



## SYRACUSE CITY

### Syracuse City Council Business Meeting

**August 13, 2024 – immediately following the Truth in Taxation Hearing, which begins at 6:00 p.m.**

In-Person Location: Syracuse City Hall, 1979 W. 1900 S.

Electronic Via [Zoom](#)

Connect via telephone: +1-301-715-8592 US, meeting ID: 883 7680 8099

Streamed on Syracuse City [YouTube Channel](#)

1. Meeting called to order.  
Adopt agenda.
2. Public Comment: This is an opportunity to address the Council regarding your concerns or ideas. Please limit your comments to three minutes. *(Individuals wishing to provide public comment may do so via email to City Recorder Cassie Brown, [cassieb@syracuseut.gov](mailto:cassieb@syracuseut.gov), by 4:00 p.m. on August 13, 2024. Comments submitted by the deadline will be read for the record of the meeting.)*
3. Approval of Minutes: (2 min.)
  - a. July 9, 2024 City Council Business Meeting.
  - b. July 23, 2024 Special City Council Business Meeting.
4. Proposed Resolution R24-30 re-appointing Leanna Hamblin and appointing Jason Anderson, Daphne Lynch, and McKenzie Buckway to the Syracuse City Arts Council. (5 min.)
5. Public Hearing: Proposed Resolution R24-31 providing for the creation of the Gateway Public Infrastructure District No. 1 (PID) as an independent District; authorizing and approving a governing document; appointing a Board of Trustees; authorizing other documents in connection therewith; and related matters. (10 min.)
6. Proposed Ordinance 2024-18 adopting the Syracuse WDC Gateway Community Reinvestment Area (CRA) Project Area Plan and Budget. (5 min.)
7. Proposed Resolution R24-32 authorizing the execution of an interlocal agreement with the Syracuse City Redevelopment Agency (RDA) relating to the diversion of property tax for the Syracuse WDC Gateway Community Reinvestment Area (CRA). (5 min.)
8. Public Comment: This is an opportunity to address the Council regarding your concerns or ideas. Please limit your comments to three minutes. *(Individuals wishing to provide public comment may do so via email to City Recorder Cassie Brown, [cassieb@syracuseut.gov](mailto:cassieb@syracuseut.gov), by 4:00 p.m. on August 13, 2024. Comments submitted by the deadline will be read for the record of the meeting.)*
9. Mayor/Council announcements.
10. Adjourn.

In compliance with the Americans Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the City Offices at 801-825-1477 at least 48 hours in advance of the meeting.

#### CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Syracuse City limits on this 8<sup>TH</sup> day of August, 2024 at Syracuse City Hall on the City Hall Notice Board and at <http://www.syracuseut.gov>. A copy was also provided to the Standard-Examiner on August 8, 2024.

CASSIE Z. BROWN, MMC  
SYRACUSE CITY RECORDER



# CITY COUNCIL

## AGENDA

August 13, 2024

Agenda Item #3

Approval of Minutes.

***Factual Summation***

- Please see the draft minutes of the following meeting(s):
  - a. July 9, 2024 City Council Regular Business Meeting.
  - b. July 23, 2024 Special City Council Business Meeting.
- Any question regarding this agenda item may be directed at Cassie Brown, City Recorder.

Minutes of the Syracuse City Council Regular Meeting July 9, 2024

Minutes of the Regular Meeting of the Syracuse City Council, held on July 9, 2024, at 6:00 p.m., in a hybrid in-person/electronic format via Zoom, meeting ID 874 5080 2685, in-person in the City Council Chambers at 1979 W. 1900 S., and streamed on the Syracuse City YouTube Channel in accordance with House Bill 5002, Open and Public Meetings Act Amendments, signed into law on June 25, 2020.

Present: Councilmembers: Jennifer Carver  
Brett Cragun  
Julie Robertson  
Jordan Savage  
Paul Watson

***DRAFT***

Mayor Dave Maughan  
City Manager Brody Bovero  
City Recorder Cassie Brown

City Employees Present:

Administrative Services Director Stephen Marshall  
City Attorney Colin Winchester  
Fire Chief Aaron Byington  
Police Chief Garret Atkin  
Parks and Recreation Director Kresta Robinson  
Public Works Director Robert Whiteley  
Communications Specialist Kara Finley

1. Meeting Called to Order/Adopt Agenda

Mayor Maughan called the meeting to order at 6:00 p.m. as a regularly scheduled meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember. Councilmember Carver led the audience in the Pledge of Allegiance. Councilmember Savage provided an invocation.

COUNCILMEMBER CARVER MADE A MOTION TO MOVE ITEM FOUR, RECOGNITION, AHEAD OF ITEM TWO, PUBLIC COMMENTS, ON THE AGENDA, AND TO ADOPT THE AGENDA WITH THAT CHANGE. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED AYE.

4. Recognition of Battalion Chiefs Corey Bybee and Ryan Eckardt for  
attaining the Utah State Managing Fire Officer Designation

A staff memo from Fire Chief Byington explained Battalion Chiefs Corey Bybee and Ryan Eckardt have been awarded the Utah Managing Fire Officer Designation as outlined by the International Association of Fire Chiefs and adopted by the Utah Commission on Fire Officer Designation. Both these individuals have combined hundreds of hours of training, education, and experience to meet the requirements for this designation. Their hard work and commitment to this process shows their dedication to not only the Utah State Fire Service but to Syracuse City and our department as well. To date, there have only been fifteen Managing Fire Officer Designations awarded in the State of Utah. Five of those fifteen awards are from our department.

Chief Byington reviewed his staff memo and asked that the Mayor and Council join him in congratulating Battalion Chief Bybee and Battalion Chief Eckardt for attaining this designation.

2. Public Comment:

The following individuals spoke in favor of the Council's approval of agenda item six, a zoning amendment for property at 2425 W. 2700 S. to allow a senior living project known as Sadie's Glen.

- Dawn Fitzpatrick
- Eric Craythorne
- Stephanie Johnson
- Lisa Bartholomew
- Melissa Casey
- Laurie Meyers

Shane Crowton stated he has sent the Council emails about items 5, 6, and 7 on tonight's agenda and he hopes the information he provided in those emails is helpful to them as they are making decisions tonight.

Brad Frost stated that he is the applicant for agenda item six, and he wants to partner with the City in providing housing options for the senior population of the community. He is open to answering any questions the Council may have regarding his application.

City Recorder Brown then read the following emailed public comments provided for the record of the meeting.

My name is Lance Jensen and my wife and I have been a proud citizen of Syracuse City since 2008 - my address is 4102 W 1315 S.

I write in support of the 55 + single level living project I believe is proposed to be called Sadie's Glenn located off 2700 S.

I will be 50 years old this year and my wife and I have begun discussions on what our future housing needs are going to be and where we want to retire. We have deep roots in Syracuse - both of our Grandparents were multi-generational farmers not far from where we live now - and we would like to stay in Syracuse. This proposed project appears to check all the boxes for us.

"Many people like ourselves are looking for this type of housing product - it's affordable, the amenities (pickleball courts etc.) are fantastic, and who wants to do yard work!? Also - this medium density one level style home appeals to us more than say a townhome project.

I have been in the Title Insurance business for 30+ years and I have been involved in countless developments across the State of Utah and I am very familiar with these types of projects. They are in high demand and provide exceptional value to both the homeowner and the City in which they are located. I have visited similar projects in both Layton and Kaysville and they are great places to live and the residents love them.

I would think that Syracuse city would be chomping at the bit to approve such a project especially given its proximity to the West Davis Corridor and its appeal to the 55+ demographic.

Syracuse City really needs a project like this.

Lance Jensen”

“I’m writing to approve the active adult community of Sadie’s Glenn. This affordable community will be a well-received option for aging and active adults. I have had multiple closings with Ovation homes and currently live adjacent to one of these communities. I also helped a client purchase a home in the attached version of these homes in Kays Creek just west of the Layton Parkway. After being diagnosed with a major health issue, it became urgent for my clients to move away from “too many stairs” to a low-step, low entry, single level and affordable home.

All my clients, without exception, have been very happy with the quality, layout, and price of their home as they approach the obvious income reduction associated with residents of this age. They want and deserve to live in beautiful homes, communities, and finishes that give them independence, while also giving them the confidence to move freely about a single level home that does not threaten their finances or way of lifestyle. These communities are well cared for. They are clean and tidy. And the finishes of these fine homes, the warranty extended, and the treatment of the staff - from the model home agents to the build, to receiving their keys, is a wonderful experience. I’ve experienced the quality of Ovation Homes. Their value increases. The homes are mostly pre-sold due to their popularity.

The aging, yet still active, population loves the options and affordability of Ovation Homes. The communities are a welcome boon to the local economy - they add, not detract, to city and county goals.

Please approve!!

Jeff Boyson, Pinpoint Real Estate”

### 3. Approval of Minutes

The following minutes were reviewed by the City Council: Regular City Council Business Meeting, Special Redevelopment Agency (RDA) Meeting, and Special Municipal Building Authority (MBA) Meeting of June 11, 2024, and the Work Session of June 25, 2024.

COUNCILMEMBER ROBERTSON MADE A MOTION TO APPOROVE THE MINUTES LISTED ON THE  
AGENDA AS PRESENTED. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED IN FAVOR.

5. Proposed Ordinance 2024-15 amending the Syracuse General Plan  
Map for property located at approximately 2000 W. 2700 S., adjusting the  
boundaries of the medium density residential and commercial land use  
designations.

A staff memo from the Community and Economic Development (CED) Department explained the City has received an application from Darin Izatt to amend the General Plan Map. The applicant is representing Psion Homes/Whitesides Place LLC. The property in question is located approximately 2000 West and 2700 South. The proposed amendment would not actually change the General Plan designations, but rather adjust the boundaries of the anticipated future uses. The amendment would 'square off' the shape of the commercial. Because the desired zoning for the approximately 28.5-acre site is proposed to be PRD, the associated General Plan Map amendment and Concept Plan is required to be reviewed concurrently. Adjustments to the General Plan Map require a public hearing and recommendation from Planning Commission. The Planning Commission held a public hearing on May 21, 2024, and is forwarding a recommendation for approval. They found that the proposed development is consistent with the General Plan Map. The Council is the approving body for legislative items which include General Plan Map amendments. The City Council reviewed the item during their June 25, 2024 meeting. Since that time, the applicant has adjusted his requested map boundary slightly so that the acreage of the commercial area is not reduced. The updated map is included as an attachment.

The memo provided the following analysis of the application; the proposed development includes 149 townhomes (nine units per acre), 2.6 acres of open space, and approximately 70,180 total new commercial square feet. Staff has evaluated the provided concept plan for compliance with the city's ordinances. The plans appear to be congruent with PRD zone requirements. Additional review and more detailed plans would need to be completed/provided at a future date if the project was to receive the requested Concept Plan/General Plan approval. The next steps in the process would be for the applicant to apply for Preliminary Plan/Rezone/Development Agreement. After that, final plat, individual site plans for each commercial building, and building permits for each building would be required. Approval of this item would not entitle the construction of townhomes or commercial buildings shown on the concept plan.

CED Director Steele stated that the only thing that has changed on this application since the Council's last review of the project is the boundary of the project area.

1 Council member Carver stated that she originally did not believe this project was a good fit for the area, but she feels  
2 that this application is somewhat connected to the next item on the agenda, which is a zoning amendment to provide for a senior  
3 living project. The two projects in close proximity to one another could be beneficial in terms of ensuring the success of either  
4 project.

5 Councilmember Watson stated that he is concerned about approving another project given the current number of  
6 Planned Residential Development (PRD) projects that are currently 'on the books'. Councilmember Cragun stated this is not a  
7 PRD project and, rather, it is an application to adjust the orientation of the commercial zoning and make the property more  
8 appealing for a commercial developer. Councilmember Savage disagreed and noted that the application includes a PRD element  
9 as well; if it were a simply commercial zoning application, he would be in favor of it. Mr. Steele clarified that the application  
10 before the Council tonight is for a General Plan amendment; if the application is approved, the applicant can proceed to an  
11 application for PRD zoning.

12 Mayor Maughan stated that he does not feel the timing is right for this application; Syracuse has been the fastest  
13 growing City for seven of the last eight years and tax revenue is lagging behind the needs of the City, which leads to the need  
14 to increase taxes for all residents. He stated that it is not Syracuse's responsibility to shoulder all housing requirements of the  
15 County. Councilmember Carver stated that developers have bought land in Syracuse because the City has approved residential  
16 development in the past and the responsibility for the rapid growth lies with the current and former members of the City Council.

17 Councilmember Cragun stated he cannot understand how this application is anything other than a boundary line  
18 adjustment for the commercial portion of the property. Councilmember Carver stated she does not think Councilmember  
19 Cragun is wrong. Mayor Maughan stated it may not be wrong, but the purpose of this application is to make way for a zone  
20 change application for PRD development. Councilmember Cragun stated that means the Council is taking a presumptive  
21 position that this application is not proper because another application may be forthcoming. Mayor Maughan stated that if the  
22 Council knows it will not approve the zone change, it is pointless to approve the General Plan change.

23 Councilmember Watson echoed the Mayor's concerns about the rapid growth of the City; several Councilmembers  
24 have expressed a desire to examine the General Plan to determine if changes are needed and he would like to do that before  
25 approving additional PRD projects. Councilmember Robertson agreed.

26 Councilmember Savage stated he is not opposed to the commercial development of the subject property, but he does  
27 not support the PRD element.

28 The Council engaged in philosophical discussion and debate regarding whether the timing of the application is  
29 appropriate.

COUNCILMEMBER WATSON MADE A MOTION TO REJECT ORDINANCE 2024-15 AMENDING THE SYRACUSE GENERAL PLAN MAP FOR PROPERTY LOCATED AT APPROXIMATELY 2000 WEST 2700 SOUTH, ADJUSTING THE BOUNDARIES OF THE MEDIUM DENSITY RESIDENTIAL AND COMMERCIAL LAND USE DESIGNATIONS. COUNCILMEMBER ROBERTSON SECONDED THE MOTION; ALL VOTED IN FAVOR, WITH THE EXCEPTION OF COUNCILMEMBER CRAGUN, WHO VOTED IN OPPOSITION, AND COUNCILMEMBER CARVER, WHO ABSTAINED.

6. Proposed Ordinance 2024-17 amending the Syracuse City Zoning Map for property located at approximately 2425 West 2700 South from Agricultural (A-1) and Residential (R-3) to Planned Residential Development (PRD).

A staff memo from the Community and Economic Development (CED) Department explained the City has received an application from Brad Frost of Ovation Homes to amend the current zoning map from A-1 and R-3 to PRD. He has also applied to receive approval of a preliminary plan for the project. The general plan map was amended from low density residential to medium density residential on November 14, 2023, and therefore, this proposal is consistent with the general plan map. Because the applicant is seeking a PRD zoning, the concept and general plan processes were considered concurrently. The PRD zoning also requires that the preliminary plat and the zoning request are also considered concurrently. The proposed preliminary road layout is the same as the original concept plan layout, however, the number of units increased from 107 up to 121 between concept and preliminary plat. The PRD zone allows up to 6 units per acre and with the 121 units, it is still within the allowed density at 5.17 units per acre. The concept plan included 20.2 percent common space, but the preliminary plan includes 13.9 percent common space. The zone requires 20 percent so the new design is short 6.1 percent common space and would require an in-lieu common space fee. The applicant has requested that an in lieu common space fee of \$200,000 be applied to the new dog park in Fremont Park which is .47 miles away. This comes out to be about \$3.23 per square foot for 61,909 square feet. The zone also requires a development agreement where the maximum allowed units, the architectural elements, and the in-lieu payment amounts will be agreed upon.

The memo further explained that a rezone is a matter of legislative discretion by the City Council and not controlled by any one standard. A public hearing and recommendation from the Planning Commission is required before the Council can act on the application. The Planning Commission held a public hearing on May 21, 2024, and is forwarding a recommendation



1 for approval. The City Council reviewed the item on May 28, 2024 during a work session. City staff has reviewed the attached  
2 plans and does not have any unresolved staff comments.

3 CED Director Steele stated no changes have been made to this application since the Council's last review.

4 Councilmember Carver expressed her support for this application because she believes there is a need for this type of  
5 product in the community. Councilmember Savage stated that there have been just four homes targeted to the 55 and older  
6 demographic that have been for sale in the past year. He stated that this property is unique and odd-shaped, and it is adjacent  
7 to commercial properties. He feels that the proposed development would fit well on the property, but he would like to  
8 recommend some adjustments to the project plan pertaining to visitor parking on the site, the addition of pavilions with tables  
9 and chairs, and reducing the number of attached units in order to increase the number of detached units to 21. He feels this will  
10 increase the quality of the community.

11 Mayor Maughan stated that it is not correct that there are no senior living homes in the community; there are actually  
12 543 entitled units in the community with a similar house plan, though they are not yet on the market. However, they are not  
13 targeted to the 55 and older population. Councilmember Carver stated that means that the senior population could be in a  
14 bidding war with many more buyers for a single-family home product.

15 Councilmember Watson stated that if the City continues on the trajectory of approving every housing project that is  
16 presented, the City will need to continue to increase property taxes every year, which impacts the aging population of the  
17 community. He feels the timing is not right for this project because he feels the City needs to allow time for commercial  
18 development to catch up to residential development. Councilmember Robertson agreed and echoed the Mayor's point about  
19 the number of housing units yet to be built in the community. There will be many opportunities to buy a home in Syracuse and  
20 it would be more responsible to slow down and allow entitled units to be built. The pace of growth over the past four years has  
21 been too fast and it would be responsible for the Council to slow down at this time.

22 Councilmember Cragun noted taxes are being increased because everything costs more. He then wondered what else  
23 would be built on this property if the PRD is not approved. The requested density is not severe and will provide for single  
24 family homes, attached units, and on-site amenities. He stated this type of product is needed in the City. He acknowledged the  
25 sentiment that commercial development needs to catch up to residential development, but noted it is important to understand  
26 that commercial development would not be occurring if prior City Councils had not approved residential development. He  
27 stated many commercial entities, such as Costco, consider several factors – including the number of households within a  
28 specific radius of their building site – before moving to the community. Councilmember Robertson agreed and stated that  
29 Costco liked what they saw when they considered moving to Syracuse. Mayor Maughan stated that Costco was specifically

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1 asked if they care about density and rooftops in the City and they said no and that they care more about traffic through the  
2 community. Councilmember Cragun stated that based upon his research, he believes Costco does consider the population of a  
3 community before moving to it. He concluded the project is needed and is high quality and will serve a population of the  
4 community that currently has limited options. The developer has worked hard to accommodate the current and prior Councils  
5 to ensure that they would receive approval of his application and to only 'pull the rug out from under him' at this time because  
6 of a 'timing issue' does not make sense to him. He stated he will vote in favor of the application.

7 Mayor Maughan reiterated his concerns about the timing of the project and the fact that continued approval of this  
8 type of project will contribute to the need to increase property taxes. The current growth rate cannot be sustained, and existing  
9 residents deserve the consideration of the Council when it comes to their taxes. Councilmember Cragun stated he does not  
10 believe this is a property tax issue.

11 COUNCILMEMBER SAVAGE MADE A MOTION TO ADOPT ORDINANCE 2024-17 AMENDING THE  
12 SYRACUSE CITY ZONING MAP FOR PROPERTY LOCATED AT APPROXIMATELY 2425 WEST 2700 SOUTH FROM  
13 AGRICULTURAL (A-1) AND RESIDENTIAL (R-3) TO PLANNED RESIDENTIAL DEVELOPMENT, WITH THE  
14 FOLLOWING CONDITIONS/TERMS TO BE INCLUDED IN A DEVELOPMENT AGREEMENT:

- 15 • REDUCE THE TOTAL NUMBER OF HOUSING UNITS FROM 121 TO 117;
- 16 • SET THE NUMBER OF SINGLE-FAMILY LOTS AT 21 AND ATTACHED VILLAS AT 96;
- 17 • REQUIRE THE ADDITION OF TABLES AND CHAIRS IN THE PAVILION;
- 18 • INCREASE THE NUMBER OF VISITOR STALLS IN THE DEVLEOPMENT BY EIGHT.

19 COUNCILMEMBER CARVER SECONDED THE MOTION; ALL VOTED IN FAVOR. VOTING AYE:  
20 COUNCILMEMBERS CARVER, CRAGUN, AND SAVAGE. VOTING NAY: COUNCILMEMBERS ROBERTSON AND  
21 WATSON.

22 Mayor Maughan stated he wished to apologize to the citizens as he believes approval of this project is a disaster for  
23 the tax base. Councilmember Cragun stated that he feels the project is great and has nothing to do with taxes.

24  
25 7. Proposed Ordinance 2024-16 amending Syracuse City Code Section  
26 10.30.070 pertaining to shade trees.

27 A staff memo from the Community and Economic Development (CED) Department explained the City Council has  
28 self-initiated a potential ordinance amendment to the city's shade tree requirements. It was discussed during the March 26,  
29 2024 meeting. They debated the proper spacing requirements for trees and the species of trees listed in the ordinance. They

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1 decided to forward the item to Planning Commission for a recommendation. See attached ordinance. The Planning Commission  
2 reviewed the item on April 16, 2024 and May 17, 2024. They held a public hearing and voted unanimously on June 18, 2024  
3 to forward a positive recommendation to the City Council for approval. City Council discussed the item again on May 25,  
4 2024.

5 CED Director Steele reviewed his staff memo as well as the draft text amendment including revised spacing, revised  
6 tree list, and clarification of spacing from utilities. He also referenced the City's standard road cross section identifying standard  
7 locations for utility lines.

8 COUNCILMEMBER SAVAGE MADE A MOTION TO ADOPT ORDINANCE 2024-16 AMENDING  
9 SYRACUSE CITY CODE SECTION 10.30.070 PERTAINING TO SHADE TREES. COUNCILMEMBER ROBERTSON  
10 SECONDED THE MOTION; ALL VOTED IN FAVOR.

11  
12 8. Proposed Resolution R24-27 amending the Syracuse City Planning  
13 Commission bylaws.

14 A staff memo from the Community and Economic Development (CED) Department explained the Planning  
15 Commission is requesting to amend its bylaws to address a concern over having a stalemate agenda item. The Planning  
16 Commission voted on June 18, 2024 to forward a positive recommendation for approval.

17 Mr. Steele reviewed his staff memo and referenced the bylaws document, which includes amendments requested by  
18 the Council during their last review of the matter.

19 Councilmember Savage suggested an edit to the document that provides clarification pertaining to an action to table  
20 an item by the Planning Commission.

21 COUNCILMEMBER SAVAGE MADE A MOTION TO ADOPT RESOLUTION R24-27 AMENDING THE  
22 SYRACUSE CITY PLANNING COMMISSION BYLAWS, WITH THE ADDITION OF LANGUAGE TO SECTION VI  
23 TO SPECIFY THAT FAILURE TO TAKE ACTION RESULTS IN THE TABLING OF THE MOTION.  
24 COUNCILMEMBER ROBERTSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

25  
26 9. Continued discussion of Fiscal Year (FY) 2025 budget – if needed.

27 A staff memo from the Administrative Services Director explained this item was added to the agenda to provide an  
28 opportunity for continued discussion of any item related to the Fiscal Year (FY) 2025 operating budget.

29 There was no Council discussion of the operating budget.

10. Public comments

Darren Izatt stated that he has been working on development of the Rampton property for nearly two years and it is his understanding that given the Council's action to deny the General Plan amendment tonight, he cannot re-apply for another 12 months. He asked if the Council's intention was to communicate to retailers that they are not welcome in Syracuse. He noted that he would also prefer for the entire property to be commercial, but a residential component was needed in order to make the project more viable. He stated that time may be on the City's side, but it is not on the side of the family that owns the property. He will work with City staff to try to understand the City's position, though he feels that the City has essentially denied the first step in developing a 12-acre commercial property. He acknowledged the Council's concerns about additional residential development in the City, but noted there is a market for those residential units. He feels the location of the project is well suited for commercial uses that would keep tax dollars in Syracuse.

11. Mayor/Council announcements.

The Council and Mayor provided announcements about recent and upcoming community events, and other opportunities for public involvement.

COUNCILMEMBER SAVAGE MADE A MOTION TO ADJOURN. COUNCILMEMBER CARVER SECONDED THE MOTION ALL VOTED IN FAVOR TO ADJOURN.

The meeting adjourned at 7:08 p.m.

\_\_\_\_\_  
Dave Maughan  
Mayor

\_\_\_\_\_  
Cassie Z. Brown, MMC  
City Recorder

Date approved: \_\_\_\_\_

Minutes of the Syracuse City Council Special Business Meeting, July 23, 2024

Minutes of the special meeting of the Syracuse City Council, held on July 23, 2024 at 6:00 p.m., in a hybrid in-person/electronic format via Zoom, meeting ID 823 4485 2974, in-person in the City Council Conference Room at 1979 W. 1900 S., and streamed on the Syracuse City YouTube Channel in accordance with House Bill 5002, Open and Public Meetings Act Amendments, signed into law on June 25, 2020.

Present: Councilmembers: Jennifer Carver  
Brett Cragun  
Julie Robertson  
Jordan Savage  
Paul Watson  
  
Mayor Dave Maughan  
City Manager Brody Bovero  
Deputy City Recorder Marisa Graham

**DRAFT**

City Employees Present:  
Administrative Services Director Stephen Marshall  
City Attorney Colin Winchester

1. Meeting called to order.

Mayor Maughan called the meeting to order at 6:00 p.m. as a special meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember.

COUNCILMEMBER ROBERTSON MADE A MOTION TO ADOPT THE AGENDA. COUNCILMEMBER WATSON SECONDED THE MOTION; ALL VOTED AYE.

2. Consideration of adjourning into Closed Executive Session pursuant to the provisions of Section 52-4-205 of the Open and Public Meetings Law for the purpose of discussing the character, professional competence, or physical or mental health of an individual; pending or reasonably imminent litigation; or the purchase, exchange, or lease of real property (if necessary).

COUNCILMEMBER WATSON MOVED TO ADJOURN INTO CLOSED EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF SECTION 52-4-205 OF THE OPEN AND PUBLIC MEETINGS LAW FOR THE PURPOSE OF DISCUSSING THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL; PENDING OR REASONABLY IMMINENT LITIGATION; OR THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY. COUNCILMEMBER ROBERTSON SECONDED THE MOTION. ALL VOTED AYE.

The meeting recessed at 6:02 p.m. and reconvened at 6:26 p.m.

3. Public Hearing: Consideration of removal of the City's representative to  
the Davis County Mosquito Abatement District Board.

Mayor Maughan announced Councilmember Carver has resigned from the Davis County Mosquito Abatement District Board; an action by the Council to consider removal is no longer necessary.

Mayor Maughan opened the public hearing at 6:26 p.m.; there were no public comments, and the public hearing was closed.

4. Proposed Resolution R24-28 appointing a member of the Syracuse City  
Governing Body to the Davis County Mosquito Abatement District Board.

COUNCILMEMBER SAVAGE MOVED TO ADOPT RESOLUTION R24-28, APPOINTING  
COUNCILMEMBER CRAGUN TO THE DAVIS COUNTY MOSQUITO ABATEMENT DISTRICT BOARD.  
COUNCILMEMBER ROBERTSON SECONDED THE MOTION, ALL VOTED AYE.

The meeting adjourned at 6:30 P.M.

\_\_\_\_\_  
Dave Maughan  
Mayor

\_\_\_\_\_  
Cassie Z. Brown, MMC  
City Recorder

Date approved: \_\_\_\_\_



# COUNCIL AGENDA

## August 13, 2024

### Agenda Item #4

### Arts Council appointments

#### ***Factual Summation***

Arts Council leadership has requested the reappointment of Leanna Hamblin to the Arts Council Board, as well as the appointment of Jason Anderson, Daphne Lynch, and McKenzie Buckway to fill vacancies. Proposed terms of expiration are June of 2028.

- 3.45.020(D) Terms of Office. The terms of office for Board members, who are not members of the Recreation Department, shall be four years. These members' terms shall be staggered so that no more than 25 percent of the members' terms expire at the same time. The term of office for the Recreation Department staff designated as a member of the Board should be as determined by the Department Director. Appointments to the Board should be made no later than the first City Council meeting in September of each year, and shall be filled as quickly as practicable when a vacancy arises due to resignation. In circumstances where appointments are not made prior to the first City Council meeting in September of each year, said appointments shall be made as soon as reasonably possible thereafter.

#### ***Proposal***

***Consider adoption of Proposed Resolution R24-30 re-appointing Leanna Hamblin and appointing Jason Anderson, Daphne Lynch, and McKenzie Buckway to the Syracuse Arts Council with their terms ending June 30, 2028.***

## **RESOLUTION R24-30**

### **A RESOLUTION OF THE SYRACUSE CITY COUNCIL RE-APPOINTING LEANNA HAMBLIN AND APPOINTING JASON ANDERSON, DAPHNE LYNCH, AND MCKENZIE BUCKWAY TO THE SYRACUSE CITY ARTS COUNCIL.**

**WHEREAS** Title III of the Syracuse City Code provides for the establishment of a Syracuse City Arts Council; and

**WHEREAS** Section 3.45.020 of the Syracuse City Code dictates that no less than six (6) members of the community shall be appointed and serve on the Syracuse City Arts Council; and

**WHEREAS** Arts Council leadership has requested the re-appointment of Leanna Hamblin and the appointment of Jason Anderson, Daphne Lynch, and McKenzie Buckway to the Arts Council.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SYRACUSE CITY, UTAH, AS FOLLOWS:**

#### **Section 1. Appointment.**

- Leanna Hamblin is hereby re-appointed to serve on the Syracuse City Arts Council with her term expiring June 30, 2028.
- Jason Anderson, Daphne Lynch, and McKenzie Buckway are hereby appointed to serve on the Syracuse City Arts Council with their terms expiring June 30, 2028.

**Section 2. Severability.** If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 13<sup>th</sup> DAY OF August, 2024.**

**SYRACUSE CITY**

ATTEST:

\_\_\_\_\_  
Cassie Z. Brown, City Recorder

By: \_\_\_\_\_  
Dave Maughan, Mayor





# COUNCIL AGENDA

August 13, 2024

Submitted by Colin Winchester

## **Agenda Item #5                      Creation of Gateway Public Infrastructure District No. 1 (“PID”) and Adoption of Governing Document**

### ***Factual Summation***

- Pursuant to Petition filed by the D. Lawrence Cook Family Trust, the City Council is asked to create, by Resolution, the Gateway Public Infrastructure District No. 1
- The creation of the PID first requires a public hearing, which will be held on August 13
- In addition to the Resolution creating the PID, state law also requires the City Council to approve and adopt a Governing Document for the PID
- The Petition, Resolution and Governing Document are attached

### ***Discussion Goals***

Hold a public hearing, and then discuss and determine whether to consider adopting the Resolution and Governing Document

Syracuse, Utah

August 13, 2024

The City Council (the “Council”) of Syracuse City, Utah (the “City”), met in regular session (including by electronic means) on August 13, 2024, at its regular meeting place in Syracuse, Utah at 6:00 p.m., with the following members of the Council being present:

Dave Maughan	Mayor
Jennifer Carver	Councilmember
Brett Cragun	Councilmember
Julie Robertson	Councilmember
Jordan Savage	Councilmember
Paul Watson	Councilmember

Also present:

Cassie Brown	City Recorder
Colin Winchester	City Attorney

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this Resolution had been discussed, the City Recorder presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this August 13, 2024, meeting, a copy of which is attached hereto as Exhibit A.

Thereupon, the following Resolution was introduced in writing, read in full and pursuant to motion duly made by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ adopted by the following vote:

AYE:

NAY:

The resolution was later signed by the Mayor and recorded by the City Recorder in the official records of the City. The resolution is as follows:

## RESOLUTION R24-31

A RESOLUTION OF THE CITY COUNCIL (THE “COUNCIL”) OF SYRACUSE CITY, UTAH (THE “CITY”), PROVIDING FOR THE CREATION OF THE GATEWAY PUBLIC INFRASTRUCTURE DISTRICT NO. 1 (THE “DISTRICT”) AS AN INDEPENDENT DISTRICT; AUTHORIZING AND APPROVING A GOVERNING DOCUMENT; APPOINTING A BOARD OF TRUSTEES; AUTHORIZING OTHER DOCUMENTS IN CONNECTION THEREWITH; AND RELATED MATTERS.

WHEREAS, a petition (the “Petition”) was filed with the City requesting adoption by resolution the approval of the creation of one Public Infrastructure District pursuant to the Public Infrastructure District Act, Title 17D, Chapter 4, Utah Code Annotated 1953, as amended (the “PID Act”) and relevant portions of the Limited Purpose Local Government Entities - Special Districts, Title 17B (together with the PID Act, the “Act”) within the City and the annexation or withdrawal of any portion of the boundaries of the District therefrom without further approval or hearings of the City or the Council, as further described in the Governing Document (as hereinafter defined) for the purpose of financing public infrastructure costs; and

WHEREAS, pursuant to the terms of the Act, the City may create one or more public infrastructure districts by adoption of a resolution of the Council and with consent of 100% of all surface property owners proposed to be included in the District (the “Property Owners”); and

WHEREAS, the Petition, containing the consent of such Property Owners has been certified by the Recorder of the City pursuant to the Act and it is in the best interests of the Property Owners that the creation of the District be authorized in the manner and for the purposes hereinafter set forth; and

WHEREAS, the City, prior to consideration of this Resolution, held public hearings after 6:00 p.m. to receive input from the public regarding the creation of the District and the Property Owners have waived the 60-day protest period pursuant to Section 17D-4-201 of the PID Act; and

WHEREAS, the hearing on the Petition was held at the City Hall because there is no reasonable place to hold a public hearing within the District’s boundaries, and the hearing at the City Hall was held as close to the applicable area as reasonably possible; and

WHEREAS, the City properly published notice of the public hearing in compliance with Section 17B-1-211(1) of the Act; and

WHEREAS, none of the Property Owners submitted a withdrawal of consent to the creation of the District before the public hearing on the Petition; and

WHEREAS, according to attestations filed with the City, each board member appointed under this Resolution is registered to vote at their primary residence and is further eligible to serve as a board member of the District under Section 17D-4-202(c) of the PID Act because they are agents of property owners within the District’s boundaries (as further set forth in the Petition); and

WHEREAS, it is necessary to authorize the creation of the District under and in compliance with the laws of the State of Utah and to authorize other actions in connection therewith and incorporated herein by reference; and

WHEREAS, the governance of the District shall be in accordance with the PID Act and the terms of a governing document (the “Governing Document”) attached hereto as Exhibit B; and

WHEREAS, pursuant to the requirements of the Act, there shall be signed, authenticated, and submitted to the Office of the Lieutenant Governor of the State of Utah for the District a Notice of Boundary Action attached hereto as Exhibit C (the “Boundary Notice”) and Final Entity Plat attached as Boundary Notice Appendix B (or as shall be finalized in accordance with the boundaries approved hereunder) (the “Plat”).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL, AS FOLLOWS:

1. Terms defined in the foregoing recitals shall have the same meaning when used herein. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Council and by officers of the Council directed toward the creation and establishment of the District, are hereby ratified, approved and confirmed.

2. The District is hereby created as a separate entity from the City in accordance with the Governing Document and the Act. The boundaries of the District shall be as set forth in the Governing Document and the Plat.

3. Pursuant to the terms of the PID Act, the Council does hereby approve the withdrawal of any area within the District Boundaries from the District without any further action, hearings, or resolutions of the Council or the City, upon compliance with the terms of the PID Act and the Governing Document.

4. The Council does hereby authorize the District to provide services relating to the financing and construction of public infrastructure within and without the District Boundaries.

5. It is hereby found and determined by the Council that the creation of the District is appropriate to the general welfare, order and security of the City, and the organization of the District pursuant to the PID Act is hereby approved.

6. The Governing Document in the form presented to this meeting and attached hereto as Exhibit B is hereby authorized and approved and the District shall be governed by the terms thereof and applicable law.

7. The initial Board of the District is hereby appointed as follows:

- (a) Trustee 1 – Dale Cook, for an initial 6-year term;
- (b) Trustee 2 – Bill Bockman, for an initial 6-year term; and
- (c) Trustee 3 – John Shaw, for an initial 4-year term.

(f) Such terms shall commence on the date of issuance of a Certificate of Creation by the Office of the Lieutenant Governor of the State of Utah.

8. The Council does hereby authorize the Mayor or a Councilmember to execute the Boundary Notice in substantially the form attached as Exhibit C, the Plat, and such other documents as shall be required to accomplish the actions contemplated herein on behalf of the Council for submission to the Office of the Lieutenant Governor of the State of Utah.

9. Prior to recordation of a certificate of creation the District, the Council does hereby authorize the Mayor, a Councilmember, the City Attorney, or the City Manager to make any corrections, deletions, or additions to the Governing Document, and the Boundary Notice or any other document herein authorized and approved (including, but not limited to, corrections to the property descriptions therein contained) which may be necessary to conform the same to the intent hereof, to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, or to conform the same to other provisions of said instruments, to the provisions of this Resolution or any resolution adopted by the Council or the provisions of the laws of the State of Utah or the United States.

10. The Boards of Trustees of the District is hereby authorized and directed to record such Governing Document with the recorder of the Davis County within thirty (30) days of the issuance of the Certificate of Creation by the Office of the Lieutenant Governor of the State of Utah.

11. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

12. All acts, orders and resolutions, and parts thereof in conflict with this Resolution be, and the same are hereby, rescinded.

13. This resolution shall take effect immediately.

PASSED AND ADOPTED by the City Council of Syracuse City, Utah, this August 13, 2024.

SYRACUSE, UTAH

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Recorder

(Here follows other business not pertinent to the above.)

Pursuant to motion duly made and seconded, the meeting of the Council of the City adjourned.

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Recorder

STATE OF UTAH                    )  
                                              : ss.  
COUNTY OF DAVIS                )

I, Cassie Brown, the undersigned duly qualified and acting City Recorder of Syracuse City, Utah (the “City”), do hereby certify as follows:

The foregoing pages are a true, correct, and complete copy of the record of proceedings of the City Council (the “Council”), had and taken at a lawful meeting of the Council on August 13, 2024, commencing at the hour of 6:00 p.m., as recorded in the regular official book of the proceedings of the Council kept in my office, and said proceedings were duly had and taken as therein shown, and the meeting therein shown was duly held, and the persons therein were present at said meeting as therein shown.

All members of the Council were duly notified of said meeting, pursuant to law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this August 13, 2024.

By: \_\_\_\_\_  
City Recorder



## EXHIBIT A

### CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Cassie Brown, the undersigned City Recorder of Syracuse City, Utah (the “City”), do hereby certify that I gave written public notice of the agenda, date, time and place of the regular meeting held by the Council (the “Council”) on August 13, 2024, not less than twenty-four (24) hours in advance of the meeting. The public notice was given in compliance with the requirements of the Utah Open and Public Meetings Act, Section 52-4-202, Utah Code Annotated 1953, as amended, by:

(a) causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City’s principal offices at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) causing a copy of such Notice, in the form attached hereto as Schedule 1, to be published on the Utah Public Notice Website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting; and

(c) causing a copy of such notice, in the form attached hereto as Schedule 1 to be posted on the City’s official website at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2024 Annual Meeting Schedule for the Council (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the Council of the City to be held during the year, by causing said Notice to be posted at least annually (a) on the Utah Public Notice Website created under Section 63A-16-601, Utah Code Annotated 1953, as amended, (b) on the City’s official website and (c) in a public location within the City that is reasonably likely to be seen by residents of the City.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this August 13, 2024.

By:   
City Recorder

SCHEDULE 1

NOTICE OF MEETING AND AGENDA

## **NOTICE OF PUBLIC HEARING REGARDING THE CREATION OF A PUBLIC INFRASTRUCTURE DISTRICT BY SYRACUSE CITY, UTAH**

July 18, 2024

This notice is furnished by the City Council (the “Council”) of Syracuse City, Utah (the “City”) to provide notice of a public hearing to be held by the Council on **August 13, 2024 at or after 6 P.M.** The public hearing is regarding the proposed creation of the Gateway Public Infrastructure District No. 1 (the “Proposed District”) and to allow for public input on (i) whether the requested service (described below) is needed in the area of the Proposed District, (ii) whether the service should be provided by the City or the Proposed District, and (iii) all other matters relating to the Proposed District.

Because consent to the creation of the Proposed District and waiver of the protest period has been obtained from all property owners and registered voters within the boundaries of the Proposed District, pursuant to Section 17D-4-201 of the Utah Code, the City may adopt a resolution creating the Proposed District immediately after holding the public hearing described herein or on any date thereafter. **Any withdrawal of consent to creation or protest of the creation of the Proposed District by an affected property owner must be submitted to the City prior to the public hearing described herein.**

### **Meeting Information:**

Held By: The City Council of Syracuse City, Utah

Date and Time: August 13, 2024 at or after 6 P.M.

Location:

Syracuse City Hall

1979 W 1900 S

Syracuse, Utah 84075

### **Proposed District Boundaries:**

A legal descriptions and map for the Proposed District is attached as **Appendix A**. In addition, it is anticipated that the Proposed District would be authorized to adjust their boundaries through withdrawal of properties, so long as such properties are within the proposed inclusion area, as shown on the map attached as **Appendix C** and certain requirements as established in a governing document have been met.

### **Summary of Proposed Resolutions:**

The proposed resolutions regarding the creation of the Proposed District contains consideration of approval of the following items:

- Creation of the Proposed District with the initial boundaries as described herein
- Establishment of a Board of Trustees for each District, each comprised as follows:
  - Trustee 1 – Dale Cook, for an initial 6-year term;
  - Trustee 2 – John Shaw, for an initial 6-year term; and
  - Trustee 3 – Bill Bockman, for an initial 4-year term.
- Authorization for execution by the City of Notices of Boundary Action and Final Entity Plat
- Approval of a Governing Document and Interlocal Agreement for the Proposed District:
  - Permitting the Proposed District to impose assessments, which, for parcels zoned residential, must be paid prior to the transfer or title with respect to such residential parcel
  - Permitting the Proposed District to issue debt repayable from special assessments, and other revenues of the District

### **Proposed Service:**

**Gateway Public Infrastructure District No. 1** are proposed to be created for the purpose of financing the construction of public infrastructure relating to the WDC Gateway development (the “Project”), as permitted under the Special District Act, Title 17B, Chapter 1, Utah Code Annotated 1953 and the Public Infrastructure District Act, Title 17D, Chapter 4, Utah Code Annotated 1953.

Sincerely,

The City Council of Syracuse City,  
Utah

**APPENDIX A**  
**PROPOSED DISTRICT BOUNDARIES**

**Legal Description (District Boundaries)**

A parcel of land, situate in the Northeast Quarter of Section 17, Township 4 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Syracuse City, Davis County, Utah, being more particularly described as follows:

Beginning at a point 54.52 feet along the North line of said Section 17, and South 0°06'11" West 41.53 feet (NAD83 Bearing being North 89°33'23" West between the Northeast Corner and the North Quarter Corner of said Section 17 per the Davis County Township Reference Plat) from the Northeast Corner of said Section 17 and running thence:

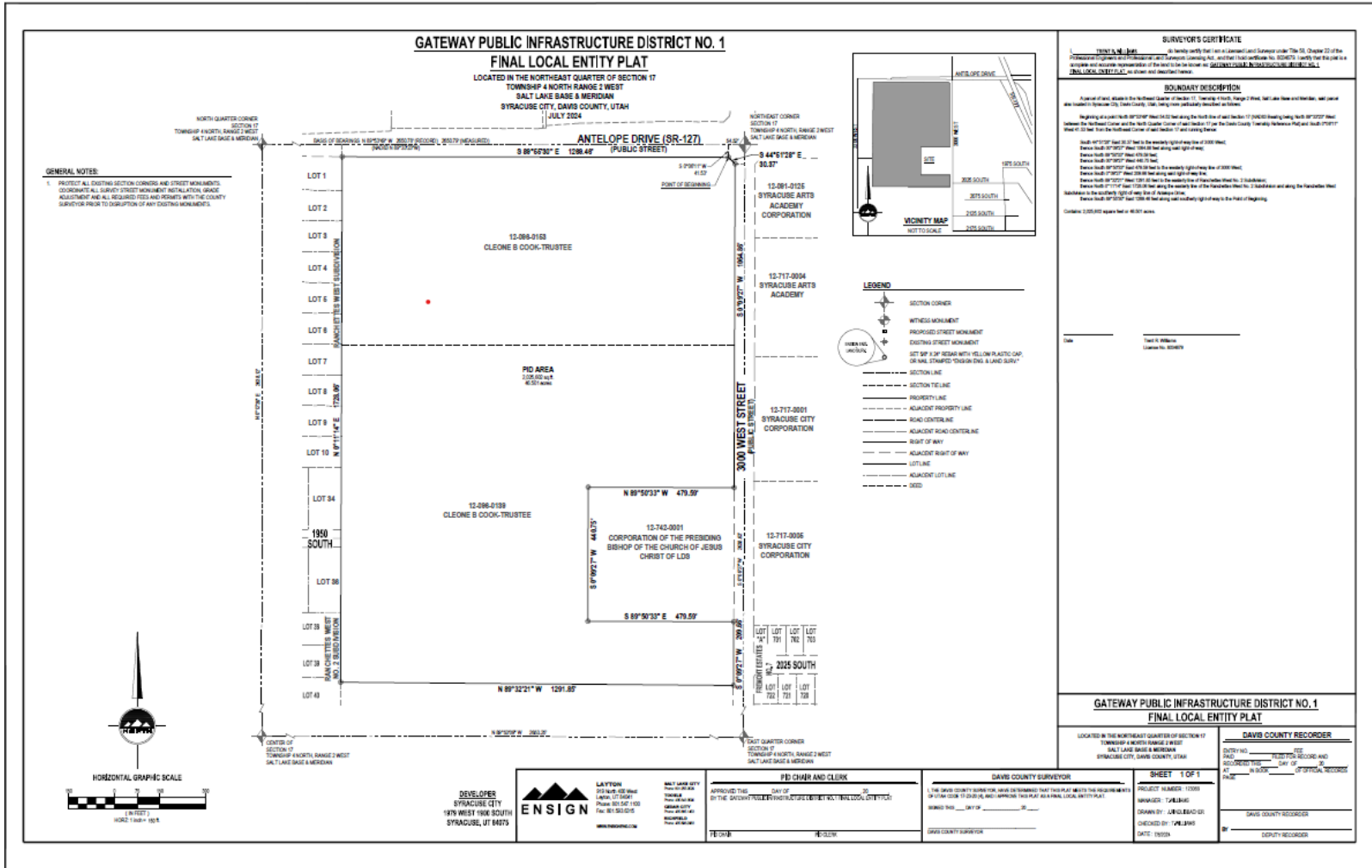
South 44°51'28" East 30.37 feet to the westerly right-of-way line of 3000 West;  
thence South 00°09'27" West 1064.86 feet along said right-of-way;  
thence North 89°50'33" West 479.59 feet;  
thence South 00°09'27" West 440.75 feet;  
thence South 89°50'33" East 479.59 feet to the westerly right-of-way line of 3000 West;  
thence South 0°09'27" West 209.66 feet along said right-of-way line;  
thence North 89°32'21" West 1291.85 feet to the easterly line of Ranchettes West No. 2 Subdivision;  
thence North 0°11'14" East 1728.06 feet along the easterly line of the Ranchettes West No. 2 Subdivision and along the Ranchettes West Subdivision to the southerly right-of-way line of Antelope Drive;  
thence South 89°55'30" East 1269.46 feet along said southerly right-of-way to the Point of Beginning.

Contains: 2,025,602 square feet or 46.50 acres.

**APPENDIX B**

**MAP OF PROPOSED DISTRICT BOUNDARIES**

**District Boundaries Map**



SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE

## ANNUAL NOTICE OF MEETING SCHEDULE

NOTICE IS HEREBY GIVEN THAT THE MEETING SCHEDULE FOR THE SYRACUSE CITY COUNCIL FOR 2024 WILL BE AS FOLLOWS: ON THE SECOND TUESDAY OF THE MONTH THE COUNCIL WILL MEET IN A BUSINESS MEETING AT 6:00 P.M. ON THE FOURTH TUESDAY OF THE MONTH THE COUNCIL WILL MEET IN A WORK SESSION AT 6:00 P.M. MEETINGS WILL BE HELD AT CITY HALL, 1979 WEST 1900 SOUTH, SYRACUSE, UTAH. EXCEPTIONS TO THIS SCHEDULE WILL BE ANNOUNCED AND POSTED IN ADVANCE.

CASSIE Z. BROWN, MMC  
SYRACUSE CITY RECORDER

DATED: JANUARY 4, 2024



EXHIBIT B  
GOVERNING DOCUMENT

EXHIBIT C

NOTICE OF BOUNDARY ACTION

# NOTICE OF IMPENDING BOUNDARY ACTION

(Gateway Public Infrastructure District No. 1)

**TO: The Lieutenant Governor, State of Utah**

**NOTICE IS HEREBY GIVEN** that the City Council of Syracuse City, Utah (the “Council”), acting in its capacity as the creating entity for the Gateway Public Infrastructure District No. 1 (the “District”), at a regular meeting of the Council, duly convened pursuant to notice, on August 13, 2024 adopted a *Resolution Providing for the Creation of a Public Infrastructure District*, a true and correct copy of which is attached as APPENDIX “A” hereto and incorporated by this reference herein (the “Creation Resolution”).

A copy of the Final Local Entity Plat satisfying the applicable legal requirements as set forth in Utah Code Ann. §17-23-20, approved as a final local entity plat by the Surveyor of Davis County, Utah, is attached as APPENDIX “B” hereto and incorporated by this reference. The Council hereby certifies that all requirements applicable to the creation of the District, as more particularly described in the Creation Resolution, have been met. The District is not anticipated to result in the employment of personnel.

**WHEREFORE**, the Council hereby respectfully requests the issuance of a Certificate of Incorporation pursuant to and in conformance with the provisions of Utah Code Ann. §17B-1-215.

**DATED** this August 13, 2024.

**CITY COUNCIL OF SYRACUSE CITY, UTAH,  
acting in its capacity as the creating authority for  
GATEWAY PUBLIC INFRASTRUCTURE  
DISTRICT NO. 1**

By: \_\_\_\_\_  
AUTHORIZED REPRESENTATIVE

## VERIFICATION

STATE OF UTAH                    )  
                                          :ss.  
COUNTY OF DAVIS            )

SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
NOTARY PUBLIC

**GOVERNING DOCUMENT  
FOR  
GATEWAY PUBLIC INFRASTRUCTURE DISTRICT NO. 1  
SYRACUSE CITY, UTAH**

Prepared

by

Gilmore & Bell, P.C.  
Salt Lake City, Utah

August 13, 2024

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## LIST OF EXHIBITS

<b>EXHIBIT A</b>	Legal Descriptions
<b>EXHIBIT B</b>	Syracuse City Vicinity Map
<b>EXHIBIT C</b>	Initial District Boundary Map

## **I. INTRODUCTION**

### **A. Purpose and Intent.**

The District is an independent unit of local government, separate and distinct from the City, and, except as may otherwise be provided for by State or local law or this Governing Document, its activities are subject to review by the City only insofar as they may deviate in a material matter from the requirements of the Governing Document. It is intended that the District will provide a part or all of the Public Improvements for the use and benefit of all anticipated inhabitants and taxpayers of the District. The primary purpose of the District will be to finance the construction of these Public Improvements. The District is not being created to provide any ongoing operations and maintenance services.

### **B. Need for the District.**

There are currently no other governmental entities, including the City, located in the immediate vicinity of the District that consider it desirable, feasible or practical to undertake the planning, design, acquisition, construction installation, relocation, redevelopment, and financing of the Public Improvements needed for the Project. Formation of the District is therefore necessary in order for the Public Improvements required for the Project to be provided in the most economic manner possible.

### **C. Objective of the City Regarding District's Governing Document.**

The City's objective in approving the Governing Document for the District is to authorize the District to provide for the planning, design, acquisition, construction, installation, relocation and redevelopment of the Public Improvements from the proceeds of Debt to be issued by the District. All Debt is expected to be repaid by Tax Increment Revenue, Assessments, and other legally available revenues of the District. Debt which is issued within these parameters and, as further described in the Financial Plan, will ensure there are no ongoing tax burdens to support the servicing of the Debt and will result in a timely and reasonable discharge of the Debt.

This Governing Document is intended to establish a limited purpose for the District and explicit financial constraints that are not to be violated under any circumstances. The primary purpose is to provide for the Public Improvements associated with development and regional needs. Operational activities are allowed, but only through an Interlocal Agreement with the City or other relevant public entity with written consent of the City.

It is the intent of the District to dissolve upon payment or defeasance of all Debt incurred or upon a determination that adequate provision has been made for the payment of all Debt, and if the District has authorized operating functions under an Interlocal Agreement, to retain only the power necessary to impose and collect Fees to pay for these costs.

The District shall be authorized to finance the Public Improvements that can be funded from Debt to be repaid from Tax Increment Revenues and Assessments collected on District properties. It is the intent of this Governing Document that no property taxes are levied by

the District. Generally, the cost of Public Improvements that cannot be funded within these parameters are not costs to be paid by the District.

D. Applicability. This Governing Document is not intended to and does not create any rights in favor of any party other than the City. The failure of the District to comply with any terms or conditions of this Governing Document shall not relieve any property owner of an obligation to pay taxes, Assessments, Fees other charges that are adopted or imposed by the District.

## II. DEFINITIONS

In this Governing Document, the following terms shall have the meanings indicated below, unless the context hereof clearly requires otherwise:

Approved Development Plan: means a Preliminary Development Plan, Development Agreement, or other process established by the City for identifying, among other things, Public Improvements necessary for facilitating development for property within the District Area as approved by the City pursuant to the City Code and as amended pursuant to the City Code from time to time. For purposes of this Governing Document, an improvements agreement, approved site plan, or development agreement for the Project shall constitute an Approved Development Plan.

Assessment: means (i) the levy of an assessment secured by a lien on property within a District to pay for the costs of Public Improvements benefitting such property or (2) an assessment by a District levied on private property within such District to cover the costs of an energy efficient upgrade, a renewable energy system, or an electric vehicle charging infrastructure, each as may be levied pursuant to the Assessment Act.

Assessment Act: means collectively, (i) Title 11, Chapter 42, Utah Code as may be amended from time to time and (ii) the C-PACE Act.

Board: means the board of trustees of the District.

Bond, Bonds or Debt: means bonds or other obligations, including loans of any property owner, for the payment of which the District has promised to collect Assessments, Tax Increment Revenue, or other authorized revenues.

C-PACE Act: means title 11, Chapter 42a of the Utah Code, as amended from time to time.

C-PACE Bonds: means bonds, loans, notes, or other structures and obligations of the District issued pursuant to the C-PACE Act, including refunding C-PACE Bonds.

C-PACE Assessments: means assessments levied under the C-PACE Act.

City: means Syracuse City, Utah.

City Code: means the Syracuse Municipal Code.



City Council: means the City Council of the City.

District: means Gateway Public Infrastructure District No. 1.

District Act: means the Special District Act and the PID Act.

District Area: means the property within the Initial District Boundary Map.

End User: means any owner, or tenant of any owner, of any improvement within the District, who is intended to become the ultimate user of such improvement. By way of illustration, a resident homeowner, renter, commercial property owner, or commercial tenant is an End User. The business entity that constructs homes or commercial structures is not an End User.

Fees: means any fee imposed by the District for administrative services provided by the District.

Financial Plan: means the Financial Plan described in Section VIII which describes (i) the potential means whereby the Public Improvements may be financed; (ii) how the Debt is expected to be incurred; and (iii) the estimated operating revenue derived from Assessments and/or Fees for the first budget year.

Governing Document: means this Governing Document for the District approved by the City Council.

Governing Document Amendment: means an amendment to the Governing Document approved by the City Council in accordance with the City's ordinance and the applicable state law and approved by the Board in accordance with applicable state law.

Initial District Boundaries: means the boundaries of the area described in the Initial District Boundary Map and as particularly described in **Exhibit A**.

Initial District Boundary Map: means the map attached hereto as **Exhibit C**, describing the District's initial boundaries.

Municipal Advisor: means a consultant that: (i) advises Utah governmental entities on matters relating to the issuance of securities by Utah governmental entities, including matters such as the pricing, sales and marketing of such securities and the procuring of bond ratings, credit enhancement and insurance in respect of such securities; (ii) shall be an underwriter, investment banker, or individual listed as a public finance advisor in the Bond Buyer's Municipal Market Place; and (iii) is not an officer or employee of the District and has not been otherwise engaged to provide services in connection with the transaction related to the applicable Debt.

Project: means the development of property within the District.

PID Act: means Title 17D, Chapter 4 of the Utah Code, as amended from time to time and any successor statute thereto.

Public Improvements: means a part or all of the improvements authorized to be planned, designed, acquired, constructed, installed, relocated, redeveloped and financed as generally described in the District Act, except as specifically limited in Section V below to serve the future property owners and inhabitants of the District Area as determined by the Board.

Regional Improvements: means Public Improvements and facilities that benefit the District Area and which are to be financed pursuant to Section VII below.

Special District Act: means Title 17B of the Utah Code, as amended from time to time.

State: means the State of Utah.

Tax Increment Revenue: means tax increment revenues generated and available for use under the applicable provisions of the Limited Purpose Local Government Entities - Community Reinvestment Agency Act, Title 17C, of the Utah Code as amended from time to time and any successor statute thereto.

Trustee: means a member of the Board.

Utah Code: means the Utah Code Annotated 1953, as amended.

### **III. BOUNDARIES**

The area of the Initial District Boundaries includes approximately 46.501 acres. A legal description of the Initial District Boundaries is attached hereto as **Exhibit A**. A map of the Initial District Boundaries is attached hereto as **Exhibit C**. The District's boundaries may change from time to time as it undergoes annexations and withdrawals pursuant to Section 17D-4-201, Utah Code, subject to Article V below.

### **IV. PROPOSED LAND USE**

The District Area consists of approximately 46.501 acres of undeveloped land.

Approval of this Governing Document by the City does not imply approval of the development of a specific area within the District, nor does it imply approval of the number of units or the total site/floor area of commercial, residential, or industrial buildings identified in this Governing Document or any of the exhibits attached thereto, unless the same is separately approved by the City in accordance with the City Code.

### **V. DESCRIPTION OF PROPOSED POWERS, IMPROVEMENTS AND SERVICES**

#### **A. Powers of the District and Governing Document Amendment.**

The District shall have the power and authority to provide the Public Improvements within and without the boundaries of the District as such power and authority is described in the District Act, and other applicable statutes, common law and the Constitution, subject to the limitations set forth herein.

1. Improvements, Operations and Maintenance Limitation. The purpose of the District is to plan for, design, acquire, construct, install, relocate, redevelop and finance the Public Improvements. The District shall dedicate the Public Improvements to the City or other appropriate public entity in a manner consistent with the Approved Development Plan and other rules and regulations of the City and applicable provisions of the City Code. The District shall not be authorized to own any Public Improvements without the prior written consent of the City.

2. Reserved.

3. Construction Standards Limitation. The District will ensure that the Public Improvements are designed and constructed in accordance with the standards and specifications of the City and of other governmental entities having proper jurisdiction. The District will obtain the City's approval of civil engineering plans and will obtain applicable permits for construction and installation of Public Improvements prior to performing such work. Public Improvements shall be subject to the ordinary inspection and approval procedures of the City and other governmental entities having proper jurisdiction.

4. Procurement. The District shall be subject to the Utah Procurement Code, Title 63G, Chapter 6a. Notwithstanding this requirement, the District may acquire completed or partially completed improvements for fair market value as reasonably determined by an engineer that the District employs or engages to perform the necessary engineering services for and to supervise the construction or installation of the improvements.

5. Privately Placed Debt Limitation. Prior to the issuance of any privately placed Debt, the District shall obtain the certification of a Municipal Advisor substantially as follows:

We are [I am] a Municipal Advisor within the meaning of the District's Governing Document.

We [I] certify that (1) the net effective interest rate to be borne by [insert the designation of the Debt] does not exceed a reasonable current [tax-exempt] [taxable] interest rate, using criteria deemed appropriate by us [me] and based upon our [my] analysis of comparable high yield securities; and (2) the structure of [insert designation of the Debt], including maturities and early redemption provisions, is reasonable considering the financial circumstances of the District.

6. Withdrawal.

(a) The City, by approval of this Governing Document, has consented to the withdrawal of any area within the District Boundaries from the District. Such area may only be withdrawn upon the District obtaining any consents required under the PID Act and the passage of a resolution of the Board approving such withdrawal.

(b) Any withdrawal shall be in accordance with the requirements of the PID Act.

(c) Upon any withdrawal, the District shall provide the City a description of the revised District Boundaries.

(d) Withdrawal of any area in accordance with Sections V.A.6(a) and (b) shall not constitute an amendment of this Governing Document.

7. Initial Debt Limitation. On or before the effective date of approval by the City of an Approved Development Plan, the District shall not: (a) issue any Debt; nor (b) impose and collect any Assessments used for the purpose of repayment of Debt.

8. Total Debt Limitation. The District shall not issue Bonds payable from Tax Increment Revenue in excess of an aggregate amount of Eight Million Six Hundred Thousand Dollars (\$8,600,000). This amount excludes any portion of bonds issued to refund a prior issuance of Bonds payable from Tax Increment Revenue by the District. In addition, any Assessment Debt or C-PACE Bonds do not count against the foregoing limitation and there is no limit to the amount of Assessment Debt or C-PACE Bonds the District may issue so long as such issuances are in accordance with the provisions of the applicable Assessment Act.

9. Eminent Domain. The District shall not exercise eminent domain or utilize any funds of the District to support any eminent domain action or proceeding unless (i) the public improvements for which eminent domain is proposed are permitted under this Agreement, the Approved Development Plan, or separate agreement of the City and (ii) their location complies with a master infrastructure plan or similar plan of the City or the applicable service provider.

10. Governing Document Amendment Requirement.

(a) This Governing Document has been designed with sufficient flexibility to enable the District to provide required facilities under evolving circumstances without the need for numerous amendments. Actions of the District which violate the limitations set forth in V.A.1-10 above or in VIII.B-G. shall be deemed to be material modifications to this Governing Document and the City shall be entitled to all remedies available under State and local law to enjoin such actions of the District.

(b) Subject to the limitations and exceptions contained herein, this Governing Document may be amended by passage of a resolution of the City Council and the District Board approving such amendment.

B. Preliminary Engineering Survey.

The District shall have authority to provide for the planning, design, acquisition, construction, installation, relocation, redevelopment, maintenance, and financing of the Public Improvements within and without the boundaries of the District, as specified in application materials relating to the District and as may be further defined in an Approved Development Plan. An estimate of the costs of the Public Improvements which may be planned for, designed, acquired, constructed, installed, relocated, redeveloped, maintained or financed was prepared based upon a

preliminary engineering survey and estimates derived from the zoning on the property in the District Area and is approximately Eight Million Six Hundred Thousand \$8,600,000.

All of the Public Improvements will be designed in such a way as to assure that the Public Improvements standards will be compatible with those of the City and/or any other applicable public entity. All construction cost estimates are based on the assumption that construction conforms to applicable local, State or Federal requirements.

## **VI. THE BOARD OF TRUSTEES**

A. Board Composition. The Board shall be composed of three Trustees who shall be appointed by the City Council pursuant to the PID Act. Trustees 1, 2, and 3 shall be at large seats. Trustee terms shall be staggered with initial terms as follows: Trustees 1 and 3 shall serve an initial term of six (6) years; Trustee 2 shall serve an initial term of four (4) years. In accordance with the PID Act, appointed Trustees shall not be required to be residents of the District.

B. Future Board Composition. The Board shall continue to be appointed by the City Council and comprised of owners of land or agents and officers of an owner of land within the boundaries of the District. Any property owner owning at least one-third of the taxable value of the property within such District shall be entitled to nominate one trustee seat for each one-third value (provided that the City retains discretion to reject any nominee and request a new nominee from such property owner).

C. Reelection and Reappointment. Upon the expiration of a Trustee's respective term, the District shall notify the City of the pending expiration of the term at least ninety (90) days prior to such expiration. The City Council may appoint a new Trustee pursuant to the PID Act prior to the expiration of the term of the current Trustee. If the City Council fails to appoint a new Trustee, the existing Trustee shall be deemed reappointed for a term of four (4) years. In the event that no qualified candidate files to be considered for appointment or files a declaration of candidacy for a seat, such seat may be filled in accordance with the Special District Act.

D. Vacancy. Any vacancy on the Board shall be filled pursuant to the Special District Act.

E. Compensation. Unless otherwise permitted by the PID Act, only Trustees who are residents of the District may be compensated for services as Trustee. Such compensation shall be in accordance with State Law.

F. Conflicts of Interest. Trustees shall disclose all conflicts of interest. Any Trustee who discloses such conflicts in accordance with 17D-4-202 and 67-16-9, Utah Code, shall be entitled to vote on such matters.

## **VII. REGIONAL IMPROVEMENTS**

The District shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment and a contribution to the funding of the Regional Improvements and fund the administration and overhead costs related to the provisions of the Regional Improvements.

## **VIII. FINANCIAL PLAN**

### **A. General.**

The District shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment of the Public Improvements from their revenues and by and through the proceeds of Debt to be issued by the District. In addition, the District shall be permitted to finance the prepayment of impact fees for the Project. The Financial Plan for the District shall be to issue such Debt as the District can reasonably pay within the Maximum Bond Term from revenues derived from the Fees, Assessments, Tax Increment Revenues, and other legally available revenues. All Debt shall be permitted to be issued on a schedule and in such year or years as the District determines shall meet the needs of the Financial Plan referenced above and phased to serve development as it occurs. All Bonds and other Debt issued by the District may be payable from any and all legally available revenues of the District, including Assessments and Tax Increment Revenues. The District is not permitted to impose any ad valorem property taxes. The District may also rely upon various other revenue sources authorized by law. These will include the power to assess Fees, penalties or charges, including as provided in Section 17D-4-304, Utah Code, as amended from time to time.

**B. Applicable Debt Requirements.** Debt, when issued, will comply with all relevant requirements of this Governing Document, State law and Federal law as then applicable to the issuance of public securities.

### **C. No Mill Levy; Assessments**

(a) The District shall not be permitted to impose ad valorem property taxes for any purpose.

(b) The District may not designate an Assessment Area (as defined in the Assessment Act) without the consent of each property owner to be assessed within such Assessment Area at the time of such designation.

(c) Any Assessments (other than C-PACE Assessments) imposed by a District on a parcel zoned for residential uses shall be payable before transfer of title with respect to such parcel to an End User. Any C-PACE Assessments may be repayable in accordance with the provisions of such act.

### **D. Maximum Bond Term.**

Each Bond issued by the District shall mature within thirty-one (31) years from the date of issuance of such Bond (the “Maximum Bond Term”). Nothing provided in this section shall be construed or interpreted to extend the collection period of any Tax Increment Revenue.

### **E. Debt Repayment Sources.**

The District may utilize Tax Increment Revenue and/or impose Assessments as a primary source of revenue for repayment of debt service, at rates to be determined by each District.

The District may also rely upon various other revenue sources authorized by law. At the District's discretion, these may include the power to assess penalties or charges, including as provided in Section 17D-4-304, Utah Code, as amended from time to time. The District may not impose a mill levy on taxable property within their boundaries as a source of revenue.

The District shall not be permitted to charge an End User the costs of any portion of a Public Improvement for which such End User has already paid or is presently obligated to pay through any combination of Assessments or impact fees. This provision shall not prohibit the division of costs between Assessments or impact fees, but is intended to prevent double charging of End Users for the costs of Public Improvements.

F. Debt Instrument Disclosure Requirement.

In the text of each Bond and any other instrument representing and constituting Debt, the District shall set forth a statement in substantially the following form:

By acceptance of this instrument, the owner of this Bond agrees and consents to all of the limitations in respect of the payment of the principal of and interest on this Bond contained herein, in the resolution of the District authorizing the issuance of this Bond and in the Governing Document for creation of the District.

Similar language describing the limitations in respect of the payment of the principal of and interest on Debt set forth in this Governing Document shall be included in any document used for the offering of the Debt for sale to persons, including, but not limited to, a developer of property within the boundaries of the District.

G. Security for Debt.

The District shall not pledge any revenue or property of the City as security for the indebtedness set forth in this Governing Document. Approval of this Governing Document shall not be construed as a guarantee by the City of payment of any of the District's obligations; nor shall anything in the Governing Document be construed so as to create any responsibility or liability on the part of the City in the event of default by the District in the payment of any such obligation.

H. District's Operating Costs.

The estimated cost of acquiring land, engineering services, legal services and administrative services, together with the estimated costs of the District's organization and initial operations, are anticipated to be Fifty Thousand Dollars (\$50,000), which will be eligible for reimbursement from Debt proceeds.

In addition to the capital costs of the Public Improvements, the District will require operating funds for administration and to plan and cause the Public Improvements to be constructed. The first year's operating budget is estimated to be approximately Fifty Thousand Dollars (\$50,000) which is anticipated to be derived from revenues of the District.

## **IX. ANNUAL REPORT**

### **A. General.**

The District shall be responsible for submitting an annual report to the City Manager's Office no later than 210 days following the end of the District's fiscal year.

### **B. Reporting of Significant Events.**

The annual report shall include information as to any of the following:

1. Boundary changes made or proposed to the District's boundary as of last day of the prior fiscal year, if changed;
2. List of current interlocal agreements, if changed (to be delivered to the City upon request);
3. Names and terms of Board members and officers and progress towards milestones required for transition to elected Board;
4. District office contact information, if changed;
5. Rules and regulations of the District regarding bidding, conflict of interest, contracting, and other governance matters, if changed;
6. A summary of any litigation which involves the District Public Improvements as of the last day of the prior fiscal year, if any;
7. Status of the District's construction of the Public Improvements as of the last day of the prior fiscal year and listing all facilities and improvements constructed by the District that have been dedicated to and accepted by the City as of the last day of the prior fiscal year;
8. A table summarizing total debt authorized and total debt issued by the District as well as any presently planned debt issuances;
9. Official statements of current outstanding bonded indebtedness, if not previously provided to the City;
10. Current year budget including a description of the Public Improvements to be constructed in such year;
11. Financial statements of the District for the most recent completed fiscal year (such statements shall be audited if required by bond documents or statute);
12. Notice of any uncured events of default by the District, which continue beyond a ninety (90) day period, under any Debt instrument; and



13. Any inability of the District to pay its obligations as they come due, in accordance with the terms of such obligations, which continue beyond a ninety (90) day period.

## **X. DISSOLUTION**

Upon an independent determination of the District Board that the purposes for which the District was created have been accomplished, the District shall file petitions for dissolution, pursuant to the applicable State statutes. In no event shall a dissolution occur until the District has provided for the payment or discharge of all of their outstanding indebtedness and other financial obligations as required pursuant to State statutes and disbursed of all assets of the District.

## **XI. DISCLOSURE TO PURCHASERS**

Within thirty (30) days of the Office of the Lieutenant Governor of the State issuing a certificate of creation, the Board shall record a notice with the recorder of Davis County, Utah. Such notice shall (a) contain a description of the boundaries of the District, (b) state that a copy of this Governing Document is on file at the office of the City, and (c) state that the District may finance and repay infrastructure and other improvements through Tax Increment Revenue or the imposition of Assessments. Such notice shall also be filed with the City.

## **XII. ENFORCEMENT**

In accordance with Section 17D-4-201(5) of the Utah Code, the City may impose limitations on the powers of the District through this Governing Document. The City shall have the right to enforce any of the provision, limitations or restricts in this Governing Document against the District, through any and all legal or equitable means available to the City, including, but not limited to, injunctive relief.

**EXHIBIT A**  
**Legal Descriptions**

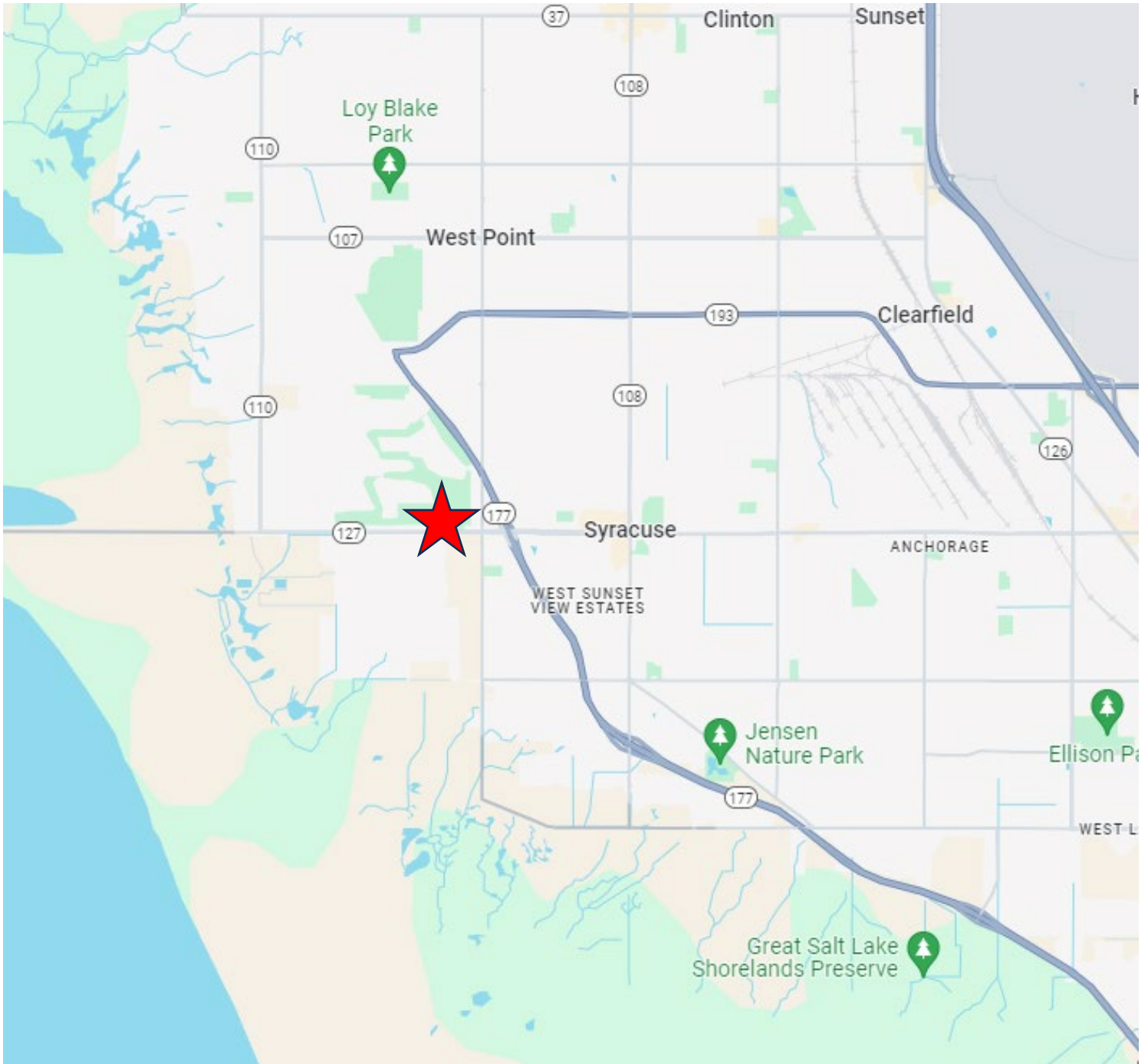
A parcel of land, situate in the Northeast Quarter of Section 17, Township 4 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Syracuse City, Davis County, Utah, being more particularly described as follows:

Beginning at a point 54.52 feet along the North line of said Section 17, and South 0°06'11" West 41.53 feet (NAD83 Bearing being North 89°33'23" West between the Northeast Corner and the North Quarter Corner of said Section 17 per the Davis County Township Reference Plat) from the Northeast Corner of said Section 17 and running thence:

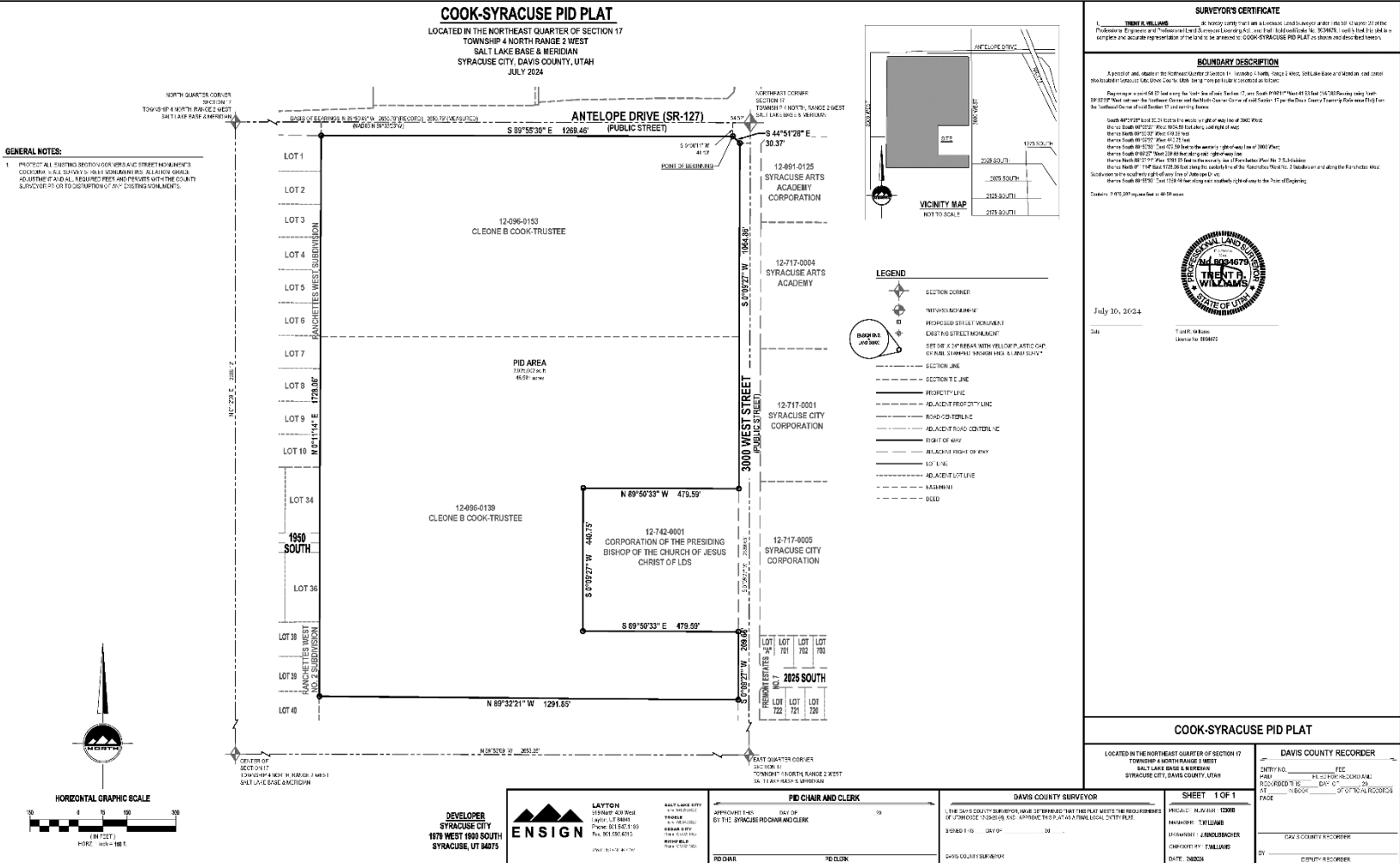
South 44°51'28" East 30.37 feet to the westerly right-of-way line of 3000 West;  
thence South 00°09'27" West 1064.86 feet along said right-of-way;  
thence North 89°50'33" West 479.59 feet;  
thence South 00°09'27" West 440.75 feet;  
thence South 89°50'33" East 479.59 feet to the westerly right-of-way line of 3000 West;  
thence South 0°09'27" West 209.66 feet along said right-of-way line;  
thence North 89°32'21" West 1291.85 feet to the easterly line of Ranchettes West No. 2 Subdivision;  
thence North 0°11'14" East 1728.06 feet along the easterly line of the Ranchettes West No. 2 Subdivision and along the Ranchettes West Subdivision to the southerly right-of-way line of Antelope Drive;  
thence South 89°55'30" East 1269.46 feet along said southerly right-of-way to the Point of Beginning.

Contains: 2,025,602 square feet or 46.50 acres.

**EXHIBIT B**  
**Syracuse City Vicinity Map**



## Initial District Boundary Map



**PETITION REQUESTING THE CREATION OF  
GATEWAY PUBLIC INFRASTRUCTURE DISTRICT NO. 1  
IN SYRACUSE CITY, UTAH**

July 17, 2024

Cassie Z. Brown  
Syracuse City Recorder  
1979 W 1900 S  
Syracuse, UT 84075  
801-614-9633  
cassieb@syracuseut.gov

The undersigned ("Petitioner") hereby requests that Syracuse City ("City") create a public infrastructure district ("District") pursuant to Utah Code Title 17B, Chapter 1, and Utah Code Title 17D, Chapter 4, (collectively, "Acts"). Petitioner requests the formation of the District to assist in the financing of public infrastructure to service and benefit the proposed area within the District.

**I. Petitioner / Owner / Contact Sponsor**

Cleone B. Cook, Trustee of the D. Lawrence Cook Family Trust  
2324 West 700 South  
Syracuse, Utah 84075  
(801) 825-0343

Petitioner represents 100% of the surface property owners within the proposed District's boundaries.

**II. Proposed District Boundaries**

Petitioner requests that the initial District boundaries include the real property described and depicted on the map attached as Exhibit A ("District Boundaries").

**III. Requested Service**

Petitioner requests the District be created for the purpose of financing the construction of public infrastructure relating to the Development, as permitted under the Acts; and to service and benefit the District and annexation area, as shall be further described in the governing document relating to the District.

#### **IV. Board of Trustees**

Petitioner hereby waives the residency requirement of Section 17D-4-202 of the Acts and proposes that the District's Board of Trustees be initially composed of three members appointed by the Syracuse City Council who are agents or officers of the D. Lawrence Cook Family Trust, as follows:

- Trustee 1: Dale Cook, persnikidy@gmail.com, (801) 552-1856
- Trustee 2: Bill Bockman, Costco Real Estate Manager, wbockman@costco.com, (425) 427-7084
- Trustee 3: John Shaw, Costco Real Estate Director, johnshaw@costco.com, (425) 313-6280

#### **V. Petitioner Representations**

Petitioner hereby represents and warrants that:

- (a) Those signing on behalf of the Petitioner are authorized to do so;
- (b) Petitioner is the owner of the real property included within the District Boundaries;
- (c) This Petition is signed by 100% of the surface property owners of real property within the District Boundaries;
- (d) There are no registered voters residing within the District Boundaries; and
- (e) The proposed Trustees listed above are registered voters at their primary residence and are the agents or officers of the D. Lawrence Cook Family Trust.

#### **VI. Petitioner Consent**

Petitioner hereby consents to:

- (a) Cleone B. Cook serving as the Contact Sponsor for the Petitioner;
- (b) The creation of the public infrastructure district within the District Boundaries;
- (c) A waiver of the residency requirement for members of the Board of Trustees of the District as permitted under Section 17D-4-202(3)(a) of the Acts;
- (d) A waiver of the entirety of the protest period described in Section 17B-1-213 of the Acts, pursuant to Section 17D-4-201(2)(b) of the Acts;
- (e) The recording of a notice as required under Section 17B-1-215(2)(a) and 17D-1-209(1)(a) of the Acts, which will apply to all real property within the District Boundaries; and
- (f) The issuance by the District of bonds repayable through tax increment and/or assessments.

#### **VII. Electronic Means / Counterparts**

This Petition may be circulated by electronic means and executed in several counterparts, including by electronic signature, all or any of which may be treated for all purposes as an original and shall constitute and be one and the same document.

**IN WITNESS WHEREOF**, Petitioner has executed this Petition as of the date indicated above.

Cleone B. Cook, Trustee of the D.  
Lawrence Cook Family Trust

Cleone B. Cook

**Exhibit A**

**District Boundaries – Legal Description and Plat**

**BOUNDARY DESCRIPTION**

A parcel of land, situate in the Northeast Quarter of Section 17, Township 4 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Syracuse City, Davis County, Utah, being more particularly described as follows:

Beginning at a point North 89°53'49" West 54.52 feet along the North line of said Section 17 (NAD83 Bearing being North 89°33'23" West between the Northeast Corner and the North Quarter Corner of said Section 17 per the Davis County Township Reference Plat) and South 0°06'11" West 41.53 feet from the Northeast Corner of said Section 17 and running thence:

South 44°51'28" East 30.37 feet to the westerly right-of-way line of 3000 West;  
thence South 00°09'27" West 1064.86 feet along said right-of-way;  
thence North 89°50'33" West 479.59 feet;  
thence South 00°09'27" West 440.75 feet;  
thence South 89°50'33" East 479.59 feet to the westerly right-of-way line of 3000 West;  
thence South 0°09'27" West 209.66 feet along said right-of-way line;  
thence North 89°32'21" West 1291.85 feet to the easterly line of Ranchettes West No. 2 Subdivision;  
thence North 0°11'14" East 1728.06 feet along the easterly line of the Ranchettes West No. 2 Subdivision and along the Ranchettes West Subdivision to the southerly right-of-way line of Antelope Drive;  
thence South 89°55'30" East 1269.46 feet along said southerly right-of-way to the Point of Beginning.

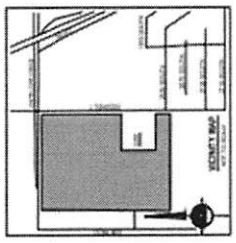
Contains: 2,025,602 square feet or 46.501 acres.



**GATEWAY PUBLIC INFRASTRUCTURE DISTRICT NO. 1**

**FINAL LOCAL ENTITY PLAT**

LOCATION: IN THE NORTH RANGE OF SECTION 17  
TOWNSHIP 4 NORTH RANGE 3 WEST  
SALT LAKE BASIN & MESA  
STRAVING CITY, SAGE COUNTY, MONTANA

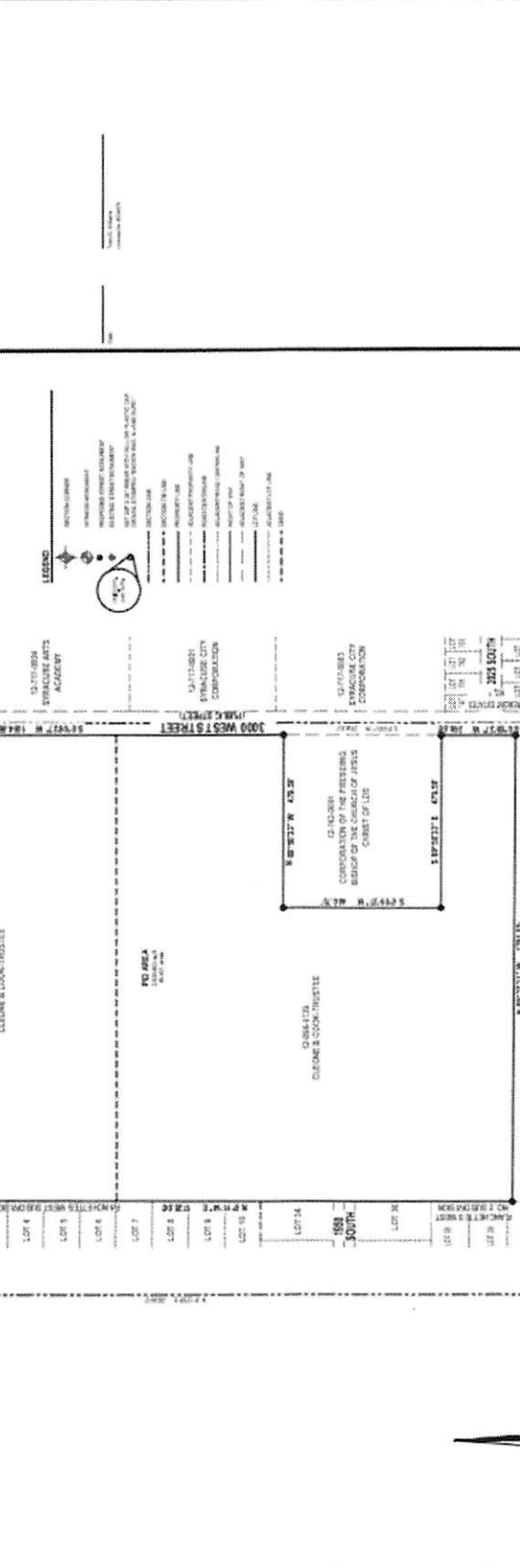


**REVISIONS (DATE)**

NO.	DATE	DESCRIPTION
1	10/15/2024	Initial Plat
2	11/15/2024	Final Plat

**REMARKS**

This plat was prepared by the Surveyor for the purpose of recording the boundaries of the Gateway Public Infrastructure District No. 1. The boundaries are shown on the map and are subject to the provisions of the Montana Platting Act. The Surveyor has verified the accuracy of the plat and has found it to be correct.



**GATEWAY PUBLIC INFRASTRUCTURE DISTRICT NO. 1**

**FINAL LOCAL ENTITY PLAT**

**SAGE COUNTY RECORDER**

RECORDED: 11/15/2024

BOOK: 111

PAGE: 1

**LEGEND**

- 1. DISTRICT BOUNDARY
- 2. DISTRICT OFFICE
- 3. DISTRICT PUBLIC INFRASTRUCTURE
- 4. DISTRICT PUBLIC INFRASTRUCTURE
- 5. DISTRICT PUBLIC INFRASTRUCTURE
- 6. DISTRICT PUBLIC INFRASTRUCTURE
- 7. DISTRICT PUBLIC INFRASTRUCTURE
- 8. DISTRICT PUBLIC INFRASTRUCTURE
- 9. DISTRICT PUBLIC INFRASTRUCTURE
- 10. DISTRICT PUBLIC INFRASTRUCTURE

**SCALE**

1" = 100'

1" = 100'

1" = 100'

1" = 100'

1" = 100'

1" = 100'

1" = 100'

1" = 100'

1" = 100'

1" = 100'

**NOTES**

1. The boundaries of the Gateway Public Infrastructure District No. 1 are shown on the map and are subject to the provisions of the Montana Platting Act.

2. The Surveyor has verified the accuracy of the plat and has found it to be correct.

3. The plat was prepared by the Surveyor for the purpose of recording the boundaries of the Gateway Public Infrastructure District No. 1.

**REVISIONS (DATE)**

NO.	DATE	DESCRIPTION
1	10/15/2024	Initial Plat
2	11/15/2024	Final Plat

**REMARKS**

This plat was prepared by the Surveyor for the purpose of recording the boundaries of the Gateway Public Infrastructure District No. 1. The boundaries are shown on the map and are subject to the provisions of the Montana Platting Act. The Surveyor has verified the accuracy of the plat and has found it to be correct.



# COUNCIL AGENDA

August 13, 2024

Submitted by Colin Winchester

## **Agenda Item #6**

## **City Council Ordinance Adopting the CRA**

### ***Factual Summation***

- The attached City Council Ordinance creates the Syracuse West Gateway Community Reinvestment Area (CRA) and adopts the plan and budget.

### ***Discussion Goals***

Discuss and determine whether to consider adopting the Ordinance

## **ORDINANCE NO. 2024-18**

### **AN ORDINANCE OF THE CITY COUNCIL OF SYRACUSE CITY, UTAH, ADOPTING THE SYRACUSE WDC GATEWAY COMMUNITY REINVESTMENT AREA PROJECT AREA PLAN AND BUDGET**

**WHEREAS**, the Syracuse City Redevelopment Agency (“Agency”) is a community development and renewal agency created, established, and authorized to transact business and exercise its powers, under and pursuant to the Limited Purpose Local Government Entities-Community Development and Renewal Agencies Act, Utah Code Title 17C (“Act”); and

**WHEREAS**, on June 11, 2024, the Agency authorized the preparation of the Syracuse WDC Gateway Community Reinvestment Area Plan (“Plan”), attached as Exhibit A and incorporated herein by reference, for a Community Development Project Area (“Project Area”) situated in the West Half of Section 16, the East Half of Section 17, the Northeast Quarter of Section 20, and the Northwest Quarter of Section 21, Township 4 North, Range 2 West, Salt Lake Base and Meridian; and

**WHEREAS**, the Agency has prepared the Plan in order to promote community development and job creation within the Project Area and to increase the property and sales tax bases within the Project Area through the development of various land use types; and

**WHEREAS**, pursuant to the Act, the Agency held a public hearing to receive comment regarding the Plan on August 13, 2024, and provided notice of such hearing in accordance with the Act; and

**WHEREAS**, the Agency has found and determined that the adoption of the Plan will: (a) satisfy a public purpose; (b) provide a public benefit as shown by the analysis in the Plan; (c) be economically sound and feasible; (d) conform to the general plan of the City; and (e) promote the public peace, health, safety, and welfare of the community; and

**WHEREAS**, by resolution adopted August 13, 2024, the Agency has approved the Plan as the community development project area plan for the Project Area; and

**WHEREAS**, pursuant to the Act, the City Council of Syracuse City, Utah (“City Council”) now desires to adopt the Plan as approved by the Agency;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SYRACUSE CITY, UTAH, AS  
FOLLOWS:**

Section 1. All terms defined in the recitals hereto shall have the same meaning when used herein. All actions heretofore taken (not inconsistent with the provisions of this Ordinance) by

the Board and officers of the Agency and the City directed toward the preparation of the Plan are hereby ratified, approved, and confirmed.

Section 2. The City Council hereby finds and determines that the adoption of the Plan will: (a) satisfy a public purpose; (b) provide a public benefit as shown by the analysis in the Plan; (c) be economically sound and feasible; (d) conform to the general plan of the City; and (e) promote the public peace, health, safety, and welfare of the community.

Section 3. The City Council hereby adopts the Plan for the Project Area, the legal description of which is attached hereto as Exhibit B, and designates the Plan as the official community development plan of the Project Area.

Section 4. A summary of this Ordinance shall be published on the Utah Public Notice Website and on the City's public website. The summary shall include a statement that the community reinvestment project area plan is available for public inspection during regular business hours in the office of the City Recorder for at least 30 days. The Plan shall take effect, and the Project Area shall be created, immediately upon the expiration of the 30-day period.

Section 5. The appropriate officers of the City and the Agency are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance.

Section 6. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 7. All resolutions or ordinances of the City in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

**PASSED BY THE CITY COUNCIL OF SYRACUSE CITY, UTAH THIS AUGUST 13, 2024.**

---

DAVE MAUGHAN  
Mayor

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CASSIE Z. BROWN  
City Recorder

Voting by the Council:	AYE	NAY
Councilmember Carver	_____	_____
Councilmember Cragun	_____	_____
Councilmember Robertson	_____	_____
Councilmember Savage	_____	_____
Councilmember Watson	_____	_____

**EXHIBIT A**  
**PLAN AND BUDGET**

**EXHIBIT B**  
**LEGAL DESCRIPTION**



# Syracuse City Redevelopment Agency

## Syracuse WDC Gateway Community Reinvestment Area Project Area Plan July 2024



ZIONS PUBLIC FINANCE, INC.



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## BACKGROUND AND OVERVIEW

The Syracuse City Redevelopment Agency (the “Agency”), following thorough consideration of the needs and desires of Syracuse City (the “City”) and its residents, as well as the need of and capacity for new development, has prepared this Community Reinvestment Project Area Plan (the “Plan”) for the WDC Gateway Project Area (the “Project Area”) described in more detail below.

In accordance with the terms of this Plan, the Agency will encourage, promote and provide for the development of mixed-use development including commercial and residential development. The Project Area includes 18 parcels totaling 168.89 acres and is in a prime location for commercial and residential development. The site has good access to SR 127 (Antelope Drive) and SR 177 (West Davis Corridor) and is adjacent to Exit 13 on the West Davis Corridor.

While the location is good, due to atypical infrastructure and geographical features of the site, it has become apparent that development of the area will be delayed or struggle to occur without economic development intervention. The adjacent storm and sanitary sewer line capacities are insufficient for the scale of anticipated development. Nearly one mile of new, larger capacity lines are required. Also, the site lacks sufficient transportation infrastructure. A new roundabout and two new public roadways are needed. The bordering existing roadway lacks sidewalk and turn lanes will need to be added. Possibly most significantly, the site is in need of wetland mitigation, which is a significant hurdle to development. These infrastructure improvements are needed to open up the area. In addition, the City has xeriscaping landscaping plans that will use waterwise plants and limit nonfunctional turf.

It is anticipated that the project will generate significant economic activity in the region through the creation of temporary construction jobs, full-time employment for ongoing jobs, the generation of additional tax revenues, and diversification through new business opportunities.

This Plan will govern development within the Project Area, including the capture and use of tax increment to construct needed infrastructure. The purpose of this Plan clearly sets forth the aims and objectives of this development, its scope, available incentives and the mechanism for funding such incentives, and the value of the Plan to the residents, businesses and property owners, and taxing entities in this area.

The Agency has determined that the area meets the criteria for creation of a Community Reinvestment Area (“CRA”). The area offers the opportunity to incentivize the operation and further development of an employment center comprised of a mix of commercial space that will attract private capital investment, contribute to the tax base, create jobs, and otherwise contribute to the economic vitality and prosperity of Syracuse, Utah.

Creation of the CRA will allow property owners and/or developers within the Project Area the opportunity to request incentives funded through participation by the various taxing entities that levy taxes on the property within the project area.

This document is prepared in good faith as a current reasonable estimate of the economic impact of this Project. Fundamental economic and other circumstances may influence the actual impact. With these

assumptions, the information contained within this report represents the reasonable expectations of the Project.

The ordering of sections of this Project Area Plan document is consistent with the presentation of requirements and other criteria for CRA development as set forth in Utah Code § 17C-5-105.

## 1. RECITALS OF PREREQUISITES FOR ADOPTING A COMMUNITY DEVELOPMENT PROJECT AREA PLAN

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- a) Pursuant to the provisions of §17C-5-103 of the Act, the governing body of the Syracuse City Redevelopment Agency adopted a resolution on June 14, 2022, designating a survey area in which reinvestment Project Areas can be created; and
- b) Pursuant to the provisions of §17C-5-104(1)(a) and (b) of the Act, Syracuse City has a planning commission and general plan as required by law; and
- c) Pursuant to the provisions of §17C-5-104(3) of the Act, the Agency will conduct one or more public hearings for the purpose of informing the public about the Project Area and allowing public input as to whether the draft Project Area Plan should be revised, approved, or rejected. A public hearing is scheduled for August 13, 2024; and
- d) Pursuant to the provisions of §17C-5-104(3)(b) and (d) of the Act, the Agency made a draft Project Area Plan available to the public at the Agency's offices during normal business hours, provided notice of the Plan hearing, allowed public comment on the Project Area Plan and will hold a public hearing on the draft Plan on July 11, 2023.

## 2. DEFINITIONS

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As used in this Community Reinvestment Project Area Plan:

- 1. The term "**Act**" shall mean and include the Limited Purpose Local Government Entities – Community Development and Renewal Agencies Act in Title 17C, Chapters 1 through 5, Utah Code Annotated 1953, as amended, or such other amendments as shall from time to time be enacted or any successor or replacement law or act.
- 2. The term "**Agency**" shall mean the Syracuse City Redevelopment Agency, a separate body corporate and politic created by the City pursuant to the Act.
- 3. The term "**Base taxable value**" shall mean the base taxable value of the property within the Project Area from which tax increment will be collected, as shown upon the assessment roll last equalized before the date the Project Area Plan is adopted by the City legislative body; OR as provided within an interlocal agreement created under §17C-5-204 of the Act.
- 4. The term "**City**" shall mean Syracuse City, Utah.

5. The term "**Community**" shall mean Syracuse City, Utah.
6. The term "**Community development**" shall mean development activities within the community, including the encouragement, promotion, or provision of development.
7. The term "**Developer**" shall mean the entities investing in the development in the area.
8. The term "**Effective date**" shall have the same meaning as established under §17C-5-110 of the Act.
9. The term "**Legislative body**" shall mean the City Council of Syracuse City which is the legislative body of the Community.
10. The term "**Plan Hearing**" means the public hearing on the draft Project Area Plan required under Subsection 17C-5-104(e) of the Act.
11. The term "**Project Area**" shall mean the geographic area described in the Project Area Plan or draft Project Area Plan where the community development set forth in this Project Area Plan or draft Project Area Plan takes place or is proposed to take place (Exhibit A).
12. The term "**Project Area Budget**" shall mean the multi-year projection of annual or cumulative revenues, other expenses and other fiscal matters pertaining to the Project Area prepared in accordance with Part 3 of §17C-5 of the Act.
13. The term "**Project Area Plan**" or "**Plan**" shall mean the written plan that, after its effective date and adoption pursuant to the provisions of the Act, guides and controls the community development activities within the Project Area.
14. The terms "**Tax**," "**Taxes**," "**Property tax**" or "**Property taxes**" includes all levies on an ad valorem basis upon real property, personal property, or other property, tangible or intangible.
15. The term "**Taxing entity**" shall mean any public entity that levies a tax on property within the Project Area.
16. The term "**Tax increment**" shall mean the difference between the amount of property tax revenues generated each tax year by all taxing entities from the area designated in the Project Area Plan as the area from which tax increment is to be collected, using the current assessed value of the property and the amount of property tax revenues that would be generated from that same area using the base taxable value of the property.

### 3. PROJECT AREA BOUNDARIES AND MAP [17C-5-105(1)]

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The area identified for study (see map in Appendix A and legal description in Appendix B) consists of 168.89 parcel acres. The proposed area has an irregular boundary that starts below Gleneagles Drive at the north and follows the west and south edge of the Glen Eagle Golf Course. The boundary then turns south until meeting Antelope Drive and proceeds east until it moves past residential lots lining 3300 W and generally proceeds south until reaching 2700 South. The boundary then turns west and follows 2700 South until reaching 3000 West where it turns north until reaching Antelope Drive again. The boundary then turns northwest and runs parallel to SR 177. The area is adjacent to the newly-constructed Exit 13 on SR177 (West Davis Corridor).

### 4. GENERAL STATEMENT OF EXISTING LAND USES, LAYOUT OF PRINCIPAL STREETS, POPULATION DENSITIES, BUILDING INTENSITIES AND HOW THEY WILL BE AFFECTED BY THE PROJECT AREA DEVELOPMENT [17C-5-105(2)]

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#### A. EXISTING LAND USES IN THE PROJECT AREA

The majority of land in the project area is vacant. Two parcels have improvements on them. One, located at 1956 S 3000 W and comprising approximately 5 acres, is a church operated by the Church of Jesus Christ of Latter-Day Saints, and the other is an approximately 3-acre parcel owned by the Glen Eagle Golf Club and is used as a club house. UDOT owns several parcels along the right of way accounting for a further 3.3 acres. The remaining 158 acres are currently vacant.

The existing land uses will change from primarily vacant to commercial and residential.

#### B. LAYOUT OF PRINCIPAL STREETS IN THE PROJECT AREA

There are currently 4 major streets that are either within or make up the boundary of the study. Three of those streets, Antelope Drive, 2700 South, and 3000 West are 2-lane connectors while 3300 West is considered a local street.

The layout of principal streets will not be impacted the proposed development.

#### C. POPULATION DENSITIES IN THE PROJECT AREA

There are currently no residences in the project area; however, there are two neighborhoods located to the east and west of the proposed development.

With the development of 281 residential units, the population will increase to an estimated 843 persons. With 169 parcel acres, this results in population density of approximately 5 persons per acre.

#### D. BUILDING INTENSITIES IN THE PROJECT AREA

There are 2 improved parcels in the study area. The Davis County Assessor's Office did not publish the total square feet of the church property located in the project area, but the lone commercial building in the area

is approximately 4,808 square feet. Taking the 4,808 square building square feet and dividing by 7,376,850 square feet of developable area (169 acres x 43,650) results in a negligible floor to area ratio.

The Plan contemplates the addition of approximately 505,000 square feet of commercial space and 281 residential units. Based on the acreage, this would increase the building density floor area ratio to about 14.5 percent – a relatively low ratio.<sup>1</sup>

## 5. STANDARDS THAT WILL GUIDE THE PROJECT AREA DEVELOPMENT [17C-5-105(3)]

The general standards that will guide the economic development are as follows:

### A. GENERAL DESIGN OBJECTIVES

Development within the Project Area will be held to quality design and construction standards, suitable for commercial, business and residential development and will be subject to: (1) appropriate elements of the City's General Plan; (2) applicable City building codes and ordinances; (3) Planning Commission review and recommendation; (4) the City's land use code; and (5) development agreements that include design guidelines.

Developers will be allowed flexibility of design in developing land located within the Project Area. The development shall be of a design and shall use materials that are subject to design review and approval by the City pursuant to a development agreement with the Developer/Owner specifically addressing design issues.

Coordinated and attractive landscaping shall also be provided as appropriate for the character of the Project Area. Materials and design paving, retaining walls, fences, curbs, benches, and other items shall have an attractive appearance and be easily maintained.

All development will be based on site plans, development data, and other appropriate submittals and materials clearly describing the development, including land coverage, setbacks, heights, and any other data dictated by the City's land use code, and applicable City practice or procedure.

The general principles guiding development within the Project Area are as follows:

1. Encourage and assist economic development with the creation of a well-planned development that will increase job opportunities in the local area.
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 Act which are incorporated herein by reference and made a part of this Plan.

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<sup>1</sup> Assumes 281 residential units of an average size of 2,000 square feet each and 505,000 commercial square feet. This results in a total of 1,067,000 square feet on 168.89 acres. 1,067,000 divided by (168.89 acres x 43,560 sf) = 14.5 percent.

4. Encourage economic use of and new construction or redevelopment upon the real property located within the Project Area.
5. Promote and market the Project Area for economic development that 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 economic activity for the City.
7. Remove any impediments to land disposition and development through assembly of land into reasonably sized and shaped parcels served by adequate public utilities, streets and other infrastructure improvements.
8. Achieve an environment that reflects an appropriate level of concern for architectural, landscape and design principles, developed through encouragement, guidance, appropriate controls, and financial and professional assistance to the Developers.
9. Design parking areas with regard to orderly arrangement, topography and ease of use and access.
10. Comply with City lighting standards and signs for a safe and pleasant appearance following modern illumination standards.

## 6. HOW THE PROJECT AREA DEVELOPMENT WILL FURTHER THE PURPOSES OF THE ACT [17C-5-105(4)]

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It is the intent of the Agency, with the assistance and participation of various Developers, to facilitate and promote the development of a mixed-use development that includes commercial and residential uses and that will result in the creation of jobs in the Project Area. Further, the project will strengthen the tax base of the community, which will also serve to accomplish economic development objectives and create a well-planned employment center.

The purposes of the Act will be achieved by the following:

### A. ESTABLISHMENT OF NEW BUSINESS AND INCREASED TAX BASE

The proposed Project envisions a mix of businesses and residential development that will benefit the State and local taxing entities through increased job creation, increased property tax base, increased income taxes paid (both corporate and individual) and increased energy usage (and the accompanying municipal energy “franchise” tax). Multiplier (indirect and induced) impacts will result from the job creation and expenditures for construction and supplies.

### B. PUBLIC INFRASTRUCTURE IMPROVEMENTS

The construction of the public infrastructure improvements as provided by this Plan will support the development contemplated herein and will encourage future development in surrounding areas. The

associated public infrastructure improvements will make the land within the Project Area more accessible to and from other parts of the City. Thus, the components of the Project provided in this Plan will encourage, promote and provide for economic development within the Project Area and the City generally for years to come.

#### C. JOB CREATION

The project area includes the potential for new businesses and related jobs.

#### D. PROVISION OF ESSENTIAL SERVICES

Potential development will most likely provide essential services for the regional area.

### 7. THE PLAN IS CONSISTENT WITH AND WILL CONFORM TO THE COMMUNITY'S GENERAL PLAN [17C-5-105(5)]

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This Plan is consistent with the City's General Plan that was approved in 2019. The City's Statement, as contained in the General Plan is as follows (p. 5):

"Syracuse is a suburban community with a limited selection of local jobs and shopping destinations. While some goods and services are available locally, there are far fewer local jobs than working-age adults. According to the Utah Department of Workforce Services, approximately 93% of our residents commute out of the city for work. There should be a focus on attracting employment opportunities for residents. This would increase the daytime population which benefits local businesses who will be patronized by local workers. Residents have expressed interest in big box retail uses, restaurants, and shopping that may draw customers from neighboring communities. A balance of industries will diversity the City's tax base, providing economic resiliency."

The addition of commercial development meets these goals by providing local employment opportunities, reducing commute and travel times and strengthening existing businesses.

### 8. IF APPLICABLE, HOW PROJECT AREA DEVELOPMENT WILL ELIMINATE OR REDUCE A DEVELOPMENT IMPEDIMENT IN THE COMMUNITY REINVESTMENT PROJECT AREA [17C-5-105(6)]

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Not applicable. The Agency is not making any findings of development impediments for this Project Area.

### 9. DESCRIPTION OF ANY SPECIFIC PROJECT OR PROJECTS THAT ARE THE OBJECT OF THE PROPOSED PROJECT AREA DEVELOPMENT [17C-5-105(7)]

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The project area contemplates the addition of big box retail, smaller retail, business office and residential development.

### 10. HOW PARTICIPANTS WILL BE SELECTED WITHIN THE PROJECT AREA [17C-5-105(8)]

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#### A. SELECTION OF PRIVATE DEVELOPERS

The Agency contemplates that owners of real property within the Project Area will take advantage of the opportunity to develop their property or sell their property to developers for the development of facilities within the Project Area. In the event that owners do not wish to participate in the community development in compliance with the Plan, or in a manner acceptable to the Agency, or are unable or unwilling to appropriately participate, the Agency may, consistent with the Act, encourage other owners to acquire property within the Project Area, or to select non-owner developers by private negotiation, public advertisement, bidding or the solicitation of written proposals, or a combination of one or more of the above methods.

#### B. IDENTIFICATION OF DEVELOPERS WHO ARE CURRENTLY INVOLVED IN THE PROPOSED PROJECT AREA

A big box warehouse retailer would act as the initial developer. They would pioneer the installation of needed infrastructure that will open up the site for them, as well as development on the remaining acreage.

### 11. REASONS FOR THE SELECTION OF THE PROJECT AREA [17C-5-105(9)]

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The Project Area was selected by the Agency as that area within the City having an immediate opportunity to strengthen the community through development of vacant tax-exempt properties, create jobs, capitalize on the rapid growth occurring in Davis County and maximize the site's strategic proximity to the West Davis Corridor and labor markets. It is also one of the few larger-sized parcels in the regional area suitable to become an employment center.

### 12. DESCRIPTION OF THE PHYSICAL, SOCIAL AND ECONOMIC CONDITIONS EXISTING IN THE PROJECT AREA [17C-5-105(10)]

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#### A. PHYSICAL CONDITIONS

The proposed Project Area consists of approximately 168.89 acres, as shown on the Project Area map in Appendix A. The Project Area is mostly undeveloped, with 5 acres of land currently in use as a church, and a further 3 acres used as a commercial club house for the nearby golf course.

#### B. SOCIAL CONDITIONS

There are currently no residential homes within the area. However, there are neighborhoods on either side of the development with a significant number of homes.

#### C. ECONOMIC CONDITIONS

There is currently no commercial development in the Project Area and little economic activity besides the club house that is located at the north edge of the property. The Project Area currently has 8 acres that are tax exempt and 158 acres of undeveloped land.

### 13. FINANCIAL ASSISTANCE TO PARTICIPANTS WITHIN THE PROJECT AREA [17C-5-105(11)]

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The Agency intends to negotiate and enter into one or more inter-local agreements with some or all of the taxing entities to secure receipt of a portion of the property tax increment generated within the Project Area that would otherwise be paid to those taxing entities. Collectively, those tax revenues may be used for the reasons already outlined. Subject to the provisions of the Act, the Agency may agree to pay for eligible development costs and other items from such tax revenues for any period of time the Agency and the taxing entities may deem appropriate under the circumstances.

The Agency believes that the creation of the Project Area and the provision of the incentives described in this Plan will enable commercial, residential, and retail development as described above. Actual development is dependent on many factors, including the overall economic climate; however, the Agency hopes to encourage and accelerate such development within the Project Area.

All incentives and payments to participants will be performance-based and will be offered only according to the terms of a Participation Agreement or grant program that adequately protects the Agency and the taxing entities by ensuring performance by the participant. Subject to the provisions of the Act, the Agency may agree to pay for eligible development costs and other items from such tax revenues for the period of time appropriate under the circumstances.

### 14. ANALYSIS OR DESCRIPTION OF THE ANTICIPATED PUBLIC BENEFIT RESULTING FROM PROJECT AREA DEVELOPMENT [17C-5-105(12)]

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The property tax base of the taxing entities should increase by approximately \$198 million from the various investments in real property (land and buildings) alone. In addition, the personal property tax base of the taxing entities will increase but will vary depending on the type of equipment located in the Project Area as well as individual depreciation schedules.

In addition to property tax revenues, the project will generate other revenues including sales tax, municipal energy taxes, Class B/C Road Funds, business license fees, charges for services, and one-time fees such as building permits and impact fees.

#### B. ASSOCIATED BUSINESS AND ECONOMIC ACTIVITY LIKELY TO BE STIMULATED

Jobs will be created in the project area for construction as well as for ongoing employment as new businesses locate there. Other business and economic activity likely to be stimulated includes business, employee and construction expenditures. There are significant opportunities for increased economic development and tax generating development that can occur within the immediate sphere of influence of the Project Area that otherwise may not occur in a timely basis or at the same level of increased development and private investment.

## 1. BUSINESS AND EMPLOYEE EXPENDITURES

It is anticipated that employees and business owners in the Project Area will directly or indirectly purchase local goods and services related to their operations from local or regional suppliers. These purchases will likely increase employment opportunities in the related areas of business equipment, furniture and furnishings, business supplies, computer equipment, communication, security, transportation and delivery services, maintenance, repair and janitorial services, packaging supplies, office and printing services, transportation and delivery services.

A summary of benefits is as follows:

- Provide an increase in direct purchases in the City.
- Provide economic diversification within the City and Davis County.
- Encourage economic development in order for public or private employers to create additional jobs in the community.
- Complement existing businesses and industries located within the City by providing new employees who may live and shop and pay taxes in the City and the region.
- Another benefit will be the expenditure of income by employees filling the new positions. The types of expenditures by employees in the area will likely include convenience shopping for personal and household goods, lunches at area restaurants, convenience purchases and personal services (haircuts, banking, gifts, gasoline, etc.) The employees will not make all of their convenience or personal services purchases near their workplace, and each employee's purchasing patterns will be different. However, it is reasonable to assume that a percentage of these annual purchases will occur within close proximity to the workplace (assuming the services are available).

## 2. CONSTRUCTION EXPENDITURES

Economic activity associated with the development will include construction activity. Construction costs for labor and materials will likely be notable. This will create a moderate number of construction jobs. Construction supplies are also anticipated to create significant sales tax revenues for the State, County and City.

## C. ADOPTION OF THE PLAN IS NECESSARY AND APPROPRIATE TO UNDERTAKE THE PROJECT AREA PLAN

Adoption of the Plan is necessary and appropriate to undertake the Project Area Plan because: 1) The Plan conforms with and furthers the City's General Plan; and 2) private investment will increase the tax base by approximately \$198 million which will provide increased tax revenues to all taxing entities.

**15. IF APPLICABLE, STATES THAT THE AGENCY SHALL COMPLY WITH SECTION 9-8-404 AS REQUIRED UNDER SECTION [17C-5-105(13)]**

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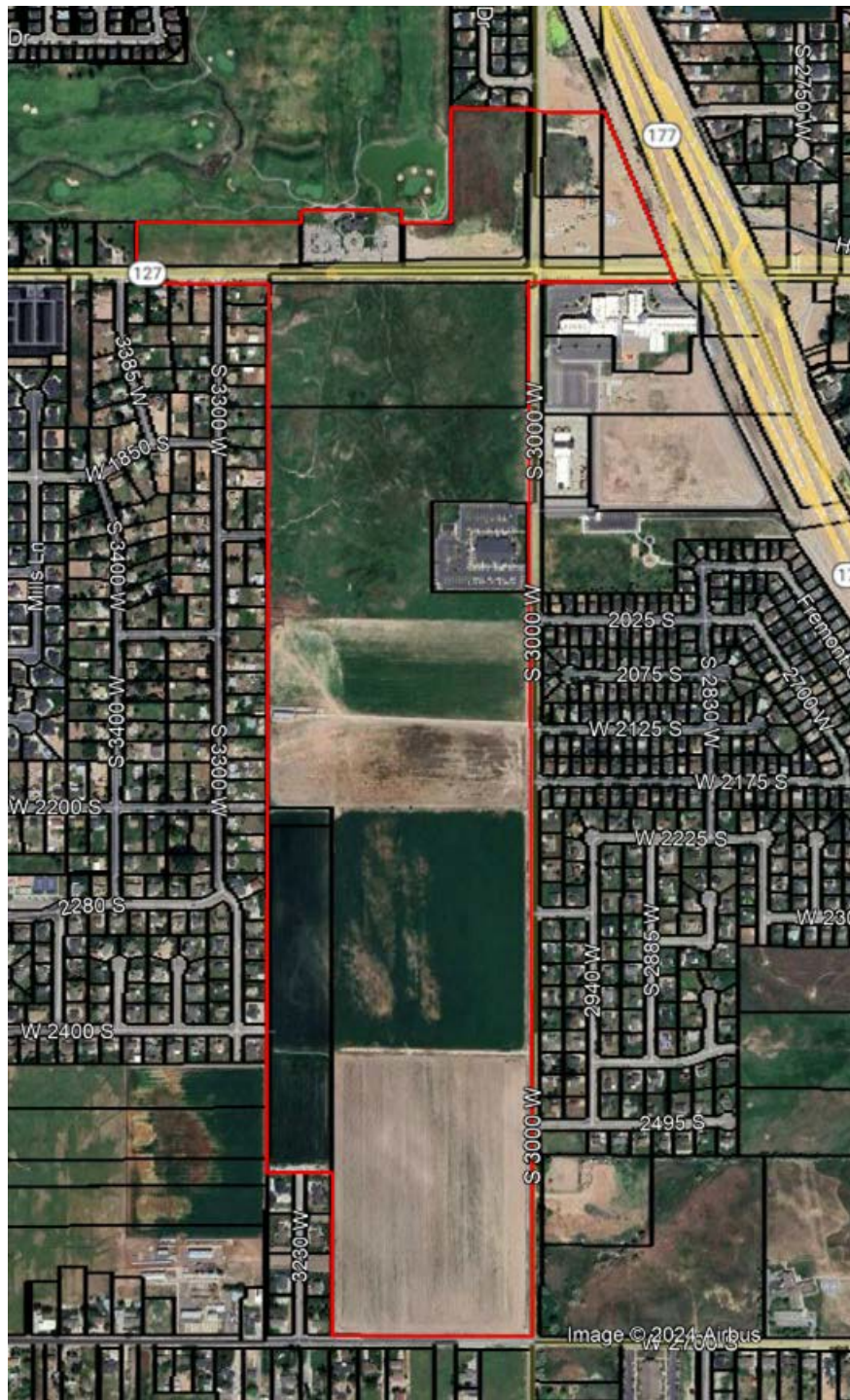
If applicable, the Agency will comply with the requirements of § 9-8-404 relating to any historic properties within the Project Area. However, there are no historic properties in the area at the present time.

**16. FOR A COMMUNITY REINVESTMENT PROJECT AREA PLAN THAT AN AGENCY ADOPTED BEFORE MAY 14, 2019, STATE WHETHER IT IS SUBJECT TO INTERLOCAL OR TAXING ENTITY AGREEMENT AS REQUIRED UNDER SECTION [17C-5-105(14)]**

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Not applicable.

## APPENDIX A: PROJECT AREA MAP



## APPENDIX B: LEGAL DESCRIPTION

A parcel of land, situate in the West Half of Section 16, the East Half of Section 17, the Northeast Quarter of Section 20 and the Northwest Quarter of Section 21, Township 4 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in Syracuse City, Davis County, Utah. Being more particularly described as follows:

Beginning at a point on the easterly right-of-way line of 3000 West Street, said point also being the southerly corner of that UDOT parcel (Parcel No. 12-091-0106 as described in Entry No. 2892181, Recorded September 10, 2015), said point being South 00°09'27" West 62.63 feet along the Section Line (NAD83 Bearing being South 0°30'06" West between the Northeast Corner and the East Quarter Corner of said Section 17, per the Davis County Township Reference Plat) and South 89°50'33" East 33.00 feet from the Northeast Corner of said Section 17 and running thence:

thence South 00°09'26" West 2576.00 feet along said easterly right-of-way line of 3000 West Street;

thence South 00°09'27" West 2638.86 feet along said easterly right-of-way line;

thence South 00°11'28" West 33.07 feet to the Southeast Corner of the intersection of 3000 West Street and 2700 South Street;

North 89°40'58" West 33.00 feet along the southerly right-of-way line of 2700 South Street;

thence North 89°52'18" West 997.85 feet along said southerly right-of-way line to the southerly extension of the easterly line Hamblin Haven Phase 1 Subdivision;

thence North 00°11'02" East 871.09 feet along said easterly line of Hamblin Haven Phase 1 to and along the easterly line of Hamblin Haven Phase 2 Subdivision;

thence North 89°52'18" West 329.41 feet along the northerly line of Hamblin Haven Phase 2 and beyond;

thence North 00°12'30" East 1799.65 feet and North 00°11'14" East 2587.86 feet to and along the easterly lines of Tuscany Meadows Phase 1, Ranchettes West No. 2, Ranchettes West Subdivisions to the southerly right-of-way line of Antelope Drive (SR-127);

thence North 89°45'02" West 655.07 feet along said southerly right-of-way line;

thence North 00°00'44" East 302.59 feet to the southerly line of Glenn Eagle Golf Course;

thence along the perimeter of Glenn Eagle Golf Course the following four (4) courses and distances:

- 1) South 89°53'49" East 815.66 feet;
- 2) North 00°26'18" East 59.13 feet;
- 3) South 89°53'00" East 499.34 feet;
- 4) South 00°11'44" West 59.01 feet to the Northwest Corner of Antelope Station Subdivision;

thence along the perimeter of Antelope Station Subdivision the following:

- 1) South 89°53'49" East 246.96 feet;
- 2) North 00°14'46" East 566.40 feet;
- 3) South 89°45'14" East 384.00 feet to a point on the westerly right-of-way line of 3000 West Street;

thence South 76°33'15" East 81.82 feet to a point on the easterly right-of-way line of 3000 West Street;  
thence South 89°45'59" East 295.92 feet;  
thence South 23°00'17" East 914.23 feet to a point of the southerly right-of-way line of Antelope Drive (SR-127);  
thence North 89°49'43" West 648.06 feet along said right-of-way;  
thence South 45°05'59" West 30.30 feet to the Point of Beginning.

Contains: 8,164,675 square feet or 187.435 acres.





# Syracuse City Redevelopment Agency

## Syracuse WDC Gateway Community Reinvestment Area Project Area Budget July 2024





## SYRACUSE WDC GATEWAY CRA PROJECT AREA BUDGET

The following narrative has been prepared in accordance with Utah Code §17C-5-303 for an Agency that receives tax increment.

This Budget is prepared in good faith as a current reasonable estimate of the economic impact of projected development and redevelopment within the Project Area. Fundamental economic and other circumstances may influence the actual impact. With these assumptions, the information contained within this Budget represents the reasonable expectations of the Agency. The Agency makes no guarantee that the projections contained in this Budget or the Project Area Plan for the Project Area accurately reflect the future development and/or redevelopment within the Project Area. Further, the Agency specifically reserves all powers granted to it under the Act, now and as may be amended; this Budget shall not be interpreted to limit or restrict the powers of the Agency as granted by the Act. The actual amount of tax increment received by the Agency will be determined solely by interlocal agreement(s) between the Agency and the various taxing entities; this Budget does not control the flow of tax increment money, nor does it entitle the Agency to receive money from tax increment or any other source.

### 1(A). THE BASE TAXABLE VALUE [17C-5-303(1)(A)]

The base taxable value is the year 2023 value of \$505,358.

### 1(B). PROJECTED AMOUNT OF TAX INCREMENT TO BE GENERATED WITHIN THE PROJECT AREA [17C-5-303(1)(B)]

The projected amount of tax increment to be generated within the Project Area over 25 years is over \$51 million.

TABLE 1: INCREMENTAL PROPERTY TAX REVENUES FOR 25 YEARS

100% of Tax Increment	Tax Rate	Total – 25 Years	NPV – 25 Years*
Davis County	0.001152	\$5,792,120	\$2,718,775
Multi-County Assessing	0.000015	\$75,418	\$35,401
County Assessing	0.000131	\$658,653	\$309,166
Davis County School District	0.006228	\$31,313,649	\$14,698,376
Syracuse	0.001739	\$8,743,487	\$4,104,123
Weber Basin Water Conservancy District	0.000200	\$1,005,576	\$472,009
Davis County Mosquito Abatement District	0.000098	\$492,732	\$231,285
North Davis Sewer District	0.000476	\$2,393,272	\$1,123,383
County Library	0.000234	\$1,176,524	\$552,251
<b>Total</b>	<b>0.010273</b>	<b>\$51,651,432</b>	<b>\$24,244,768</b>

\*NPV = net present value discounted at 6 percent

## 1(c). PROJECT AREA FUNDS COLLECTION PERIOD [17C-5-303(1)(c)]

The anticipated collection period is 25 years.

## 1(d). PROJECTED AMOUNT OF TAX INCREMENT TO BE PAID TO OTHER TAXING ENTITIES [17C-5-303(1)(d)]

The projected amount of incremental tax revenue to be paid to the taxing entities over 25 years is nearly \$26 million. In addition, the taxing entities will continue to receive the full amount of property tax revenues generated by the current base taxable value.

TABLE 2: INCREMENTAL PROPERTY TAX REVENUES PAID TO TAXING ENTITIES FOR 25 YEARS

Incremental Tax Revenues to Taxing Entities	Tax Rate	Total – 25 Years	NPV – 25 Years*
Davis County	0.001152	\$2,896,060	\$1,359,387
Multi-County Assessing	0.000015	\$37,709	\$17,700
County Assessing	0.000131	\$329,326	\$154,583
Davis County School District	0.006228	\$15,656,825	\$7,349,188
Syracuse	0.001739	\$4,371,743	\$2,052,061
Weber Basin Water Conservancy District	0.000200	\$502,788	\$236,005
Davis County Mosquito Abatement District	0.000098	\$246,366	\$115,642
North Davis Sewer District	0.000476	\$1,196,636	\$561,691
County Library	0.000234	\$588,262	\$276,126
<b>Total</b>	<b>0.010273</b>	<b>\$25,825,716</b>	<b>\$12,122,384</b>

\*NPV = net present value discounted at 6 percent

## 1(e). IF THE AREA FROM WHICH TAX INCREMENT IS COLLECTED IS LESS THAN THE ENTIRE PROJECT AREA [17C-5-303(1)(e)]

Not applicable.

## 1(f). THE PERCENTAGE OF TAX INCREMENT THE AGENCY IS AUTHORIZED TO RECEIVE [17C-5-303(1)(f)]

The percentage of tax increment that the Agency is authorized to receive will be established by the interlocal agreements between the Agency and the various taxing entities. The Agency anticipates requesting participation from the taxing entities for 50 percent of tax increment for a period of up to 25 years.

## 1(g). THE MAXIMUM CUMULATIVE DOLLAR AMOUNT OF TAX INCREMENT THE AGENCY IS AUTHORIZED TO RECEIVE FROM THE PROJECT AREA [17C-5-303(1)(g)]

The maximum amount of tax increment the Agency is authorized to receive will be dictated by the interlocal agreements between the Agency and the various taxing entities. The Agency anticipates requesting a maximum amount capped at the revenues necessary to support a \$8.0 million non-investment grade bond requiring a 1.5x debt service coverage ratio. This amount could be reduced if grants are received that aid in the construction costs for the identified capital improvements necessary for the area.

## 2. IF THE AGENCY RECEIVES SALES AND USE TAX REVENUE [17C-5-303(2)(A) AND (B)]

Not applicable.

## 3. AMOUNT OF PROJECT AREA FUNDS THE AGENCY WILL USE TO IMPLEMENT THE PROJECT AREA [17C-5-303(3)]

The Agency estimates that its funds will be used as follows but reserves the right to maintain flexibility with the funds and not to adhere strictly to the items listed below. All Agency funds will be used for infrastructure, administrative or economic development purposes within the Project Area. Administrative funds have been calculated based on 3.0 percent of Agency tax increment receipts annually. In addition, ten percent of Agency receipts, in years where total increment exceeds \$100,000, have been set aside for housing projects. Housing funds do not need to be spent within the Project Area. The remaining funds are allocated primarily for possible improvements as follows:

TABLE 3: PROPOSED IMPROVEMENTS

Off Site Public Improvement	Cost
Sidewalk along S 3000 W and Path along Antelope Drive Frontage	\$122,000
Storm Sewer to W 2700 S (4,356 LF)	\$1,093,935
Sanitary Sewer to W 2700 S (4,356 LF)	\$1,052,045
West New Road A 1,300 LF (3 Lane Road w/ Sidewalk, Landscaping & Utilities)	\$2,705,631
South New Road B 1,215 LF (3 Lane Road w/ Sidewalk, Landscaping & Utilities)	\$2,547,456
SE New Roundabout	\$1,100,000
New Road A/Antelope Drive EB right-turn lane (striping only) and WB left-turn lane (striping only)	\$15,000
<b>Total Public Improvement Hard Costs</b>	<b>\$8,636,067</b>
<b>Plus interest costs on an \$8.0 million non-investment grade bond with a 1.5x debt service coverage ratio</b>	

#### 4. THE AGENCY'S COMBINED INCREMENTAL VALUE [17C-5-303(4)]

The Agency has four active project areas with a total combined incremental value of \$219,018,089.

TABLE 4: COMBINED INCREMENTAL VALUE

Existing Project Areas	Incremental Taxable Value
Syracuse 750 West RDA	\$42,876,135
Syracuse Town Center (1700 South) RDA	\$24,904,633
Syracuse SR 193 EDA	\$100,609,221
Syracuse Antelope Drive CDA	\$50,628,100
<b>TOTAL</b>	<b>\$219,018,089</b>

Source: Utah State Tax Commission, Property Tax Division

#### 5. THE AMOUNT OF PROJECT AREA FUNDS THAT WILL BE USED TO COVER THE COST OF ADMINISTERING THE PROJECT AREA [17C-5-303(5)]

The Agency is requesting that 3.0 percent of revenues received be set aside for administrative purposes. The projected total amount of administrative costs over the 25-year timeframe is roughly \$775,000 to Syracuse. In addition, Davis County requires that the same percentage of administrative increment paid to the Agency be paid to the County, based on the increment the County contributes to the Agency. Therefore, it is anticipated that Davis County will receive nearly \$87,000 in administrative revenues over 25 years.

#### 6. FOR PROPERTY THAT THE AGENCY OWNS AND EXPECTS TO SELL, THE EXPECTED TOTAL COST OF THE PROPERTY TO THE AGENCY AND THE EXPECTED SALE PRICE [17C-5-303(6)]

The Agency does not currently own any property in the project area.



# COUNCIL AGENDA

August 13, 2024

Submitted by Colin Winchester

## **Agenda Item #7**

### **Resolution Authorizing the Mayor to Execute the Interlocal Agreement between Syracuse City and the Syracuse City Redevelopment Agency for the Syracuse WDC Gateway CRA**

#### ***Factual Summation***

- The attached Resolution authorizes the Mayor to execute, on behalf of the City, the interlocal agreement between the City and the RDA
- In a related matter, the RDA will consider authorizing its Chair to execute the same interlocal agreement

#### ***Discussion Goals***

Discuss and determine whether to consider adopting the Resolution

## **RESOLUTION R24-32**

### **A RESOLUTION OF THE SYRACUSE CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE SYRACUSE CITY REDEVELOPMENT AGENCY REGARDING THE SYRACUSE WDC GATEWAY COMMUNITY REINVESTMENT AREA**

**WHEREAS**, on June 11, 2024, the Syracuse City Redevelopment Agency (“Agency”) authorized the creation of a draft plan for the Syracuse WDC Gateway Community Reinvestment Project Area (“Project”); and

**WHEREAS**, the Agency and Syracuse City Corporation are authorized, pursuant to Utah Code Title 11, Chapter 13 to enter into interlocal agreements for mutually beneficial purposes; and

**WHEREAS**, Utah Code Section 17C-4-201 authorizes Syracuse City Corporation to express its participation through an interlocal agreement; and

**WHEREAS**, Syracuse City Corporation hereby expresses its interest in authorizing the execution of an interlocal agreement between the Agency and Syracuse City Corporation (the “Agreement”), related to the Project; and

**WHEREAS**, the Syracuse City Council finds that execution of the Agreement and the commencement of the Project will be in the best interests of Syracuse City and will provide opportunities for growth and development, job creation, and economic prosperity;

**NOW, THEREFORE, BE IT RESOLVED BY THE SYRACUSE CITY COUNCIL AS FOLLOWS:**

**Section 1. Approval and Authorization.** The attached Agreement is approved by the Council, and the Mayor is authorized to execute the Agreement.

**Section 2. Severability.** If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

**Section 3. Effective Date.** This effective date of the Agreement shall be the soonest date after all applicable provisions of the Utah Interlocal Cooperation Act have been satisfied in order to trigger the effective date of the Agreement.

**PASSED AND ADOPTED BY THE SYRACUSE CITY COUNCIL, SYRACUSE CITY, STATE OF UTAH,  
THIS 13<sup>TH</sup> DAY OF AUGUST, 2024.**

**SYRACUSE CITY CORPORATION:**

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Dave Maughan, Mayor

**ATTEST:**

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Cassie Z. Brown, City Recorder

Voting by the Board:	AYE	NAY
Councilmember Carver	_____	_____
Councilmember Cragun	_____	_____
Councilmember Robertson	_____	_____
Councilmember Savage	_____	_____
Councilmember Watson	_____	_____

**INTERLOCAL AGREEMENT BETWEEN THE SYRACUSE CITY REDEVELOPMENT AGENCY  
AND SYRACUSE CITY CORPORATION  
FOR THE SYRACUSE WDC GATEWAY COMMUNITY REINVESTMENT PROJECT AREA**

**INTERLOCAL AGREEMENT** dated as of the 13th day of August, 2024, by and between the SYRACUSE CITY REDEVELOPMENT AGENCY, a political subdivision of the State of Utah (the “Agency”), and SYRACUSE CITY CORPORATION (the “Taxing Entity”). The Agency and the Taxing Entity shall be referred to individually as a “Party” and collectively as the “Parties.”

**WHEREAS**, the Agency was created pursuant to the provisions of, and continues to operate under, the Limited Purpose Local Government Entities – Community Reinvestment Agency Act, Title 17C of the Utah Code and its predecessor statutes (“the Act”), and is authorized thereunder to conduct urban renewal, economic development, community development, and community reinvestment activities within Syracuse City, Utah, as contemplated by the Act; and

**WHEREAS**, the Agency created the Syracuse WDC Gateway Community Reinvestment Project Area (the “Project Area”) and adopted a community reinvestment project area plan and project area budget for the Project Area (the “Project Area Documents”) on August 13, 2024, which are incorporated herein by this reference, which include the legal description and a map of the Project Area, pursuant to which the Agency desires to encourage, promote and provide for desirable commercial and mixed-use development and related public infrastructure (together, the “Project”) in and around the Project Area; and

**WHEREAS**, the Taxing Entity and the Agency have determined that it is in the best interests of the Taxing Entity to provide certain financial assistance using Tax Increment (as defined below) in connection with the development of the Project as set forth in the Project Area Documents; and

**WHEREAS**, the Agency anticipates providing a portion of the tax increment (as defined in Utah Code Annotated (“UCA”) § 17C-1-102(60) (hereinafter “Tax Increment”)) created by the Project to assist in the development and completion of the Project as provided in the Project Area Documents; and

**WHEREAS**, UCA § 17C-5-204(3) authorizes the Taxing Entity to consent to the payment to the Agency of all or a portion of the Taxing Entity’s share of Tax Increment generated from the Project Area for the purposes set forth therein; and

**WHEREAS**, UCA § 11-13-215 further authorizes the Taxing Entity to share its tax and other revenues with the Agency; and

**WHEREAS**, to facilitate development of the Project, the Taxing Entity desires to pay to the Agency a portion of the Taxing Entity’s share of Tax Increment generated by development within the Project Area in accordance with the terms of this Agreement; and



**WHEREAS**, the provisions of applicable Utah State law shall govern this Agreement, including the Act and the Interlocal Cooperation Act, Title 11, Chapter 13 of the UCA, as amended (the “Cooperation Act”).

**THEREFORE**, in consideration of the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

**1. Taxing Entity's Consent.**

a. Pursuant to Section 17C-5-204(4) of the Act and Section 11-13-215 of the Cooperation Act, the Taxing Entity hereby agrees and consents that the Agency shall be paid fifty percent (50%) of the Taxing Entity’s share of the Tax Increment from the Project Area (the “Taxing Entity’s Share”) for up to 25 consecutive years. The Agency may begin collecting increment, or “trigger” the collection of Tax Increment, upon written notice to the Taxing Entity and to Davis County. Regardless of the date for which the Agency begins collecting Tax Increment under this Agreement, the Agency shall not collect Tax Increment for any period beyond December 31, 2051. The date that the Agency begins collecting Tax Increment under this Agreement shall be on January 1 of the particular year. For the sake of illustration only, this subsection requires that the Agency begin collecting Tax Increment no later than January 1, 2027 to receive the full 25 years of Tax Increment contemplated by this Agreement.

b. The Taxing Entity’s Share shall be used for the purposes set forth in the Act as reflected herein and in the Project Area Documents and shall be disbursed as specified herein. The calculation of annual Tax Increment shall be made using (a) the Taxing Entity’s tax levy rate during the year for which Tax Increment is to be paid and (b) the base year value for purposes of calculating Tax Increment shall be \$505,358.00, which taxable value is subject to adjustment as required by law.

c. All centrally assessed property existing within the Project Area as of the date of this Agreement, if any, shall be excluded from the calculation of Tax Increment under this Agreement. However, any new centrally assessed property constructed within the Project Area in connection with the Project shall be considered as new incremental value for purposes of calculating Tax Increment pursuant to this Agreement. Davis County is hereby authorized to make such calculations and estimates as may be reasonably necessary to accomplish such treatment as described in this subsection.

d. The Taxing Entity hereby authorizes and directs Davis County to pay directly to the Agency the Taxing Entity’s Share in accordance with UCA § 17C-5-206 for the period described herein.

e. Of the amounts received by the Agency, the Agency may retain ten percent (10%) of the total Taxing Entity’s Share each year to be used as described in UCA § 17C-5-307(3). The

foregoing sentence notwithstanding, the Agency, at its sole discretion, may choose to not make the allocation described in UCA § 17C-5-307(3) if the conditions described in UCA § 17C-5-307(4) are met. The Taxing Entity hereby agrees and consents to the Agency not making the allocation as described in UCA § 17C-5-307(4)(a) and therefore shall not object to said allocation.

**2. Authorized Uses of Tax Increment.** The Parties agree that the Agency may apply the Taxing Entity's Share to the payment of any of the components of the Project as described herein and contemplated in the Project Area Documents, including but not limited to the cost and maintenance of public infrastructure and other improvements located within the Project Area, incentives to developers or participants within the project area, administrative, overhead, legal, and other operating expenses of the Agency, and any other purposes deemed appropriate by the Agency, all as authorized by the Act.

**3. Return of Tax Increment to the Taxing Entity.** If the Agency, in its sole discretion, is unable to utilize the full amount of the Taxing Entity's Share for the uses authorized in Section 2, above, then the Agency shall return to the Taxing Entity that portion of that Taxing Entity's Share that the Agency is unable to utilize.

**4. Consent to Project Area Budget.** As required by UCA § 17C-5-304, the Taxing Entity consents to the Project Area Budget adopted by the Agency for the Project Area.

**5. No Third-Party Beneficiary.** Nothing in this Agreement shall create or be read or interpreted to create any rights in or obligations in favor of any person or entity not a party to this Agreement. Except for the parties to this Agreement, no person or entity is an intended third-party beneficiary under this Agreement.

**6. Due Diligence.** Each of the Parties acknowledges for itself that it has performed its own review, investigation, and due diligence regarding the relevant facts upon which this Agreement is based, including representations of the Agency concerning the Project and the Project's benefits to the community and to the Parties, and each Party relies upon its own understanding of the relevant law and facts, information, and representations, after having completed its own due diligence and investigation.

**7. Future Amendment to Project Area.** If deemed appropriate by the Agency, the Agency may amend the Project Area Plan to match the boundaries of the Project Area as closely as possible to the actual footprint of the Project as eventually built. The Taxing Entity agrees that this Agreement shall remain effective for the Project Area, as may be amended, so long as such future amendment does not include any areas outside of the original boundaries of the Project Area.

**8. Interlocal Cooperation Act.** In satisfaction of the requirements of the Cooperation Act in connection with this Agreement, the Parties agree as follows:

- a. This Agreement shall be authorized and adopted by resolution of the legislative body of each Party pursuant to and in accordance with the provisions of Section 11-13-202.5 of the Cooperation Act.
- b. This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party pursuant to and in accordance with the Section 11-13-202.5(3) of the Cooperation Act.
- c. A copy of this executed Agreement shall be filed immediately with the keeper of records of each Party pursuant to Section 11-13-209 of the Cooperation Act.
- d. The Chair of the Agency is hereby designated the administrator for all purposes of the Cooperation Act.
- e. No separate legal entity is created by the terms of this Agreement and no facility, improvement, or other asset shall be jointly owned, jointly acquired, or jointly operated by the Parties to this Agreement.
- f. The term of this Agreement shall commence on the publication of the notice described in Section 17C-5-205 of the Act and Section 11-13-219 of the Cooperation Act and shall continue through the date that is 180 days after the date on which the final payment as contemplated herein has been paid to the Agency. Notwithstanding any provision in this Agreement to the contrary, this Agreement shall automatically terminate on December 31, 2052.
- g. Following the execution of this Agreement by all Parties, the Agency shall cause a notice regarding this Agreement to be published on behalf of all parties in accordance with Section 11-13-219 of the Cooperation Act and Section 17C-5-205 of the Act.

**9. Modification and Amendment.** Any modification of or amendment to any provision contained herein shall be effective only if the modification or amendment is in writing and signed by all Parties. Any oral representation or modification concerning this Agreement shall be of no force or effect.

**10. Further Assurance.** Each of the Parties hereto agrees to cooperate in good faith with the others, to execute and deliver such further documents, to adopt any resolutions, to take any other official action, and to perform such other acts as may be reasonably necessary or appropriate to consummate and carry into effect the transactions contemplated under this Agreement. Further, in the event of any question regarding the calculation or payment of amounts contemplated hereunder, the Parties shall cooperate in good faith to resolve such issue.

**11. Entire Agreement.** This Agreement constitutes the entire agreement between the Parties hereto pertaining to the subject matter hereof and the final, complete, and exclusive

expression of the terms and conditions thereof. All prior agreements, representations, negotiations, and understandings, whether oral or written and whether express or implied, of the Parties hereto are hereby superseded and merged herein.

**12. Governing Law.** This Agreement shall be governed by, and construed and interpreted in accordance with, the laws of the State of Utah.

**13. Interpretation.** The terms “include,” “includes,” “including” when used herein shall be deemed in each case to be followed by the words “without limitation.”

**14. Severability.** If any provision of this Agreement is held to be invalid or unenforceable by any court of competent jurisdiction or because of future legislative action, and if the rights or obligations of any Party hereto under this Agreement will not be materially and adversely affected thereby:

- a. such holding or action shall be strictly construed;
- b. such provision shall be fully severable;
- c. this Agreement shall be construed and enforced as if such provision had never comprised a part hereof;
- d. the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by the invalid or unenforceable provision or by its severance from this Agreement; and
- e. in lieu of such illegal, invalid, or unenforceable provision, the Parties hereto shall use commercially reasonable efforts to negotiate in good faith a substitute, legal, valid, and enforceable provision that most nearly effects the Parties' intent in entering into this Agreement.

**15. Assignment.** No Party may assign any rights, duties, or obligations under this Agreement without the prior written consent of all Parties hereto.

**16. Authorization.** Each of the Parties hereto represents and warrants to the other that the warranting Party has taken all steps, including the publication of public notice where necessary, to authorize the execution, delivery, and performance of this Agreement by each such Party.

**17. Time of the Essence.** Time is of the essence in the performance of this Agreement.

**18. Incorporation of Recitals.** The recitals set forth above are hereby incorporated by reference as part of this Agreement.

**19. Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement. This Agreement may be executed by electronic signature, which shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature. Without limitation, “electronic signature” shall include faxed versions of an original signature or electronically scanned and transmitted versions (e.g., via pdf) of an original signature.

**20. Incorporation of Exhibits.** Any exhibits to this Agreement are hereby incorporated by reference as part of this Agreement.

**SYRACUSE CITY REDEVELOPMENT AGENCY:**

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Dave Maughan, Chair

**ATTEST:**

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Cassie Z. Brown, Secretary

**ATTORNEY REVIEW:**

I have reviewed the foregoing Interlocal Agreement and find it to be in proper form and in compliance with applicable state law.

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Colin Winchester, Agency Legal Counsel

**SYRACUSE CITY CORPORATION:**

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Dave Maughan, Mayor

**ATTEST:**

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Cassie Z. Brown, City Recorder

**ATTORNEY REVIEW:**

I have reviewed the foregoing Interlocal Agreement and find it to be in proper form and in compliance with applicable state law.

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Colin Winchester, City Attorney