

COTTONWOOD HEIGHTS
COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

RESOLUTION No. 2018-09

A RESOLUTION APPROVING AND RATIFYING AMENDED INTERLOCAL
AGREEMENTS WITH VARIOUS TAXING ENTITIES 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 “*CDRA Act*”); and

WHEREAS, pursuant to section 17C-4-103 of the CDRA Act, the Agency heretofore has adopted a project area plan for the Canyons Centre project area (the “*Project Area*”) by its Resolution 2011-01, as amended pursuant to its Resolution 2011-03 and as further amended pursuant to its Resolution 2018-08 (the “*Project Area Plan*”); and

WHEREAS, pursuant to its Ordinance 170, as amended by its Ordinance 182 and as proposed to be further amended by its Ordinance 311, the city council (the “*Council*”) of the City has adopted or will adopt the Project Area Plan as the official community development plan for the Project Area (the “*Official Plan*”), and has 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, the Agency, the City, the South Salt Lake Valley Mosquito Abatement District, the Cottonwood Heights Parks and Recreation Service Area, the Central Valley Water Conservancy District, Canyons School District, and Salt Lake County and its library (such parties, excluding the Agency, are collectively referred to herein as the “*Taxing Entities*”) are public agencies for purposes of 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 each of the Taxing Entities heretofore have entered into interlocal cooperation agreements (each, a “*CDA Interlocal*”) wherein each such Taxing Entity consented that the Agency receive certain tax increment from the Project Area attributable to such Taxing Entity’s tax levy in accordance with the pertinent CDA Interlocal in order to carry out the purposes of the Official Plan; and

WHEREAS, the Agency and each of the Taxing Entities subsequently agreed to amend the terms of the CDA Interlocals substantially on the terms of the form amendment to the CDA Interlocal which was approved by the Agency’s governing board (the “*Board*”) pursuant to its Resolution 2018-05; and

WHEREAS, thereafter, each of the Taxing Entities approved, executed and delivered to the

Agency each such Taxing Entity's respective amendment to its CDA Interlocal (collectively, the "Amendments"); and

WHEREAS, the Amendments of Canyons School District and of Salt Lake County and its library differ from the amendment form previously approved by the Board; and

WHEREAS, the Board met on 18 December 2018 to consider, among other things, approving and ratifying the Agency's entry into the Amendments with the Taxing Entities; and

WHEREAS, copies of the Amendments as approved and signed by the Taxing Entities were submitted to the members of the Board on or about 11 December 2018 and, consequently, the Board has reviewed the proposed Amendments; and

WHEREAS, after careful consideration, the Board has determined that it is in the best interests of the Agency to approve the Agency's entry into and ratification of the Amendments with the various Taxing Entities;

NOW, THEREFORE, BE IT RESOLVED by the governing board of the Cottonwood Heights Community Development and Renewal Agency that the Amendments with the various Taxing Entities be, and hereby are, approved and ratified, and that the Agency's chairman and secretary are authorized to execute and deliver the Amendments on behalf of the Agency on such timetable as the Agency's chairman and chief executive officer, in consultation with the Agency's legal counsel, deem appropriate; and

BE IT FURTHER RESOLVED by the governing board of the Cottonwood Heights Community Development and Renewal Agency that all actions heretofore taken by any officers or counsel of the Agency in connection with the Amendments are hereby approved and ratified; and

BE IT FURTHER RESOLVED by the governing board of the Cottonwood Heights Community Development and Renewal Agency that the Amendments are so approved with such additions, modifications, deletions or other changes as hereafter may be deemed necessary or advisable by the Agency's chairman and chief executive officer in consultation with the Agency's legal counsel; and

BE IT FURTHER RESOLVED by the governing board of the Cottonwood Heights Community Development and Renewal Agency that in connection with the Agency's entry into an Amendment with a Taxing Entity, the Agency shall (a) provide notice of adoption of such Amendment as provided in section 17C-4-202(2) of the CDRA Act, (b) file a copy of such Amendment with the State Tax Commission, the State Board of Education, the state auditor and the Salt Lake County Auditor, and any other parties as provided in 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 such Amendment.

This Resolution, assigned no. 2018-09, and each Amendment shall take effect following the Agency's provision of notice of such Amendment, as provided in 17C-4-202(3) of the CDRA Act.

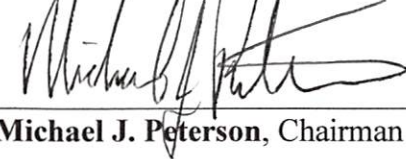
PASSED AND APPROVED effective 18 December 2018.

**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.