

ORDINANCE NO. 01-15

ROLL CALL

VOTING	YES	NO
STEVE LEIFSON <i>Mayor</i> (votes only in case of tie)		
ROD DART <i>Council member</i>	X	
RICHARD M. DAVIS <i>Council member</i>	X	
BRANDON B. GORDON <i>Council member</i>	X	
MIKE MENDENHALL <i>Council member</i>	X	
KEIR A. SCUBES <i>Council member</i>	X	

I MOVE this ordinance be adopted: Council member Dart

I SECOND the foregoing motion: Council member Mendenhall

ORDINANCE 01-15

AN ORDINANCE OF THE CITY COUNCIL OF SPANISH FORK CITY, STATE OF UTAH, ADOPTING THE SIERRA BONITA COMMUNITY DEVELOPMENT PROJECT AREA PLAN DATED NOVEMBER 28, 2014.

BE IT ORDAINED AND ENACTED BY THE SPANISH FORK CITY COUNCIL AS FOLLOWS:

I.

This Ordinance pertaining to the "Sierra Bonita Community Development Project Area Plan" is hereby enacted to read as follows:

SIERRA BONITA COMMUNITY DEVELOPMENT PROJECT AREA PLAN

1. Adoption of Project Area Plan.
2. Project Area Boundaries.
3. Purposes of Project Area Plan.
4. Project Area Plan Incorporated by Reference.

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5. Findings.
6. Acquisition of Property.
7. Financing.

1. Adoption of Project Area Plan. The Redevelopment Agency of the City of Spanish Fork (the "Agency") has adopted the Sierra Bonita Community Development Project Area Plan dated November 28, 2014 (the "Project Area Plan"). The Project Area Plan is hereby designated as the official Community Development Project Area Plan of the Sierra Bonita Community 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 17C-4-105 of the Utah Community Development and Renewal Agencies Act.

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

BEGINNING AT A POINT WHICH LIES N00°21'17"W 190.91 FEET ALONG THE SECTION LINE AND EAST 23.51 FEET FROM THE WEST QUARTER CORNER OF SECTION 6, TOWNSHIP 8 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE S89°56'21"E 781.95 FEET; THENCE N01°03'35"E 690.52 FEET; THENCE N01°04'19"W 129.28 FEET; THENCE S88°55'59"W 66.00 FEET; THENCE ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE LEFT 26.78 FEET (CHORD BEARS: N52°12'32"W 23.36 FEET); THENCE S65°45'46"W 17.45 FEET; THENCE S57°15'16"W 178.08 FEET; THENCE ALONG THE ARC OF A 482.89 FOOT RADIUS CURVE TO THE RIGHT 256.41 FEET (CHORD BEARS: S72°14'24"W 253.43 FEET); THENCE N88°57'07"W 300.86 FEET; THENCE SOUTH 656.63 TO THE POINT OF BEGINNING.

A map of the Sierra Bonita Community Development Project Area is attached and incorporated herein as Exhibit "A"

3. Purposes of Project Area Plan. The purposes and intent of the City Council of Spanish Fork 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 enhance the economic health of the community through diversification and increase of the City's commercial tax base;
 - B. Encourage development of the expansion of the Young Living facilities for manufacturing and warehousing activities.
 - C. Promote attractive and functional buildings, streetscapes, parking areas and landscaping.

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.

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 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 Spanish Fork City's general plan; also 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 Spanish Fork City.

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.

7. Financing.

- A. Subject to any limitations required by currently existing law (except a limitation that 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 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 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 the Agency deems more beneficial to the Agency.

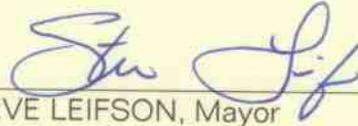
II.

This Ordinance shall take effect upon its first publication or posting.

III.

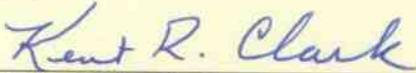
This ordinance is not part of the Spanish Fork Municipal Code

PASSED and **APPROVED** by the City Council of Spanish Fork City, State of Utah, this 6th day of January 2015.



STEVE LEIFSON, Mayor

Attest:



KENT R. CLARK, City Recorder



EXHIBIT "A"
MAP OF SIERRA BONITA COMMUNITY DEVELOPMENT PROJECT AREA

Sierra Bonita CDA Zoning

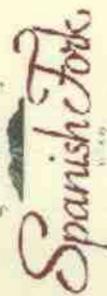


1 Inch = 400 Feet

Legend

-  Sierra_Bonita_CDA
-  Roads
-  Paved
-  County Parcel
-  Spanish Fork Boundary
-  Zoning
-  I-1

Print Date: 11/24/2014



GEOGRAPHIC INFORMATION SYSTEMS

Spanish Fork City GIS
40 South Main St
Spanish Fork, UT 84660
GIS Phone Numbers:
(801) 804-4571 (Administrator)
(801) 804-4570 (Intern)
(801) 804-4572 (Intern)

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