ORDINANCE NO. 2013-O-02

AN ORDINANCE REZONING APPROXIMATELY 4.2 ACRES OF PROPERTY LOCATED AT 7510 SOUTH MAIN STREET TO INCLUDE THE PUBLIC FACILITIES OVERLAY ZONE ALLOWING THE CONSTRUCTION OF A NEW MIDVALE MUNICIPAL CENTER; ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the City has a Public Facilities Overlay Zone, which was created to provide for locations and appropriate standards for certain public uses and facilities to be constructed and operated to provide basic services and essential support services for the community; and

WHEREAS, pursuant to Sections 10-9a-501 through 10-9a-503 Utah Code Annotated 1953 as amended the City has authority to make and amend a zoning plan which divides the City into zoning districts and within those districts to regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land; and

WHEREAS, the City Council determined that constructing a new municipal center is needed to better serve the residents and businesses of Midvale City, and, after considering various locations, determined the City-owned property at 7510 South Main Street, described in Exhibit A, is the best location for this facility; and

WHEREAS, in order to use the 7510 South Main Street property to construct a government building, the property must include the Public Facilities Overlay Zone, which requires the Planning Commission and City Council to consider rezoning the property to include the overlay zone and approve a site plan for the property in compliance with the criteria for the overlay zone; and

WHEREAS, following appropriate notice to surrounding property owners and publication in the newspaper on November 28, 2012, the Planning Commission held a public hearing on December 12, 2012, which was continued to January 9, 2013, to review the request to rezone the property and site plan for a new municipal center; and

WHEREAS, after considering the proposal and public input, the Planning Commission found that the rezone and site plan complied with the Public Facilities Overlay Zone criteria and forwarded a recommendation to the City Council to approve the rezone and site plan with specific site plan conditions; and

WHEREAS, the City Council held a public hearing on February 5, 2013, which hearing was preceded by appropriate notice to surrounding property owners and publication in the newspaper on January 22, 2013; and

WHEREAS, after taking into consideration citizen testimony, planning and demographic
data, the desires of the community and the Planning Commission’s recommendation as part of its deliberations, the City Council adopted the following findings regarding rezoning the property at 7510 South Main Street to include the Public Facilities Overlay Zone and the site plan for a new municipal center:

1. In order to better serve the community and accommodate the current and future needs of the residents, businesses and visitors of Midvale City, a more functional and efficient municipal center is needed.
2. The 7510 South Main Street location furthers the City’s goal to revitalize the historic Midvale area through property and infrastructure improvements, providing a daytime population to the area’s existing and future businesses, and linking the newest area of the City, Bingham Junction, with the oldest.
3. Existing infrastructure and public services are available to support a municipal center in the area.
4. The proposed use, site layout and building design are compatible with and enhance the existing neighborhood, and are less intrusive than private development could be under the current RC Zone.

WHEREAS, in consideration of the above findings, the City Council determined the rezoning of said property and the site plan for said use and public facility is appropriate (with specific site plan conditions), is in accordance with the Midvale City General Plan, promotes the health and general welfare of the City, is compatible with the surrounding neighborhood, and, overall, fulfills the needs of the City as a whole.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Midvale City, Utah as follows:

Section 1. The zoning ordinance which sets forth the zone districts within Midvale City and which portion of the said zoning ordinance is established by a zoning map, is hereby amended as follows:

The property (Parcels 21-26-427-003 and 21-26-427-001) described in Exhibit A attached hereto and by this reference made a part hereof, which property is located between Main Street and Holden Street at approximately 7510 South Main Street, Midvale, Utah, and is currently zoned Regional Commercial (RC), shall be zoned Regional Commercial (RC) with a Public Facilities Overlay Zone.

ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

Regional Commercial (RC)

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

Regional Commercial (RC) with a Public Facilities Overlay Zone (based on the
site plan for the new municipal center)

Section 2. If any part of this ordinance or the applications thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. This ordinance shall be effective upon publication of a summary thereof.

PASSED AND APPROVED this 5th day of FEBRUARY, 2013.

JoAnn F. Seghini, Mayor

ATTEST:

Rori Andreasen, MMC
City Recorder

Date of first publication: FEBRUARY 10, 2013

Voting by City Council

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<th>Name</th>
<th>&quot;Aye&quot;</th>
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<td>Colleen Costello</td>
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<td>Wayne Sharp</td>
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“EXHIBIT A”
(Ordinance No. 2013-O-02)

Legal Description of Rezone Property

Beginning at a point on the west line of 700 West Street, said point being South 0°09’40”
West 696.40 feet along the section line and West 33.00 feet from the East Quarter Corner of
Section 26, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running;

thence South 0°09’40” West 393.67 feet along the west line of said 700 West Street;
thence West 176.52 feet;
thence South 40.00 feet;
thence West 253.21 feet to the east line of Holden Street;
thence North 5°09’02” East 64.22 feet along the east line of said Holden Street;
thence Northeasterly 261.91 feet along the arc of a 480.00 foot radius curve to the right
(center bears South 84°50’58” East and the long chord bears North 20°46’57” East 258.68 feet
with a central angle of 31°15’49””) along the east line of said Holden Street;
thence North 36°24’51” East 363.77 feet along the east line of said Holden Street;
thence North 81°30’00” West 106.03 feet;
thence South 61°01’41” East 14.39 feet to the west line of 700 West Street;
thence South 132.34 feet along the west line of 700 West;
thence South 0°09’23” West 41.24 feet along the west line of 700 West Street, to the
point of beginning.

Contains 181,778.68 square feet, or 4.18 acres.