

**REDEVELOPMENT AGENCY OF TAYLORSVILLE  
BOARD MEETING  
AGENDA ITEM SUMMARY**

**MEETING DATE:** September 18, 2013

**AGENDA ITEM:** Resolution No. RDA 13-03 "RESOLUTION OF THE REDEVELOPMENT AGENCY OF TAYLORSVILLE CITY ADOPTING THE CENTER POINT COMMUNITY DEVELOPMENT PROJECT AREA PLAN DATED SEPTEMBER 2013"

**PRESENTER:** Donald Adams

**ISSUE SUMMARY:** Adoption of the "Center Point" Community Development Project Area (CDA) Draft Plan is necessary to begin the process which will lead to the adoption of a CDA project area.

Once formed, the CDA project area will allow for the use of property tax increment (as negotiated with individual tax entities) and sales tax increment to help fund revitalization of our most critical retail shopping area.

**STAFF RECOMMENDATION:** Adopt Resolution No. RDA 13-03

**CITY ATTORNEY** (Approved as to form) - Yes

**RECOMMENDED MOTION:** I move to adopt Resolution No. No. RDA 13-03 "RESOLUTION OF THE REDEVELOPMENT AGENCY OF TAYLORSVILLE CITY ADOPTING THE CENTER POINT COMMUNITY DEVELOPMENT PROJECT AREA PLAN DATED SEPTEMBER 2013"

**ACTION REQUIRED:** Adopt Resolution No. RDA 13-03

**ATTACHMENTS:** Yes

- Resolution No. RDA 13-03
- Draft Center Point CDA Plan

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**RESOLUTION OF THE REDEVELOPMENT AGENCY OF  
TAYLORSVILLE CITY ADOPTING THE CENTER POINT COMMUNITY  
DEVELOPMENT PROJECT AREA PLAN DATED SEPTEMBER 2013**

WHEREAS, the Redevelopment Agency of Taylorsville City (the "Agency") was created to transact the business and exercise the powers provided for in the former Utah Redevelopment Agencies Act, the current Utah Community Development and Renewal Agencies Act and any successor law or act (the "Act"); and

WHEREAS, the City of Taylorsville has a planning commission and has adopted a general plan pursuant to applicable law; and

WHEREAS, the Agency by Resolution has authorized the preparation of a draft project area plan as provided in Section 17C-4-101, Utah Code Annotated 1953, as amended; and

WHEREAS, pursuant to Section 17C-4-103 the Agency has (a) prepared a draft of the Center Point Community Development Project Area Plan (the "Project Area Plan" or "Plan") for the Center Point Community Development Project Area and (b) made the draft Project Area Plan available to the public at the Agency's offices during normal business hours; and

WHEREAS, the Agency has provided notice of the Plan hearing as provided in Sections 17C-4-302, 401 and 402; and

WHEREAS, the Agency has held a public hearing on the draft Project Area Plan and at that Plan hearing (a) allowed public comment on the draft Project Area Plan and on whether the draft Project Area Plan should be revised, approved or rejected, and (b) received all written and heard all oral objections to the draft Project Area Plan; and

WHEREAS, after holding the Plan hearing the Agency considered the oral and written objections to the draft Project Area Plan, and whether to revise, approve or reject the draft Project Area Plan; and

WHEREAS, less than one year has passed since the date of the Plan hearing.

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Agency of Taylorsville City:

Section 1. Adoption of Project Area Plan. It has become necessary and desirable to adopt the Project Area Plan entitled, "Center Point Community Development Project Area Plan," dated September 2013. The Project Area Plan is hereby designated as the official Project Area Plan for the Center Point Community Development Project Area. The Agency hereby officially adopts the Project Area Plan by Resolution and shall submit the Project Area Plan, together with a copy of this Resolution, to the City Council of the City of Taylorsville requesting that the Project Area Plan be adopted by ordinance of the legislative body of the City in accordance with the provisions of the Act.

Section 2. Legal Description of the Project Area Boundaries. The legal description of the boundaries of the Center Point Community Development Project Area (the "Project Area") covered by the Project Area Plan is as follows, to-wit:

A part of Section 15 and South Half of Section 10, Township 2 South, Range 1 West, Salt Lake Base and Meridian, U.S. Survey.

Beginning at a point located South  $0^{\circ}11'57''$  West 69.12 feet from the Center of Section 15, Township 2 South, Range 1 West; thence South  $89^{\circ}56'13''$  West 53.02 feet to the northerly right of way of I-215; thence 5 courses along said northerly right of way as follows: (1) South  $84^{\circ}06'22''$  West 873.30 feet to a 1045.92 radius curve; (2) along said curve 294.56 feet to the right delta equals  $16^{\circ}08'09''$  long cord bears North  $87^{\circ}48'51''$  West 293.58 feet; (3) North  $78^{\circ}56'06''$  West 30.56 feet; (4) North  $76^{\circ}43'15''$  West 375.70 feet; and (5) North  $67^{\circ}15'40''$  West 138.90 feet to the southwest corner of Parcel 2115151031; thence along the westerly boundary of said Parcel two courses as follows: North  $89^{\circ}56'25''$  East 40.82 feet and North  $0^{\circ}03'09''$  West 148.20 feet to the southwest corner of Parcel 211515103; thence along the westerly and northerly sides of said Parcel two courses as follows: North  $0^{\circ}02'55''$  West 281.79 feet and North  $89^{\circ}56'30''$  East 191.63 feet to the Northwest corner of Parcel 211517602; thence North  $89^{\circ}56'23''$  East 285.63 feet to the Northeast corner of Parcel 2115176013, said point also being on the westerly property line of Parcel 2115176014; thence along the westerly property lines of Parcels 2115176014, 211517602, and 211517601 North  $0^{\circ}02'52''$  West 337.50 feet; thence South  $89^{\circ}57'05''$  West 9.77 feet to the west right of way of 1900 West Street; thence North  $0^{\circ}02'59''$  West 477.12 feet along said west right of way; thence South  $89^{\circ}56'22''$  West 82.94 feet to the southwest corner of Parcel 2115127004; thence North  $0^{\circ}04'28''$  West 1351.11 feet along the westerly property line of parcels 2115127004, 2115127003, 2115127002, and 2115127001 to the northwest corner of Parcel 2115127001 and the south right of way of 5400 South Street; thence along the northerly side of parcel 2115127001 North  $89^{\circ}48'56''$  East 63.42 feet; thence North  $0^{\circ}15'20''$  West 105.92 feet to the north right of way of 5400 South Street and the southwest corner of Parcel 2110379013; thence along the west and north sides of said parcel North  $0^{\circ}13'19''$  West 611.96 feet and North  $89^{\circ}57'05''$  East 1211.30 feet to the west right of way of Redwood Road; thence North  $89^{\circ}57'05''$  East 53.18 feet to the westerly side of Parcel 2110451004; thence six courses along said westerly property line as follows: (1) South  $0^{\circ}01'16''$  East 257.71 feet, (2) North  $89^{\circ}00'57''$  East 53.00 feet, (3) South  $0^{\circ}03'00''$  East 275.00 feet to a 25 foot radius curve to the left, (4) Along said curve 2.94 feet, delta equals  $6^{\circ}44'17''$  Long Cord bears South  $3^{\circ}25'08''$  East 2.94 feet, (5) North  $89^{\circ}43'32''$  East 18.62 feet, and (6) South  $31^{\circ}05'15''$  East 25.85 feet to the northerly right of way of 5400 South Street; thence four courses along said northerly right of way as follows: (1) North  $89^{\circ}53'30''$  East 264.90 feet to a 11544.20 foot radius curve to the right, (2) Along said curve 631.32 feet Delta equals  $3^{\circ}08'00''$  and Long Chord bears South  $88^{\circ}32'30''$  East 631.24 feet, (3) South  $86^{\circ}58'30''$  East 181.10 feet, and (4) South  $87^{\circ}13'58''$  East 205.54 feet; thence South  $2^{\circ}30'33''$  West 198.56 feet to the Northwest corner of Crosspointe Condominiums Part 1- Phase 2 said point also being on the easterly right of way of 1500 West Street; thence South 388.00 feet along the east right of way of 1500 West Street to the Southwest corner of said Crosspointe Condominiums Part 1- Phase 2; thence South  $0^{\circ}00'11''$  West 92.84 feet to the northwesterly corner of Homes at Crosspointe Phase 1 Subdivision, said point also being on the east right of way of 1500 West Street; thence South 347.57 feet to the Southwest corner of Homes at Crosspointe Phase 1 Subdivision; thence South  $6^{\circ}31'47''$  West 97.96 feet to the Northwest corner of Crosspointe Subdivision Phase 1, said point also being on the east right of way of 1500 West Street; thence three courses along said right of way to the Southwest corner of Crosspointe Subdivision Phase 1 as follows: (1) South 449.69 feet to a 869.97 foot radius curve to

the left, (2) along said curve 152.96 feet delta equals 10°04'26" Long Chord bears South 5°02'09" East 152.76 feet to a 929.38 foot radius curve to the right, and (3) along said curve 47.22 feet delta equals 2°54'39" East Long Chord bears South 8°37'02" East 47.21 feet to the Northwest corner of Parcel 2115276009 also along said right of way; thence two courses along said westerly property line and easterly right of way line as follows: southerly along a 930.34 foot radius curve to the right 114.41 feet delta equals 7°02'46" Long Chord bears South 3°38'20" East 114.34 feet and South 0°06'57" East 85.25 feet; thence South 89°53'03" West 56.70 feet to the Southeast corner of Parcel 211525204; thence two courses along said parcel as follows: North 89°51'45" West 477.16 feet and South 0°08'30" West 349.04 feet to the northeast corner of Parcel 2115251016; thence South 0°08'36" West 425.00 feet to the northerly right of way of I-215; thence seven courses along said right of way as follows: (1) North 54°09'30" West 54.92 feet, (2) North 47°34'26" West 50.00 feet, (3) North 57°56'00" West 139.03 feet to 805.44 foot radius curve to the left, (4) Along said curve 301.70 feet Delta equals 21°27'43" and Long Chord bears North 58°18'19" West 299.94 feet to the Southeast corner of Parcel 2115251021, (5) North 71°36'25" West 74.03 feet, (6) North 18°56'34" West 2.28 feet to the southeast corner of Parcel 2115251019; and (7) North 77°57'30" West 276.42 feet to the southwest corner of Parcel 2115251019; thence South 0°03'47" East 425.20 feet; and thence South 89°56'13" West 53.32 feet to the point of beginning. Contains 7,820,125.25 square feet or 179.525 Acres.

A map of the Center Point Community Development Project Area is attached and incorporated herein as Exhibit "A."

Section 3. Agency's Purposes and Intent. The Agency's purposes and intent with respect to the Project Area are to accomplish the following:

- A. Promote and market the Project Area for redevelopment that will enhance the economic health of the community through diversification of the City's commercial tax base;
- B. Assist in the expansion, rehabilitation, or re-construction of buildings if sound long-term economic activity can be maintained or increased thereby;
- C. Encourage development and redevelopment through the assembly of land into appropriately sized and shaped parcels for expanded economic activity;
- D. Recruit new anchor tenants;
- E. Develop a "restaurant park" concept;
- F. Align economic development activities with transportation improvements;
- G. Identify required infrastructure improvements and cost estimates;
- H. Provide an attractive location at the City's main commercial district;
- I. Provide attractive and functional utilities and other infrastructure to attract and encourage expanded business activity;
- J. Provide attractive and functional buildings, streetscapes, parking areas and landscaping to attract and encourage expanded business activity;
- K. Coordinate and improve the transportation system improvements within the Project Area, including road improvements, access management, pedestrian/bicycle amenities, and potential mass transit services.

Section 4. Project Area Plan Incorporated by Reference. The Project Area Plan, together with any supporting documents, are incorporated herein by reference, and made a part of this Resolution. Copies of the Project Area Plan shall be filed and maintained in the office of the Agency and the City Recorder for public inspection.

Section 5. Agency Board Findings. The Agency Board hereby determines and finds as follows:

The adoption of the Project Area Plan will:

A. Satisfy a public purpose by, among other things, encouraging and accomplishing appropriate development and economic development within the Project Area;

B. Provide a public benefit, as shown by the benefit analysis included in the Project Area Plan as required pursuant to Subsection 17C-4-103(11) of the Act;

C. Be economically sound and feasible; it is expected that the private sector will perform required construction and installation relating to projects, and any related funding from the Agency will be pursuant to interlocal agreements entered into between the Agency and one or more taxing entities and/or by way of grants received by the Agency;

D. Conform to the City of Taylorsville's general plan; also the Plan provides that all development in the Project Area is to be in accordance with the City's zoning ordinances and requirements;

E. Promote the public peace, health, safety and welfare of the City of Taylorsville.

Section 6. Acquisition of Property. Pursuant to this Project Area Plan the Agency may acquire (but is not required to acquire) property in the Project Area by negotiation, gift, devise, exchange, purchase, or other lawful method, but not by **eminent domain (condemnation)** except from an Agency board member or officer with their consent. Pursuant to this Project Area Plan the Agency is authorized to acquire (but is not required to acquire) any other interest in real property in the Project Area less than fee title such as leasehold interests, easements, rights of way, etc. by negotiation, gift, devise, exchange, purchase or other lawful method, but not by **eminent domain (condemnation)** except from an Agency board member or officer with their consent.

Section 7. Financing.

A. Subject to any limitations required by currently existing law (unless a limitation is subsequently eliminated), this Resolution hereby specifically incorporates all of the provisions of the Act that authorize or permit the Agency to receive funding for the Project Area and that authorize the various uses of such funding by the Agency, and to the extent greater (or more beneficial to the Agency) authorization for receipt of funding by the Agency or use thereof by the Agency is provided by any amendment of the Act or by any successor provision, law or act, those are also specifically incorporated herein. It is the intent of this Resolution that the Agency shall have the broadest authorization and permission for receipt of and use of sales tax, property tax increment and other funding as is authorized by law, whether by existing or amended provisions of law. This Resolution also incorporates the specific provisions relating to funding of community development project areas permitted by Title 17C, Chapter 4, Part 2, Utah Code

Annotated, 1953, as amended, which provides in part as follows:

**“17C-4-201. Consent of a taxing entity or public entity to an agency receiving tax increment or sales tax funds for community development project.** (1) An agency may negotiate with a taxing entity and public entity for the taxing entity's or public entity's consent to the agency receiving the entity's or public entity's tax increment or sales tax revenues, or both, for the purpose of providing funds to carry out a proposed or adopted community development project area plan.

(2) The consent of a taxing entity or public entity under Subsection (1) may be expressed in:

(a) a resolution adopted by the taxing entity or public entity; or

(b) an interlocal agreement, under Title 11, Chapter 13, Interlocal Cooperation Act, between the taxing entity or public entity and the agency.

(3) Before an agency may use tax increment or sales tax revenues collected under a resolution or interlocal agreement adopted for the purpose of providing funds to carry out a proposed or adopted community development project area plan, the agency shall:

(a) obtain a written certification, signed by an attorney licensed to practice law in this state, stating that the agency and the taxing entity have each followed all legal requirements relating to the adoption of the resolution or interlocal agreement, respectively; and

(b) provide a signed copy of the certification described in Subsection (3)(a) to the appropriate taxing entity.

(4) A resolution adopted or interlocal agreement entered under Subsection (2) on or after March 30, 2009 shall specify:

(a) if the resolution or interlocal agreement provides for the agency to be paid tax increment:

(i) the method of calculating the amount of the taxing entity's tax increment from the project area that will be paid to the agency, including the agreed base year and agreed base taxable value;

(ii) the number of tax years that the agency will be paid the taxing entity's tax increment from the project area; and

(iii) the percentage of the taxing entity's tax increment or maximum cumulative dollar amount of the taxing entity's tax increment that the agency will be paid; and

(b) if the resolution or interlocal agreement provides for the agency to be paid a public entity's sales tax revenue:

(i) the method of calculating the amount of the public entity's sales tax revenue that the agency will be paid;

(ii) the number of tax years that the agency will be paid the sales tax revenue; and

(iii) the percentage of sales tax revenue or the maximum cumulative dollar amount of sales tax revenue that the agency will be paid.

(5) (a) Unless the taxing entity otherwise agrees, an agency may not be paid a taxing entity's tax increment:

(i) that exceeds the percentage or maximum cumulative dollar amount of tax increment specified in the resolution or interlocal agreement under Subsection (2); or

(ii) for more tax years than specified in the resolution or interlocal agreement under Subsection (2).

(b) Unless the public entity otherwise agrees, an agency may not be paid a public entity's sales tax revenue:

(i) that exceeds the percentage or maximum cumulative dollar amount of sales tax revenue specified in the resolution or interlocal agreement under Subsection (2); or

(ii) for more tax years than specified in the resolution or interlocal agreement under Subsection (2).

(6) A school district may consent to an agency receiving tax increment from the school district's basic levy only to the extent that the school district also consents to the agency receiving tax increment from the school district's local levy.

(7) (a) A resolution or interlocal agreement under this section may be amended from time to time.

(b) Each amendment of a resolution or interlocal agreement shall be subject to and receive the benefits of the provisions of this part to the same extent as if the amendment were an original resolution or interlocal agreement.

(8) A taxing entity's or public entity's consent to an agency receiving funds under this section is not subject to the requirements of Section 10-8-2.

(9) (a) For purposes of this Subsection (9), "successor taxing entity" means any taxing entity that:

(i) is created after the date of adoption of a resolution or execution of an interlocal agreement under this section; and

(ii) levies a tax on any parcel of property located within the project area that is the subject of the resolution or the interlocal agreement described in Subsection (9)(a)(i).

(b) A resolution or interlocal agreement executed by a taxing entity under this section may be enforced by or against any successor taxing entity."

B. Except for grants, the particulars as to the amount and duration of funding for the Project Area shall be as provided for in the funding resolutions or interlocal agreements of taxing entities and public agencies, unless another method is provided by law that the Agency deems more beneficial to the Agency.

Section 8. This Resolution shall take effect immediately upon adoption, and pursuant to the provisions of the Act, the Project Area Plan shall become effective upon adoption by Ordinance of the legislative body of the City of Taylorsville.

IN WITNESS WHEREOF, the Redevelopment Agency of Taylorsville City has approved, passed and adopted this Resolution this 16<sup>th</sup> day of October 2013.

ATTEST:

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Dama Barbour, Chairperson

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Cheryl Peacock Cottle, Secretary

EXHIBIT "A"

MAP OF CENTER POINT COMMUNITY DEVELOPMENT PROJECT AREA

