CITY OF LOGAN, UTAH
ORDINANCE NO. 05-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOGAN, STATE OF UTAH, ADOPTING THE AMENDMENT TO REDEVELOPMENT PLAN ENTITLED "AMENDMENT TO SOUTH MAIN REDEVELOPMENT PROJECT AREA PLAN, FINAL AMENDMENT TO PROJECT AREA PLAN, ORIGINAL PLAN ADOPTED NOVEMBER 7, 1991, THIS AMENDMENT DATED JANUARY 25, 2005, THIS AMENDMENT ADOPTED MARCH 1, 2005" (the "Amendment to Redevelopment Plan")

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

SECTION 1. This Ordinance pertaining to the Amendment to Redevelopment Plan for the South Main Redevelopment Project Area is hereby enacted to read as follows:

AMENDMENT TO SOUTH MAIN REDEVELOPMENT PROJECT AREA PLAN

Sections:

1. Adoption of Amendment to Redevelopment Plan.
2. Amended Project Area Boundaries.
3. Purposes of Amendment to Redevelopment Plan.
4. Amendment to Redevelopment Plan Incorporated by Reference.
5. Findings.
6. Acquisition of Property.
7. Tax Increment Financing.
8. Effective Date.

Section 1. Adoption of Amendment to Redevelopment Plan. The Redevelopment Agency of the City of Logan (the "Agency") has adopted the Amendment to Redevelopment Plan entitled "Amendment To South Main Redevelopment Project Area Plan, Final Amendment To Project Area Plan, Original Plan Adopted November 7, 1991, This Amendment Dated January 25, 2005, This Amendment Adopted March 1, 2005" (the "Amendment to Redevelopment Plan"). The Amendment to Redevelopment Plan is hereby designated as the official amendment to redevelopment plan of the Amended Project Area. The City, after review of the Agency's findings, as set forth herein, hereby adopts by Ordinance the Amendment to Redevelopment Plan pursuant to Section 17B-4-408 of the Utah Redevelopment Agencies Act.

Section 2. Legal Description of the Amended Project Area Boundaries. The legal description of the boundaries of the Expansion Area and the Amended South Main Redevelopment Project Area (the "Amended Project Area") covered by the Amendment to Redevelopment Plan are as follows, to-wit:
The Expansion Area is enclosed within the following boundaries:

Beginning at a point located in the Northeast Quarter of the Southeast Quarter of Section 4, Township 11N, R1E, said point being situated on the North Bank of the Logan River and the intersection of the east ROW line of HWY 89/91, said point being the Southwest corner of parcel number 02-054-0025 of the Southwest corner of Lot 3, Block 1, Plat "D" LOGAN CITY SURVEY, thence Northeast along said North Bank of the Logan River to a point in the Northeast corner of parcel number 02-054-0001, thence Northeast along the North Bank of the Logan River 55 feet +/-, thence East to the South Bank of the Logan River to a point located in the Northeast corner of parcel number 02-063-0020, thence south 339 feet +/-, following the East line of parcel 02-063-0020 to a point in the Southwest corner of parcel number 02-013-0014, thence East along the South line of said parcel to the Southeast corner of said parcel number 02-013-0014, thence North along the East line of said parcel to a point in the Northwest corner of parcel number 02-026-0016, thence East along the North line of said parcel to a point in the Northeast corner of said parcel number 02-026-0016, thence south along the East line of said parcel to a point in the Southeast corner of parcel number 02-026-0016, thence East 422 feet +/- along the South line of parcel number 02-026-0002 to a point located in the Southeast corner of said parcel and the West ROW of Summerwild Avenue, thence S 45°47'43" W along the West ROW of Summerwild Avenue 133 feet +/-, thence S 7°13'46" W 17 feet +/- to a point in the Northeast corner of parcel number 02-026-0008, thence West 224 feet +/-, thence S30°49'17" E 95 feet +/-, thence East 166 feet +/- to a point in the Southwest corner of parcel number 02-026-0008 and the West ROW of Summerwild Avenue, thence Southwest along the West ROW of Summerwild Avenue to a point in the intersection of said West ROW and the North ROW of 700 S Street, said point being the Southeast corner of parcel number 02-026-0009, thence West along the North ROW of 700 S Street to a point in the Southwest corner of parcel number 02-026-0009, thence South 119 feet +/- to a point along the East line of parcel number 02-026-0020, thence S 81°25'58" E 97 feet +/-, thence S 26°21'23" W 55 feet +/-, thence S 1°10'34" E 65 feet +/-, thence S 29°16'53" W 61 feet +/-, thence S 69°37'42" W 164 +/-, thence S 83°23'21" W 76 feet +/-, thence N 40°37'8" W 88 feet +/-, thence S 54°51'23" W 52 feet +/- to a point at the Northeast corner of parcel 02-139-0007, thence S 21°47'02" W 69.96 ft, thence S 03°00'30" W 29.59 ft, thence S 13°21'56" E 33.31 ft, said point being the Southeast corner of the Birch Wood Subdivision, thence South along the East line of parcel 02-065-0011 to the Southeast corner of said parcel, thence South along the east line of parcel 02-065-0015 to the Southeast corner of said parcel, thence continuing South along the east line of parcel 02-065-0016 to the
Southeast corner of said parcel 02-065-0016, thence South along the east line of parcel 02-065-0037 to the Southeast corner of parcel 02-065-0037, said point being on the North ROW of East Golf Course Road, thence South to the Northeast corner of parcel 02-086-0014, said point being on the South ROW of East Golf Course Road, thence South along the east line of parcel 02-086-0014 to a point in the Northeast corner of parcel 02-065-0021, thence South along the east line of parcel 02-065-0021 to a point in the Southeast corner of parcel number 02-086-0016 and the North ROW of 1200 S Street, thence West along said ROW to a point in the Southwest corner of parcel number 02-086-0016, thence continuing West along North ROW of 1200 S Street to a point at the Southwest corner of parcel 02-088-0021, thence West across HWY 165 to a point at the Southeast corner of parcel 02-088-0027, thence South to a point in the Southwest corner of the intersection of 1200 S ST and Highway 165, said point being the intersection of the South ROW line of 1200 S ST and the West ROW line of Highway 165, thence South along West ROW of HWY 165 235 ft +/- to the extended South line of parcel 02-088-0012, thence West along South line of said parcel 211 ft +/- to the Southeast corner of parcel 02-088-0024, thence West along South line of said parcel 192 ft +/- to the Southwest corner of parcel 02-088-0024, thence South along East line of parcel 02-088-0011 61 ft +/- to the Southeast corner of said parcel, thence West along South line of said parcel 74 ft +/- to the Southwest corner of parcel 02-088-0011, thence North along West line of said parcel 192 ft +/- to the extended South line of parcel 02-088-0009, thence West 151 ft +/- along South line of said parcel to the Southwest corner of parcel 02-088-0009, thence West 2 ft +/-, thence South 128 ft +/- to the Southwest corner of parcel 02-088-0008, thence West along the South line of parcel 02-088-0008 82 ft +/- to the Southwest corner of said parcel, thence West 82 ft +/- along South line of parcel 02-088-0007 to the Southeast corner of parcel 02-088-0006, thence S 0°47’53” W 195 ft along East line of parcel 02-087-0011, thence S 83°26’17” W 268.31 ft, thence N 47°43’40” W 307.11 ft to a point at the intersection of the East ROW of LeGrande St and the Westernmost point of parcel 02-087-0011, thence Northwesterly across LeGrande St 108 ft +/- to the Southeast corner of parcel 02-087-0015, thence West along South line of said parcel 198.6 ft to the Southeast corner of parcel 02-087-0010, thence West along South line of said parcel 340.12 ft +/- to the Southeast corner of parcel 02-087-0003, thence West along South line of said parcel 121.73 +/- to the Easternmost point of parcel 02-084-0017, thence South along the East line of said parcel 170 ft +/- to the Southeast corner of said parcel, thence West 315 ft +/- to the East ROW of US HWY 89/91, thence West across US HWY 89/91 163 ft +/- to the West ROW of US HWY 89/91, thence continuing Northerly
along said West ROW 440 ft +/-, thence East across US HWY 89/91 to a point at the intersection of the Northwest corner of parcel 02-087-0003 and the South ROW line of 1200 S St, thence East along said ROW line 265 ft +/- to the Northeast corner of parcel 02-087-0015, thence East to a point in the Southeast corner of the intersection of 1200 S ST and LeGrande ST, said point being the intersection of the South ROW line of 1200 S ST and the East ROW line of LeGrande STS, thence to the Northeast corner of said intersection, said point being the intersection of the North ROW line of 1200 S ST and the East ROW line of LeGrande STS, thence Northeast to the Southwest corner of parcel 02-088-0001, thence West 100 ft +/- to the West ROW of LeGrande ST, said point being the Southeast corner of parcel 02-085-0013, thence Southwesterly along the South line of said parcel to the Southwest corner of parcel 02-085-0013, thence North along West line of said parcel to the Northwest corner of parcel 02-085-0013, thence East to the Northwest corner of parcel 02-085-0014, thence South along West line of said parcel to the Southwest corner of parcel 02-085-0014, thence East along the North line of parcel 02-085-0013 to the West ROW of LeGrande ST, said point being the Southeast corner of parcel 02-086-0018, thence East 80 ft +/- to the East ROW line of LeGrande ST, thence Northeast 775 feet +/- along the East ROW line of LeGrande ST to the extended South line of parcel number 02-086-0002, thence N 72*30'43" W 54 feet +/- to a point in the West ROW line of LeGrande ST and the South line of parcel number 02-086-0002, thence N 71*26'43" W 302 feet +/- along said South parcel line, thence N 24*3'49" E 151 Feet +/- along said parcel line to the Southeast corner of parcel 02-086-0004, thence N 73*46'47" W 229 feet +/- along South line of parcel 02-086-0004 to the East ROW line of Highway 89/91, said point being the Southwest corner of parcel 02-086-0004, thence Northeast along the East ROW line of Highway 89/91 to the Northwest corner of parcel 02-065-0008, thence N 14*33'56" E 295 ft +/- to a point in the East ROW of Highway 89/91, thence North 1330 ft +/- along the East ROW line of Highway 89/91 (becoming Main ST) to the intersection of the North bank of the Logan River and the East ROW of Highway 89/91, thence East 25 ft +/- to the Southwest corner of parcel 02-054-0025, said point being the POB.

Less the following three areas:

Area 1
Beginning N 0*28'49" E 496.67 FT & S 89*58'18" W 524.52 FT from SE corner of SEC 4 T 11N R 1E and thence 114 FT along ST HWY 165 on curve to right to true POB, thence along HWY in 4 courses: 115.75 FT along arc of curve to right, S 0*28'49" W 55.98 FT, thence N 89*58'18" E 10 FT, thence S 0*28'49" W 71.24 FT, thence S 89*46'22" W 284.24 FT, thence N 1*27'09" W 107.36 FT to E line of US HWY 89-91 thence N 23*51'09" E 60.2 FT along HWY, thence N 21*28'59" E 85.39 FT along HWY thence N 89*25'39" E 219.46 FT to
true POB. 1.47 AC.

Area 2
Commencing at the northeast corner of lot 6, block 34, plat "A", Providence Farm Survey and thence North 00°14’12” East along the east line of said lot 7, 832.83 feet; Thence West, 120 feet; Thence North 44°55’10” West, 42.31 feet; Thence West, 170.65 feet to the true point of beginning; Thence South 00°29’49” West, 265.72 feet; Thence south 04°42’20” West, 61.32; Thence South 00°28’49” West, 77.84, Thence South 37°12’18” West 36.41 feet; Thence following Northeasterly along North side of East Golf Course Road to East ROW line of State Road 165, Thence North along East ROW of State Road 165 to the Southwest corner of parcel 02-065-0016, Thence South 88°33’33” East, 156.86 feet, Thence North 72°56’52” East, 66.88 feet, Thence North 23°22’26” East 28.78 feet, Thence East, 35.99 feet to POB.

Area 3
Beginning at the intersection of the East ROW of State Road 165 and the South ROW of East Golf Course Road, and continuing South along the East ROW of State Road 165 to a point at the Southwest corner of Lot 1 of the Logan Crossroads Phase I Commercial Subdivision. Thence, S 88°51’05” East 164.05 feet, thence North 01°08’20” East 67 feet, thence South 88°51’05” East 100 feet, thence, North 01°08’20 East 50 feet, thence South 88°51’05” East 59.5 feet to South ROW of East Golf Course Road, thence continuing Northwesterly along South ROW of said road to POB.

The Amended Project Area, which includes both the Original Project Area and the Expansion Area, is described as follows:

Beginning at a point located in the Northeast Quarter of the Southeast Quarter of Section 4, Township11N, R1E, said point being situated on the North Bank of the Logan River and the intersection of the east ROW line of HWY 89/91, said point being the Southwest corner of parcel number 02-054-0025 of the Southwest corner of Lot 3, Block 1, Plat "D" LOGAN CITY SURVEY, thence Northeast along said North Bank of the Logan River to a point in the Northeast corner of parcel number 02-054-0001, thence Northeast along the North Bank of the Logan River 55 feet +/-, thence East to the South Bank of the Logan River to a point located in the Northeast corner of parcel number 02-063-0020, thence south 339 feet +/-, following the East line of parcel 02-063-0020 to a point in the Southwest corner of parcel number 02-013-0014, thence East along the South line of said parcel to the Southeast corner of said parcel number 02-013-0014, thence North along the East line of said parcel to a point in the Northwest corner of parcel number 02-026-0016, thence East along the North line of said parcel to a point in the Northeast corner of said
parcel number 02-026-0016, thence south along the East line of said parcel number to a point in the Southeast corner of parcel number 02-026-0016, thence East 422 feet +/- along the South line of parcel number 02-026-0002 to a point located in the Southeast corner of said parcel and the West ROW of Summerwild Avenue, thence S 45°47'43" W along the West ROW of Summerwild Avenue 133 feet +/-, thence S 7°13'46" W 17 feet +/- to a point in the Northeast corner of parcel number 02-026-0008, thence West 224 feet +/-, thence S30°49'17" E 95 feet +/-, thence East 166 feet +/- to a point in the Southeast corner of parcel number 02-026-0008 and the West ROW of Summerwild Avenue, thence Southwest along the West ROW of Summerwild Avenue to a point in the intersection of said West ROW and the North ROW of 700 S Street, said point being the Southeast corner of parcel number 02-026-0009, thence West along the North ROW of 700 S Street to a point in the Southwest corner of parcel number 02-026-0009, thence South 119 feet +/- to a point along the East line of parcel number 02-026-0020, thence S 81°25'58" E 97 feet +/-, thence S 26°21'23" W 55 feet +/-, thence S 1°10'34" E 65 feet +/-, thence S 29°16'53" W 61 feet +/-, thence S 69°37'42" W 164 +/-, thence S 83°23'21" W 76 feet +/-, thence N 40°37'8" W 88 feet +/-, thence S 54°51'23" W 52 feet +/- to a point at the Northeast corner of parcel 02-139-0007, thence S 21°47'02" W 69.96 ft, thence S 03°00'30" W 29.59 ft, thence S 13°21'56" E 33.31 ft, said point being the Southeast corner of the Birch Wood Subdivision, thence South along the East line of parcel 02-065-0011 to the Southeast corner of said parcel, thence South along the east line of parcel 02-065-0015 to the Southeast corner of said parcel, thence continuing South along the east line of parcel 02-065-0016 to the Southeast corner of said parcel 02-065-0016, thence South along the east line of parcel 02-065-0037 to the Southeast corner of parcel 02-065-0037, said point being on the North ROW of East Golf Course Road, thence South to the Northeast corner of parcel 02-086-0014, said point being on the South ROW of East Golf Course Road, thence South along the east line of parcel 02-086-0014 to a point in the Northeast corner of parcel 02-065-0021, thence South along the east line of parcel 02-065-0021 to a point in the Northeast corner of parcel 02-086-0015, thence South along the East line of parcel 02-086-0015 to a point in the Northeast corner of parcel 02-086-0016, thence South to a point in the Southeast corner of parcel number 02-086-0016 and the North ROW of 1200 S Street, thence West along said ROW to a point in the Southwest corner of parcel number 02-086-0016, thence continuing West along North ROW of 1200 S Street to a point at the Southwest corner of parcel 02-088-0021, thence West across HWY 165 to a point at the Southeast corner of parcel 02-088-0027, thence South to a point in the Southwest corner of the intersection of 1200 S ST and Highway 165, said point being the intersection of the South ROW line of 1200 S ST and the West ROW line of Highway 165, thence South along West ROW of HWY 165 235 ft +/- to the extended
South line of parcel 02-088-0012, thence West along South line of said parcel 211 ft +/- to the Southeast corner of parcel 02-088-0024, thence West along South line of said parcel 192 ft +/- to the Southwest corner of parcel 02-088-0024, thence South along East line of parcel 02-088-0011 61 ft +/- to the Southeast corner of said parcel, thence West along South line of said parcel 74 ft +/- to the Southwest corner of parcel 02-088-0011, thence North along West line of said parcel 192 ft +/- to the extended South line of parcel 02-088-0009, thence West 151 ft +/- along South line of said parcel to the Southwest corner of parcel 02-088-0009, thence West 2 ft +/-, thence South 128 ft +/- to the Southeast corner of parcel 02-088-0008, thence West along the South line of parcel 02-088-0008 82 ft +/- to the Southwest corner of said parcel, thence West 82 ft +/- along South line of parcel 02-088-0007 to the Southeast corner of parcel 02-088-0006, thence S 0*47'53" W 195 ft along East line of parcel 02-087-0011, thence S 83*26'17" W 268.31 ft, thence N 47*43'40" W 307.11 ft to a point at the intersection of the East ROW of LeGrande St and the Westernmost point of parcel 02-087-0011, thence Northwesterly across LeGrande St 108 ft +/- to the Southeast corner of parcel 02-087-0015, thence West along South line of said parcel 198.6 ft to the Southeast corner of parcel 02-087-0010, thence West along South line of said parcel 340.12 ft +/- to the Southeast corner of parcel 02-087-0003, thence West along South line of said parcel 121.73 +/- to the Easternmost point of parcel 02-084-0017, thence South along the East line of said parcel 170 ft +/- to the Southeast corner of said parcel, thence West 315 ft +/- to the East ROW of US HWY 89/91, thence West across US HWY 89/91 163 ft +/- to the West ROW of US HWY 89/91, thence continuing Northerly along said West ROW 1320 ft +/- to a point at the Southernmost tip of parcel 02-085-0020, thence N 49*16'44" W 300 ft., thence N 0*59'06" W 590 ft., more or less, to the South line of Lot 13, Block 3, said plat and survey; thence West along said South line of Lot 13, 260 ft. to the Southeast corner of Lot 6 said block and plat; thence West along the South line of said Lot 6 and extended south line 1280 ft., more or less, to the West line of 500 West Street, thence North along said West line 990 ft. to a point on the extended North line of 800 South Street; thence East along said North line 930 ft.; thence South 33 ft. to the South line of 800 South Street; thence South along the East line of parcel no. 02-058-0047 129.45 ft., more or less, to the existing water/irrigation corridor; thence Southwesterly along said corridor the following distances 17.58 ft.; thence 40 ft., thence 160 ft., thence 90 ft. to the South line of parcel no. 02-058-0040; thence East along the South line of said parcel 660 ft., more or less, to the east line of 300 West, said point also in the south line of Willow Park Subdivision #2; thence N 89*02'E 115.90', thence N 0*52'E 222.06', thence S 88*46' E 170.65', thence N 1*14' W 750', thence East 247.13', more or less, to the east line of 200 West Street, thence South along said east line
80 ft., thence Easterly 128.45', thence S 89°05'41" E 497.12 ft., more or less, to the west and north bank of Logan River, thence northeasterly along said north bank of Logan River 1420 feet, more or less to a point located in the Southeast Quarter of Section 4, T11N, R1E, said point situated on the North Bank of Logan River and the East ROW of US Highway 89/91 (Main Street) at 600 South, thence East 25 ft +/- to the Southwest corner of parcel 02-054-0025, said point being the POB.

Less the following three areas:

Area 1
Beginning N 0°28'49" E 496.67 FT & S 89°58'18" W 524.52 FT from SE corner of SEC 4 T 11N R 1E and thence 114 FT along ST HWY 165 on curve to right to true POB, thence along HWY in 4 courses: 115.75 FT along arc of curve to right, S 0°28'49" W 55.98 FT, thence N 89°58'18" E 10 FT, thence S 0°28'49" W 71.24 FT, thence S 89°46'22" W 284.24 FT, thence N 1°27'09" W 107.36 FT to E line of US HWY 89-91 thence N 23°51'09" E 60.2 FT along HWY, thence N 21°28'59" E 85.39 FT along HWY thence N 89°25'39" E 219.46 FT to true POB. 1.47 AC.

Area 2
Commencing at the northeast corner of lot 6, block 34, plat “A”, Providence Farm Survey and thence North 00°14'12" East along the east line of said lot 7, 832.83 feet; Thence West, 120 feet; Thence North 44°55'10" West, 42.31 feet; Thence West, 170.65 feet to the true point of beginning; Thence South 00°29'49" West, 265.72 feet; Thence south 04°42'20" West, 61.32 feet; Thence South 00°28'49" West, 77.84 feet, Thence South 37°12'18" West 36.41 feet; Thence following Northeasterly along North side of East Golf Course Road to East ROW line of State Road 165, Thence North along East ROW of State Road 165 to the Southwest corner of parcel 02-065-0016, Thence South 88°33'33" East, 156.86 feet, Thence North 72°56'52" East, 66.88 feet, Thence North 23°22'26" East 28.78 feet, Thence East, 35.99 feet to POB.

Area 3
Beginning at the intersection of the East ROW of State Road 165 and the South ROW of East Golf Course Road, and continuing South along the East ROW of State Road 165 to a point at the Southwest corner of Lot 1 of the Logan Crossroads Phase I Commercial Subdivision. Thence, S 88°51'05" East 164.05 feet, thence North 01°08'20" East 67 feet, thence South 88°51'05" East 100 feet, thence, North 01°08'20 East 50 feet, thence South 88°51'05" East 59.5 feet to South ROW of East Golf Course Road, thence continuing Northwesterly along South ROW of said road to POB.
Section 3. Purposes of Amendment to Redevelopment Plan. The purposes and intent of the City Council of the City of Logan with respect to the Amended Project Area are to accomplish the following purposes by adoption of the Amendment to Redevelopment Plan:

1. Removal of structurally substandard buildings or improvements to permit the return of the Expansion Area land to economic use and new construction.

2. Removal of impediments to land disposition and development through assembly of land into reasonably sized and shaped parcels served by improved public utilities, infrastructure improvements and new community facilities.

3. Rehabilitation of buildings if sound long-term economic activity can be assured thereby.

4. The elimination of environmental deficiencies, including: irregular lot subdivision, improper drainage, weeds and excessive vegetation, overcrowding of the land, potential environmental hazards, and underutilized land.

5. Achievement of an environment reflecting a high level of concern for architectural, landscape and urban design principles, developed through encouragement, guidance, appropriate controls, and professional assistance to owner participants and developers.

6. Promote and market the Expansion Area for development or redevelopment that would be complimentary to existing businesses and industries or would enhance the economic base of the community through diversification.

7. Provide utilities, streets, curbs, sidewalks, parking areas, street trees and site landscaping to give the area a new look and to attract business activity.

8. Provide for the strengthening of the tax base and economic health of the entire community and the State of Utah.

9. Provide improved public streets and access management to the area to facilitate better traffic circulation and reduce traffic hazards by assisting in the street alignments and the implementation of City institutional controls and regulations to ensure management of any contaminated materials. The Agency shall work with the City to recommend ways to improve traffic circulation within and abutting the Expansion Area.

10. Provide for compatible relationships among land uses and quality standards for development, such that the area functions as a unified and viable center of social and economic activity for the City.

11. Promote more walking and less driving through new development areas which allow greater opportunity to walk within the Redevelopment area. Provide improved pedestrian circulation systems to allow greater pedestrian access from surrounding residential area.
12. Coordinate and improve the public transportation system, including streets and public transit services.


Section 4. Amendment to Redevelopment Plan Incorporated by Reference. The Amendment to Redevelopment Plan, together with supporting documents, is incorporated herein by this reference and made a part of this Ordinance. Copies of the Amendment to Redevelopment Plan shall be filed and maintained in the office of the City Recorder and the Redevelopment Agency for public inspection.

Section 5. Findings. The Redevelopment Agency has determined and found as follows:

A. There is a need to effectuate a public purpose, and implementation of the Amendment to Redevelopment Plan would accomplish the public purposes set forth in the Act, including but not limited to the elimination of blight, blight factors and blighting influences within the Amended Project Area.

B. There is a public benefit which would accrue through the adoption and implementation of the Amendment to Redevelopment Plan.

C. It is economically sound and feasible to adopt and carry out the Amendment to Redevelopment Plan.

D. The Amendment to Redevelopment Plan conforms to the City of Logan's general plan.

E. The Amendment to Redevelopment Plan would develop the Amended Project Area in conformity with the Act, and carrying out the Amendment to Redevelopment Plan will promote the public peace, health, safety and welfare of the City of Logan.

F. The use of eminent domain is or may be necessary to the execution of the Amendment to Redevelopment Plan.

G. Adequate provisions have been made for just compensation for property acquired by eminent domain. Property will not be acquired by the Agency by eminent domain unless the Agency has the funds or sources of funds from which to pay just compensation for such property.

H. The Agency has a feasible method or plan for the relocation of families and persons displaced by the Agency from the Amended Project Area, if any. The Agency will not displace families and persons from the Project Area by its use of eminent domain or its actual threat of use of eminent domain against a property owner, without providing for the relocation assistance required by law.

I. Comparable dwellings exist or will be provided to the families and persons displaced
by the Amendment to Redevelopment Plan. As used in this Subsection I, "comparable dwellings" means residential housing facilities that are: (i) within the Amended Project Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities; (ii) at rents or prices within the financial means of the families and persons displaced from the Amended Project Area; and (iii) decent, safe, and sanitary and equal in number and available to displaced families and persons and reasonably accessible to their places of employment.

J. The Agency Board is satisfied that permanent housing facilities will be available within three years from the time occupants of the Amended Project Area are displaced by the Agency, if any, and that pending the development of these housing facilities, there will be available to the displaced occupants, if any, adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement.

K. The Agency Board previously made and adopted its findings of blight entitled "Resolution Of The Board Of Directors Of The Redevelopment Agency Of The City Of Logan, Pursuant To U.C.A. Sections 17B-4-601(4)(B) And 17B-4-604, Making A Finding Of Blight Regarding The Proposed South Main Redevelopment Project Area Expansion Area, As Amended" finding and determining, among other things, that the Expansion Area is a blighted area pursuant to the provisions of the Act because of the following factors:

1. Defective character of physical construction.

2. Mixed character and shifting of uses, resulting in obsolescence, deterioration, or dilapidation.

3. Economic deterioration or continued disuse.

4. Lots of irregular shape or inadequate size for proper usefulness and development, or laying out of lots in disregard of the contours and other physical characteristics of the ground and surrounding conditions.

5. Inadequate sanitation or public facilities which may include, streets, open spaces, and utilities.

6. Areas that are subject to being submerged by water.

The date of the Agency Board's finding of blight is January 4, 2005.

Section 6. Acquisition of Property. The condemnation of real property is provided for in the Amendment to Redevelopment Plan. The Agency may acquire real property within the Expansion Area by the use of the power of eminent domain. In addition the Agency may acquire property in the Amended Project Area by negotiation, gift, devise, exchange, purchase, or other lawful method. The Agency is authorized to acquire other interest in real property in the Amended Project Area less than fee title such as leasehold interests, easements, rights of way, etc. by negotiation, gift, devise,
Section 7. Tax Increment Financing.

A. Subject to any limitations required by currently existing law (unless a limitation is subsequently eliminated), the Amendment to Redevelopment Plan and this Ordinance hereby specifically incorporate all of the provisions of the Act that authorize or permit the Agency to receive tax increment from the Amended Project Area and that authorize the various uses of such tax increment by the Agency in and outside of the Amended Project Area, and to the extent greater authorization for receipt of tax increment by the Agency or use thereof by the Agency is provided by any amendment of the Act or by any successor provision, law or act, those are also specifically incorporated herein. It is the intent of this Ordinance and the Amendment to Redevelopment Plan that the Agency shall have the broadest authorization and permission for receipt of and use of tax increment from the Amended Project Area as is authorized by law, whether by existing or amended provisions of law. As to the Amended Project Area, this Ordinance and the Amendment to Redevelopment Plan also incorporate the specific provisions of tax increment financing permitted by Sections 17B-4-1001 and 1003 of the Act, which provide, in part, as follows:

"1001 (1) An agency may receive and use tax increment, as provided in this part.

(2) (a) The applicable length of time or number of years for which an agency is to be paid tax increment under this part shall be measured from the first tax year regarding which the agency accepts tax increment from the project area.
(b) Tax increment may not be paid to an agency for a tax year prior to the tax year following the effective date of the [original] plan.
(3) With the written consent of a taxing entity, an agency may be paid tax increment, from that taxing entity's tax revenues only, in a higher percentage or for a longer period of time, or both, than otherwise authorized under this chapter.

1003(2)(a) Beginning with the first tax year after April 1, 1983 for which an agency accepts tax increment, an agency may be paid:
(i) (A) for the first through the fifth tax years, 100% of tax increment;
(B) for the sixth through the tenth tax years, 80% of tax increment;
(C) for the eleventh through the fifteenth tax years, 75% of tax increment;
(D) for the sixteenth through the twentieth tax years, 70% of tax increment; and
(E) for the twenty-first through the twenty-fifth tax years, 60% of tax increment; or
(ii) for an agency that has caused a taxing entity committee to be created under Subsection 17B-4-1002(1), any percentage of tax increment up to 100% and for any length of time that the taxing entity committee approves.
(b) Notwithstanding any other provision of this section:
(i) an agency may be paid 100% of tax increment from a project area for 32 years after April 1, 1983 to pay principal and interest on agency indebtedness incurred before April 1,
1983, even though the size of the project area from which tax increment is paid to the agency exceeds 100 acres of privately owned property under a project area plan adopted on or before April 1, 1983; and
(ii) for up to 32 years after April 1, 1983, an agency debt incurred before April 1, 1983 may be refinanced and paid from 100% of tax increment if the principal amount of the debt is not increased in the refinancing.

(3) (a) For purposes of this Subsection (3), "additional tax increment" means the difference between 100% of tax increment for a tax year and the amount of tax increment an agency is paid for that tax year under the percentages and time periods specified in Subsection (2)(a).
(b) Notwithstanding the tax increment percentages and time periods in Subsection (2)(a) and Subsection 17B-4-403(1)(m)(i), an agency may be paid additional tax increment for a period ending 32 years after the first tax year after April 1, 1983 for which the agency receives tax increment from the project area if:

(ii) (A) the additional tax increment is used to pay some or all of the cost of the land for and installation and construction of a recreational facility, as defined in Section 59-12-702, or a cultural facility, including parking and infrastructure improvements related to the recreational or cultural facility, whether or not the facility is located within a project area;
(B) construction of the recreational or cultural facility is commenced on or before June 30, 2006; and
(C) the additional tax increment is pledged on or before June 30, 2006 to pay all or part of the cost of the land for and the installation and construction of the recreational or cultural facility, including parking and infrastructure improvements related to the recreational or cultural facility;
(iii) the additional tax increment is used to pay all or part of the cost of acquiring, constructing, extending, maintaining, or repairing lines, facilities, and equipment for providing cable television service and public telecommunications service, as defined in Section 10-18-102, whether or not the lines, facilities, and equipment are located within a project area and subject to Subsection (3)(d);

(c) Notwithstanding Subsection (3)(b), a school district may not, without its consent, be paid less tax increment because of application of Subsection (3)(b) than it would have been paid without that subsection.
(d) (i) Notwithstanding Title 10, Chapter 18, Municipal Cable Television and Public Telecommunications Services, an agency whose tax increment is used under Subsection (3)(b)(iii) may not provide cable television service or public telecommunications service, as defined in Section 10-18-102.
(ii) Each agency that uses tax increment under Subsection (3)(b)(iii) shall provide the services it provides using that tax increment in a nonpreferential and nondiscriminatory manner.
(4) Notwithstanding any other provision of this section, an agency may use tax increment received under Subsection (2) for any of the uses indicated in Subsection (3)."
As to the Amended Project Area, this Amendment to Redevelopment Plan also specifically incorporates the provisions of Sections Section 17B-4-1006, 1007 and 1009 as follows:

"1006(1) (a) (i) As used in this Subsection (1), "qualifying decrease" means:
(A) a decrease of more than 20% from the previous tax year's levy; or
(B) a cumulative decrease over a consecutive five-year period of more than 100% from the levy in effect at the beginning of the five-year period.
(ii) The year in which a qualifying decrease under Subsection (1)(a)(i)(B) occurs is the fifth year of the five-year period.
(b) If there is a qualifying decrease in the minimum basic school levy under Section 59-2-902 that would result in a reduction of the amount of tax increment to be paid to an agency:
(i) the base taxable value of taxable property within the project area shall be reduced in the year of the qualifying decrease to the extent necessary, even if below zero, to provide the agency with approximately the same amount of tax increment that would have been paid to the agency each year had the qualifying decrease not occurred; and
(ii) the amount of tax increment paid to the agency each year for the payment of bonds and indebtedness may not be less than what would have been paid to the agency if there had been no qualifying decrease.
(2) (a) The amount of the base taxable value to be used in determining tax increment shall be:
(i) increased or decreased by the amount of an increase or decrease that results from:
(A) a statute enacted by the Legislature or by the people through an initiative;
(B) a judicial decision;
(C) an order from the State Tax Commission to a county to adjust or factor its assessment rate under Subsection 59-2-704(2);
(D) a change in exemption provided in Utah Constitution Article XIII, Section 2, or Section 59-2-103; or
(E) an increase or decrease in the percentage of fair market value, as defined under Section 59-2-102; and
(ii) reduced for any year to the extent necessary, even if below zero, to provide an agency with approximately the same amount of money the agency would have received without a reduction in the county's certified tax rate if:
(A) in that year there is a decrease in the county's certified tax rate under Subsection 59-2-924(2)(c) or (d)(i);
(B) the amount of the decrease is more than 20% of the county's certified tax rate of the previous year; and
(C) the decrease would result in a reduction of the amount of tax increment to be paid to the agency.
(b) Notwithstanding an increase or decrease under Subsection (2)(a), the amount of tax increment paid to an agency each year for payment of bonds or other indebtedness may not be less than would have been paid to the agency each year if there had been no increase or decrease under Subsection (2)(a).

1007 (1) (a) An agency may use tax increment:
(i) for any of the purposes for which the use of tax increment is authorized under this chapter;
(ii) to pay for, including financing or refinancing, all or part of:
(A) the redevelopment, economic development, or education housing development in the project area from which the tax increment funds were collected;
(B) housing expenditures, projects, or programs as provided in Section 17B-4-1009 . . .;
(C) with the consent of the community legislative body and subject to Subsection (4), the value of the land for and the cost of the installation and construction of any publicly owned building, facility, structure, landscaping, or other improvement within the project area from which the tax increment funds were collected; and
(D) with the consent of the community legislative body and the taxing entity committee, the cost of the installation of publicly owned utilities and access outside the project area from which the tax increment funds were collected if the agency board and the community legislative body determine by resolution that the utilities and access are of benefit to the project area; or
(iii) for administrative, overhead, legal, and other operating expenses of the agency.

(b) The determination of the agency board and the community legislative body under Subsection (1)(a)(ii)(D) regarding benefit to the project area shall be final and conclusive.
(2) (a) An agency may contract with the community that created the agency or another public entity to use tax increment to reimburse the cost of items authorized by this chapter to be paid by the agency that have been or will be paid by the community or other public entity.
(b) If land has been or will be acquired or the cost of an improvement has been or will be paid by another public entity and the land or improvement has been or will be leased to the community, an agency may contract with and make reimbursement from tax increment funds to the community.

1009 (1) For purposes of this section, "affordable housing" means housing to be owned or occupied by persons and families of low or moderate income, as determined by resolution of the agency.
(2) An agency may:
(a) use tax increment from a project area to pay all or part of the value of the land for and the cost of installation, construction, and rehabilitation of any building, facility, structure, or other housing improvement, including infrastructure improvements related to housing, located in any project area within the agency's boundaries; and
(b) use up to 20% of tax increment outside of project areas for the purpose of replacing housing units lost by redevelopment, economic development, or education housing development, or increasing, improving, and preserving generally the affordable housing supply of the community that created the agency.
(3) (a) Each agency shall separately account for funds allocated under this section.
(b) Interest earned by the housing fund and any payments or repayments made to the agency for loans, advances, or grants of any kind from the fund, shall accrue to the housing fund.
(c) Each agency designating a housing fund under this section shall use the fund for:
(i) the purposes set forth in this section; or
(ii) the purposes set forth in this chapter relating to the redevelopment, economic
development, or education housing development project area from which the funds
originated.
(4) An agency may lend, grant, or contribute funds from the housing fund to a person,
public entity, housing authority, private entity or business, or nonprofit corporation for
affordable housing.”

C. As shown in the Amendment to Redevelopment Plan, pursuant to the provisions of
Section 17B-4-1003(2)(a) of the Act the Agency is entitled to receive tax increment monies from
the Amended Project Area in accordance with the following percentages and time periods:

Until 2007 @ 80%
2008 to 2012 @ 75%
2013 to 2017 @ 70%
2018 to 2022 @ 60%

Section 8. Effective Date. This Ordinance shall take effect upon its first publication or
posting.

PASSED and APPROVED by the City Council of the City of Logan, State of Utah, this 1st
day of March 2005 by the following vote:
Ayes: Needham, Taylor, Swenson, Pyfer
Nays: None
Absent: S. Thompson

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for
approval or disapproval on the 1st day of March, 2005.

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 1st day of March, 2005.