public places in Salem, Utah, this 10 day of November, 2007.

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

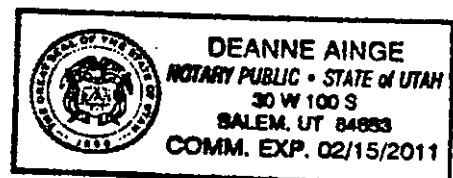
JEFFREY D. NIELSON, being first duly sworn, deposes and says that he is the duly appointed and qualified recorder of Salem City, County of Utah, State of Utah; that as part of his duties to keep the minutes and ordinances of Salem City, that the attached ordinance is the same as the ordinance passed on the 7 day of November, 2007.

[Signature]
JEFFREY D. NIELSON, City Recorder

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 10 day of November 2007 by Jeffrey D. Nielson.

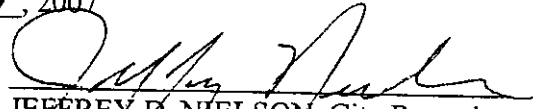
[Signature]
NOTARY PUBLIC



AFFIDAVIT OF POSTING

JEFFREY D. NIELSON, being first duly sworn, deposes and says that he is the duly appointed and qualified recorder of the City of Salem, a Municipal Corporation of the State of Utah, and that on the 10 day of November, 2007 he posted a true and correct copy of Ordinance No. 110707 as enacted by Salem City Council on the 7 day of November, 2007 said posting being made at the City Offices, at the United States Post Office, and at Library all being public places and located within the City Limits of Salem, Utah County, Utah.

DATED this 10 day of November, 2007


JEFFREY D. NIELSON, City Recorder

STATE OF UTAH)
 : ss
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this 10 day of November 2007, by Jeffrey D. Nielson.


NOTARY PUBLIC

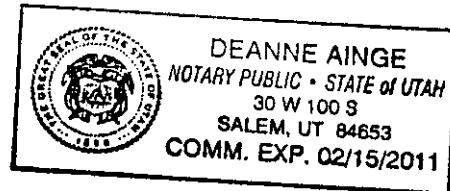
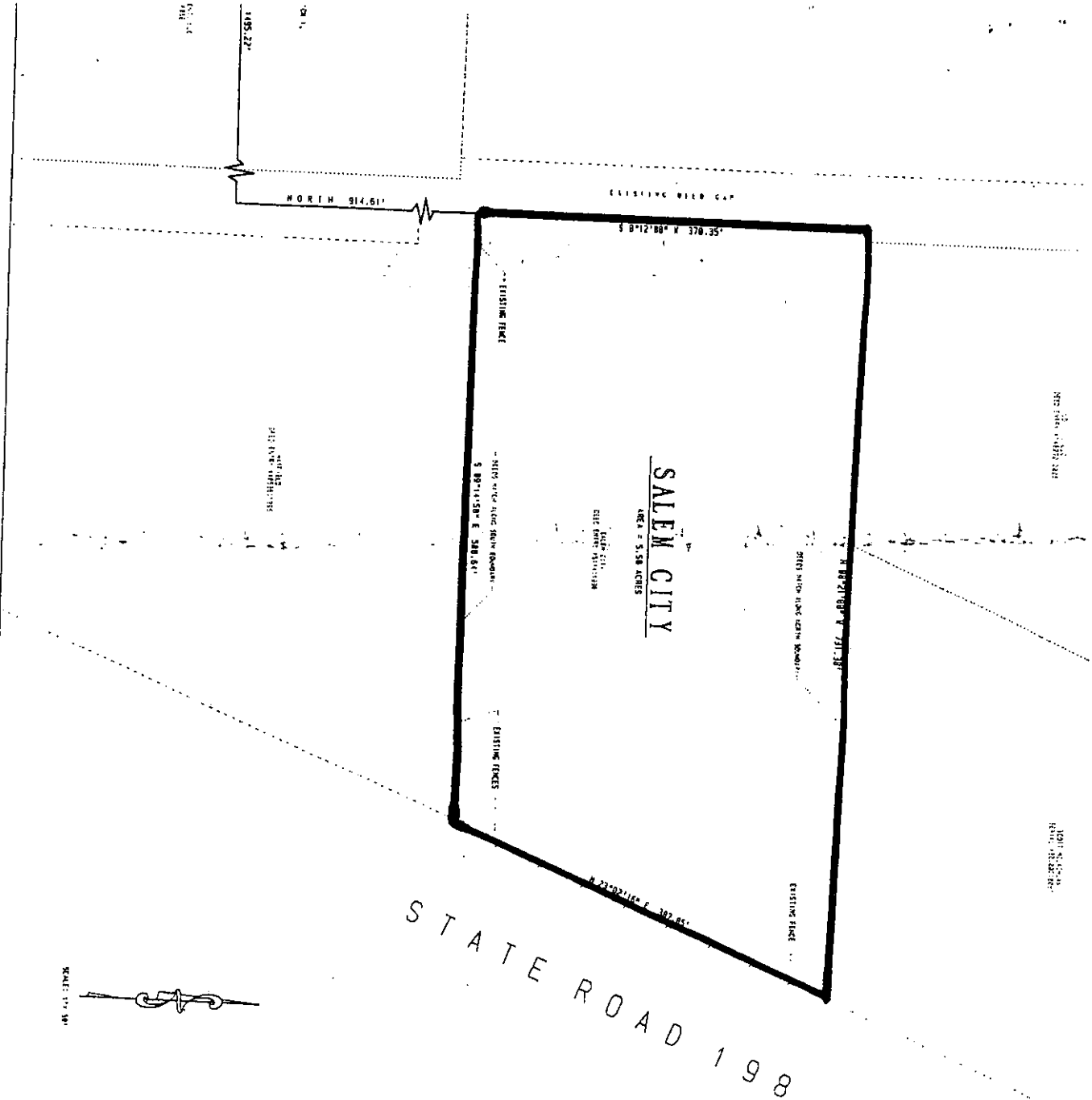


EXHIBIT "A"
MAP OF SALEM NORTH DEVELOPMENT PROJECT AREA

APPENDIX A

SALEM NORTH COMMUNITY DEVELOPMENT PROJECT AREA MAP



STATE ROAD 198

ENT 170319:2007 PG 11 of 12



RECORD DRAWING DESCRIPTION:
 This drawing is a record drawing of the proposed development. It shows the location of the proposed development within the Salem City area. The drawing is based on the information provided in the application and the field notes. It is intended to be used as a reference for future development and to provide a permanent record of the project.

MARGINALIA:
 This drawing is a record drawing of the proposed development. It shows the location of the proposed development within the Salem City area. The drawing is based on the information provided in the application and the field notes. It is intended to be used as a reference for future development and to provide a permanent record of the project.

ENGINEER'S CERTIFICATE:
 I, the undersigned, being a duly licensed Professional Engineer in the State of Oregon, do hereby certify that the above described project is in accordance with the provisions of the Oregon Building Code and the Oregon Fire Code, and that the same is safe and sound and will not be a hazard to the public health, safety or welfare.

LEGEND:
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SALEM CITY
PROPERTY SURVEY PLAN
COLE SURVEYING AND ENGINEERING
 201 WEST 10TH STREET, SUITE 200, SALEM, OREGON 97301-3811
 PHONE: 503-325-1111 FAX: 503-325-1112
 WWW.COLESURVEYING.COM
 DATE: 11/11/07
 SHEET 1 OF 1

