

Smithfield City Business District Redevelopment Agency

Annual Report

November 2019

Estimated Tax Increment:

1) Tax collected for calendar year ending December 31, 2019	\$279,432
2) Estimated tax revenue for the calendar year Starting January 1, 2020	\$200,000

Taxable Value:

Current Year Taxable Value: \$58,145,230

Prior Years Assessed Value: \$41,734,495

Estimated Current Year Marginal Value: \$40,611,626

Estimated Percentage change in marginal value prior year to current year: 10.5%

Taxing Entities:

Smithfield City

Cache County General Fund

Cache School District

Cache County Health Fund

Cache School State Wide levy

Cache School Charter Levy

Cache Mosquito Abatement District

Each taxing entity receives benefits through the reinvestment into Smithfield City's taxable base, whether through commercial upgrades or new commercial properties being constructed in Smithfield City.

Project Area Description:

The RDA consists of one project area that is divided into two main components with one being the original downtown area of the city centered around the intersection of Main and Center Street. The second component was located four blocks south, also centered on Main Street, and included an Old Del Monte canning plant and a struggling strip mall. The two areas were tied together a strip of property along Main Street consisting primarily residential dwellings, many of which were rental properties. (See attached map)

Project(s) Description:

1. Brown Monument applied for funding for infrastructure and parking lot improvements for a new building located at 791 S 100 W. The board approved the application, the project was completed during the fiscal year. 0.62 developed acres.
2. Birch Creek Assisted Living Center project located at 520 S. Main Street. The Board funded the infrastructure including; water, sewer and storm water. 1.53 Acres of developed land. Project completed.
3. Ironwood Development applied for funding for infrastructure and parking lot improvements for a new building located at 835 S. 100 W. The board approved the application, the project was completed during the fiscal year. 0.63 developed acres.
4. Bruce Leishman/ Old Grist Mill site development located at approximately 10 S. Main Street. The board funded approved an application to move this projected from 84 S. Main to 10 S. Main. The project funding includes improvements for the parking lot, new sign and remodel of the interior of the building 0.58 Acres of developed land.
5. Uptown Center, located on 100-141 N. Main Street requested funding for a new HVAC. Funding was granted. Project was completed.
6. Ye Old Winn Mill located at 64 S. Main applied for fund to demolish their building. The board awarded the grant, the project was completed during the fiscal year. 0.63 developable acres.
7. Smithfield City requested funds for a redevelopment project at Central Park, 50 W. 100 N., including a splash pad, and Skate Park. This project was completed during the fiscal year.
8. Alpine Cleaning located at 177 S. Main was granted a grant for parking lot improvements and a new sign. The board granted the application, the project was completed in the fiscal year.

TOTAL DEVELOPED ACRES: 3.36

TOTAL UNDEVELOPED ACRES: .63

Project Timeline:

Bruce Leishman/ Old Grist Mill is planned to be completed in December 2019.

Housing:

No Smithfield City RDA funds were used on residential housing projects during this time period.

Smithfield City RDA:

The Smithfield City RDA is set to expire in 2019.

Administrative Services Expense:

The Smithfield City RDA authorizes the payment of \$30,000 to Smithfield City for administrative expenses, including, staff, mailings, building, etc. (See attached budget)

Budget:

Revenue: \$843,724

Expense: \$843,724

Includes using over \$525,271 of the RDA fund balance. (See attached budget sheets/year-end Financials)

County Auditor Annual Report on Redevelopment Project Areas	Form PT-700A PT-700A.pdf Rev
--	---------------------------------

County Number 3	County Name CACHE	County Project ID 115	Increment Tax Year 2018	Tax Area 115	Area Ext
--------------------	----------------------	--------------------------	----------------------------	-----------------	----------

Redevelopment Agency Number:		Project Adoption Date:	1993/1994
Redevelopment Agency Name:	SMITHFIELD REDEVELOPMENT AGENCY	Project Trigger Year:	1995
Redevelopment Project Number:	8110	Project End Year:	2019
Redevelopment Project Name:	SMITHFIELD CITY CENTRAL BUSINESS DISTRICT RDA	Project Additional Increment End Year:	N/A

	(a) Tax Year End Taxable Value	(b) Original Base Taxable Value	(c) Base Value Adjustments	(d) Base Value after Adjustments (b - c)	(A) Total Marginal Value (a - d)
Locally Assessed Real Property Value	45,394,490	6,510,800	-7,744,004	14,254,804	31,139,686
Personal Property Value	11,374,950	1,903,010		1,903,010	9,471,940
Centrally Assessed Property Value	1,375,790	2,649,249	1,273,459	1,375,790	0
Total Taxable Value	58,145,230	11,063,059	-6,470,545	17,533,604	40,611,626

Taxing Entities

Entity Number	Entity Name	(B) Participation Percentage	(C) Incremental Value (A* B) Real	(C) Incremental Value (A* B) Personal	(C) Incremental Value (A* B) Central Assess	(D) Increment Tax Rate Real/CA	(D) Increment Tax Rate PP PY	Tax Increment Possible (C * D)	Tax Increment Collected & Paid
1010	ASSESSING & COLLECTING	0%	0	0	0	0.000009	0.000010	0.00	0.00
1010	CACHE COUNTY	60%	18,683,812	5,683,164	0	0.001648	0.001749	40,730.78	40,730.78
1010	CACHE CO HEALTH FUND	60%	18,683,812	5,683,164	0	0.000107	0.000116	2,658.41	2,658.41
3170	SMITHFIELD CITY	60%	18,683,812	5,683,164	0	0.001789	0.001424	41,518.16	41,518.16
2020A	CACHE CO SCHOOL DISTRICT	60%	18,683,812	5,683,164	0	0.006118	0.006520	151,361.79	151,361.79
2020	CACHE - STWDE SCHOOL LEVY	60%	18,683,812	5,683,164	0	0.001666	0.001568	40,038.43	40,038.43
2020B	CACHE SCHOOL CHARTER LEVY	60%	18,683,812	5,683,164	0	0.000055	0.000050	1,311.77	1,311.77
4090	CACHE MOSQUITO ABATE. DISTRICT	60%	18,683,812	5,683,164	0	0.000073	0.000079	1,812.89	1,812.89
0.011456						0.011506	279,432.23	279,432.23	

Smithfield
RDA
Budget/Year-
end Financials

SMITHFIELD CITY BUDGET FY18/19

REDEVELOPMENT AGENCY (RDA)

REVENUE

ACCT#	DESCRIPTION	FY18-19	JAN	JUNE	TOTAL	FY17-18	DIFFERENCE
20-31-10000	PROPERTY TAX INCREMENT	\$ 200,000	\$ -	\$ 79,432	\$ 279,432	\$ 220,000	\$ 59,432
20-38-70500	INTEREST EARNED	\$ -	\$ -	\$ 19,000	\$ 19,000	\$ 1,500	\$ 17,500
20-36-10000	INTEREST - RESERVE	\$ -	\$ -	\$ -	\$ -	\$ 5,400	\$ (5,400)
20-36-15000	PRINCIPAL - CHAPARRO	\$ 14,757	\$ -	\$ -	\$ 14,757	\$ 14,322	\$ 435
20-38-70400	INTEREST - CHAPARRO	\$ 5,264	\$ -	\$ -	\$ 5,264	\$ 5,264	\$ -
20-39-10000	USE OF PRIOR BALANCE	\$ 288,491	\$ -	\$ 236,780	\$ 525,271	\$ 665,817	\$ (140,546)
TOTAL RDA REVENUE		\$ 508,512	\$ -	\$ 335,212	\$ 843,724	\$ 912,303	\$ (68,579)

EXPENSE

ACCT#	DESCRIPTION	FY17-18	JAN	JUNE	TOTAL	FY17	DIFFERENCE
20-4000-310	PROFESSIONAL SERVICES	\$ 28,000	\$ -	\$ 2,000	\$ 30,000	\$ 28,000	\$ 2,000
20-4000-620	SUNDRY	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
20-4000-731	SITE DEVELOPMENT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
20-4000-740	SCBL, LLC (532 S MAIN STREET)	\$ 30,000	\$ -	\$ 137,462	\$ 167,462	\$ -	\$ 167,462
20-4000-736	84 S MAIN INFRASTRUCTURE (7-11)	\$ 58,680	\$ -	\$ -	\$ 58,680	\$ 58,680	\$ -
20-4000-748	BROWN MONUMENT	\$ 195,916	\$ -	\$ -	\$ 195,916	\$ 31,500	\$ 164,416
20-4000-749	IRONWOOD DEVELOPMENT	\$ 195,916	\$ -	\$ -	\$ 195,916	\$ -	\$ 195,916
20-4000-739	CENTRAL PARK REDEVELOPMENT	\$ -	\$ -	\$ 19,595	\$ 19,595	\$ 300,000	\$ (280,405)
20-4000-750	UPTOWN CENTER	\$ -	\$ -	\$ 37,338	\$ 37,338	\$ -	\$ 37,338
20-4000-751	YE OLDE WINN MILL	\$ -	\$ -	\$ 94,900	\$ 94,900	\$ -	\$ 94,900
20-4000-752	ALPINE CLEANING	\$ -	\$ -	\$ 43,917	\$ 43,917	\$ -	\$ 43,917
20-4000-920	TRANS TO FUND BALANCE	\$ -	\$ -	\$ -	\$ -	\$ 239,610	\$ (239,610)
TOTAL RDA EXPENSE		\$ 508,512	\$ -	\$ 335,212	\$ 843,724	\$ 657,790	\$ 185,934

SMITHFIELD CITY CORPORATION
REVENUES WITH COMPARISON TO BUDGET
FOR THE 12 MONTHS ENDING JUNE 30, 2019

R.D.A FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>TAXES</u>					
20-31-10000 RDA - PROPERTY TAX INCREMENT	279,432.23	279,432.23	279,432.00	(.23)	100.0
TOTAL TAXES	279,432.23	279,432.23	279,432.00	(.23)	100.0
<u>MISCELLANEOUS REVENUE</u>					
20-36-10000 RDA - INTEREST ON RESERVE	21,647.09	21,647.09	.00	(21,647.09)	.0
20-36-15000 RDA - PRINCIPAL CHAPPARO LOAN	12,272.50	12,272.50	14,757.00	2,484.50	83.2
TOTAL MISCELLANEOUS REVENUE	33,919.59	33,919.59	14,757.00	(19,162.59)	229.9
<u>ADDITIONAL REVENUE</u>					
20-38-70400 RDA - INTEREST EARNED CHAPARRO	4,061.20	4,061.20	5,264.00	1,202.80	77.2
20-38-70500 RDA - INTEREST EARNED	.00	.00	19,000.00	19,000.00	.0
TOTAL ADDITIONAL REVENUE	4,061.20	4,061.20	24,264.00	20,202.80	16.7
<u>SOURCE 39</u>					
20-39-10000 USE OF PRIOR BALANCE	.00	.00	525,271.00	525,271.00	.0
TOTAL SOURCE 39	.00	.00	525,271.00	525,271.00	.0
TOTAL FUND REVENUE	317,413.02	317,413.02	843,724.00	526,310.98	37.6

SMITHFIELD CITY CORPORATION
BALANCE SHEET
JUNE 30, 2019

R.D.A FUND

ASSETS

20-1010000	CASH ALLOCATION-COMBINED FUND	(400,748.93)	
20-1151100	PTIF - RDA TAX INCREMENT FUND	958,522.10	
20-1325000	NOTES REC	167,944.92	
20-1330000	TAXES RECEIVABLE	240,000.00	
20-1335000	CVB - RDA CD	.07	
	TOTAL ASSETS		965,718.16

LIABILITIES AND EQUITY

LIABILITIES

20-2131000	ACCOUNTS PAYABLE	.30	
20-2340000	DEF REVENUE	167,944.92	
20-2350000	TAXES DEFERRED REVENUE	240,000.00	
	TOTAL LIABILITIES		407,945.22

FUND EQUITY

UNAPPROPRIATED FUND BALANCE:			
20-2951000	BEGINNING OF YEAR BALANCE	838,560.81	
	REVENUE OVER EXPENDITURES - YTD	(280,787.87)	
	BALANCE - CURRENT DATE	557,772.94	
	TOTAL FUND EQUITY		557,772.94
	TOTAL LIABILITIES AND EQUITY		965,718.16

SMITHFIELD CITY CORPORATION
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 12 MONTHS ENDING JUNE 30, 2019

R.D.A FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>EXPENDITURES</u>					
20-4000-310 RDA - PROFESSIONAL SERVICES	28,911.31	28,911.31	30,000.00	1,088.69	96.4
20-4000-736 RDA - 84 S MAIN INFRASTRUCTURE	.00	.00	58,680.00	58,680.00	.0
20-4000-740 RDA - 550 S MAIN (SCBL)	.00	.00	167,462.00	167,462.00	.0
20-4000-742 RDA - CENTRAL PARK REDEVELOPME	19,594.08	19,594.08	19,595.00	.92	100.0
20-4000-748 RDA - BROWN MONUMENT	195,915.69	195,915.69	195,916.00	.31	100.0
20-4000-749 RDA - IRONWOOD	177,625.57	177,625.57	195,916.00	18,290.43	90.7
20-4000-750 RDA - UPTOWN CENTER	37,337.24	37,337.24	37,338.00	.76	100.0
20-4000-751 RDA - YE OLDE WINN MILL	94,900.00	94,900.00	94,900.00	.00	100.0
20-4000-752 RDA - ALPINE CLEANING	43,917.00	43,917.00	43,917.00	.00	100.0
TOTAL EXPENDITURES	598,200.89	598,200.89	843,724.00	245,523.11	70.9
TOTAL FUND EXPENDITURES	598,200.89	598,200.89	843,724.00	245,523.11	70.9
NET REVENUE OVER EXPENDITURES	(280,787.87)	(280,787.87)	.00	280,787.87	.0

Smithfield

RDA MAP

Smithfield RDA Plan

**REDEVELOPMENT PLAN
FOR THE SMITHFIELD
CENTRAL BUSINESS DISTRICT REDEVELOPMENT PROJECT**

I. [100] INTRODUCTION

The Redevelopment Plan ("Redevelopment Plan") for the Smithfield Central Business District Redevelopment Project ("Project") has been prepared by the Smithfield City Redevelopment Agency ("Agency") pursuant to the Utah Neighborhood Development Act, as amended, Utah Code Annotated 17A-2-1201 et seq., and all applicable local laws and ordinances.

II. [200] PROJECT AREA BOUNDARIES

The boundaries of the Smithfield Central Business District Redevelopment Project ("Project Area") are located entirely with Smithfield City, Utah ("City") and are illustrated on the map which is attached hereto as Exhibit A and made a part hereof by this reference. The legal description of the boundaries of the Project Area is attached hereto and made a part hereof as Exhibit B. A list of the property owners and properties at the time of the adoption of the Plan is attached hereto and made a part hereof as Exhibit C.

III. [300] PROPOSED REDEVELOPMENT ACTIONS

A. [301] General

The Agency proposed to eliminate and prevent the spread of blight in the Project Area by some or all of the following actions:

1. Acquisition of real property;
2. Demolition or removal of buildings and improvements;
3. Relocation assistance to residential, commercial and other occupants displaced by the Project activities, if any;
4. Installation, construction or reconstruction of streets, utilities, and other public improvements;
5. Disposition of property acquired by the Agency;

6. Redevelopment of land by private enterprise and public agencies for uses in accordance with this Plan;
7. Rehabilitation of buildings and structures;
8. Participation by persons or entities engaged in business or holding interests in property within the Project Area through remaining in or re-entering the Project Area.

B. [302] Property Acquisition

1. [303] Acquisition of Real Property

Most of the property in the Project Area will not be purchased by the Agency, but the Agency will be assisting and encouraging public and private entities to eliminate blight, install needed utilities, rehabilitate property, and develop property in the Project Area consistent with the Redevelopment Plan. A principal objective of this Plan is to promote redevelopment by stimulating private development within the Project Area. As is more particularly specified in Section 601 hereof, the Agency will not acquire property unless or until the Agency determines that the specific project involved is feasible in light of investments or commitments made or reasonably likely to be made by developers or participants in the Plan, or by other parties. Usually, this will occur only when the Agency has an agreement assuring that the property will be disposed of to a public or private developer or participant.

The Agency is authorized to acquire (but is not required to acquire) real property located in the Project Area. The Agency is authorized to acquire such property by gift, devise, exchange, purchase, or any other lawful method, including eminent domain.

The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interests in real property.

2. [304] Acquisition of Personal Property

Generally personal property will not be acquired.

However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area in connection with acquisitions of interests in real property.

C. [305] Participation Opportunities and Preferences

1. [306] Participation and Preference Rules

The Rules Governing Participation and Preferences by Owners, Operators of Businesses, and Tenants in the Smithfield Central Business District Redevelopment Project will be adopted and incorporated as a support document to this Plan. Those rules as they exist or as they may subsequently be amended (the "Participation Rules"), shall govern participation opportunities and preferences granted to persons or entities engaged in business or holding interests in property within the Central Business District Redevelopment Project Area.

2. [307] Opportunities for Participation by Owners, operators of Businesses and Other Persons or Entities with Property Interests in the Project Area

The Agency shall extend preferences to persons or entities who are engaged in business or hold interests in property within the Project Area and who sell, terminate, or otherwise transfer those interests and who re-enter the Project Area if they otherwise meet the requirements prescribed by the Plan and the Participation Rules.

The Agency may permit persons who are owners of real property in the Project Area to be given the opportunity to participate in redevelopment by rehabilitation, by retention of improvements or land, or by new development by retaining all or a portion of their properties, by acquiring adjacent or other properties from the Agency or purchasing other properties in the Project Area.

If conflicts develop between participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences between and among participants, in accordance with the Participation Rules. This may include but is not limited to determining a solution by consideration of such factors as length of time in the area; accommodation of as

many participants as possible; ability to perform; and conformity with intent and purpose of this Plan.

In addition to opportunities for participation by persons and firms individually, participation to the extent it is feasible shall also be available for two or more persons, firms, or institutions, to join together in partnerships, corporations, or other joint entities as indicated in the Participation Rules.

The Agency and the City desire as much participation as possible in the redevelopment of the Project Area by owners and tenants in the Project Area.

3. [308] Participation Agreements

When deemed necessary by the Agency to carry out the Plan, each owner and tenant may be required to enter into a binding participation agreement with the Agency by which the participant agrees to rehabilitate, develop, or use the property in conformance with such agreements and to be subject to the provisions thereof. In such agreements, participants who retail real property shall be required to join in the recordation of such documents as are necessary to make the provisions of the agreement applicable to their properties.

D. [309] Cooperation with Public Bodies

Many public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of this Project. The Agency may seek the aid and cooperation of such public bodies and attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the parallel purposes of the redevelopment and the highest public good. The Agency will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area and may enter into contracts or other arrangements with such bodies as permitted by law in furtherance of this plan. Any public body which owns or leases property in the Project Area will be afforded all the privileges of participation if such public body is willing to enter into a participation agreement with the Agency. All plans for development of property in the Project Area by a public body shall be subject to Agency approval. The Agency is authorized to assist

financially (and otherwise) any public entity with the costs of public land, buildings, facilities, structures, or other improvements if such land, building, facilities, structures or other improvements are of benefit to the Project.

The Agency may pay to any school district within the territory located within the Project Area any amounts of money which, in the Agency's determination, are appropriate to alleviate any financial burden or detriment caused to any taxing district by the Project.

E. [310] Property Management

During such time as property, if any, in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for redevelopment, and such rental or lease shall be pursuant to such policies as the Agency may adopt.

In any year during which the Agency owns property in the Project Area, the Agency may, but is not required, to make compensating payments to taxing agencies which would have received tax revenues from the property were it not exempt by virtue of Agency ownership. The total amount of such compensating payments shall not exceed the tax increments the Agency actually receives from the Project and the payments to particular taxing agencies shall not exceed the amount the entity would have received but for the property's exempt status.

F. [311] Relocation of Persons Displace by the Project

1. [312] Relocation Rules

The Relocation Rules and Regulations for Implementation of the Utah Relocation Assistance Act for the Central Business District Redevelopment Project were adopted by the Smithfield City Redevelopment Agency on _____, 1992. The rules as they exist or as they may subsequently be amended (the "Relocation Rules") shall govern relocation of persons, businesses, and other entities displaced by Agency action.

2. [313] Assistance in Finding Other Locations

The Agency shall assist all persons and entities, if any, (including families, business concerns,

and others) displaced by Agency acquisition of property in the Project Area in finding other locations and facilities. The Agency shall structure redevelopment efforts, to the greatest extent possible consistent with Agency objectives, to minimize the need to displace persons or entities. The Agency shall assist individuals and families in finding housing that is decent, safe, sanitary, within their financial means, in reasonably convenient locations, and otherwise suitable to their needs. The Agency is also authorized to provide housing or to arrange for the provision of housing inside or outside the Project Area for displaced persons, and to provide such other assistance as may be necessary or appropriate under the Relocation Rules.

3. [314] Relocation Payments

The Agency shall pay all relocation payments required by law. In addition, the Agency may make any additional relocation payments which in the opinion of the Agency's Governing Board may be reasonably necessary to carry out the purposes of this Plan. Such additional relocation payments shall be subject to the availability of funds for this purpose.

G. [315] Public Improvements, Demolition and Land Clearance, and Site Preparation

1. [316] Public Improvements, Public Facilities and Public Utilities

The Agency is authorized to install and construct or to cause to be installed and constructed the public improvements, public facilities, and public utilities (within or outside the Project Area) as appropriate or necessary to carry out the Plan or to benefit the Project. Such improvements, facilities, and utilities may be paid for in whole or in part by the Agency, by private developers or by participants in the Redevelopment Plan. They may be financed by any means available to the Agency and/or developers or participants which are authorized or permitted by law.

2. [317] Demolition and Land Clearance

The Agency is authorized to demolish and clear buildings, structures, and other improvements from any real property in the Project Area that the

2. [321] Moving of Structures

With respect to buildings or structures owned or acquired by the Agency, the Agency is authorized to move or to cause to be moved an structure or building or any structure or building which can be rehabilitated to a location within or outside the Project Area as necessary in carrying out this Plan.

I. [322] Property Disposition and Development

1. [323] Real Property Disposition and Development

a. [324] General

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property. To the extent permitted by law, the Agency is authorized to dispose of real property by negotiation through leases or sales without public bidding.

All real property acquired by the Agency in the Project Area may be sold or leased to public or private persons or entities for development for the uses permitted in the Plan. Real property may be conveyed by the Agency to the City or any other public body without charge. The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes before development and to insure that development is carried out pursuant to this Plan. All purchasers or lessees of property shall be obligated to use the property for the purpose designated in this Plan, and in accordance with any additional requirements imposed by participation agreements, development agreements, or any other covenants or agreements that affect the property in question. They shall begin and complete development of the property within a period of time which the Agency fixes as reasonable, and comply with other conditions which the Agency deems necessary to carry out the

purposes of this Plan.

b. [325] Purchase and Development by Participants

Pursuant to the provisions of this Plan and the Participation Rules adopted by the Agency, the Agency shall to the greatest extent feasible offer real property acquired by the Agency for disposition and development to persons or entities engaged in business or holding other interests in the property in the Project Area on a preference basis over other persons or entities.

c. [326] Purchase and Development Documents

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, shall be made subject to the provisions of this Plan by leases, deeds, contracts, agreements, declarations of restrictions, provisions of the zoning ordinance, conditional use permits, or other means. Where appropriate, as determined by the Agency, such documents or portions thereof shall be recorded in the Office of the Recorder of the County.

The leases, deeds, contracts, agreements, and declarations of restrictions may contain restrictions, covenants, covenants running with the land, rights of reverter, condition subsequent, equitable servitude, or any other provision necessary to carry out this Plan.

d. [327] Development

During the period of development in the Project Area, the Agency may insure that the provisions of this Plan and of other documents formulated pursuant to this Plan are being observed, and that development in the Project Area is proceeding in accordance with development documents and time schedules.

Development plans, both public and private, may be submitted to the Agency for approval

and architectural review. The Agency shall develop architectural and design standards and submit them to the City Council for its consideration and approval. All development funded by the Agency must conform to this Plan, planning and zoning Ordinances, and such Agency architectural and design standards as may be approved by the City Council and all applicable laws.

2. [328] Personal Property Disposition

The Agency is authorized to sell, lease, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property that has been acquired by the Agency.

IV. [400] USES PERMITTED IN THE PROJECT AREA

A. [401] Land Use Map and Uses Generally

The land uses within the project area must comply with all existing land uses as they now exist or may be amended under the zoning ordinances of Smithfield City.

This Plan does not supplant the need for compliance with established procedures for securing the approval of the City Council, the Planning Commission, or other officials or bodies within the City as required by law and by normal City practice.

B. [402] Permitted Uses

The Redevelopment Agency proposes to stimulate growth in the Project Area by providing financial incentives to attract new business and support for the elimination of blight and by providing and/or encouraging vital improvements in the Project Area. In particular, the Agency plans to cooperate with the City of Smithfield in bringing about a commercial development that may include any or all of the following: retail and commercial development, office space, distribution, hotel, and other developments which will help provide quality growth for the City of Smithfield. It is anticipated that some existing residential uses may remain in the Project Area but may be eliminated as development occurs. Planning includes provision of buffering between the Project Area and surrounding residential areas. Redevelopment would provide a certain percentage of the cost of making these improvements. The Redevelopment Agency could also provide land and building cost incentives to businesses

wishing to locate in Smithfield City, and could assist with infrastructure and a number of other costs in order to stimulate development.

In general, the Project Area will ultimately be used for commercial purposes. Existing uses will be allowed to continue. Other uses defined herein may be permitted to the extent they are permitted by zoning regulations as they currently exist or as they may hereafter be amended. In addition, accessory uses to existing uses shall also be permitted.

C. [403] Public, Semi-Public and Institutional Uses

Public, semi-public and institutional uses permitted shall be developed, maintained, rehabilitated, or preserved. Public and semi-public uses include, but are not limited to schools, parks, community center uses, churches, health care facilities, landscaped areas and walkways, recreational facilities, City, state and federal offices, libraries, and other public and semi-public uses.

1. [404] Institutional Uses

Institutional uses including but no limited to uses by religious, educational, charitable, scientific, health care, community center uses, recreational, or other such organizations are permitted within the Project Areas as conditional uses, subject to the provisions and requirements of the Smithfield City Zoning Ordinance, as it currently exists or as it may be amended from time to time, and any other applicable land use ordinances or regulations.

2. [405] Roads and Rights-of-way

All or part of any street and alley in the Project Area other than the principal street may be abandoned or closed as necessary for proper development of the Project Area. Additional public streets, alleys and easements may be created in the Project Area as needed for proper development. All streets and alleys in the Project Area may be widened, altered as necessary or appropriate for proper development of the Project Area.

The public rights-of-way may be used for vehicular and/or pedestrian traffic, as well as for public improvements, public and private utilities and

activities typically found in public rights-of-way.

Nothing herein shall be construed as authorizing the Agency to abandon, close, create, widen, or otherwise alter any streets, alleys, easements or other rights-of-way without following procedures established by applicable federal, state and local law.

D. [406] Residential Uses

Areas permitted as residential uses shall be developed, maintained, rehabilitated or preserved as permitted under existing or amended zoning ordinances. Residential uses may be permitted only in those portions of the Project Area designated for residential uses] and except for such residential uses as already exist or have already been approved by the City] such uses shall be permitted only if they receive the approval of the Agency in addition to any approvals required by the Smithfield Zoning Ordinance or any other law or regulation.

E. [407] Federal, State and Local Controls and Limitations

No real property shall be developed, constructed, rehabilitated, modified, altered, repaired, or otherwise changed after the date of the adoption of this Plan, except in conformance with the provisions of Federal law, State law, or the ordinances of Smithfield City, all as they currently exist or as they may hereafter be amended.

1. [408] Construction

All construction shall comply with applicable State and local laws as they exist or may be amended, including without limitation the Uniform Building Code, the Uniform Plumbing Code, the uniform Fire Code, the Uniform Mechanical Code, and the National Electrical Code, all as adopted in Smithfield City, and the Smithfield City Zoning and Subdivision Ordinances.

2. [409] Nonconforming Uses

The Agency may permit nonconforming uses to remain in the Project Area to the extent they are permitted by State and local laws as they exist or may hereafter be amended.

3. [410] Rehabilitation

The Agency may approve any existing structure within the Project Area for retention and rehabilitation, repair, alteration, reconstruction, in such manner that it will be safe and sound in all physical respects and be attractive in appearance and not detrimental to the surrounding areas.

4. [411] Landscaping, Light, Air, and Privacy

It is the intent of this Plan that a high standard of landscaping be developed and maintained within the Project Area. In all areas sufficient space shall be maintained between buildings to provide adequate light, air, and privacy.

5. [412] Signs

The Agency may develop sign regulations and submit them to the City Council and Planning Commission for consideration and approval. The design of all existing and new signs shall be submitted to the Agency for review and comment.

6. [413] Utilities

The Agency may require that all utilities for any new development or any remodeling which would require the determining of a building permit under the Uniform Building Code be placed underground.

7. [414] Nondiscrimination and Nonsegregation

There shall be no discrimination or segregation based upon sex, race, color, creed, religion, national origin, or ancestry permitted in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area. Nothing herein shall be construed to preclude religious or religiously affiliated institutions from engaging in activities which uniquely benefit adherents of the religion in question or foster or advance the religious mission of the institution.

8. [415] Subdivision of Parcels

No parcel in the Project Area, shall be subdivided

or resubdivided without the approval of the Agency and the Smithfield City Planning Commission.

9. [416] Variations

Variations from State and local law shall be permitted only pursuant to the processes, procedures, and standards of the State or local law from which a variation is being sought.

F. [417] Quality of Development

The objective of this Plan is to create an attractive and pleasant environment in the Project Area.

G. [418] Building Permits

Building permits shall be issued for the construction of any new building or for any construction on an existing building in the Project Area only after compliance with normal City requirements for obtaining a building permit and after receiving approval of the Agency. The Agency may delegate to its Executive Director or one or more other persons or entities the right to give such approvals or to participate in the giving of such approvals on such terms and conditions and with respect to such types of projects as it may determine by resolution.

If a building permit is being sought with respect to construction undertaken pursuant to a participation or development agreement with the Agency, the building permit shall not be issued until the Agency determines that the proposed construction complies with the terms of the participation or development agreement in question. If the Agency takes no action within 30 days after receiving notice of the permit application, it shall be deemed that the proposed construction complies with the agreement in question.

H. [419] Notice to Landowners

The Agency shall give notice to landowners located within the proposed development in the Project Area before finalizing participation or development agreements on the same basis and using the same process as notice is given in zoning changes.

I. [420] Buffering

Appropriate buffering shall be provided wherever, in the judgment of the Agency, buffering is necessary to

protect adjacent properties.

In order to assure appropriate transition between commercial uses in the Project Area and surrounding residential uses, the Agency shall impose reasonable height and bulk requirements with respect to buildings constructed within 300 feet of residential property outside the Project Area to assure that adequate buffering is feasible.

V. [500] AESTHETICS, LANDSCAPING

It is a goal of this Plan to promote development which will enhance the visual attractiveness of this Project Area. The Agency is authorized to submit standards to the City Council for consideration and approval which shall govern aesthetic requirements for structures and landscaping within the Project Area.

VI. [600] METHODS FOR FINANCING THE PROJECT

A. [601] General Description of the Proposed Financing Methods

The Agency is authorized to finance this Project with financial assistance from the City, State of Utah, the Federal government, property tax increments which accrue within the Project Area, interest income, Agency bonds, or any other available source.

The property tax increments referred to in the preceding paragraph shall be as set forth below. Briefly stated, the tax increments that will be available under this Plan are determined in the following manner. After the Plan is adopted, the total taxable value of property within the Project Area is determined using the taxable values shown on the last equalized assessment roll prior to adoption of the Plan. This provides a base figure. To the extent the taxable values of property within the Project Area increase above this base figure, application of prevailing tax rates to the increased value above the base figure yields "tax increments." These tax increments arise only with respect to property located in the Project Area. Other taxing entities continue to be entitled to receive the tax revenues that result from application of prevailing tax rates to the base figure of taxable value, so long as the total of taxable values in the project area exceed the base figure. The tax increments are made available for financing or assisting with the financing of redevelopment within the Project Area. Such financing

can be accomplished through the use of tax increment bonds or other borrowing. These bonds or other borrowing are retired using the tax increments generated from increased taxable values within the Project Area. Bond holders and other creditors have no recourse against anything but such tax increments for payment of such bonds or other borrowing to the extent such bonds or other borrowing are based solely on tax increments. In particular, they have no claims against City funds.

Advances and loans for the processes in creating the Agency and adopting this plan for survey and planning, and for the operating capital for administration of this Project have been and are to be provided by the City until adequate tax increments or other funds are available or sufficiently assured to repay the loans and/or to permit borrowing adequate working capital from sources other than the City. The City as it is able is authorized to supply additional assistance through City loans and grants for various public facilities. All advances and loans from the City shall bear a reasonable rate of interest.

The Agency is authorized to issue bonds if appropriate and feasible in an amount sufficient to finance all or any part of the Project.

The Agency is authorized to obtain advances, to borrow funds and to create indebtedness in carrying out this Plan. The principal and interest on such advances, funds, and indebtedness may be paid from tax increments or any other funds available to the Agency.

It is the intent of this Plan that the Agency will usually purchase property only when the Agency has an agreement assuring that the property will be disposed of to a public or private developer or participant. Thus this Redevelopment Project will proceed and be carried out only if and when financing becomes available. The financing of this project is primarily based upon the willingness to public and private entities to invest and develop in the Project Area.

The financing of the Project can also occur through advances from private developers and from purchase prices and rental payments paid by developers and participants.

B. [602] Tax Increments

Pursuant to Section 17A-2-1247 of the Utah Code, as

amended, all taxes levied upon taxable property within the Project Area each year by or for the benefit of the State of Utah, County of Utah, Smithfield City, any district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving this Redevelopment Plan, shall be divided as follows:

Property taxes, if any, levied upon taxable property in the Project Area each year by or for the benefit of the state of Utah, any city, county, city and county, district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving the redevelopment plan, shall be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the taxable value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of the property by the taxing agency, last equalized prior to the effective date of the ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for the taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment project on the effective date of the ordinance but to which the territory is annexed or otherwise included after the effective date, the assessment roll of the county last equalized on the effective date of the ordinance shall be used in determining the taxable value of the taxable property in the project on the effective date); and

(a) That portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under Subsection (a) shall be allocated to and when collected shall be paid into a special fund of the redevelopment agency according to the limits established in Subsection (c) to pay the principal of and interest on loans, moneys

advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the redevelopment agency after April 1, 1983, to finance or refinance, in whole or in part, the redevelopment project. Payment of tax revenues to the redevelopment agency shall be subject to and shall except uncollected or delinquent taxes in the same manner as payments of taxes to other taxing agencies are subject to collection. Unless and until the total taxable value of the taxable property in the project exceeds the total taxable value of the taxable property in the project as shown by the last equalized assessment roll referred to in Subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the redevelopment project shall be paid into the funds of the respective taxing agencies. When the loans, advances, and indebtedness, if any, and any interest have been paid, all moneys received from taxes upon the taxable property in the redevelopment project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(c) For purposes of Subsection (b) the maximum amounts which shall be allocated to and when collected shall be paid into the special fund of the redevelopment agency may not exceed the following percentages:

(i) For a period of the first five tax years commencing from the first tax year a redevelopment agency accepts an amount allocated to and when collected paid into a special fund of the redevelopment agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) which loans, advances, or indebtedness are incurred by the redevelopment agency after April 1, 1983, 100% of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under Subsection (a);

(ii) For a period of the next five tax years 80% of that portion of the levied taxes each year in excess of the amount allocated

to and when collected paid into the funds of the respective taxing agencies under Subsection (a);

2005-2009

(iii) For a period of the next five tax years 75% of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under Subsection (a);

2010-2014

(iv) For a period of the next five tax years 70% of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under Subsection (a); and

2015-2019

(v) For a period of the next five tax years 60% of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under Subsection (a);

(d) Nothing contained in Subsection (b) and (c) prevents an agency from receiving a greater percentage than those established in Subsection (c) of the levied taxes of any local taxing agency each year in excess of the amount allocated to and when collected paid into the funds of the respective local taxing agency if the governing body of the local taxing agency consents in writing.

The Agency is authorized to make pledges of portions of taxes allocated to the Agency pursuant to Section 602 above as to specific advances, loans and indebtedness as appropriate in carrying out the Project. Such pledges may be irrevocably pledged by the Agency for the payment of the principal of and interest on the advance of moneys, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project in whole or in part.

Taxes shall be allocated and paid to the Agency consistent with the provisions of this Plan only to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Agency to finance or refinance, in whole or in part, the Redevelopment

Project.

C. [603] Other Loans and Grants

Any other loans, grants, guarantees, or financial assistance from the United States or any other public or private source will be utilized if available as appropriate in carrying out the Project.

D. [604] No Encumbrances on Private Property Without Owner Consent

The Agency shall not be entitled to create any indebtedness which would encumber or lien any privately owned property within the Project Area without the express written consent of the owner of such property. Nothing herein shall be construed to preclude the Agency from issuing revenue bonds secured by pledges of portions of taxes allocated to the Agency pursuant to the above. Further, nothing herein shall be construed as a limitation or waiver of any of the normal powers of the City of Smithfield or any other governmental entity that may have authority with respect to one or more properties in the Project Area.

VII. [700] ACTIONS BY THE CITY

The City shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. Subject to the provisions of applicable federal, state and local law, action by the City shall include, but not be limited to, the following:

- a. Institution and completion of proceedings for openings, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-way, and for other necessary modification of the streets, the street layout, and other public rights-of-way in the Project Area.
- b. The requirement of abandonment and relocation by the public utility companies of their operations in public rights-of-way as appropriate to carry out the Plan.
- c. Institution and completion of proceedings necessary for changes and improvements in publicly-owned public utilities within the project area.
- c. Revision of zoning within the Project Area to permit the land uses and development authorized by this Plan.

- d. Revision of zoning within the Project Area to permit the land uses and development authorized by this Plan.
- e. Performance of the above, and of all other functions and services relating to public health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the project area to be commenced and carried to completion without unnecessary delays.
- f. The undertaking and completing of any other actions or proceedings necessary to carry out the Project.

VIII. [800] ADMINISTRATION AND ENFORCEMENT OF THE PLAN

Authority to take action or enter into agreements under this Plan shall be vested exclusively in the Agency's Governing Board.

The Administration and enforcement of this Plan and any documents implementing this Plan shall be performed by the Agency and/or the City.

The provision of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.

The City Council shall have the financial affairs of the Agency audited annually by an independent auditing firm, in accordance with the Utah Neighborhood Development Act.

IX. [900] DURATION OF THIS PLAN AND VARIOUS PLAN PROVISIONS

The nondiscrimination and nonsegregation provisions of this Plan shall run in perpetuity. With respect to property which is sold, conveyed, leased or otherwise disposed of by the Agency pursuant to this Plan, the Agency shall retain controls and establish restrictions and covenants running with the land sold or leased for private use for not more than 25 years from the date of such sale or lease and under such conditions as are provided in the Plan.

The Agency may not issue bonds for redevelopment projects undertaken pursuant to this Plan after fifteen years from the date of the approval of this Plan.

No tax increment from the Project Area may be allocated to or used by the Agency after thirty-two years from the date of the approval of this Plan.

The Agency shall not have the power of eminent domain seven years after the date this Plan is approved.

X. [1000] **PROCEDURE FOR AMENDMENT**

This Plan may be amended by means of the procedure established in Section 17A-2-1229 of the Utah Neighborhood Development Act or by any other procedure established by law.