

ORDINANCE NO. 13-07

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>	absent	

I MOVE this ordinance be adopted: Councilman Sorensen

I SECOND the foregoing motion: Councilman Barber

ORDINANCE NO. 13-07

AN ORDINANCE OF THE CITY COUNCIL OF SPANISH FORK, STATE OF UTAH, ADOPTING THE COMMUNITY DEVELOPMENT PROJECT AREA PLAN ENTITLED, "WASATCH WIND COMMUNITY DEVELOPMENT PROJECT AREA PLAN," DATED JULY 16, 2007.

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

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

WASATCH WIND 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 Redevelopment Agency of Spanish Fork (the "Agency") has adopted the Project Area Plan entitled, "Wasatch Wind Community Development Project Area Plan," dated July 16, 2007 (the "Project Area Plan"). The Project Area Plan is hereby designated as the official Community Development Project Area Plan of the Wasatch Wind 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:

COMMENCING EAST 4060.24 FEET AND SOUTH 1025.28 FEET FROM THE WEST 1/4 CORNER OF SECTION 34, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE MERIDIAN; THENCE AS FOLLOWS:

S 38°48'57" E 1787.12'

S 01°10'28" W 256.41'

EAST 239.44'

THENCE ALONG THE ARC OF A 2764.79 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 985.42 FEET, CHORD BEARING S30°29'53"E 980.21 FEET;

S 19°18'13" E 193.33'

N 75°15'38" E 70.82'

S 18°20'12" E 921.81'

S 74°24'40" W 319.15'

N 23°24'30" W 398.29'

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THENCE ALONG THE ARC OF A 163.73 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 83.82 FEET, CHORD BEARING N62°44'30"W 82.91 FEET;

N 48°04'30" W 104.01'

THENCE ALONG THE ARC OF A 552.46 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 54.96 FEET, CHORD BEARING N50°55'30"W 54.94 FEET;

N 53°46'30" W 261.27'

THENCE ALONG THE ARC OF A 313.73 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 249.69 FEET, CHORD BEARING N76°34'30"W 243.15 FEET;

S 80°37'30" W 71.20'

THENCE ALONG THE ARC OF A 402.46 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 187.19 FEET, CHORD BEARING N86°03'00"W 185.51 FEET;

N 72°43'30" W 715.38'

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THENCE ALONG THE ARC OF A 402.44 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 87.91 FEET, CHORD BEARING N78°00'00"W 87.74 FEET;

N 71°44'30" W 294.00'

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FEET, CHORD BEARING N50°50'30"W 116.82 FEET;
 N 29°56'30" W 201.00'
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 FEET, CHORD BEARING N37°31'10"W 82.74 FEET;
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 S 69°16'28" E 197.80'
 N 80°48'40" E 344.42'
 N 13°26'16" E 344.78'
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 N 37°29'13" W 325.34'
 N 39°35'21" E 81.04'
 N 40°11'19" E 557.23'
 N 40°03'25" E 1092.32'
 S 38°47'18" E 682.30'
 TO THE POINT OF BEGINNING CONTAINING 127.08 ACRES
 BASIS OF BEARING = UTAH COORDINATE BEARING, CENTRAL ZONE

A map of the Wasatch Wind 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 the City of Spanish Fork with respect to the Project Area are to accomplish the following purposes by adoption of the Project Area Plan:

- A. Encourage and accomplish appropriate development and economic development within the Project Area.
- B. 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.
- C. 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 reimbursement from property tax proceeds received by the Agency, which property tax increment is created by the establishment and operation of the new facilities or projects;

D. Conform to the City of Spanish Fork'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 the City of Spanish Fork.

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. 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 Spanish Fork, State of Utah, this 21st day of August 2007.

THE CITY COUNCIL OF SPANISH FORK


_____, Mayor

ATTEST:


_____, City Recorder

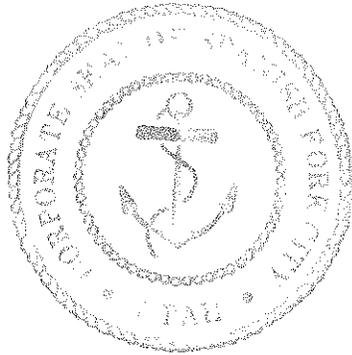


EXHIBIT "A"
MAP OF WASATCH WIND COMMUNITY DEVELOPMENT PROJECT AREA

Wasatch Wind CDA



1 Inch equals 1,116 Feet

Legend

Wasatch Wind CDA

Roads

Other Roads

Not Paved

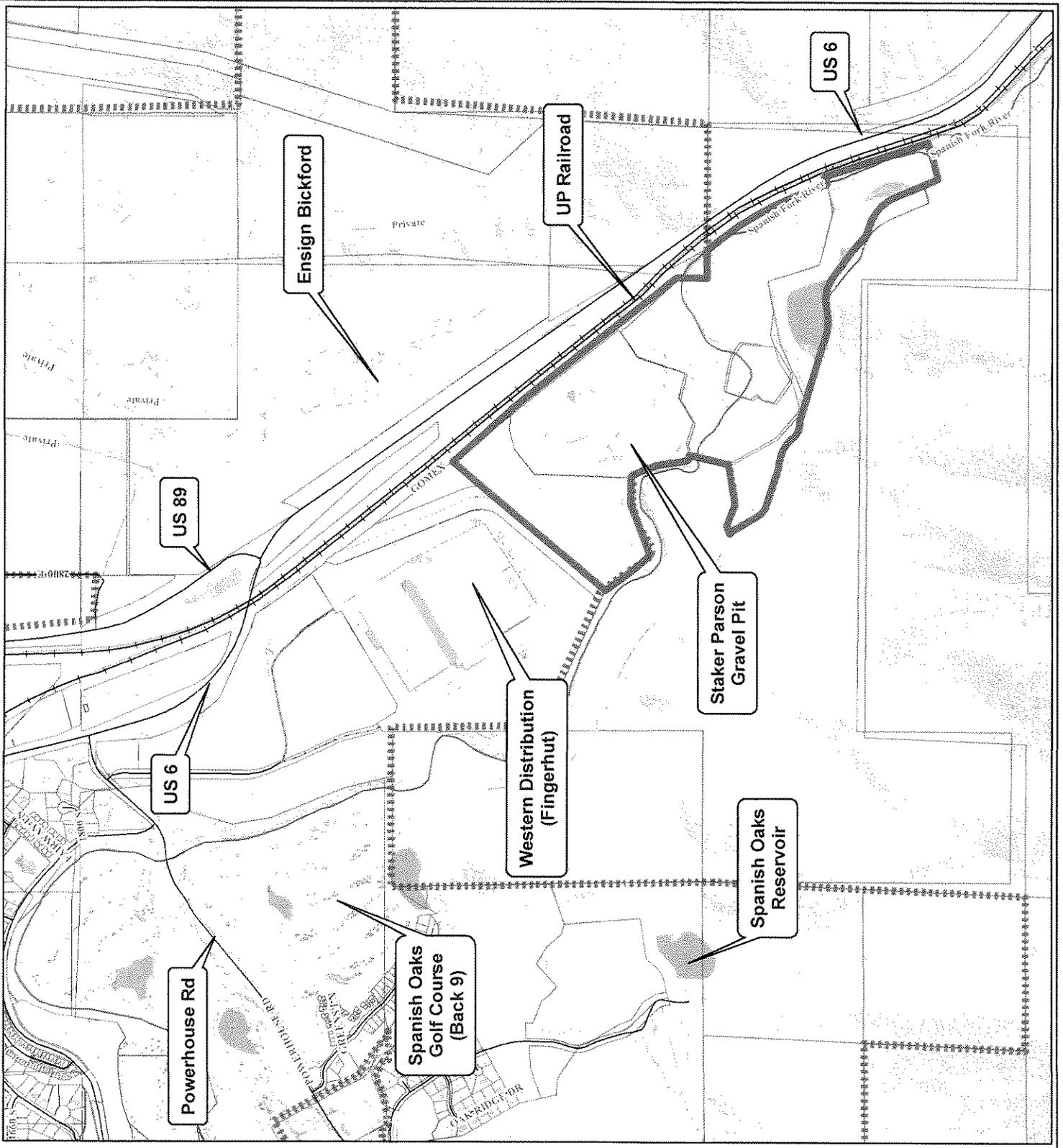
Paved

Railroad

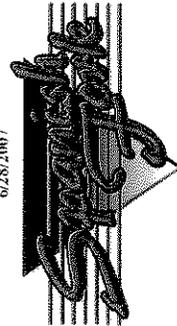
County_SF_Parcel

Rivers

Spanish Fork Boundary



6/28/2007



Geographic Information Systems

Spanish Fork City GIS
40 South Main Street
Spanish Fork, UT 84660
(801) 798-5000

Disclaimer: Spanish Fork City makes no warranty with respect to the accuracy, completeness, or usefulness of these maps. Spanish Fork City assumes no liability for direct, indirect, special, or consequential damages resulting from the use or misuse of these maps or any of the information contained herein. Portions may be copied for incidental uses, but may not be resold.

Wasatch Wind Community Development Project Area

Final Project Area Plan

July 16, 2007

Redevelopment Agency of Spanish Fork

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Section 1 Description of Community Development Project Area

The Wasatch Wind Community Development Project Area is enclosed within the following boundaries:

COMMENCING EAST 4060.24 FEET AND SOUTH 1025.28 FEET FROM THE WEST 1/4 CORNER OF SECTION 34, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE MERIDIAN; THENCE AS FOLLOWS:

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S 38°47'18" E 682.30'

TO THE POINT OF BEGINNING CONTAINING 127.08 ACRES

BASIS OF BEARING = UTAH COORDINATE BEARING, CENTRAL ZONE

A map of the Wasatch Wind Community Development Project Area is attached and incorporated herein as Appendix "A".

Section 2 Project Area Characteristics and How They Will be Affected by Community Development

A. Land Uses in the Project Area

Permitted land uses in the Project Area will be those uses permitted by the officially adopted zoning ordinances of the City subject to limitations imposed by "overlay" restrictions and the controls and guidelines of this Community Development Plan. A Land Use Map showing the current permitted uses is included in this Plan as Appendix "B".

The existing land uses in the Project Area are: currently operating gravel pit; publicly owned parcel with water well; and vacant land.

It is expected that the current uses in the Project Area will be affected as follows: It is anticipated that through development within the Project Area some vacant land within the Project Area will be developed with a wind farm with the installation of turbines for the

production of electric power. The permitted uses will likely remain the same with a potential increase in industrial use consisting of the wind farm. All anticipated new uses will be compatible with the City General Plan and the goals and objectives of the Project Area Plan.

B. Layout of Principal Streets in the Project Area

The layout of the principal streets in the Community Development Project Area is shown on the Project Area map attached as Appendix "A". It is not expected that development in the Project Area will affect the existing road except as follows: (a) the existing road may be improved; (b) one or more new temporary roads may be constructed in order to construct the wind farm, but will be removed once construction is completed.

C. Population in the Project Area

The Project Area was laid out specifically to not include any residential or retail property. There is effectively no daytime population as the area includes a gravel pit, City well property, and a small parcel owned by Strawberry Water Users Association.

It is anticipated that there will be no significant increase in the daytime population of the Project Area as a result of the planned development of the wind farm.

D. Building Intensities in the Project Area

The building intensities within the boundaries of the Community Development Project Area were analyzed. No unusual evidence of building intensities was found. It is expected that the building intensities within the Project Area will be affected in the following way: Approximately nine wind powered turbines for generation of electrical power will be constructed and installed within the Project Area.

Section 3 Standards That Will Guide Community Development

A. Development Objectives

The following objectives will be pursued in order to create a more viable Project Area:

1. 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.
2. Assist in the development of the Project Area if sound long-term economic activity can be increased thereby.

B. Design Objectives

Subject to the development objectives and other provisions of this Plan, owners and developers will be allowed flexibility in the development of land located within the Community Development Project Area and are expected to obtain appropriate design and development. Each development proposal will be considered subject to: (1) appropriate elements of the City's General Plan; (2) the planning and zoning code of the City; (3) other applicable building codes and ordinances of the City; (4) a review and recommendation by the City Planning Commission; and (5) a review and recommendation by the Agency to ensure that the development is consistent with this Plan.

A review of development proposals may also be made by a development review committee established by the Agency. Each development proposal by an owner or developer will be accompanied by site plans, development data and other appropriate material that clearly describes the extent of the proposed development, including land coverage, setbacks, heights and bulk proposed, and any other data determined to be necessary or requested by the City or the Agency.

The general design of specific projects may be developed or approved by the Agency in cooperation with the Planning Commission. The particular elements of the design should be such that the overall development of the Project Area will comply with applicable City ordinances, rules and regulations, and with the provisions of this Plan.

C. Specific Design Objectives (these shall apply only in the event new buildings are proposed within the Project Area)

1. Building Design Objectives:

a. New buildings, if there were to be any proposed, shall be of design and materials which will be in harmony with adjoining areas and other new developments and shall be subject to design review and approval by the Agency.

b. Buildings within the Project Area should be designed to be aesthetically pleasing.

2. Open Space Design Objectives:

a. If any buildings were to be proposed, then in connection therewith, attractively landscaped open spaces shall be provided, which will offer maximum usability to occupants of the building or facility for which they are developed.

b. Materials and design paving, retaining walls, fences, curbs, benches, and other items, if any, should be of good appearance, easily maintained, and indicative of their purpose.

3. Parking Design Objectives:

a. If new buildings are proposed, then parking areas shall be designed with careful regard to orderly arrangement, topography, relationship to view, ease of access, and as an integral part of the overall site design.

4. Landscape Design Objectives:

a. If new buildings are proposed, a coordinated landscaped design over the applicable portion of the Project Area incorporating landscaped treatment for open space, roads, paths, and parking areas into a continuous and integrated design shall be a primary objective.

b. If new buildings are proposed, primary landscape treatment shall consist of shrubs, ground cover, and shade trees as appropriate to the character of the applicable portion of the Project Area and as determined by the City and the Agency.

5. Project Improvement Design Objectives:

a. Public rights-of-way. All streets, sidewalks and walkways within public rights-of-way, if any, will be designed or approved by the City and be consistent with all design objectives.

b. Street lighting and signs. If new buildings are proposed, lighting standards and signs of pleasant appearance and modern illumination standards shall be provided as necessary as approved by the City.

D. Techniques to Achieve Project Area Plan Objectives

The Agency shall have the right to approve the design and construction documents of all development within the Project Area to ensure that all development within the Project Area is consistent with this Community Development Plan. The City shall notify the Agency of all requests for (1) zoning changes; (2) design approval; (3) site plan approval; and (4) building permits with the Project Area. Projects within the Project Area shall be implemented as approved by the Agency and the City.

Section 4 How the Purposes of the State Law Would Be Attained by Community Development

It is the intent of the Agency, with the assistance and participation of public or private owners, to encourage and accomplish appropriate development within the Project Area

by methods described in this Plan. This includes the construction of new facilities, and the use of incentives to maximize appropriate development beneficial to the City. By these methods, the private sector should be encouraged to undertake new development that will strengthen the tax base of the community in furtherance of the objectives set forth in this Plan.

Section 5 How the Plan is Consistent With the Community's General Plan

This Community Development Plan is consistent with and the proposed development conforms to the City's General Plan in the following respects:

A. Zoning Ordinances

The property within the Project Area is currently generally zoned Medium Industrial (I-2) with a small portion being zoned Light Industrial (I-1). The City General Plan envisions that the Project Area will continue to be the location of the Staker & Parson Companies gravel pit and the City water well, and that the new development will include new uses including the contemplated wind farm power generation facilities. The proposed development is permitted under the current zoning classifications of the City. If any zoning changes are required, such changes will be submitted to the City for consideration and approval.

B. Building Codes

The construction of all new buildings and improvements will be done in accordance with the standards set forth in the General Plan of the City and in accordance with the Building Codes adopted by or applicable to the City. All building permits for construction will be issued by the City in order to assure that new development is consistent with the General Plan and Zoning Ordinance of the City.

C. Planning Commission

The Community Development Plan is consistent with the General Plan of the City which encourages Light Industrial uses within the Project Area.

Section 6 Description of the Specific Projects That are the Object of the Proposed Community Development

The Agency believes on the basis of input received by the Agency from Spanish Fork Wind Park II, LLC that it will undertake the development of the Project Area through the installation of nine wind powered turbines for the generation of electrical power, which would accomplish the purposes of this Community Development Plan.

Section 7 Ways in Which Private Developers Will be Selected to Undertake the Community Development

A. Selection of Private Developers

Wasatch Wind has already arranged for leasing the necessary land within the Project Area for their proposed development. It is also possible that owners of real property in the Project Area may undertake other development of their property. In the event that owners do not wish to participate in development in compliance with the Plan, the Agency reserves the right pursuant to the provisions of the Act to acquire parcels, to encourage other owners to acquire other property within the Project Area, or to select non-owner developers by private negotiation, public advertisement, bidding or solicitation of written proposals, and by so doing encourage or accomplish the desired development of the Project Area.

B. Identification of Developers Who Are Currently Involved in the Proposed Development.

The Agency has been contacted by and has been in contact with Spanish Fork Wind Park II, LLC, a business or entity that has expressed interest to participate or become a developer of the Project Area. Wasatch Wind is therefore deemed to be a potential developer currently involved in the proposed development pursuant to provisions of Section 17C-4-103 of the Act. If it becomes necessary or desirable, the Agency may identify other qualified persons who may be interested in developing all or part of the Project Area. Potential developers may be identified by one or more of the following processes: (1) public solicitation, (2) requests for proposals (RFP), (3) requests for bids (RFB), (4) private negotiation, or (5) some other method of identification approved by the Agency.

Section 8 Reasons for the Selection of the Project Area

The Project Area was selected by the Agency as that area within the City having an immediate opportunity to strengthen the economic base of the community, broaden the City's tax base, and provide additional electrical power production. The Project Area contains a portion of the City that is desirable for development because of its location and windy characteristics; and (2) the opportunity to commence a public / private partnership to develop this area of the City.

Specific boundaries of the Project Area were arrived at by the Agency after a review of the area by members of the Agency staff. Planned treatment of this area is intended to stimulate development to the degree necessary for sound long-range development of the Project Area.

Section 9 Description of the Physical, Social and Economic Conditions Existing in the Area

A. Physical Conditions

The Project Area consists of approximately 127 acres of mostly vacant ground. The property within the Project Area is owned by the City (the well property), Staker & Parson Companies (the gravel pit) and a small parcel is owned by Strawberry Water Users Association.

There are no buildings within the Project Area.

B. Social Conditions

There are no residential or commercial buildings in the Project Area. Since the area is generally zoned Medium Industrial (I-2) with a small portion being zoned Light Industrial (I-1) and since new development is anticipated to be mostly Industrial, no new residential or commercial uses are expected in the Project Area.

C. Economic Conditions

The property within the Project Area is currently generally zoned Medium Industrial (I-2) with a small portion being zoned Light Industrial (I-1). The Project Area is expected to continue to be the location of the City's well and the Staker & Parson Companies gravel pit.

See Appendix C for an Economic Benefit Analysis of the Project Area.

Section 10 Description of any Tax Incentives Offered to Private Entities for Facilities Located in the Project Area

Subject to the establishment of the Project Area, the following generally describes tax or other incentives which the Agency intends to offer within the Project Area to developers in consideration for constructing and operating the proposed development.

The Agency intends to negotiate and enter into interlocal agreements with taxing entities for the use such taxing entities' share of tax increment resulting from the development of the Project Area, and to use such tax increment funds to encourage and assist the proposed development of the Project Area. The developer has requested 70% of the tax increment generated by its project over a period of ten years, and it is proposed that the Agency receive 100% of the tax increment for ten years, and that after administrative costs, the remaining tax increment be paid by the Agency to the taxing entities. The tax increment funds may be used for such items as cost write downs, desirable Project Area improvements, Agency administrative costs, payments to taxing entities and other items as approved by the Agency, all in accordance with the interlocal agreements with taxing entities. Payment to the developer shall be made pursuant to an agreement to be

negotiated and entered into between the Agency and the developer. Except where the Agency issues bonds or otherwise borrows or receives funds, the Agency expects to pay the developer the agreed upon portion or dollar amount. Subject to the provisions of the Act, the Agency may agree to pay for eligible costs and other items from taxes for any period of time the Agency may deem to be appropriate under the circumstances, subject, of course, to the provisions of the applicable interlocal agreements with taxing entities.

Section 11 Analysis of the Anticipated Public Benefit to be Derived from the Community Development

It is anticipated that a significant public benefit will be derived from the proposed development within the Project Area. The Economic Benefit Analysis, Appendix C hereto, is incorporated as a part of this Plan. Refer to Appendix C: Economic Benefit Analysis of the Wasatch Wind Community Development Project Area for a complete economic benefit analysis. It is expected that the taxing entities will receive payments from the Agency equal to approximately 30% of the new taxes generated by the project for the first ten years, and thereafter the taxing entities would receive 100% of the new taxes generated by the project.

APPENDIX A

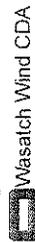
**Wasatch Wind Community Development
Project Area Map**

Wasatch Wind CDA



1 Inch equals 1,116 Feet

Legend



Wasatch Wind CDA

Roads

Other Roads

Not Paved

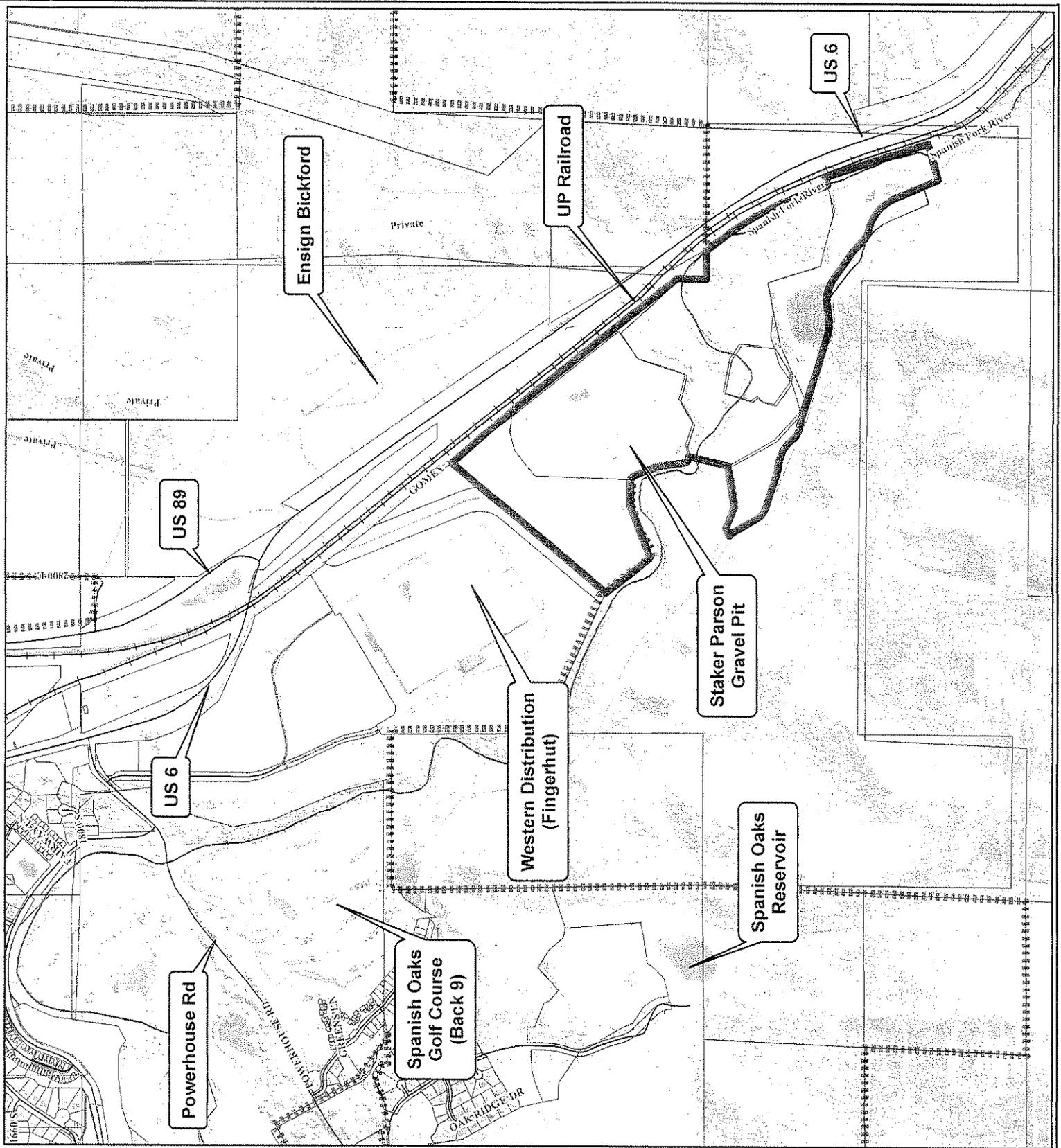
Paved

Railroad

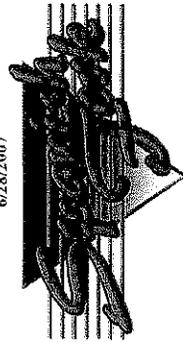
County_SF_Parcels

Rivers

Spanish Fork Boundary



6/28/2007



Geographic Information Systems

Spanish Fork City GIS
40 South Main Street
Spanish Fork, UT 84660
(801) 798-5000

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APPENDIX B

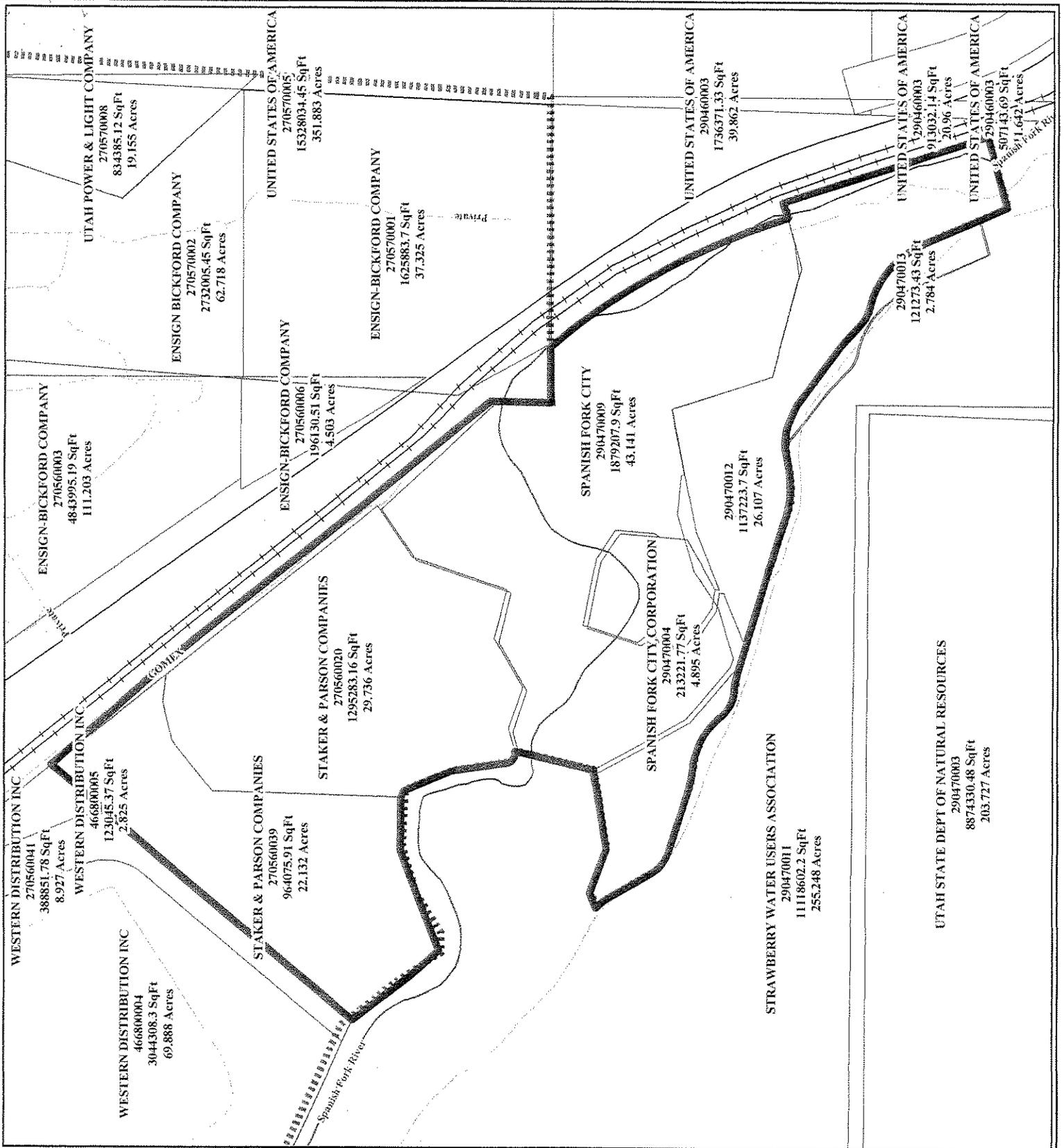
**Wasatch Wind Community Development
Project Area Land Use Map**

Wasatch Wind CDA

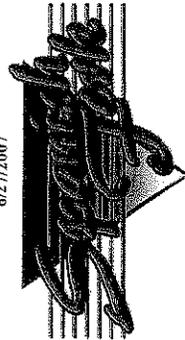


1 Inch equals 569 Feet

- Legend**
- Wasatch Wind CDA Roads
 - Other Roads
 - Not Paved
 - Paved
 - Railroad
 - County_SF_Parcel
 - Rivers
 - Spanish Fork Boundary



6/27/2007



Geographic Information Systems

Spanish Fork City GIS
40 South Main Street
Spanish Fork, UT 84660
(801) 798-5000

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APPENDIX C

Economic Benefit Analysis of the Wasatch Wind Community Development Project Area, and Related Schedules

Wasatch Wind Community
Development Project Area Benefit
Analysis

Prepared for

Redevelopment Agency of Spanish Fork City

July 11, 2007

Jonnalyne Walker
926 East Raymond Rd.
Fruit Heights, Utah
84037

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B. Community Development Project Area Summary....	3.
C. Real & Personal Property Tax Projections.....	5.
EVALUATION OF THE APPLICATION.....	5.
CONCLUSIONS	6.

DESCRIPTION OF PROJECT

A. Background

The community development project under review envisions the development of a wind park of nine turbines strategically located within a project area totaling approximately 126 acres. The property located in the project area is generally zoned Medium Industrial (I-2) and the proposed wind park is consistent with other development which has been constructed in the immediate vicinity. The wind park has been analyzed to determine the possible benefits and impacts which may result from the project area developing as envisioned. The creation of the Wasatch Wind Community Development Project Area ("Wasatch Wind CDA") enhances the community's ability to develop property that has limited utility and if improved could potentially return revenue and net benefit to the community.

Wasatch Wind is a developer of wind parks in the Intermountain region specializing in the installation of the largest available utility scale wind turbines. According to Wasatch Wind, energy generated from the wind park is clean, renewable, reliable and comparable to the electric cost from the local utility. Wind energy does not, according to Wasatch Wind, replace the local utility but provides a beneficial supplement by injecting the energy derived from the wind park into the transmission lines thus reducing the necessary production of energy from other sources. Presently, Rocky Mountain Power ("RMP") offers a voluntary program called "Blue Sky", in which customers can buy 100-kilowatt-hour blocks of wind power generated outside of Utah. RMP's, parent company, PacifiCorp, is working to add 1,400 MW of wind and other renewable energy sources to its electrical generating resources across its service market. It is anticipated that the electrical power collected from the wind park will augment RMP's electrical generating system. The overall benefits and investment brought to the project include the site improvements, located in the community development project area as the result of the installation of an 18.9 megawatt ("MW") wind park with nine turbines.

This Community Development Project Area Benefit Analysis contemplates private investment in the proposed project area to be at least \$26 million. The potential benefits resulting from the construction of the wind park include; some new employment (both short and long term) and related wages and benefits, local purchases in conjunction with annual operations and maintenance, local purchases of goods

and services by employees constructing and working at the wind park, ground lease revenue to Spanish Fork City at a rate of 1.5% of annual gross total revenue generated by the wind park, the increased utilization of property which otherwise has limited utility and increased tax revenues to state and local governments.

"An Analysis of the Economic Impact on Utah County, Utah from the Development of Wind Power Plants", May 2006, conducted by the College of Business, Utah State University, and sponsored by the U.S. Department of Energy, analyzed five wind project size scenarios to quantify the potential economic impact of wind development in the County. The Analysis used basic information about wind projects, county-level multipliers and personal expenditure patterns to calculate project costs, as well as, job creation, income and related economic activity resulting from wind development. One wind development scenario analyzed is slightly smaller (14.7 MW) than the wind development contemplated for the Wasatch Wind CDA and another scenario is slightly larger (20 MW), thus providing a range of potential economic impacts which may also be representative of the economic impacts resulting from the development of the Wasatch Wind CDA.

The range of potential economic impacts quantified in the Utah State University Analysis and which may be applicable to the Wasatch Wind CDA include:

- Based on 2005 dollar values, the range of total construction costs for the project scenarios is about \$17.3-\$23.5 million of which \$2.8-\$3.8 million will be spent in Utah County.
- Direct annual operating and maintenance costs range from \$170,000 to \$230,000, of which it is estimated that between \$105,000 and \$145,000 will be spent in Utah County.
- The range of estimated number of long-term, full-time equivalent new local jobs created is projected to be 4-6 jobs of which 3-4 are plant workers.
- Annual salaries and benefits for field workers,

administrators and managers affiliated with wind park operations range from about \$134,000 to \$183,000 (2005 dollars).

- The range of estimated number of short-term, full-time equivalent new local jobs created is projected to be 26-35 jobs during construction of which 23-32 are from the construction industry.
- The range of direct wage and salary earnings during construction is estimated to be \$735,000-\$1 million of which between \$665,000-\$900,000 is derived from the construction industry.
- The total economic output created, taking into account direct, indirect and induced impacts, is estimated to range from \$4.2-\$4.8 million during construction, and once operational, an annual economic output ranging from \$240,000 to \$340,000.

Additional potential benefits derived from the installation of the wind park in the Wasatch Wind Community Development Project Area are as follows:

- Ground lease revenue to Spanish Fork City.
- Increased utilization of property which is currently of limited utility.
- Increased real and personal property tax to local taxing entities, a portion of which is generated from improvements installed on publicly owned property.

B. Community Development Project Area Summary

The proposed project area includes about 126 acres of land on which nine turbines will be strategically installed. The turbines are installed on 50'X50' square pads. It is anticipated that all of the turbines will be installed by the end of 2008. Additionally, a substation for electrical collection is proposed to be installed on a 300'X300' square pad in 2008. The project area includes the following tax parcels; two of which are centrally assessed, the remainder are publicly owned:

Parcel Number	Size Acres	Classification	Estimated Base Year Taxable Value
27-056-0039	22.15	Centrally Ass.	\$147,297
27-056-0020	29.74	Centrally Ass.	\$381,894
29-047-0012	26.12	Public/Exempt	\$ -0-
29-047-0004	4.89	Public/Exempt	\$ -0-
29-047-0009	43.14	Public/Exempt	\$ -0-
Total	126.04		\$529,191

The projected base year taxable value is calculated using the Utah State Tax Commission, Division of Centrally Assessed Property's determination of the taxable value of the two centrally assessed properties generating real and personal property tax. The remaining three properties are publicly owned and exempt for real and personal property taxation purposes.

Wasatch Wind has indicated that at least four turbines will be located on property owned by Spanish Fork City, as well as, the substation. The five remaining turbines will be located on property owned by Staker & Parsons and the Strawberry Water User Association. For purposes of this analysis, it is assumed that the real property under the turbines' pads/foundations and the substation is taxable and will be assessed real property tax or a privilege tax. A privilege tax is imposed on any real property, which is exempt from taxation (such as the Spanish Fork and the Strawberry Water User Association property), if it is used in connection with an enterprise conducted for profit. A review of the proposed wind park by the Utah State Tax Commission and Utah County Assessor has resulted in the turbines, including their accoutrements being classified as Class 16 - Long Life Property for taxation purposes. The substation is also classified as Class 16 - Long Life Property.

It is estimated that more than \$26 million will be spent in development and construction costs by 2009. This includes installing nine turbines (\$2.3 million each) - \$20.7 million, pads/foundations (\$160,000 each) - \$1.44 million, substation for electrical collection - \$3.7 million and site improvements - \$217,500. A Summary of the Projected Uses and Costs is attached as Schedule 1.

C. Real & Personal Property Tax Projections

A summary of the increased incremental property value (real and personal) is as follows:

SUMMARY OF PROPERTY VALUE INCREASES

<u>Source</u>	<u>Value Added</u>
Land & Site Improvements	\$251,250
Personal Property	\$25,840,000
TOTAL	\$26,091,250

With more than \$26 million in increased property value, an average of about \$165,000 a year in increased real and personal property tax revenues over a 20-year period (2009 - 2028) may be received. It is estimated that the total tax increment generated over 20 years is \$3,299,645. The attached Schedule 2 entitled Real & Personal Property Tax Revenues estimates the potential increase in real and personal property values for a 20 year period, as well as, the resulting increase in property tax revenues.

EVALUATION OF THE APPLICATION

Wasatch Wind proposed the development of its wind park early in 2006 on a site which eventually was not conducive to the community's interest. The alternative "up canyon" site that was located for the wind park is the proposed Wasatch Wind CDA. Wasatch Wind incurred significant cost developing the original site and was prepared to install and operate the turbines by early 2007. Wasatch Wind experienced at least a one-year delay and the duplication of development costs as the result of locating the wind park to the alternative "up canyon" site. The increased costs, which Wasatch Wind estimates exceeds \$2 million, resulting from developing the alternative site and the increased cost for the turbines and electrical infrastructure because of the delay (operations now projected for early 2008) has seriously threatened the project's feasibility.

Wasatch Wind has requested 70 percent of the available tax increment for a ten year period of time to offset the project cost increases resulting from locating to an

alternative site and delaying operations of the wind park. It is estimated that 70 percent of the tax increment over ten years would total about \$1,656,500.

The property located in the Wasatch Wind Community Development Project Area is underutilized with about 60 percent owned by public entities and exempt from real and personal property taxation. The remaining 40 percent is a sand and gravel operation owned by Staker & Parsons, which according to the Utah State Tax Commission Centrally Assessed Property Division, is "mined out" and thus assessed at a lesser value than surrounding industrial property that is developed to its highest and best use. Wasatch Wind has negotiated land leases with property owners located in the proposed CDA to install the turbines. The land leases will generate revenue to the property owners and the capital improvements will generate real and property tax revenue to taxing entities which currently are receiving a minimum return from the subject properties.

CONCLUSIONS

The potential benefits associated with the Wasatch Wind Community Development Project Area include:

- Limited new long-term employment (an estimated range of 4 to 6 newly created jobs) with annual wages and benefits ranging between \$134,000 to \$183,000.
- New short-term employment during construction (an estimated range of 26 to 35 jobs) with wages ranging from \$735,000 to \$1 million.
- Total economic output created, taking into account direct, indirect and induced impacts, ranging from \$4.2 to \$4.8 million during construction and once operational a range of \$240,000 to \$340,000, annually.
- Ground lease revenue to Spanish Fork City and the other property owners located in the project area.

- Increased utilization of property which is of limited utility.
- Increased real and personal property tax to local taxing entities.

The creation of the Wasatch Wind Community Development Project Area will allow the use of tax increment to assist in offsetting the increased cost of developing the wind park at the "up canyon" site and also to enhance the economic viability of the properties located in the project area. The installation of the wind park will bring limited employment opportunities, as well as, direct, indirect and induced economic impacts. It will increase the tax base and correspondingly deliver greater services to Spanish Fork and Utah County residents.

**WASATCH WIND COMMUNITY DEVELOPMENT PROJECT AREA
REDEVELOPMENT AGENCY OF SPANISH FORK
PROJECTED USES - PROJECTED PROJECT COSTS**

**SCHEDULE 1
7/11/2007**

Major Use	# of Units/ Sq. Ft.	Real Property Cost/ Unit	Total Real Property	# of Units	Personal Property Cost/ Unit	Total Personal Prop.	Total Assessed Value
PRIVATE DEVELOPMENT COSTS							
PRIVATE TAXABLE USES							
Wasatch Wind Windmill Project Site Improvements			\$217,500		\$0	\$0	\$217,500
Subtotal - Site Improvements			\$217,500			\$0	\$217,500
Wasatch Wind Windmill Project Real Property Pads/Foundations Turbines	112,500 9 9	\$0.30 \$0 \$0	\$33,750 \$0 \$0	9 9	\$0 \$160,000 \$2,300,000	\$0 \$1,440,000 \$20,700,000	\$33,750 \$1,440,000 \$20,700,000
Subtotal - Windmills			\$33,750			\$22,140,000	\$22,173,750
Wasatch Wind Windmill Project Substation		\$0	\$0		\$0	\$3,700,000	\$3,700,000
Subtotal - Substation			\$0			\$3,700,000	\$3,700,000
TOTAL PRIVATE DEVELOPMENT COSTS							
			\$251,250			\$25,840,000	\$26,091,250

Real Property - 9 windmills with footprint of 50'X50' = 2500 sq. ft. X 9 = 22,500 sq. ft.
Substation - with footprint of 300'X300' = 90,000 sq. ft.
22,500 sq. ft. + 90,000 sq. ft. = 112,500 sq. ft.

Personal Property - \$2.3 mil./Turbine.
Turbines classified as Class 16 Property - Long Life Property.
Electrical Substation classified as Class 16 Property.

Proof of Publication

THE SPANISH FORK PRESS, a weekly newspaper printed and published at Spanish Fork, Utah County, Utah and of general circulation therein; that the Notice, a copy of which is hereto attached, was printed and published in said paper

for consecutive 1 weeks,
 the first publication on the 30 day
 of August 2007
 And the last on the 30 day
 of August 2007

Erico Savage

SUMMARY OF CHORD BEARING the Project Area;
CITY COUNCIL OF N86°03'00"W 185.51 (b) Promote and
SPANISH FORK FEET; N 72°43'30" market the Project
ORDINANCE W 715.38'; THENCE Area for develop-
NO. 13-07 ADOPT- ALONG THE ARC ment that will be
ING THE WA- OF A 313.74 FOOT complimentary to
SATCH WIND RADIUS CURVE existing businesses
COMMUNITY TO THE LEFT and will enhance
DEVELOPMENT A DISTANCE the economic health
PROJECT AREA OF 74.19 FEET, of the community
PLAN, DATED CHORD BEARING through diversifi-
JULY 16, 2007. N 79°30'00"W 74.02 cation of the City's

On August 21, 2007, pursuant to Section 17C-4-105 of the Utah Community Development and Renewal Agencies Act, Utah Code Annotated 1953, as amended (the "Act"), the City Council of Spanish Fork adopted, designated and approved the "Wasatch Wind Community Development Project Area Plan" (the "Project Area Plan") dated July 16, 2007 as the official Community Development Plan for the Wasatch Wind Community Development Project Area (the "Project Area"). The boundary of the Project Area covered by the Project Area Plan is as follows:

COMMENC-
ING EAST 4060.24
FEET AND
SOUTH 1025.28
FEET FROM THE
WEST 1/4 COR-
NER OF SECTION
34, TOWNSHIP 8
SOUTH, RANGE 3
EAST, SALT LAKE
BASE MERIDIAN;
THENCE AS FOL-
LLOWS: S38°48'57" E
1787.12'; S 01°10'28"
W 256.41'; EAST
239.44'; THENCE
ALONG THE ARC
OF A 2764.79 FOOT
RADIUS CURVE E
TO THE RIGHT

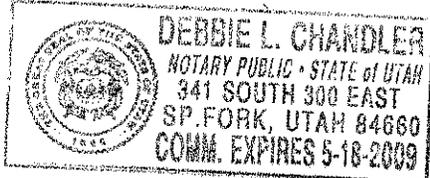
FEET; THENCE
ALONG THE ARC
OF A 163.73 FOOT
RADIUS CURVE
TO THE RIGHT
A DISTANCE
OF 137.07 FEET,
CHORD BEARING
N62°17'30"W 133.10
FEET; THENCE
ALONG THE ARC
OF A 313.73 FOOT
RADIUS CURVE
TO THE LEFT
A DISTANCE
OF 251.60 FEET,
CHORD BEARING
N61°17'00"W 244.92
FEET; THENCE
ALONG THE ARC
OF A 402.44 FOOT
RADIUS CURVE
TO THE RIGHT
A DISTANCE
OF 87.91 FEET,
CHORD BEAR-
ING N78°00'00"W
87.74 FEET; N
71°44'30" W
294.00'; THENCE
ALONG THE ARC
OF A 163.74 FOOT
RADIUS CURVE
TO THE RIGHT
A DISTANCE
OF 119.45 FEET,
CHORD BEARING
N50°50'30"W 116.82
FEET; N 29°56'30"
W 201.00';
THENCE ALONG
THE ARC OF A
313.72 FOOT RADI-
US CURVE TO THE
LEFT A DISTANCE
OF 82.98 FEET,
CHORD BEARING
N37°31'10"W 82.74
FEET; N 70°12'19" E
71.24'; S 69°16'28" E
197.80'; N 80°48'40"
E 344.42'; N
13°26'16" E 344.78';

tax base; (c) Assist in the development of the Project Area if sound long-term economic activity can be increased thereby; and (d) implement the tax increment and sales tax financing provisions of the Act.

The City Council recited in the Ordinance the determinations and findings of the Redevelopment Agency of Spanish Fork 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 reimburse-



day of August 2007

TO THE RIGHT OF 985.42 FEET, THE ARC OF A CHORD BEARING S30°29'53"E 980.21 FEET; S 19°18'13" E 193.33'; N 75°15'38" E 70.82'; S 18°20'12" E 921.81'; S 74°24'40" W 319.15'; N 23°24'30" W 398.29'; THENCE ALONG THE ARC OF A 393.31 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 370.69 FEET, CHORD BEARING N50°24'30" W 357.12 FEET, THENCE ALONG THE ARC OF A 162.73 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 33.82 FEET, CHORD BEARING N62°44'30" W 82.91 FEET; N 48°04'30" W 104.01'; THENCE ALONG THE ARC OF A 552.46 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 54.96 FEET, CHORD BEARING N50°55'30" W 54.94 FEET; N 53°46'30" W 261.27'; THENCE ALONG THE ARC OF A 313.73 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 249.69 FEET, CHORD BEARING N76°34'30" W 243.15 FEET; S 80°37'30" W 71.20'; THENCE ALONG THE ARC OF A 402.46 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 187.19 FEET,

way of reimburse- ment from prop- erty tax proceeds received by the Agency, which property tax incre- ment is created by the establishment and operation of the new facilities or projects;

D. Conform to the City of Span- ish Fork's general plan, because the Plan provides that all development in the Project Area is to be in accordance with the City's zon- ing ordinances and requirements;

E. Promote the public peace, health, safety and welfare of the City of Span- ish Fork.

The Ordinance adopting the Project Area Plan specifi- cally incorporates the provisions of tax increment and sales tax financing as permitted by the Act.

The Ordinance and the Plan are available for public inspection in the office of the City Recorder and the Redevelopment Agency of Span- ish Fork, 40 South Main Street, Span- ish Fork, Utah, Monday through Thursday, 8:00 a.m. to 6:00 p.m., Fri- days 8:00 a.m. to 4:00 p.m., excluding holidays.

Published in the Spanish Fork Press August 30, 2007.

12-20-10-204478
 239.50'; N 22°19'59" W 218.74'; THENCE ALONG THE ARC OF A 22.27 FOOT RADI- US CURVE TO THE LEFT A DISTANCE OF 13.85 FEET, CHORD BEARING N46°34'27" W 18.29 FEET; N 70°45'42" W 16.98'; N 01°22'02" W 0.56'; N 89°26'13" W 228.60'; S 68°44'01" W 458.92'; N 41°40'59" W 154.92'; N 37°29'13" W 325.34'; N 39°35'21" E 81.04'; N 40°11'19" E 557.23'; N 40°03'25" E 1092.32'; S 38°47'18" E 682.30'; TO THE POINT OF BEGIN- NING CONTAIN- ING 127.08 ACRES. BASIS OF BEAR- ING = UTAH CO- ORDINATE BEAR- ING, CENTRAL ZONE. The Ordinance describes the in- tent and purposes of the City Coun- cil in adopting the Project Area Plan, which include but are not limited to: (a) Encourage and accomplish appro- priate development and economic de- velopment within