

**REDEVELOPMENT AGENCY OF TAYLORSVILLE
BOARD MEETING
AGENDA ITEM SUMMARY**

MEETING DATE: July 18, 2012

AGENDA ITEM: Resolution No. RDA 12-07 – “RESOLUTION OF THE REDEVELOPMENT AGENCY OF TAYLORSVILLE CITY ADOPTING THE ‘NORTH POINT COMMUNITY DEVELOPMENT PROJECT AREA PLAN,’ DATED JUNE 2012”

PRESENTER: Donald Adams, Economic Development Director

ISSUE SUMMARY: The North Point Community Development Project plan must be approved by resolution of the RDA Board before the Project Area Plan can be adopted by ordinance by the City Council.

STAFF RECOMMENDATION: Adopt Resolution No. RDA 12-07

CITY ATTORNEY (Approved as to form)

RECOMMENDED MOTION: I move to adopt Resolution No. RDA 12-07 – “RESOLUTION OF THE REDEVELOPMENT AGENCY OF TAYLORSVILLE CITY ADOPTING THE ‘NORTH POINT COMMUNITY DEVELOPMENT PROJECT AREA PLAN,’ DATED JUNE 2012”

ACTION REQUIRED: Adopt Resolution No. RDA 12-07

ATTACHMENTS: Yes

- Resolution No. RDA 12-07
- Map of North Point CDA Project Area

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REDEVELOPMENT AGENCY OF TAYLORSVILLE CITY

RESOLUTION NO. RDA 12-07

DATE: JULY 18, 2012

RESOLUTION OF THE REDEVELOPMENT AGENCY OF TAYLORSVILLE CITY ADOPTING THE "NORTH POINT COMMUNITY DEVELOPMENT PROJECT AREA PLAN," DATED JUNE 2012

WHEREAS, the Redevelopment Agency of Taylorsville City (the "Agency") was created to transact the business and exercise the powers provided for in the former Utah Redevelopment Agencies Act, the current Utah Community Development and Renewal Agencies Act and any successor law or act (the "Act"); and

WHEREAS, Taylorsville City has a planning commission and has adopted a general plan pursuant to applicable law; and

WHEREAS, the Agency by Resolution has authorized the preparation of a draft project area plan as provided in Section 17C-4-101, Utah Code Annotated 1953, as amended; and

WHEREAS, pursuant to Section 17C-4-103 the Agency has (a) prepared a draft of the North Point Community Development Project Area Plan (the "Project Area Plan" or "Plan") and (b) made the draft Project Area Plan available to the public at the Agency's offices during normal business hours; and

WHEREAS, the Agency has provided notice of the Plan hearing as provided in Sections 17C-4-302, 401 and 402; and

WHEREAS, the Agency has held a public hearing on the draft Project Area Plan and at that Plan hearing (a) allowed public comment on the draft Project Area Plan and on whether the draft Project Area Plan should be revised, approved or rejected, and (b) received all written and heard all oral objections to the draft Project Area Plan; and

WHEREAS, after holding the Plan hearing the Agency considered the oral and written objections to the draft Project Area Plan, and whether to revise, approve or reject the draft Project Area Plan; and

WHEREAS, less than one year has passed since the date of the Plan hearing.

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Agency of Taylorsville City:

Section 1. Adoption of Project Area Plan. It has become necessary and desirable to adopt the Project Area Plan entitled, "North Point Community Development Project Area Plan," dated June 2012. The Project Area Plan is hereby designated as the official Project Area Plan for the North Point Community Development Project Area. The Agency hereby officially adopts the Project Area Plan by Resolution and shall submit the Project Area Plan, together with a copy of this Resolution, to the City Council of Taylorsville City requesting that the Project Area Plan be adopted by ordinance of the legislative body of the City in accordance with the provisions of the Act.

Section 2. Legal Description of the Project Area Boundaries. The legal description of the boundaries of the North Point Community Development Project Area (the "Project Area") covered by the Project Area Plan is as follows, to-wit:

The North Point Community Development Project Area includes real property in the City of Taylorsville, County of Salt Lake, State of Utah and is enclosed within the following boundaries:

Beginning at the North quarter corner of said Section 3, and running thence North 89°47'45" East 567.79 feet along the section line; thence South 0°16'15" West 896.34 feet to a point on the South line of 4200 South Street; thence North 89°43'45" West 165.40 feet along said South line; thence South 0°03'15" East 467.21 feet to a point on the North line of the MEADOWBROOK FARMS NO. 2 subdivision; thence South 89°56'00" West 344.31 feet along said North line to a point on the East line of 1700 West Street (Redwood Road); thence South 0°03'15" East 1053.63 feet along said East line; thence North 90°00'00" West 352.96 feet to a point on the East line of the EL CAMINO ESTATES NO. 2 subdivision; thence North 0°03'15" West 633.00 feet along said East line to the Southwest corner of Deed Parcel No. 21-03-178041; thence along the South, East, and North lines of said parcel the following three (3) courses: South 89°59'15" East 70.00 feet; North 0°03'15" West 120.00 feet; North 89°59'15" West 71.45 feet to a point on the East line of said EL CAMINO ESTATES NO. 2 subdivision; thence North 2°07'36" West 173.13 feet along said East line to the Northeast corner of said subdivision; thence North 0°00'00" East 384.60 feet to, along, and beyond the East line of the EL CAMINO ESTATES NO. 1 subdivision; thence North 90°00'00" East 80.51 feet; thence North 0°34'08" East 86.66 feet to the Southwest corner of Lot 24 of said subdivision; thence North 3°00'00" West 103.32 feet to a point on the South line of Mantle Avenue; thence 12.13 feet along the arc of a 231.67 foot radius curve to the right (center bears South 3°00'00" East 231.67 feet and long chord bears North 88°30'00" East 12.13 feet through a central angle of 3°00'00") along said South line; thence North 0°00'00" East 162.41 feet to the Northwest corner of Lot 2 of said subdivision; thence North 89°53'45" West 459.28 feet along the North line of said subdivision; thence North 0°02'57" West 752.01 feet to, along, and beyond the West line of the CARRIAGE SQUARE subdivision and to a point on the section line; thence South 89°53'39" East 678.10 feet along said section line to the Point of Beginning. Contains 1,724,422 sq. ft., or 39.59 acres.

A map of the North Point Community Development Project Area is attached and incorporated herein as Exhibit "A."

Section 3. Agency's Purposes and Intent. The Agency's purposes and intent with respect to the Project Area are to accomplish the following:

- A. Promote and market the Project Area for redevelopment that will enhance the economic health of the community through diversification of the City's commercial tax base;
- B. Assist in the expansion, rehabilitation, or re-construction of buildings if sound long term economic activity can be increased thereby;
- C. Encourage redevelopment through the assembly of land into appropriately sized and shaped parcels for expanded economic activity;
- D. Provide an attractive "gateway" location at the City's north border.
- E. Provide attractive and functional utilities and other infrastructure to attract and encourage expanded business activity;
- F. Provide attractive and functional buildings, streetscapes, parking areas and landscaping to attract and encourage expanded business activity;
- G. Coordinate and improve the transportation system improvements within the Project Area, including road improvements, access management, pedestrian/bicycle amenities, and potential mass transit services.

Section 4. Project Area Plan Incorporated by Reference. The Project Area Plan, together with any supporting documents, are incorporated herein by reference, and made a part of this Resolution. Copies of the Project Area Plan shall be filed and maintained in the office of the Agency and the City Recorder for public inspection.

Section 5. Agency Board Findings. The Agency Board hereby determines and finds 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 Taylorsville 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 Taylorsville 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 Resolution 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 Resolution that the Agency shall have the broadest authorization and permission for receipt of and use of sales tax, property tax increment and other funding as is authorized by law, whether by existing or amended provisions of law. This Resolution 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) Before an agency may use tax increment or sales tax revenues collected under a resolution or interlocal agreement adopted for the purpose of providing funds to carry out a proposed or adopted community development project area plan, the agency shall:
- (a) obtain a written certification, signed by an attorney licensed to practice law in this state, stating that the agency and the taxing entity have each followed all legal requirements relating to the adoption of the resolution or interlocal agreement, respectively; and
 - (b) provide a signed copy of the certification described in Subsection (3)(a) to the appropriate taxing entity.
- (4) A resolution adopted or interlocal agreement entered under Subsection (2) on or after March 30, 2009 shall specify:
- (a) if the resolution or interlocal agreement provides for the agency to be paid tax increment:
 - (i) the method of calculating the amount of the taxing entity's tax increment from the project area that will be paid to the agency, including the agreed base year and agreed base taxable value;
 - (ii) the number of tax years that the agency will be paid the taxing entity's tax increment from the project area; and
 - (iii) the percentage of the taxing entity's tax increment or maximum cumulative dollar amount of the taxing entity's tax increment that the agency will be paid; and
 - (b) if the resolution or interlocal agreement provides for the agency to be paid a public entity's sales tax revenue:
 - (i) the method of calculating the amount of the public entity's sales tax revenue that the agency will be paid;
 - (ii) the number of tax years that the agency will be paid the sales tax revenue; and
 - (iii) the percentage of sales tax revenue or the maximum cumulative dollar amount of sales tax revenue that the agency will be paid.
- (5) (a) Unless the taxing entity otherwise agrees, an agency may not be paid a taxing entity's tax increment:
- (i) that exceeds the percentage or maximum cumulative dollar amount of tax increment specified in the resolution or interlocal agreement under Subsection (2); or
 - (ii) for more tax years than specified in the resolution or interlocal agreement under Subsection (2).
- (b) Unless the public entity otherwise agrees, an agency may not be paid a public entity's sales tax revenue:
- (i) that exceeds the percentage or maximum cumulative dollar amount of sales tax revenue specified in the resolution or interlocal agreement under Subsection (2); or
 - (ii) for more tax years than specified in the resolution or interlocal agreement under Subsection (2).
- (6) 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.
- (7) (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.

(8) 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.

(9) (a) For purposes of this Subsection (9), "successor taxing entity" means any taxing entity that:

(i) is created after the date of adoption of a resolution or execution of an interlocal agreement under this section; and

(ii) levies a tax on any parcel of property located within the project area that is the subject of the resolution or the interlocal agreement described in Subsection (9)(a)(i).

(b) A resolution or interlocal agreement executed by a taxing entity under this section may be enforced by or against any successor taxing entity."

B. Except for grants, the particulars as to the amount and duration of funding for the Project Area and Project Area Plan 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 of Resolution. This Resolution shall take effect immediately upon adoption, and pursuant to the provisions of the Act, the Project Area Plan shall become effective upon adoption by Ordinance of the legislative body of Taylorsville City.

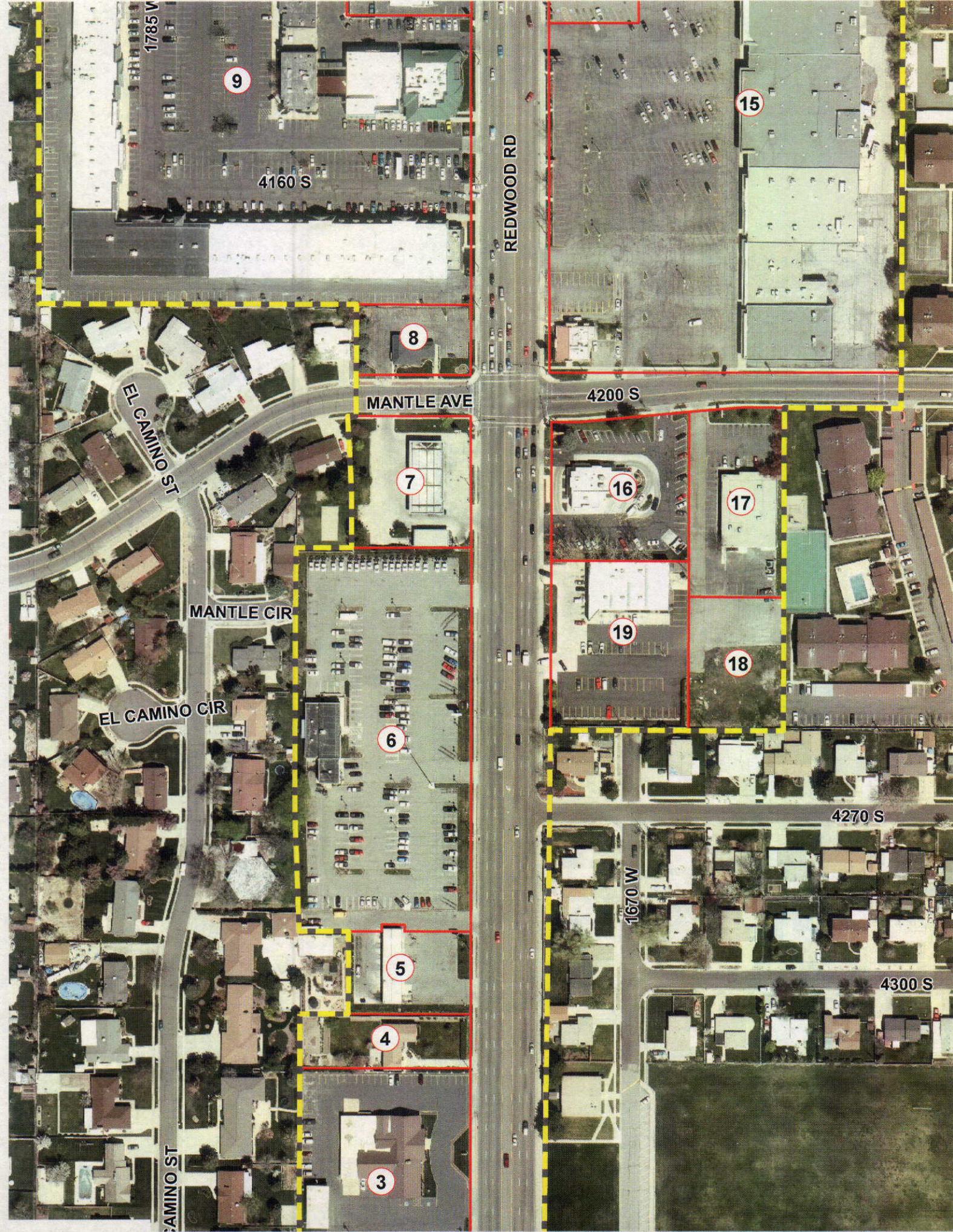
IN WITNESS WHEREOF, the Redevelopment Agency of Taylorsville City has approved, passed and adopted this Resolution this 18th day of July 2012.

ATTEST:

Jerry Rechtenbach, Chairperson

Cheryl Peacock Cottle, Secretary

EXHIBIT "A"
MAP OF NORTH POINT COMMUNITY DEVELOPMENT PROJECT AREA



9

4160 S

15

REDWOOD RD

8

MANTLE AVE

4200 S

EL CAMINO ST

7

16

17

MANTLE CIR

19

18

EL CAMINO CIR

6

4270 S

5

1670 W

4300 S

4

CAMINO ST

3