

**ORDINANCE NO. 03-06**

ROLL CALL

VOTING	YES	NO
MAYOR JOE L THOMAS <i>(votes only in case of tie)</i>		
G. WAYNE ANDERSEN <i>Councilmember</i>	X	
MATTHEW D. BARBER <i>Councilmember</i>	X	
STEVE LEIFSON <i>Councilmember</i>	X	
SETH V. SORENSEN <i>Councilmember</i>	X	
CHRIS C. WADSWORTH <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilmember Barber

I SECOND the foregoing motion: Councilmember Wadsworth

**ORDINANCE NO. 03-06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPANISH FORK, STATE OF UTAH, ADOPTING THE FRONT MOUNTAIN ECONOMIC DEVELOPMENT PROJECT AREA PLAN DATED FEBRUARY 10, 2006.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORK, STATE OF UTAH AS FOLLOWS:**

SECTION 1. This Ordinance pertaining to the "Front Mountain Economic Development Project Area Plan" is hereby enacted to read as follows:

FRONT MOUNTAIN ECONOMIC 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. Tax Increment Financing.
8. Effective Date.

Section 1. Adoption of Project Area Plan. The Redevelopment Agency of Spanish Fork (the "Agency") has adopted the Project Area Plan entitled, "Front Mountain Economic Development Project Area Plan," dated February 10, 2006 (the "Project Area Plan"). The Project Area Plan is hereby designated as the official economic development Project Area Plan of the Front Mountain Economic Development Project Area (the "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 17B-4-408 of the Utah Redevelopment Agencies Act.

Section 2. Project Boundaries. The legal description of the boundaries of the Front Mountain Economic Development Project Area covered by the Project Area Plan is as follows, to-wit:

BEGINNING AT A FENCE CORNER ON THE EAST LINE OF A COUNTY ROAD, SAID POINT BEING NORTH 1376.20 FEET AND EAST 10.69 FEET, ACCORDING TO UTAH COORDINATE BEARINGS, CENTRAL ZONE, FROM THE WEST QUARTER CORNER OF SECTION 27, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG A FENCE ON THE EAST LINE OF SAID COUNTY ROAD ALL OF THE FOLLOWING COURSES: SOUTH 0° 17'25" EAST 1006.69 FEET; THENCE SOUTH 0° 37'02" EAST 436.23 FEET; THENCE SOUTH 5° 26' 00" EAST 401.31 FEET; THENCE SOUTH 0° 49' 00" EAST 126.00 FEET TO THE NORTH RIGHT OF WAY FENCE OF THE D. AND R.G. RAILROAD; THENCE ALONG SAID RAILROAD RIGHT OF WAY FENCE THE FOLLOWING COURSES: SOUTH 55° 04'48" EAST 698.03 FEET; THENCE ALONG A 3487.87 FOOT RADIUS CURVE TO THE RIGHT 1212.55 FEET, THE CHORD TO SAID CURVE BEARS SOUTH 45° 07' 14" EAST 1206.49 FEET, THE DEGREE OF THE CURVE ON THE RAILROAD CENTER LINE BEING 1° 40' 00"; THENCE PARTING FROM SAID FENCE EAST 486.35 FEET TO THE WEST RIGHT OF WAY FENCE OF THE DENVER & RIO GRADE RAILROAD; THENCE ALONG SAID RAILROAD RIGHT OF WAY FENCE ON ALL THE FOLLOWING COURSES: NORTH 3° 40'40" WEST 386.06 FEET; THENCE ALONG A 5694.65 FOOT RADIUS CURVE TO THE LEFT 2418.22 FEET, THE CHORD TO SAID CURVE BEARS NORTH 15° 43'23" WEST 2400.04 FEET, THE DEGREE OF THE CURVE AT THE RAILROAD CENTER LINE IS 1° ; THENCE NORTH 28° 00'28" WEST 606.12 FEET TO A FENCE INTERSECTION; THENCE SOUTH 89° 21'05" WEST ALONG A FENCE 1003.49 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THE FOLLOWING 2 PARCELS DESCRIBED AS FOLLOWS:

**PARCEL 1:**

BEGINNING AT THE WEST BOUNDARY LINE OF THE GRANTORS' LAND WHICH IS THE WEST ONE QUARTER CORNER OF SECTION 27, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 743.03 FEET ALONG SAID SECTION LINE; THENCE SOUTH 28° 14' 00" EAST 839 FEET, MORE OR LESS; THENCE EAST 350 FEET, MORE OR LESS, TO A DITCH; THENCE SOUTHWESTERLY 328 FEET, MORE OR LESS, ALONG SAID DITCH; THENCE SOUTH 28° 14' 00" EAST 70 FEET, MORE OR LESS; THENCE NORTH 89° 46' 00" EAST 1173.57 FEET TO THE EAST BOUNDARY LINE OF SAID GRANTORS' LAND; THENCE SOUTH 14° 30' 00" EAST 123.82 FEET ALONG SAID EAST BOUNDARY LINE; THENCE SOUTH 89° 46' 00" WEST 1276.19 FEET; THENCE NORTH 28° 14' 00" WEST 475.87 FEET; THENCE WEST 258.72 FEET TO THE POINT OF BEGINNING.

**PARCEL 2:**

BEGINNING AT A POINT WHICH IS LOCATED EAST 1487.90 FEET AND SOUTH 1843.56 FEET FROM THE WEST QUARTER CORNER OF SECTION 27, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; THENCE EAST 475.30 FEET; THENCE NORTH 03° 50'36" WEST 119.70 FEET; THENCE SOUTH 82° 33'19" WEST 237.52 FEET; THENCE SOUTH 69° 04' 04" WEST 248.14 FEET TO THE POINT OF BEGINNING.

GROSS: 96.314 ± ACRES

NET: 86.914 ± ACRES

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

1. Encourage and assist economic development in order for a public or private employer to create additional jobs within the state.
2. Provide for the strengthening of the tax base and economic health of the entire community and the State of Utah.
3. Implement the tax increment financing provisions of the Utah Redevelopment Agencies Act and any successor law or act (the "Act") which are incorporated herein by reference and made a part of this Plan.
4. Encourage economic use of and new construction upon the real property located within the Project Area.
5. Promote and market the Project Area for economic development that would be complimentary to existing businesses and industries or would enhance the economic base of the City through diversification.
6. Provide for compatible relationships among land uses and quality standards for development, such that the area functions as a unified and viable center of social and economic activity for the City.
7. Removal of impediments to land disposition and development through assembly of land into reasonably sized and shaped parcels served by adequate public utilities, infrastructure improvements and community facilities.
8. Achievement of an environment reflecting an appropriate level of concern for architectural, landscape and urban design principles, developed through encouragement, guidance, appropriate controls, and financial and professional assistance to owner participants and developers.
9. Provide for improvements to public streets, utilities, curbs and sidewalks, other public rights-of-way, street lights, landscaped areas, public parking, and other public improvements, give the area a new look and to attract business activity.

10. 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 and the implementation of City institutional controls and regulations to ensure management of any contaminated materials.

Section 4. Project Area Plan Incorporated by Reference. The Project Area Plan, together with 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:

- A. There is a need to effectuate a public purpose, and implementation of the Project Area Plan would accomplish the public purposes set forth in the Act.
- B. There is a public benefit under the benefit analysis referred to in Exhibit "C" to the Project Area Plan.
- C. It is economically sound and feasible to adopt and carry out the Project Area Plan.
- D. The Project Area Plan conforms to Spanish Fork's general plan.
- E. The Project Area Plan would develop the Project Area in conformity with the Act, and carrying out the Project Area Plan will promote the public peace, health, safety and welfare of Spanish Fork.

Section 6. Acquisition of Property. The Agency may 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 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. Tax Increment 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 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 Ordinance 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 Ordinance also incorporates the specific provisions of tax increment financing permitted by Sections 17B-4-1001 and 1004 of the Act, which provide, in part, as follows:

- 1001(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 under this part shall be measured from the first tax year regarding which the agency accepts tax increment from the project area.
- (b) Tax increment may not be paid to an agency for a tax year prior to the tax year following the effective date of the Plan.
- (3) 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 chapter. . . .

1004(2) An agency board may provide in the project area budget for the agency to be paid:

(a) if 20% of the Project Area Budget is allocated for housing as provided for in Subsection 17B-4-504:

- (i) 100% of annual tax increment for 15 years; or
- (ii) 75% of annual tax increment for 24 years.

(b) if 20% of the project area budget is not allocated for housing under Section 17B-4-504:

- (i) 100% of annual tax increment for 12 years;
- (ii) 75% of annual tax increment for 20 years; or
- (iii) if approved by the taxing entity committee, any percentage of tax increment up to 100% for any period of time.

B. Subject to modifications of the Act by amendments or by any successor act or law, the Project Area Plan incorporates the provisions of Section 17B-4-1006(2)(a) of the Act, which states:

(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).

C. As shown in the Project Area Budget, the Agency has elected to receive 100% of the tax increment monies from the Project Area for a period not to exceed fifteen (15) years.

D. Pursuant to the provisions of Sections 17B-4-504 and 17B-4-1010 of the Act, the Agency has allocated 20% of the total tax increment received by the Agency to be used for certain housing purposes as set forth in the Act, up to the total amount of \$472,000.

Section 8. Effective Date. This Ordinance shall take effect upon its first publication or posting.

**PASSED** and **APPROVED** by the City Council of the City of Spanish Fork, State of Utah, this 21<sup>st</sup> day of March 2006.

CITY OF SPANISH FORK



\_\_\_\_\_, Mayor

ATTEST:

  
\_\_\_\_\_, City Recorder