ORDINANCE NO. 09-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOGAN, STATE OF UTAH, ADOPTING THE AMENDED DOWNTOWN REDEVELOPMENT PROJECT AREA PLAN DATED OCTOBER 22, 2008
(Original Plan Dated September 5, 2003 and Adopted October 15, 2003; The Subject Amended Plan Dated October 22, 2008 and Adopted January 6, 2009)

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

SECTION I. This Ordinance pertaining to the “Amended Downtown Redevelopment Project Area Plan” is hereby enacted to read as follows:

AMENDED DOWNTOWN REDEVELOPMENT PROJECT AREA PLAN

Sections:

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

Section 1. Adoption of Amended Project Area Plan. The Redevelopment Agency of the City of Logan (the “Agency”), and the City of Logan (the “City”) have previously adopted on October 15, 2003 the redevelopment project area plan dated September 5, 2003 and entitled “Downtown Redevelopment Project Area Plan,” (the “Project Area Plan” or the “Plan”). The Agency has now adopted on January 6, 2009 the amended redevelopment (urban renewal) project area plan dated October 22, 2008 and entitled “Amended Downtown Redevelopment Project Area Plan,” (the “Amended Project Area Plan” or the “Amended Plan”). The Amended Project Area Plan is hereby designated as the official urban renewal project area plan of and for the Downtown Redevelopment Project Area. The City hereby adopts by Ordinance the Amended Project Area Plan pursuant to Title 17C, Parts 1 through 4 of the Utah Community Development and Renewal Agencies Act (the “Act”), Section 17C-2-107.

Section 2. Project Area Boundaries. The legal description of the boundaries of the Downtown Redevelopment Project Area (the “Project Area”) covered by both the original Project Area Plan and the Amended Project Area Plan is as follows, to-wit:

Beginning at a point in the northeast corner of the intersection of 400 North and Main STS in
Logan, UT, said point being at the intersection of the North ROW line of 400 North ST and the East ROW line of Main ST. Thence, west following the north ROW line of 400 North ST to a point in the northwest corner of the intersection of 100 West and 400 North STS. Said point being the intersection of the West ROW line of 100 West ST and the North ROW line of 400 North ST. Thence, south following the West ROW line of 100 West ST to a point in the southwest intersection of 300 North and 100 West STS. Said point being the intersection of the West ROW line of 100 West ST and the South ROW line of 300 North ST. Thence, east along the South ROW line of 300 North ST to a point in the southwest corner of 300 North and Main STS. Said point being the intersection of the South ROW line of 300 North ST and the West ROW line of Main ST. Thence following said West ROW of Main ST south to the southeast corner of Lot 6, Block 30, Plat “A” of the Logan City Survey located in the SE 1/4 of Section 33 Township 12 North, Range 1 East. Thence continuing south 127 feet +/- Thence west following the boundary between 06-016-0023 and 06-016-0004 for 212 feet +/- to the southeast corner of parcel 06-016-0004. Thence south for 320 feet +/- to the southwest corner of parcel 06-016-0002 where said corner meets the North ROW line of 200 North ST. Thence following said North ROW line to a point in the northwest corner of the intersection of 100 West and 200 North STS. Said point being the intersection of the North ROW line of 200 North ST and the West ROW line of 100 West ST. Thence south to a point in the northwest corner of the intersection of 100 West and 100 North STS. Said point being the intersection of the West ROW line of 100 West ST and the North ROW line of 100 North ST. Thence west to a point in the northwest corner of the intersection of 100 North and 200 West STS. Said point being the intersection of the North ROW line of 100 North ST and the West ROW line of 200 West ST. Thence following the West ROW line of 200 West ST south to a point 447 feet +/- south of the intersection of the South ROW line of 100 North ST and the West ROW line of 200 West ST. Thence east to a point in the East ROW line of 200 West ST. Said point being the western point of the boundary between parcels 06-024-0015 and 06-024-0014. Thence east 9 rods +/- Thence north 17 feet +/- Thence east 42 feet +/- Thence south 7 feet +/- Thence east 56 feet +/- Thence south 10 feet +/- Thence east 5 feet +/- Continuing east for 90 feet +/- Thence north 1 rod +/- Thence east 102 1/2 feet +/- Thence south 1 rod +/- Thence east 48 feet +/- Thence south 1 rod +/- Thence east 6 rods and 1 1/2 feet +/- to a point in the west ROW line of 100 West ST. Thence south to a point in the southwest corner of the intersection of 100 West and Center STS. Said point being the intersection of the West ROW Line of 100 West ST and the South ROW line of Center ST. Thence following the South ROW line of Center ST east to a point in the southwest corner of the intersection of Center and Main STS. Said point being the intersection of the South ROW line of Center ST and the West ROW line of Main ST. Thence south following the West ROW line of Main ST to a point in the northwest corner of the intersection of Main and 100 South STS. Said point being the intersection of the West ROW line of Main ST and the North ROW line of 100 South ST. Thence following the North ROW line of 100 South ST to a point in the northwest corner of the intersection of 100 West and 100 South STS. Said point being the intersection of the West ROW line of 100 West ST and the North ROW line of 100 South ST. Thence following the West ROW line of 100 West ST to a point in the southwest corner of the intersection of 100 West and 300 South STS. Said point being the intersection of the West ROW line of 100 West ST and the South ROW line of 300 South ST. Thence following the South ROW line of 300 South ST east to the NE corner of Lot 5, Block 2, Plat “D” of the Logan City Survey. Thence northerly to the SE corner of Lot 2, Block 3, Plat “D” of the Logan City Survey. Thence east along the North ROW of 300 South ST 2.35 feet +/- Thence north 75 feet +/- Thence west 4.7 feet +/- Thence north 73 1/2 feet +/- Thence
east 101 feet +/- Thence north 148 ½ feet +/- Continuing north 4 ½ Rods +/- Thence west 6 Rods +/- Thence north 222 ¾ feet +/- to the northeast corner of Lot 5, Block 3, Plat “D” of the Logan City Survey at a point on the South ROW Line of 200 South ST. Thence Following said South ROW of 200 South ST to a point in the southeast corner of 200 South and 100 East STS. Said point being the intersection of the South ROW Line of 200 South ST and the East ROW line of 100 East ST. Thence Following the East ROW of 100 East ST to a point in the southwest corner of Lot 6, Block 12, Plat “D” of the Logan City Survey. Thence North 60 feet +/- along the East ROW line of 100 East ST to a point at the northeast corner of Parcel 02-007-0020. Thence west to a point in the West ROW Line of 100 East ST. Said point being the NE corner of parcel 02-047-0017 and being 3 rods 10 feet and 10 inches north +/- of the SE corner of Lot 10, Block 4, Plat “D”, of the Logan City Survey. Thence west 10 Rods +/- Thence south 147 feet 4 inches +/- Thence west 8 Rods +/- Thence north to the SE corner of Lot 6, Block 4, Plat “D” of the Logan City Survey. Thence following the boundary between parcels 02-047-0010 and 02-047-0005 west 299 feet +/- to the SW corner of said Lot 6. Thence following the East ROW line of Main ST north to a point in the southeast corner of the intersection of Main and 100 North STS. Said point being the intersection of the East ROW line of Main ST and the South ROW line of 100 North ST. Thence east 375 feet +/- Thence northerly to a point in the north ROW line of 100 North ST. Said point being 226 feet +/- from the SE corner of Lot 1, Block 18, Plat “A” of the Logan City Survey. Thence north for 157.5 feet +/- along the boundary between parcels 06-018-0003 and 06-018-0002. Thence east 12 feet +/- Thence south 4 ½ ft +/- Thence easterly to the SE corner of Lot 8, Block 18, Plat “A” of the Logan City Survey. Said corner being in the West ROW line of 100 East ST. Thence east to a point in the East ROW line of 100 East ST. Thence north following the East ROW line of 100 East ST to a point at the intersection of the East ROW line of 100 East ST and the continuation of the North ROW line of Federal Ave. Thence west along the North ROW Line of Federal Avenue to a point in the northwest corner of the intersection of Federal and Church Avenues. Said point being the intersection of the North ROW Line of Federal Ave and the West ROW Line of Church Ave. Thence south following the West ROW line of Church Ave to a point in the northwest corner of the intersection of Church Ave and 100 N ST. Said point being the intersection of the North ROW line of 100 North ST and the West ROW line of Church Ave. Thence west along the North ROW line of 100 North ST to a point in the northeast corner of the intersection of 100 North and Main STS. Said point being the intersection of the East ROW line of Main ST and the North ROW line of 100 North ST. Thence north following the East ROW line of Main ST to a point in the southeast corner of the intersection of Main and 200 North STS. Said point being the intersection of the East ROW line of Main ST and the South ROW line of 200 North ST. Thence East following the South ROW Line of 200 North ST to a point in the southeast intersection of 200 North and 100 East STS. Said point being the intersection of the East ROW line of 100 East ST and the South ROW line of 200 North ST. Thence north along the East ROW line of 100 East ST to a point in the northeast intersection of 100 East and 300 North STS. Said point being the intersection of the East ROW line of 100 East ST and the North ROW line of 300 North ST. Thence west along the North ROW line of 300 North ST to a point in the northeast intersection of 300 North and Main STS. Said point being the intersection of the north ROW line of 300 North ST and the East ROW line of Main ST. Thence north along the East ROW line of Main ST to the POB.
Beginning at a point in the southwest corner of the intersection of Main and 200 North STS. Said point being the intersection of the West ROW line of Main ST and the South ROW line of 200 North ST. Thence south following the East ROW line of Main ST to a point in the southeast corner of Lot 8, Block 19, Plat “A” in the Logan City Survey located in the SE ¼ of Section 33 Township 12 North, Range 1 East. Thence south 6 ½ feet +/- Thence west 139.6 feet +/- Thence northwest to the southeast corner of Lot 7, Block 19, Plat “A” in the Logan City Survey located in the SE ¼ of Section 33 Township 12 North, Range 1 East. Thence west 145.4 feet +/- to the southwest corner of parcel 06-020-0017 of Lot 7, Block 19, Plat “A” in the Logan City Survey located in the SE ¼ of Section 33 Township 12 North, Range 1 East. Thence north 296 feet +/- to the South ROW Line of 200 North ST. Thence east along the south ROW Line of 200 North ST to the POB.

Section 3. Purposes of Amended Project Area Plan. The purposes and intent of the City Council of the City of Logan with respect to the Project Area under both the original Project Area Plan and the Amended Project Area Plan are to accomplish the following purposes:

1. Removal of structurally substandard buildings or improvements to permit the return of the Redevelopment Project 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 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 Project 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, landscaping to give the area an improved 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 road access 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 Project 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. Provide improved pedestrian circulation systems.

12. Coordinate and improve the public transportation system, including streets and public transit services.

13. Eliminate the blighting factors and blighting influences in the Project Area.

14. Promote the implementation of community-developed goals applicable to the Project Area, such as the Logan General Plan and the Future of Downtown Logan Plan.

Section 4. Amended Project Area Plan Incorporated by Reference. The Amended Project Area Plan, together with supporting documents, is incorporated herein by this reference and made a part of this Ordinance. Copies of the Amended Project Area 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 previously determined and found as follows in connection with the adoption of the original Project Area Plan, which findings are not affected by the subject amendment and also apply to the Amended Project Area Plan:

A. There is a need to effectuate a public purpose, and implementation of the Amended Project Area 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 Project Area.

B. There is a public benefit which would accrue through the adoption and implementation of the Amended Project Area Plan.

C. It is economically sound and feasible to adopt and carry out the Amended Project Area Plan.

D. The Amended Project Area Plan conforms to the City of Logan’s general plan.

E. The Amended Project Area Plan would develop the Project Area in conformity with the Act, and carrying out the Amended Project Area 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 Amended Project Area Plan.
G. Adequate provisions have been made for just compensation for property acquired by eminent domain.

H. The Agency has a feasible method or plan for the relocation of families and persons displaced by the Agency from the Project Area, if any.

I. 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 Downtown Redevelopment Project Area," finding and determining, among other things, that the Downtown Redevelopment Project Area is a blighted area pursuant to the provisions of the former Utah Redevelopment Agencies Act, former Title 17B, Part 4, Utah Code Annotated, 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) Existence of inadequate sanitation or public facilities which may include streets, open spaces, and utilities.
(6) Existence of any hazardous or solid waste, defined as any substance defined, regulated, or listed as a hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant, or toxic substance, or identified as hazardous to human health or the environment under state or federal law or regulation.

The date of the Agency Board's finding of blight is August 20, 2003.

Section 6. Acquisition of Property. The condemnation of real property is provided for in both the original Project Area Plan and the Amended Project Area Plan. The Agency may acquire real property within the Project Area by the use of the power of eminent domain. In addition the Agency may acquire property in the Project Area by negotiation, gift, devise, exchange, purchase, or other lawful method. The Agency is authorized 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, including by eminent domain (condemnation).

Section 7. Tax Increment Financing.

A. Subject to any limitations required by currently existing law (unless a limitation is subsequently eliminated), for example limitations of the Project Area Budget approved by the taxing entity committee, this Ordinance hereby specifically incorporates all
of the provisions of the former Utah Redevelopment Agencies Act and the current Utah Community Development and Renewal Agencies Act that authorize or permit the Agency to receive tax increment from the Project Area and that authorize the various uses of such tax increment by the Agency, 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 law or by any successor provision, law or act, those are also specifically incorporated herein. It is the intent of this Ordinance that the Agency shall have the broadest authorization and permission for receipt of and use of tax increment as is authorized by law, whether by former, existing or amended provisions of law.

B. As shown in the Project Area Budget and proposed Amended Project Area Budget, the Agency has elected to receive 100% of the tax increment monies from the Project Area for a period not to exceed fifteen (15) years.

C. Pursuant to the provisions of Sections 17C-2-203 and 17C-1-412 of the Act (formerly 17B-4-504 and 17B-4-1010 of the Utah Redevelopment Agencies Act), the Agency has allocated 20% of the total tax increment received by the Agency to be used for certain housing purposes as set forth in the Act.

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 6th day of January 2009.

CITY OF LOGAN

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Sandy Wadsworth, Mayor

ATTEST:

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City Recorder