

**RESOLUTION OF THE REDEVELOPMENT AGENCY OF TAYLORSVILLE CITY
ADOPTING THE BENNION POINT ECONOMIC DEVELOPMENT PROJECT AREA
BUDGET AS APPROVED BY THE TAXING ENTITY COMMITTEE ON DECEMBER
6, 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, pursuant to Section 17C-3-201(2) of the Act, the Agency has (a) prepared a draft of the Project Area Budget for the Bennion Point Economic Development Project Area, (b) made a copy of the draft Project Area Budget available to the public at the Agency's offices during normal business hours, and (c) provided notice of the Budget hearing as required by Part 4 of Title 17C, Chapter 3 of the Act; and

WHEREAS, on November 28, 2012, the Agency published in the Salt Lake Tribune Newspaper, a newspaper of general circulation, a notice which met the requirements of Sections 17C-3-402 through 404 of the Act; and

WHEREAS, pursuant to the provisions of the Act, a public hearing was held on Wednesday, December 19, 2012 to allow public comment on the draft Project Area Budget and on whether the draft Project Area Budget should be revised, adopted or rejected; and

WHEREAS, the Agency has considered comments made and information presented at the public hearing relating to the draft Project Area Budget; and

WHEREAS, the Agency, for a period not to exceed fifteen (15) years and up to a maximum of \$14,000,000, has elected to receive from the Project Area 75% of the tax increment attributable to the Granite School District tax levy (both local and basic levy), and 100% of the tax increment attributable to the levies of all other taxing entities that levy a tax on property in the Project Area; and

WHEREAS, the governing body of the Agency desires to approve and adopt the Project Area Budget.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF TAYLORSVILLE CITY:

Section 1. Bennion Point Economic Development Project Area Budget. As the project area budget, the Agency hereby approves and adopts, as a multi-year cumulative budget for the

Bennion Point Economic Development Project Area (the "Project Area"), the Project Area Budget attached hereto as Exhibit "A," as approved by resolution of the Taxing Entity Committee on December 6, 2012. The boundaries of the Project Area are more fully described and shown in the Project Area Plan.

The Project Area Budget is a multi-year cumulative budget with a \$14,000,000 cap. This means that any annual amounts of projected tax increment revenue to the Agency as might be shown or indicated in the Project Area Budget or any supporting schedules are not limitations but are for informational purposes only, and that the Agency is authorized to receive 75% of tax increment from the Project Area attributable to the Granite School District's levy (both local and basic levy), and 100% of the tax increment from the Project Area attributable to the levies of all of the other taxing entities, for the fifteen (15) tax years of the Project Area Budget, until the \$14,000,000 maximum total or cap of tax increment is received by the Agency. Up to 5% of the total tax increment received by the Agency over the entire fifteen (15) year period of the Budget may be used by the Agency for administration purposes. Under the subject approved and adopted Project Area Budget the Redevelopment Agency is given the option to begin (to trigger) the taking of tax increment beginning with any year from 2014 to as late as 2018. For this adopted Project Area Budget, the base year to be used for calculating the base year taxable value is 2012, and the base year taxable value shall be the 2012 base year taxable value of the Project Area, which is \$0.00 (the property in the Project Area having been owned by tax exempt owners).

Pursuant to law, tax increment will not be collected by the Agency from the Project Area that is attributable to the development of retail sales of goods (see UCA Section 17C-1-407(1)e). Pursuant to the approved Budget, tax increment will not be collected by the Agency from the Project Area from parcels developed with single family housing as depicted on Exhibit 1 (Appendix A) of the Bennion Point Project Area Plan.

Section 2. Tax Increment Financing.

A. The Agency may collect tax increment from all or a part of the Project Area. The tax increment shall be paid to the Agency to finance or refinance, in whole or in part, the development of the Project Area and publicly owned infrastructure within and outside the Project Area that benefit the Project Area, according to the amounts established by the Taxing Entity Committee as shown in the adopted Project Area Budget attached as Exhibit "A" and in this Resolution.

B. 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 tax increment from the Project Area and that authorize the various uses of such tax increment by the Agency, and to the extent greater authorization for receipt of tax increment 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 tax increment as is authorized by law, whether by existing or amended provisions of law. This Resolution also incorporates the specific provisions of tax increment financing permitted by Sections 17C-1-401 and 404 of the Act, which provide, in part, as follows:

401 (1) "An agency may receive and use tax increment . . . as provided in this part.

(2) (a) The applicable length of time or number of years for which an agency is to be paid tax increment or sales tax under this part shall be measured:

....

(ii) for a post-June 30, 1993 urban renewal or economic development project area plan, from the first tax year for which the agency receives tax increment under the project area budget;

....

(b) Unless otherwise provided in a project area budget that is approved by a taxing entity committee, or in an interlocal agreement or resolution adopted by a taxing entity, tax increment may not be paid to an agency for a tax year prior to the tax year following:

(i) for an urban renewal or economic development project area plan, the effective date of the project area plan;

....

(4) With the written consent of a taxing entity, an agency may be paid tax increment, from that taxing entity's tax revenues only, in a higher percentage or for a longer period of time, or both, than otherwise authorized under this title.

(5) Each county that collects property tax on property within a project area shall pay and distribute to the agency the tax increment that the agency is entitled to collect under this title, in the manner and at the time provided in Section 59-2-1365."

C. The Project Area Plan incorporates the provisions of Section 17C-1-408(2)(a) of the Act, which states:

408(2) "(a) The amount of the base taxable value to be used in determining tax increment shall be:

(i) increased or decreased by the amount of an increase or decrease that results from:

(A) a statute enacted by the Utah State Legislature or by the people through an initiative;

(B) a judicial decision;

(C) an order from the Utah State Tax Commission to a county to adjust or factor its assessment rate under Subsection 59-2-704(2);

(D) a change in exemption provided in Utah Constitution, Article XIII, Section 2, or Section 59-2-103; or

(E) an increase or decrease in the percentage of fair market value, as defined under Section 59-2-102; and

(ii) reduced for any year to the extent necessary, even if below zero, to provide an agency with approximately the same amount of money the agency would have received without a reduction in the county's certified tax rate if:

(A) in that year there is a decrease in the county's certified tax rate under Subsection 59-2-924(2)(c) or (d)(i);

(B) the amount of the decrease is more than 20% of the county's certified tax rate of the previous year; and

(C) the decrease would result in a reduction of the amount of tax increment to be paid to the agency.

(b) Notwithstanding an increase or decrease under Subsection (a), the amount of tax increment paid to an agency each year for payment of bonds or other indebtedness may not be less than would have been paid to the agency each year if there had been no increase or decrease under Subsection (a).”

D. As shown in the Project Area Budget, the Agency, for a period not to exceed fifteen (15) years and up to a maximum of \$14,000,000, has elected to receive 75% of tax increment from the Project Area attributable to the Granite School District’s levy (both local and basic levy), and 100% of the tax increment from the Project Area attributable to the levies of all of the other taxing entities.

IN WITNESS WHEREOF, the Redevelopment Agency of Taylorsville City has approved, passed and adopted this Resolution this 19th day of December 2012.

ATTEST:

Jerry Rechtenbach, Chairman

Cheryl Peacock Cottle, Secretary

RECORD OF VOTE:

<u>Voting Member</u>	<u>YES</u>	<u>NO</u>	<u>ABSENT</u>	<u>ABSTAINED</u>
Board Member Dama Barbour	_____	_____	_____	_____
Board Member Ernest Burgess	_____	_____	_____	_____
Board Member Larry Johnson	_____	_____	_____	_____
Board Member Kristie Overson	_____	_____	_____	_____
Board Member Jerry Rechtenbach	_____	_____	_____	_____