

COTTONWOOD HEIGHTS

RESOLUTION No. 2018-20

A RESOLUTION APPROVING AN AMENDED INTERLOCAL AGREEMENT WITH THE COTTONWOOD HEIGHTS COMMUNITY DEVELOPMENT AND RENEWAL AGENCY FOR THE CANYON CENTRE COMMUNITY DEVELOPMENT PROJECT AREA

WHEREAS, the Community Development and Renewal Agency (the “Agency”) of the city of Cottonwood Heights (the “City”) was created to transact the business and exercise all of the powers provided for in the Limited Purpose Local Government Entities - Community Development and Renewal Agencies act (Title 17C, Chapters 1 through 4, UTAH CODE ANNOTATED (1953 as amended) and any subsequent, replacement or amended law or act (the “CDRA Act”); and

WHEREAS, pursuant to section 17C-4-103 of the CDRA Act, the Agency heretofore adopted a project area plan (including any prior amendments, the “Project Area Plan”) for the Canyons Centre project area (the “Project Area”) by its Resolution No. 2011-01; and

WHEREAS, pursuant to its Ordinance Nos. 170 as amended by, *inter alia*, its Ordinance No. 182, the city council (the “Council”) of the City adopted the Project Area Plan as the official community development plan for the Project Area (the “Official Plan”) and authorized the Agency to proceed to carry out the Official Plan, all as provided in section 17C-4-105 of the CDRA Act; and

WHEREAS, pursuant to section 17C-4-201 of the CDRA Act, the Agency may negotiate with the City for its consent to the Agency receiving the City’s tax increment for the purpose of providing funds to carry out the Official Plan; and

WHEREAS, such consent by the City may be expressed in an interlocal agreement between the Agency and the City under the Interlocal Cooperation Act, UTAH CODE ANN. §11-13-101 *et. seq.* (the “Interlocal Cooperation Act”), which provides that any two or more public agencies may enter into agreements with one another for joint or cooperative action following the adoption of an appropriate resolution by the governing body of each participating public agency; and

WHEREAS, the Agency and the City are public agencies for purposes of the Interlocal Cooperation Act and entered into an interlocal agreement for the Project Area effective 10 May 2011, as previously amended effective 14 February 2012 (the “Agreement”), which they now desire to amend; and

WHEREAS, the Council met on 10 April 2018 to consider, among other things, approving the City’s entry into a further amendment to the Agreement (the “Amendment”); and

WHEREAS, the Agency’s governing board met on 10 April 2018 and, among other things, approved the Agency’s entry into the Amendment; and

WHEREAS, the Council has reviewed the form of the Amendment, a photocopy of which is annexed hereto; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the City to approve the City's entry into the Amendment as proposed;

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Cottonwood Heights that the attached Amendment with the Agency be, and hereby is, approved, and that the City's mayor and recorder are authorized to execute and deliver the Amendment on behalf of the City on such timetable as the City's mayor deems appropriate in consultation with the City's manager and attorney; and

BE IT FURTHER RESOLVED by the city council of the city of Cottonwood Heights that the Amendment is so approved with such additions, modification, deletions or other changes as may be deemed necessary or advisable by the City's mayor in consultation with the City's manager and attorney; and

BE IT FURTHER RESOLVED by the city council of the city of Cottonwood Heights that the City shall cooperate with the Agency to (a) provide notice of adoption of the Amendment as provided in section 17C-4-202(2) of the CDRA Act; (b) file a copy of the Amendment with the State Tax Commission, the State Board of Education, the state auditor and the Salt Lake County Auditor, as provided in section 17C-4-203 of the CDRA Act; and (c) provide such other notice(s), make such other filing(s) and perform such other acts as may be required by any applicable law in connection with approval and adoption of the Amendment.

This Resolution, assigned no. 2018-20, and the Amendment shall take effect following provision of notice of the Amendment by the Agency and/or the City, as provided in 17C-4-202(3) of the CDRA Act.

PASSED AND APPROVED effective 10 April 2018.

ATTEST:

By: 
Paula Melgar, Recorder



COTTONWOOD HEIGHTS


Michael J. Peterson, Mayor

VOTING:

Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tali C. Bruce	Yea <input type="checkbox"/>	Nay <input checked="" type="checkbox"/>
Christine Watson Mikell	Yea <input type="checkbox"/>	Nay <input checked="" type="checkbox"/>

DEPOSITED in the office of the City Recorder this 10th day of April 2018.

RECORDED this 10 day of April 2018.