

Resolution No. 16-01

**RESOLUTION OF SOUTH OGDEN CITY APPROVING AN AMENDMENT
TO AN INTERLOCAL AGREEMENT WITH THE SOUTH OGDEN CITY
COMMUNITY DEVELOPMENT AND RENEWAL AGENCY**

WHEREAS, the South Ogden City Community Development and Renewal Agency (the “**Agency**”) and the City of South Ogden (the “**City**”) entered into that certain Interlocal Agreement dated as of September 6, 2011 (the “**Existing Interlocal**”); and

WHEREAS, the Existing Interlocal provides for the payment to the Agency of a portion of the sales tax revenue generated from certain property within the Northwest Redevelopment Project Area; and

WHEREAS, the Agency has need of additional sales tax revenues from the City to incentivize the expansion of the existing Subaru car dealership that is operating within the Northwest Redevelopment Project Area; and,

WHEREAS the City desires therefore to increase the maximum amount of sales tax revenues to be paid to the Agency under the Existing Interlocal by \$200,000.00, from \$1,075,000.00 to \$1,275,000.00; and

WHEREAS the City now desires to approve the proposed amendment to the Existing Interlocal.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
SOUTH OGDEN CITY AS FOLLOWS:**

1. The payment of the additional sales tax revenue to the Agency, as provided for in the amendment attached hereto as **Exhibit A**, is in the best interests of the City and its residents.
2. The amendment to the Existing Interlocal, attached hereto as **Exhibit A**, is hereby approved and shall be executed by the Mayor and the City Recorder.
3. This Resolution shall take effect upon adoption.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY,
STATE OF UTAH, on this 19th day of January, 2016.**

SOUTH OGDEN CITY

James F. Minster, Mayor

ATTEST:

Leesa Kapetanov, City Recorder

EXHIBIT A
to South Ogden City Resolution No. 16-01

Amendment to Interlocal Agreement
4836-3979-7804, v. 1

AMENDMENT TO INTERLOCAL AGREEMENT

FIRST AMENDMENT, dated as of January 19, 2016, to that certain Interlocal Agreement, between the South Ogden City Community Development and Renewal Agency, a political subdivision of the State of Utah (the “**Agency**”) and South Ogden City (the “**City**”) dated as of September 6, 2011.

Background

- a) The Agency and the City entered in to the Interlocal Agreement as referenced in the preamble to this Agreement (the “**Existing Interlocal**”), which provided for, among other things, the payment to the Agency of a portion of the sales tax revenue generated from certain property within the Northwest Redevelopment Project Area.
- b) The Agency has need of additional sales tax revenues from the City to incentivize the expansion of the existing Subaru car dealership that is operating within the Northwest Redevelopment Project Area.
- c) The City desires therefore to increase the maximum amount of sales tax revenues to be paid to the Agency under the Existing Interlocal by \$200,000.00, from \$1,075,000.00 to \$1,275,000.00.

Agreement

NOW, THEREFORE, in consideration of the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. The last two sentences of Paragraph 1 of the Existing Interlocal are amended to read as follows:

The payment of the City’s 0.5% Sales Taxes, as described in the previous section, will continue until the City has paid the Agency a total of \$1,275,000.00. After the City has paid the Agency a total of \$1,275,000.00 under this Agreement, this Agreement with automatically terminate.

2. Paragraph 5.e. of the Exiting Interlocal is amended to read as follows:
The term of this Agreement shall commence on the date of full execution of this Agreement by both Parties and shall remain in full force and effect until the either (i) City has paid the Agency \$1,275,000.00, or (ii) the Site ceases to be used as a new and used full service car dealership. Notwithstanding the previous sentence, as required by Section 11-13-216 of the Cooperation Act, this Agreement shall terminate no later than 50 years after its effective date.

3. All other terms of the Existing Interlocal remain in full force and effect.

[Remainder of page intentionally left blank]

[Signature Page to Amendment to Interlocal Agreement]

**SOUTH OGDEN CITY COMMUNITY
DEVELOPMENT AND RENEWAL AGENCY**

By: _____
James F. Minster, Chair

Attest:

Secretary

CITY OF SOUTH OGDEN

By: _____
James F. Minster, Mayor

Attest:

City Recorder