CITY OF LOGAN
ORDINANCE NO. 2000-20

AN ORDINANCE ADJUSTING THE MUNICIPAL BOUNDARIES OF THE CITY OF LOGAN

WHEREAS, the Municipal Council of the City of Logan finds that it is in the best interest of Logan to adjust the boundary between the City of Logan and the City of North Logan; and,

WHEREAS, the boundary adjustment as set forth below will not materially injure the public in general or any person;

NOW THEREFORE, BE IT ORDAINED BY THE LOGAN MUNICIPAL COUNCIL, AS FOLLOWS:

SECTION 1: Pursuant to Section 10-2-419, Utah Code Annotated, the following boundary line adjustment is declared:

That property identified as part of that parcel identified by tax ID number 04-085-0018, and comprising 4.28 acres, and legally described as:

Beginning at a point on the Southwest Corner of Lot 8, Block 8, Plat "D", LOGAN FARM SURVEY; and running thence South 02°11'04" West along the East line of Lot 2 of aforementioned survey 177.44 feet; thence North 89°21'36" West, 203.64 feet; thence South 00°38'24" West, 53.69 feet; thence North 89°21'36" West, 113.63 feet, thence South 00°38'24" West, 100.97 feet to a point on the South line of the North half of Lot 2, Block 8 of said Plat "D", LOGAN FARM SURVEY as established by a survey done by A. A. Hudson and Associates, being certified by Alexander A. Hudson on November 9, 1998; thence along said South line for the following two (2) courses: North 88°16'25" West, 254.20 feet; thence North 87°53'18" West, 121.57 feet to a point which is 0.29 feet South and 0.01 feet East of a 5/8 in. rebar and aluminum cap from the aforementioned A. A. Hudson survey; thence North 01°18'31" East, 344.64 feet to a point on an existing 5/8 in. rebar and aluminum cap from the aforementioned A. A. Hudson survey; thence South 87°39'54" East 694.02 feet through a 5/8 in. rebar and aluminum cap from the A. D. Hudson and Associates survey to the Southwest Corner of Lot 8, Block 8, Plat "D", LOGAN FARM SURVEY and the point of beginning said bar and cap being North 87°39'54" East, 35.00 feet from the aforementioned Southwest Corner of Lot 8, will be relinquished from the City of Logan jurisdiction and will be transferred to the jurisdictional authority of the City of North Logan.

That property identified by tax ID number 04-62-0055, comprising 3.59 acres, and legally described as:

Beginning 340 feet North of Southwest Corner of Lot 34, Section 16, T12N, R1E, thence North 261 feet to Northwest Corner of Lot 34, thence East 513 feet, thence South 261 feet to a point East of the beginning, thence West 513 feet to beginning, comprising 3.59 acres,
will be accepted for jurisdiction by the City of Logan from the City of North Logan.

That property identified by tax ID number 04-062-0034, comprising 8.50 acres, and legally described as:
All that part of Lot 40 lying East of a line beginning 10 chains West of the Southeast Corner of said lot North 1*20'East to North Line of said lot 40, Section 16, T12N, R1E comprising 8.5 acres,
will be accepted for jurisdiction by the City of Logan from the City of North Logan.

That property identified by tax ID number 04-080-0007, comprising 3.25 acres, and legally described as:
The South 3.25 acres of Lot 2, Block 17, Plat “D” of the LOGAN FARM SURVEY, Section 21, T12N, R1E
will be accepted for jurisdiction by the City of Logan from the City of North Logan.

That property identified by tax ID number 04-080-0009, comprising 5.00 acres, and legally described as:
West ½ of Lot 5, Block 12, Plat “D”, LOGAN FARM SURVEY, Section 21, T12N, R1E,
will be accepted for jurisdiction by the City of Logan from the City of North Logan.

That property identified by tax ID number 04-080-0010, comprising 5.00 acres, and legally described as:
The East ½ of Lot 5, Block 12, Plat “D” LOGAN FARM SURVEY, Section 21, T12N, R1E,
will be accepted for jurisdiction by the City of Logan from the City of North Logan.

SECTION 2: Effective Date. This ordinance shall take effect immediately upon publication and passage of a similar appropriate ordinance by the City of North Logan.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS 17th DAY OF MAY, 2000.

AYES: Borg, Kerr, Pearce, Allred
NAYS: None
ABSENT: S. Thompson

Alan D. Allred, Acting Chairman

ATTEST:
Lois Price, City Recorder
PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the 25th day of May, 2000.

Alan D. Allred, Acting Chairman

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 26th day of May, 2000.

Douglas B. Thompson, Mayor
City of Logan
Public Works Department

Staff Report
On

Boundary Line Adjustment with North Logan

March 6, 2000

Background

In October 1999, Wal-Mart Corporation contacted the cities of Logan and North Logan with the proposition to expand the Wal-Mart store in North Logan. The total expansion would nearly double the floor space in the store. The intent of Wal-Mart was to make the North Logan store a superstore, with a greatly expanded product line, including groceries. To make the store work, Wal-Mart required additional parking on the south side of the store. The additional parking area was required to meet Wal-Mart standards for parking. The parking already exceeded both City of Logan and North Logan City standards.

Wal-Mart entered into negotiations with Jack Nixon, who owned a 4.28 acre parcel immediately to the south of Wal-Mart, to acquire the property for the parking lot expansion. Wal-Mart has secured an option on the Nixon property, pending an agreement by both City Councils on jurisdictional authority and tax distribution for the Wal-Mart expansion. The property Jack Nixon owns was originally intended to be developed as a commercial and professional office complex known as Renaissance Village, Phase II. This development had already been planned and approval obtained from the Logan Planning Commission.

While Wal-Mart and Jack Nixon were negotiating on the land acquisition, the Mayor and Public Works Director of Logan met with the Mayor and City Administrator of North Logan to work out an agreement to address the jurisdictional questions that the Wal-Mart expansion raised. Among these questions were who would provide various municipal services, such as police and fire protection, how to provide water and sewer services, electric power, how to allocate property tax adjustments and sales tax revenue allocations. It became apparent in the first meeting that three options to address these concerns were apparent.

The first option explored was to merge the two cities and create a single city. While there was sufficient discussion on this option, it was not deemed feasible by North Logan, since the prospect was they would be dissolved as a city and lose their identity.

The second option was to divide the sales tax revenue between the two cities. The means to do this were discussed, and no resolution could be found. Dividing the sales tax revenue based on proportional land area was dismissed as not a feasible alternative because of the disproportionate services that were being provided by North Logan. Essentially, with the addition of the 4.28 acres, nearly 20 percent of the land area occupied by Wal-Mart would be in Logan, but none of the structures or store area, only parking. North Logan objected to any split of sales tax revenue because of those type concerns.

The third option was to find an equitable land exchange, or boundary line adjustment, that would afford each city the opportunity to improve its financial basis as a result of this store expansion. The City of Logan-Public-Works Director and the North Logan City Administrator were tasked with developing this agreement for a boundary line adjustment.
To determine a "value for value" adjustment, both negotiators agreed early on to share confidential tax revenue information pertinent to the properties involved. We investigated the existing sales tax revenue and property tax revenue for all properties along the boundary between North Logan and Logan.

Besides the tax revenue that pertained to each parcel under consideration, we also investigated the existing utilities support infrastructure, safety concerns, system expansion concerns, and the transportation infrastructure and anticipated improvements as currently being planned by the CMPO and each city.

Based on the above premises, it became apparent that the City of Logan required land that had significant potential for commercial development in order to recover the lost revenue and opportunity costs represented by the Wal-Mart expansion. The City of Logan position was to maximize the future potential gains while North Logan would recognize much more immediate current gains. Those two points were the premise for all negotiations. Other points pertinent to the negotiations were the amount of property taxes, based on assessed values, would be approximately equal. Any land "swapped" should improve the ragged boundary line between the two cities to help make definition of the boundary easier and to help with emergency response. The land swap should make sense with regard to providing roads and utilities to the area. The analysis should, if possible, take into account the time value of money.

The financial analysis and conclusions are shown in Tab 1. Several assumptions were made in the analysis. For example, the properties to be transferred to Logan were assumed to have a build-out in five to 10 years. The potential sales tax revenue possible on properties not fronting Main Street was assumed to be 30 percent of the revenue possible from properties fronting Main Street. The time value of money was assumed to be 6 percent.

Proposed Actions and Rationale

1 The municipal boundary be adjusted to allow North Logan to have sole jurisdictional authority over the entire Wal-Mart owned land area, to include the 4.28 acre parking lot to the south of the existing facility. The City of Logan will retain an easement for power lines, and for storm water to cross the property. Storm water from the existing Renaissance Village Phase I development will be piped or drained to the Wal-Mart retention basins and will be managed by North Logan. The proposed boundary adjustment will include the west half of 200 East street.

Discussions with Jack Nixon showed that the property proposed for the Wal-Mart parking lot, if developed into the originally planned Renaissance Village Phase II, would not have produced the full potential sales tax revenue. The maximum sales tax revenue anticipated from the Phase II development was $40,000 per year. That number was used in our analysis shown in Tab 1.

However, Jack reports that the Phase I development is being rented more as professional offices that do not generate sales tax. The expectation for Phase II was more of the same, since the location is not fully conducive to retail sales type operations. So, to do nothing with the Wal-Mart expansion and let the land develop as originally planned by Jack Nixon would not have yielded a high return in sales tax revenue.

2 The municipal boundary be adjusted to allow Logan to have sole jurisdictional authority over 3.59 acres fronting Main Street at approximately 2350 North Main Street. This property is identified by Tax ID 04-062-0053 and is owned by Darrell Anderson Construction Company. The City of Logan will acquire from North Logan any installed infrastructure now servicing this property.

3 The municipal boundary be adjusted to allow Logan to have sole jurisdictional authority over 11.75 acres fronting 200 West and 2200 North. This property is identified by Tax ID 04-062-0034 and 04-080-0007 and is owned by Merlin and Elna King.

4 The municipal boundary be adjusted to allow Logan to have sole jurisdictional authority over 10.00 acres fronting 200 West and 2200 North. This property is identified by Tax ID 04-080-0009 and 04-080-0010 and is owned by Andrews L C Corp. and Don and Elizabeth Andrews, respectively.
The properties to the west of main street to be included in Logan City have several potential advantages for Logan. First is the opportunity for Main Street development. The proposal will allow all of the land area from 2200 North to 2500 North, on the west side of Main Street, except for the approximately 10 acre corner where the Cinefour and Wingers businesses are located, to become part of Logan. This will allow for a large commercial development to be built in that area someday. It will also provide the necessary anchor for extension of City of Logan utilities infrastructure into that area to service businesses in the area. Currently, the area is serviced by utilities from North Logan. Also, inclusion of this area in Logan will allow the 200 West road to be developed and provide Logan all of the frontage along that road. The CMPO transportation plan projects 200 West as being developed into a through road to Smithfield.

An interesting side note to the land area analysis is that by acquiring the proposed land into the City of Logan, it effectively blocks further “big box” development by North Logan along the frontage to Main Street from approximately 2100 North to about 2300 North. The property depth will be limited by municipal jurisdiction, just as is now the case with Wal-Mart. This gives leverage to Logan to control what is put along Main Street in this area, even though North Logan retains frontage.

North Logan will do all in its power to secure the necessary right of way to straighten 200 West street at approximately 1900 North. Logan will develop the 200 West right of way, to include curb and gutter on the east side of the street, when the right of way is secured and granted to the City of Logan.

This action was required to address the significant traffic safety hazard that exists as 200 West has to jog to the west. The City of Logan wants to correct that safety hazard for its citizens.

Logan and North Logan will renegotiate the sewer treatment agreement between the two cities, according to the new sewer agreement template of Logan. The existing sewer agreement has expired, and a new agreement is desired to share risks and costs.

Tab 2 is a highlighted map that identifies those properties proposed to be transferred to jurisdictional control of each municipality.

**Recommended Course of Action**

Boundary adjustments between two municipalities having common boundaries is governed by section 10-2-419 of the Utah Municipal Code. To make the proposed boundary adjustment, each City must adopt a resolution of intent, hold a public hearing, and adopt an ordinance adopting the new boundaries. Landowners may protest. The full text of the law is provided at Tab 3.

Recommend the City of Logan Council adopt a resolution accepting the proposed boundary adjustments at their next Council meeting. Recommended wording for the resolution is included as Tab 4.

Following the resolution, Public Works will advertise and contact all of the affected property owners for a public hearing. Recommend the public hearing be held in conjunction with a regularly scheduled meeting of the City Council.

After the public hearing, recommend the Council adopt an ordinance changing the city boundary. Proposed wording for the ordinance is included as Tab 5.
PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE

On this 28th day of May, 2000, personally appeared before me, Jean Wilmare, who being first duly sworn, deposes and says that she is the chief clerk of the Cache Valley Publishing Co., publishers of The Herald Journal, a daily newspaper published in Logan, City, Cache County, Utah, and that the advertisement

LEGAL NOTICE

A copy of which is hereto attached, was published in said newspaper for One (1) issue, commencing May 28, 2000, and ending May 28, 2000.

Signed

Subscribed and sworn to before me, the day and year above written.

Signed


Notary Public

LEGAL NOTICE

SUMMARIES of ordinances adopted by the Logan Municipal Council are as follows:

1. ORD. 00-24. An ordinance amending the Zoning Map of Logan City was passed May 17, 2000, adopting Amendment No. 227 rezoning 6.66 acres at 1140 North 320 West, owned by Wes Johnson, and identified as Tax ID Nos. 05-041-0030m 0031 from the Multi-Family Medium (MFM) zone to the Multi-Family Medium Planned Development (MFM-PD) combining zone.

2. ORD. 00-87. On May 17, 2000, the Logan Municipal Council adopted an ordinance adjusting the Municipal Boundaries of the City of North Logan in accordance with State law, as follows:

The property identified as Tax ID 04-080-0007, comprising 3.25 acres, will be accepted for jurisdiction by the City of Logan from the City of North Logan.

The property identified as Tax ID 04-080-0010, comprising 5.00 acres, will be accepted for jurisdiction by the City of Logan from the City of North Logan.

The property identified as Tax ID 04-080-0034, comprising 6.50 acres, will be accepted for jurisdiction by the City of Logan from the City of North Logan.
(Civil)

PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE

On this 8th day of May 2000, A.D., personally appeared before me Jean Willmore, who being first duly sworn, deposes and says that she is the chief clerk of the Cache Valley Publishing Co., publishers of The Herald Journal, a daily newspaper published in Logan, City, Cache County Utah, and that the advertisement

CORRECTED PUBLIC NOTICE NOTICE OF PUBLIC HEARING FOR PROPOSAL OF A BOUNDARY ADJUSTMENT BETWEEN THE CITY OF LOGAN AND THE CITY OF NORTH LOGAN

a copy of which is hereto attached, was published in said newspaper for Five (5) issues

commencing March 20, 2000 and ending May 8, 2000

Signed

Subscribed and sworn to before me, the day and year above written.

Signed


CORRECTED PUBLIC NOTICE NOTICE OF PUBLIC HEARING FOR PURPOSES OF A BOUNDARY ADJUSTMENT BETWEEN THE CITY OF LOGAN AND THE CITY OF NORTH LOGAN

The Municipal Council of the City of Logan and the Municipal Council of the City of North Logan have each adopted resolutions indicating their intent to adjust the boundary that two municipalities have in common.

In accordance with Section 10-2-419 of the Utah Municipal Code, the Logan Municipal Council will hold a public hearing to consider the following boundary adjustments:

That property identified as part of that parcel identified by tax ID number 04-085-0018, and comprising 4.28 acres, and legally described as:

Beginning at a point on the Southwest Corner of Lot 8, Block 8, Plat "D", Logan Farm Survey, and running thence South 02'11"04' West along the East line of Lot 2 of the afore mentioned survey 177.44 feet; thence North 69'21"36' West, 203.64 feet; thence South 00'30"24' West 53.69 feet; thence North 00'30"24' West 113.63 feet, thence South 00'30"24' West 100.97 feet to a point on the South line of the

being relinquished from City of Logan jurisdiction and will be transferred to the jurisdictional authority of the City of North Logan.

That property identified by tax ID number 04-52-0055, comprising 3.59 acres, and legally described as:

Beginning 340 feet North of the Southwest Corner of Lot 34, Section 16, Township 12 North, Range 1 E, thence North 281 feet to the Northwest Corner of lot 34, thence East 513 feet, thence South 281 feet to a point East of the beginning thence West 513 feet to Beginning, comprising 3.59 acres, will be accepted for jurisdiction by the City of Logan from the City of North Logan.

That property identified by tax ID number 04-062-0034, comprising 8.50 acres, and legally described as:

All that part of Lot 40 lying East of a line beginning 10 Chains West of the Southeast Corner of said lot to North 120' East to North Line of said lot 40 Section 16 Township 12 North, Range 1E comprising 8.5 acres, will be accepted for jurisdiction by the City of Logan from the City of North Logan.

That property identified by tax ID number 04-080-0007, comprising 3.25 acres, and legally described as:
The property identified

113.63 feet, thence

by tax ID number 04-

South 00' 38'24" West, 080-0007, comprising

100.97 feet to a point 3.25 acres, and legally

on the South line of the

described

as:

North half of Lot 2, The South 3.25 acres

Block 8 of

said

Plat

"D",

Lot 2, Block

17,

Plat

LOGAN FARM SURVEY

"D"

of the LOGAN

as

established

by a sur-

vey done by

A.A.

Hud-

son and Associates, North. Range 1E,

being certified by Alex-

ander A. Hudson on ris-

diction by the City of

November 9, 1998; Logan from the City of

thence along said North Logan.

South line for the fol-

lowing

two

(2) courses: by tax ID number 04-

North

88'16"25" West, 080-0009, comprising

254.20 feet; thence 5.00 acres, and legally

North

87'53'18" West, described as:

121.57 feet to a point West 1/2 of Lot 5,

which is 0.28 feet East of a 5/8 in. rebar

and aluminum cap from ship 12 North, Range

the afore mentioned

A.A. Hudson survey; will be accepted for ju-

thence North

01'18'31"

East, 344.02 Logan from the City of

South and 0.01 feet -

LOGAN FARM SUR-

VEY, Section 21, Town-

ship 12 North, Range 1E,

the Municipal Council

may adopt an ordi-

nance adjusting the

common boundary un-

less, at or before the

public hearing, written

protests to the adjust-

ment have been filed

with the City Recorder

by the owners of pri-

vate real prop-

erty that:

(a) is located within the

area proposed for ad-

justment;

(b) covers at least 25% of the total private land

area within the area

proposed for ad-

justment; and

(c) is equal in value to

at least 5% of the

property within the

area proposed for ad-

justment.

The written protest

must be filed with the

City of Logan Recorder,

255 N. Main, Logan,

Utah 84321 no later

than 6:15 p.m. on May

17, 2000. Written pro-

tests may also be pre-

sented to the Ci-

ty Council during the pub-

dic hearing.

The public hearing will

be held on Wed-

nesday, May

17, 2000, not

before 6:15 p.m. in the

Council Chambers at

255 North Main Street,

Logan, Utah.

Lois Price

Logan City Recorder