

COTTONWOOD HEIGHTS  
COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

RESOLUTION No. 2018-10

A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE INTERLOCAL  
AGREEMENT WITH SALT LAKE COUNTY FOR TRANSPORTATION FUNDING

**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 Agency and Salt Lake County (the “*County*”) 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**, effective 31 March 2018, the Agency and the County entered into an interlocal agreement (the “*Agreement*”) whereunder County agreed to transfer to Agency approximately \$6.0 Million of funds from the County of the First Class Highway Projects Fund to be used by Agency for certain transportation purposes; and

**WHEREAS**, during the 2018 General Session, the Utah State Legislature amended UTAH CODE ANN. §72-2-121 to add to the distribution of revenue requirements in the County of the First Class Highway Projects Fund a distribution for parking facilities in a county of the first class; and

**WHEREAS**, the County desires to use the County of the First Class Highway Projects Fund (“*County Transportation Funds*”) to further regional development within the County by financing all or a portion of the costs of certain transportation projects throughout the County in accordance with UTAH CODE ANN. §72-2-121 and all other applicable federal, state and local laws, rules and regulations; and

**WHEREAS**, the Agency and the County therefore desire to enter into an amendment to the Agreement in the form attached as an exhibit hereto (the “*Amendment*”) to, *inter alia*, increase the funding under the Agreement from \$6.0 Million to \$7.75 Million, to be used by the Agency to acquire a perpetual public parking easement on a parking structure to be constructed within the Canyon Centre Community Development Project Area (the “*Parking Structure*”), together with related access easements and other rights across the Parking Structure and such project area (collectively, the “*Public Easements*”); and

**WHEREAS**, in consideration of the funding and other valuable assistance the County has provided to the Agency, the Agency has agreed, and hereby again agrees, to convey or cause to be conveyed to the County co-ownership with the Agency of the Public Easements and to agree to make, or cause to be made, annual payments to the County as set forth in the Agreement as amended

by the Amendment; and

**WHEREAS**, the Agency’s governing board (the “*Board*”) met on 18 December 2018 to consider, among other things, approving the Agency’s entry into the Amendment with the County; and

**WHEREAS**, the Board has reviewed the form of the Amendment and, after careful consideration, the Board has determined that it is in the best interests of the Agency to approve the Agency’s entry into the Amendment as proposed;

**NOW, THEREFORE, BE IT RESOLVED** by the governing board of the Cottonwood Heights Community Development and Renewal Agency that the attached Amendment with the County be, and hereby is, approved, and that the Agency’s chairman and secretary are authorized to execute and deliver the Amendment 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 the Amendment is 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 agreed to by the County; and


**BE IT FURTHER RESOLVED** by the governing board of the Cottonwood Heights Community Development and Renewal Agency that the Agency shall provide such other notice(s), make such 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. 2018-10, and the Amendment shall take effect following the Agency’s and/or the County’s provision of notice of the Amendment, as provided in 17C-4-202(3) of the CDRA Act.

**PASSED AND APPROVED** effective 18 December 2018.

**ATTEST:**

**COTTONWOOD HEIGHTS COMMUNITY  
DEVELOPMENT AND RENEWAL AGENCY**

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 18<sup>th</sup> day of December 2018.