

**COTTONWOOD HEIGHTS
COMMUNITY DEVELOPMENT AND RENEWAL AGENCY**

RESOLUTION No. 2018-08

**A RESOLUTION ADOPTING A SECOND AMENDED PROJECT
AREA PLAN AND AN AMENDED PROJECT AREA BUDGET 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 Reinvestment Agency Act, UTAH CODE ANN. 17C-1-101 *et seq.* and any subsequent, replacement or amended law or act (the “*Act*”); and

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

WHEREAS, pursuant to its Resolution 2011-01, the Agency’s governing board (the “*Board*”) adopted a community development project area plan (the “*Project Area Plan*”) for the Canyon Centre project area (the “*Project Area*”) as provided in Section 17C-4-102 to -104 of the Act; and

WHEREAS, pursuant to its Resolution 2011-03, the Board adopted an amended project area plan for the Project Area (the “*Amended Project Area Plan*”) to supersede the original Project Area Plan, as provided in Section 17C-4-108 of the Act; and

WHEREAS, pursuant to its Resolution 2012-07, the Board adopted a budget (the “*Budget*”) to carry out the purposes of the Amended Project Area Plan as provided in Section 17C-4-204 of the Act; and

WHEREAS, desiring to now further amend the Amended Project Area Plan and to amend the Budget, pursuant to its Resolution 2018-06 the Board authorized preparation of a proposed amendment to the Amended Project Area Plan, and has prepared an amendment to the Budget, as provided in Sections 17C-4-108 and -204 of the Act; and

WHEREAS, pursuant to section 17C-4-103 of the Act, the Agency heretofore has (a) prepared a draft of the “2nd Amended Project Area Plan-Canyon Centre Community Development Area” (the “*Second Amended Project Area Plan*”), (b) prepared a draft of the proposed amendment to the Budget (the “*Amended Budget*”), and (c) made the Second Amended Project Area Plan and the Amended Budget available to the public at the Agency’s offices during normal business hours; and

WHEREAS, the Agency heretofore has held a public hearing (the “*Public Hearing*”) on the draft Second Amended Project Area Plan and the draft Amended Budget and, at that hearing, (a) allowed public comment on the draft Second Amended Project Area Plan and the draft Amended Budget and whether either of those drafts should be revised, approved or rejected, and (b) received

all written and heard all oral objections to those drafts; and

WHEREAS, pursuant to Section 17C-4-102(1)(c) of the Act, before holding the Public Hearing the Agency provided all notices required by Chapter 1, Part 8, of the Act; and

WHEREAS, after holding the Public Hearing, and at the same meeting, the Agency considered any oral or written objections to the drafts of the Second Amended Project Area Plan and the Amended Budget, and whether to revise, approve or reject the such drafts; and

WHEREAS, the Board met on 18 December 2018 to consider, among other things, adopting the Second Amended Project Area Plan and the Amended Budget, re-designating the boundaries of the Project Area, re-specifying the Agency’s purposes and intent for the Project Area, and taking all other necessary actions; and

WHEREAS, after careful consideration, the Board has determined that it is appropriate to act as specified below;

NOW, THEREFORE, BE IT RESOLVED by the governing board of the Cottonwood Heights Community Development and Renewal Agency as follows:

1. *Adoption of Second Amended Project Area Plan.* It has become necessary and desirable to amend the Amended Project Area Plan for the Project Area dated 27 September 2011 as provided in the Second Amended Project Area Plan. The Second Amended Project Area Plan is hereby designated as the Official Plan for the Project Area, and hereby supersedes the original Project Area Plan as amended by the Amended Project Area Plan. The Agency hereby officially adopts the Second Amended Project Area Plan by this Resolution and shall submit the Second Amended Project Area Plan, together with a copy of this Resolution, to the City, requesting that the Second Amended Project Area Plan be adopted by ordinance of the City’s legislative body in accordance with the provisions of the Act.

2. *Legal Description of the Project Area Boundaries.* The legal description of the boundaries of the Project Area covered by the Second Amended Project Area Plan is attached hereto and incorporated herein as Exhibit “A,” and a map of the Project Area is attached hereto and incorporated herein as Exhibit “B.”

3. *Adoption of Amended Budget.* It has become necessary and desirable to amend the Budget dated 7 February 2012 as provided in the Amended Budget. The Amended Budget is adopted effective immediately, shall be used to carry out the Second Amended Project Area Plan, and is subject to any further amendments provided for in the Act. The Board directs Agency staff and consultants to carry out all necessary noticing and filing requirements under the Act, and to coordinate finalization and/or ratification of the various interlocal agreements with all taxing entities required to fund the Amended Budget.

4. *Agency’s Purposes and Intent.* The Agency’s purposes and intent with respect to the Project Area are to accomplish the following:

(a) Assist in the development of a commercial development to serve as a gateway to the canyon and ski resorts on the east of the City.

(b) Provide essential governmental services to the Project Area by providing a mechanism to develop public infrastructure to the Project Area.

(c) Encourage and accomplish appropriate development and community development within the Project Area.

(d) Provide for the strengthening of the tax base and economic health of the community.

5. *Second Amended Project Area Plan and Amended Budget Incorporated by Reference.* The Second Amended Project Area Plan and the Amended Budget, together with their respective supporting documents, are incorporated herein by reference and made a part of this Resolution. Copies of the Second Amended Project Area Plan and the Amended Budget shall be filed and maintained in the office of the Agency and the City Recorder for public inspection. A copy of the Amended Project Area Plan, which is the “Official Plan” under the Act, is included in Exhibit “C” attached hereto and incorporated herein by this reference, and a copy of the Amended Budget is included in Exhibit “D” attached hereto and incorporated herein by this reference.

6. *Board Findings.* The Board hereby determines and finds that adoption of the Second Amended Project Area Plan and the Amended Budget will:

(a) Satisfy a public purpose by, among other things, encouraging and accomplishing appropriate development within the Project Area;

(b) Provide a public benefit, as shown by the benefit analysis that was performed for the Project Area as required by Subsection 17C-4-103(11) of the Act;

(c) Be economically sound and feasible, in that the revenue needed for the implementation of the plan will come from property taxes generated by new private development within the Project Area;

(d) Conform to the City’s general plan, in that the Second Amended Project Area Plan provides that all development in the Project Area is to be in accordance with the City’s zoning ordinances and requirements; and

(e) Promote the public peace, health, safety and welfare of the City’s residents.

6. *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, 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 UTAH CODE ANN. Title 17C, Chapter 4, Part 2 (1953, as amended).

(b) The particulars as to the amount and duration of funding for the Project Area shall be as provided in Amended Budget and increment secured through interlocal agreements with taxing entities as provided in Section 17C-4-201, 202, 203, and 204 of the Act.

This Resolution, assigned no. 2018-08, shall take effect immediately upon adoption, and pursuant to the provisions of the Act, the Second Amended Project Area Plan shall become effective upon its adoption by ordinance of the City's legislative body.

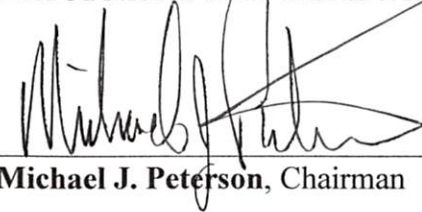
PASSED AND APPROVED effective 18 December 2018.

COTTONWOOD HEIGHTS COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

ATTEST:

By: 
Paula Melgar, Secretary



By: 
Michael J. Peterson, Chairman

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 checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Christine Watson Mikell	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the office of the Secretary of the Cottonwood Heights Community Development and Renewal Agency this 18th day of December 2018.