

Ogden City Redevelopment Agency Agenda August 14, 2012 at 6:00 p.m. City Council Chambers – Third Floor Municipal Building, 2549 Washington Boulevard

- 1. Roll call.
- 2. Pledge of Allegiance.
- 3. Moment of Silence.
- 4. Approval of Minutes (voice vote):
 - a. Minutes of the Special Meeting of June 5, 2012 Board member Gochnour
- 5. Reports from Administration:
 - a. Transfer Of Ogden Chrome Property and Property Option Agreements
 - i. Proposed Resolution 2012-13 approving the conveyance of property to Ogden City and authorizing the Ogden City Redevelopment Agency Executive Director to execute a deed to complete the conveyance. (Adopt/not adopt resolution – roll call vote)
 - ii. Proposed Resolution 2012-14 approving the assignment of property option agreements to Ogden City and authorizing the Ogden City Redevelopment Agency Executive Director to execute all necessary documents. (Adopt/not adopt resolution roll call vote)
- 6. Public Comments. This is an opportunity to address the Board regarding your concerns or ideas for the Ogden Redevelopment Agency (RDA). (City Council concerns should be expressed during a City Council meeting.) Please state your name for the record and limit your comments to three minutes.
- 7. Comments:
 - a. RDA Executive Director
 - b. Other RDA Staff
 - c. Boardmembers
- 8. **Closed Executive Session**. Consideration of adjourning into a Closed Executive Session pursuant to the provisions of Sections 52-4-205(1)(c)(d) and (e) of the Open and Public Meeting Law for the purpose of discussing the purchase, sale, exchange or lease of real property; and to discuss pending litigation. (Adjourn/not adjourn into closed session roll call)
- 9. Adjournment.

REMINDER:

A CITY COUNCIL WORK SESSION WILL BE HELD IMMEDIATELY FOLLOWING THE REDEVELOPMENT AGENCY MEETING. THE PURPOSE OF THE WORK SESSION IS TO DISCUSS ANNEXATION PETITIONS AND COUNCIL BUSINESS.

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In compliance with the Americans Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the Management Services Department at 629-8701 (TDD # 629-8949) or by email: <a href="mailto:ADACompliance@ci.ogden.ut.us">ADACompliance@ci.ogden.ut.us</a> at least 48 hours in advance of the meeting.

### **CERTIFICATE OF POSTING**

The undersigned, duly appointed Acting City Recorder, does hereby certify that the above notice and agenda were posted in three public places within the Ogden City limits on this 10th day of August, 2012; these public places being: 1) City Recorder's Office on the 2<sup>nd</sup> floor of the Municipal Building; 2) main lobby on the 2<sup>nd</sup> floor of the Municipal Building; and 3) the Weber County Library. Copy provided to the Standard-Examiner on August 10, 2012 and posted to the City web page – <a href="https://www.ogdencity.com">www.ogdencity.com</a>.

LEE ANN PETERSON, MMC ACTING OGDEN CITY RECORDER

Board Agenda Information Line - 801-629-8159

# TRANSFER OF OGDEN CHROME PROPERTY AND OPTION AGREEMENTS TO OGDEN CITY

- Transfer of Parcel located at 153 18<sup>th</sup> Street (03-031-0001)
- Transfer of Purchase Options on Parcels located at 1802 Wall (12-127-0043) and 145 18<sup>th</sup> Street (03-031-0005, 12-127-0043)

## **DETERMINATION:**

- 1) Adopt or Not Adopt Resolution Conveying Property at 153 18<sup>th</sup> to Ogden City
- 2) Adopt or Not Adopt Resolution Transferring Purchase Options on Properties at 1802 Wall and 145 18<sup>th</sup> to Ogden City

# Executive Summary

The Administration is proposing the transfer of property and Purchase Option Agreements for the Ogden Chrome property to Ogden City. The purpose of the transfers is to put the property ownership in the name of Ogden City for development as a city park. The RDA has expended a total of \$337,000 to acquire this property and options. The Administration is recommending transfer of the property and options without reimbursement.

# **Background**

## August 2002

The River Project Redevelopment Area Plan and Budget was adopted by the City Council.

### August 2002- December 2010

The City worked to assemble properties in the River Project Redevelopment Area. The RDA currently owns the largest amount of property within the project area. A significant portion of the property is owned by California developer Gadi Leshem.

## March 3, 2010

The Administration entered into Option Agreements for purchase of the following properties to assemble this important property for the River Project RDA:

- 153 18<sup>th</sup> Street (\$10,000)
- 145 18<sup>th</sup> Street (two parcels) (\$2,500)
- 1802 Wall Avenue (\$2,500)

The Options Agreements were set to expire August 31, 2012.

#### June 15, 2010

The RDA adopted Resolution 2010-6 authorizing the purchase of the property at 153 18<sup>th</sup> Street. Total cost of the property, including the option and \$50,000 for relocation, was \$242,000. The Administration closed on the property June 16, 2010. This particular parcel was integral to completion of the Ogden River Restoration project.

#### June 19, 2012

The City Council adopted the Ordinance 2012-37 amending the FY2013-2017 Capital Improvement Plan to increase the project budget for project RM003 High Adventure Park Phase 2. The additional funds were for property acquisition to complete the park.

During FY2013 Budget discussion the Administration indicated they would be proposing that property and options currently owned by the RDA be transferred to Ogden City to complete the park. It is the Administration's position that although the property is in the Ogden River Redevelopment Project Area, park ownership should be under Ogden City.

The City Council also adopted Ordinance 2012-36 authorizing funding for the FY2013 City budget. Included in the Budget was additional funding for CIP project RM003 in the amount of \$323,200 for a total project budget of \$518,200.

## August 2, 2012

The RDA Board office received a transmittal from the Administration requesting that the Board consider transfer of property and Property Option Agreements to Ogden City.

## **Proposal**

The Administration is recommending adoption of two Resolutions to effect the transfer of property and Property Option Agreements from the RDA to Ogden City.

# Conveyance of Property at 153 18th Street

The RDA acquired property at 153 18<sup>th</sup> Street as part of the Ogden River Redevelopment Project Area and to assist in completing the Ogden River Restoration Program. Under the adopted Ogden Bend Redevelopment Master Plan, this property is to be used as open space—a community park. Because Ogden City is responsible for maintaining and operating all park property, the Administration feels it is appropriate for the property to be held in the name of Ogden City.

Transfer of Property Option Agreements on Three (3) Parcels
At the time the RDA staff negotiated the purchase of property at
153 18<sup>th</sup> Street, they also negotiated the purchase of the remaining
three (3) parcels--commonly known as the Ogden Chrome
property--owned by MCK5, LLC. The Administration proposes to
transfer these options to Ogden City to allow the City to complete
the purchase of the property. Funding for the property purchase
was authorized in the Ogden City FY2013 Budget.

# **Board Considerations**

The RDA expended a total of \$242,000 for purchase of the property at 153 18<sup>th</sup> Street. To date, the RDA has expended \$95,000 for options fees and relocation costs relating to the three (3) optioned properties. The Administration is recommending that the RDA transfer these options to the City without reimbursement in order to further redevelopment of the area. This is allowed under the RDA statutes and policies. However, Board members should

determine whether they are comfortable with this proposal. If Board members feel there should be reimbursement, then the City Council would have to determine a source of funding for the reimbursement.

# Questions

- 1. Are the properties currently occupied? If so, when will Ogden Chrome vacate?
- 2. What is the proposed timeline for demolition and construction of the park?
- 3. Are additional property acquisitions needed to complete the property assembly for the park? If so, is there a timeline for completing the property purchase(s)?

Board Staff Contact: Janene Eller-Smith, (801) 629-8165

#### **RDA TRANSMITTAL**

**DATE:** July 9, 2012

**TO:** Ogden City Redevelopment Agency

FROM: Tom Christopulous, CED Director

**RE:** Transfer of Agreement of Purchase and Sale of property located at

145 18<sup>th</sup> St. and 1802 Wall Ave, Ogden, Utah, and transfer of RDA

property located at 153 18th Street, Ogden, Utah.

**STAFF CONTACT:** Ward Ogden, Assistant Community Development Director

**REQUESTED TIMELINE**: August 14, 2012

**RECOMMENDATON:** Approval of resolutions

**DOCUMENTS**: Resolutions (2), Ogden Chrome Sources and Uses, Aerial

Photograph (attached)

**DISCUSSION:** In June, 2010, the Ogden City Redevelopment Agency approved a resolution authorizing the acquisition of Ogden Chrome and Bumper property located at 153 18<sup>th</sup> Street, owned by MCK5, LLC. Staff had also negotiated Option Agreements on two other parcels owned by MCK5, LLC. Purchase prices are based on MAI appraisals commissioned by staff. This property is in the northwest corner of the Ogden River Redevelopment Project Area, and is adjacent to the north side of the Ogden River, which has recently been restored through the Ogden River Restoration Project. On June 16, 2010, the RDA closed on the purchase of Parcel 1. Under Option Agreements, the RDA would close on Parcels 2 and 3 on or before August 31, 2012.

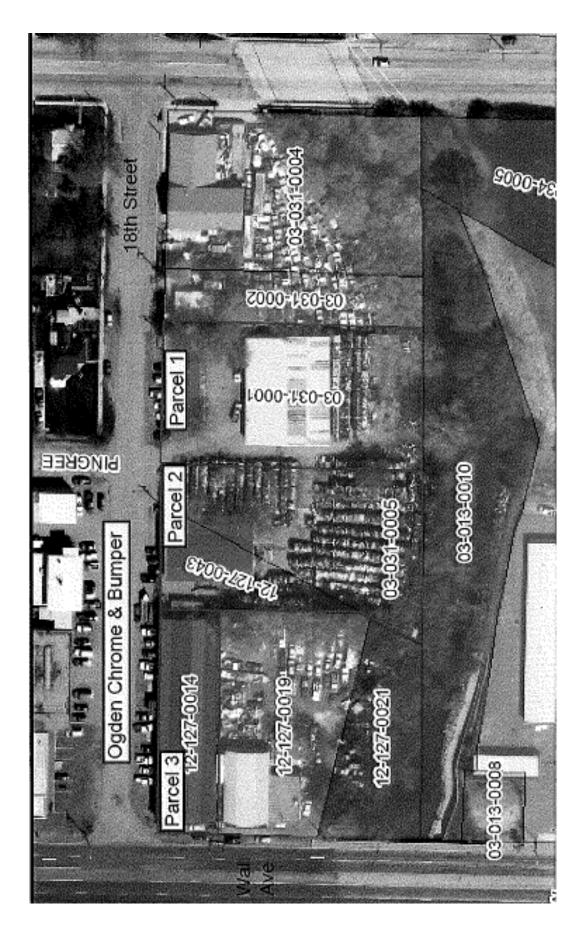
The anticipated use of the land is open space associated with the Ogden River parkway. Consistent with this expected use, the appropriate long-term owner of this land is Ogden City. In order to accomplish this, the RDA must assign the Option Agreements on Parcels 2 and 3 to Ogden City, and transfer ownership of Parcel 1 from the RDA to Ogden City. The Ogden City Council has authorized in the 2012-13 budget funds that would be used for the final acquisition costs of Parcels 2 and 3. Further expenses will be incurred by Ogden City relating to land clearance and parkway construction. The attached chart shows the sources and uses of funds relative to these purchase transactions. The attached aerial photograph shows the three parcels.

It is proposed that the Board authorize and approve the Executive Director to execute and take all actions necessary to effectuate the transfer to Ogden City of the Option Agreement between the RDA and MCK5 LLC regarding the purchase of the parcels of real property located at 145 18<sup>th</sup> Street and 1802 Wall Ave., Ogden, Utah. The resolutions also provide for the transfer to Ogden City of the RDA-owned parcel already acquired from MCK5, LLC, located at 153 18<sup>th</sup> Street, Ogden, Utah.

**Requested Action:** Approve resolution to transfer Option Agreements from Ogden City RDA to Ogden City. Approve resolution to transfer land acquired by RDA at 153 18<sup>th</sup> Street, to Ogden City.

# **Ogden Chrome**

| Oguen Cinome                       |         |          |         |             |             |         |          |
|------------------------------------|---------|----------|---------|-------------|-------------|---------|----------|
| Sources and Uses of Funds          |         | Paid at  | Paid at | Paid before | Paid before |         |          |
|                                    |         | Purchase |         | End of Year | End of Year |         |          |
|                                    |         | Agrmt    | Closing | 1           | 2           | Total   | Square   |
|                                    | Date:   | 3/3/2010 |         | 6/30/2011   | 8/31/2012   |         | Footag   |
| Parcel 1 - 03-031-0001             |         |          |         |             |             |         | 34,062.5 |
| 153 18th St                        |         |          |         |             |             |         |          |
| Purchase                           |         | 10,000   | 182,000 |             |             | 192,000 |          |
| Relocation                         |         |          | 50,000  |             |             | 50,000  |          |
| Parcel 2 - 03-031-0005, 12-127-0   | 043     |          |         |             |             |         | 35,355   |
| 145 18th St                        |         |          |         |             |             |         |          |
| Option Fee                         |         | 2,500    |         |             |             | 2,500   |          |
| Purchase                           |         |          |         | 10,000      | 190,000     | 200,000 |          |
| Relocation                         |         | 35,000   |         |             |             | 35,000  |          |
| Parcel 3 - 12-127-0014             |         |          |         |             |             |         | 12,127.5 |
| 1802 Wall Ave                      |         |          |         |             |             |         |          |
| Option Fee                         |         | 2,500    |         |             |             | 2,500   |          |
| Purchase                           |         |          |         | 10,000      | 130,000     | 140,000 |          |
| Relocation                         |         | 35,000   |         |             |             | 35,000  |          |
|                                    | Total   | 85,000   | 232,000 | 20,000      | 320,000     | 657,000 | 81,545   |
| Sources                            |         |          |         |             |             |         |          |
| RDA Housing Fund (3320-2-07-550801 | -33020) | 85,000   | 82,000  | 20,000      |             | 187,000 |          |
| Ogden River Restoration Bond       |         |          | 150,000 |             |             | 150,000 |          |
| Ogden City Budget                  |         |          |         |             | 320,000     | 320,000 |          |
|                                    | Total   | 85,000   | 232,000 | 20,000      | 320,000     | 657,000 |          |



# **RESOLUTION NO. 2012** - 13

A RESOLUTION OF THE OGDEN CITY REDEVELOPMENT AGENCY BOARD APPROVING THE CONVEYANCE OF PROPERTY TO OGDEN CITY AND AUTHORIZING THE OGDEN CITY REDEVELOPMENT AGENCY EXECUTIVE DIRECTOR TO EXECUTE A DEED TO COMPLETE THE CONVEYANCE.

WHEREAS, the Redevelopment Agency owns real property at 153 18<sup>th</sup> Street, Ogden, Utah; and

WHEREAS, the Ogden City Council amended its CIP Plan for Project RM003, Adventure Park Phase 2, to expand the project area consistent with the Ogden Bend Redevelopment Master Plan and Design Guidelines as previously approved by the RDA for use as the master plan in the Ogden River Redevelopment Project Area; and

WHEREAS, in order to fully develop the future open space as described in the Redevelopment Master Plan it is necessary to incorporate the land owned by the RDA into the open space on the north side of the Ogden River; and

WHEREAS, the RDA board finds that it is in the best interests of the RDA to convey the property located at 153 18<sup>th</sup> Street to Ogden City in order to achieve the objectives of the project area.

NOW, THEREFORE, BE IT RESOLVED BY THE OGDEN CITY
REDEVELOPMENT AGENCY BOARD, that the Board hereby authorizes the Ogden City
Redevelopment Agency Executive Director to execute a deed or other appropriate instrument
conveying the RDA's interest in the property at 153 18<sup>th</sup> Street (land serial number 03-031-0001)
to Ogden City Corporation, without consideration. The land to be conveyed is more fully
described as follows:

ALL OF LOTS 1 AND 2, BLOCK 4, FORESTDALE ADDITION, OGDEN CITY, WEBER COUNTY, UTAH. TOGETHER WITH HALF OF THE VACATED STREET ABUTTING THEREON

This resolution shall become effective immediately after final passage.

| PASSED AND ADOPTED by the, 2012. | Ogden City Redevelopment Agency this day of |
|----------------------------------|---------------------------------------------|
| ATTEST:                          | Neil Garner<br>Board Chair                  |
| OGDEN CITY RECORDER              |                                             |
| OGDEN CITT RECORDER              |                                             |
| APPROVED AS TO FORM: LEGA        |                                             |

## RESOLUTION NO. 2012 - 14

A RESOLUTION OF THE OGDEN CITY REDEVELOPMENT AGENCY BOARD APPROVING THE ASSIGNMENT OF PROPERTY OPTION AGREEMENTS TO OGDEN CITY AND AUTHORIZING THE OGDEN CITY REDEVELOPMENT AGENCY EXECUTIVE DIRECTOR TO EXECUTE ALL NECESSARY DOCUMENTS.

WHEREAS, the Redevelopment Agency negotiated option agreements to purchase contiguous parcels of land at 1802 Wall Avenue (land serial number 12-127-0014) and 146 18<sup>th</sup> Street, Ogden Utah (land serial numbers 12-127-0043 and 03-031-0005); and

WHEREAS, the Ogden City Council amended the CIP Plan to modify Project RM003, Adventure Park Phase 2, to expand the project area consistent with the Ogden Bend Redevelopment Master Plan and Design Guidelines previously approved by the RDA for use as the master plan in the Ogden River Redevelopment Project Area, and to increase the amount of this project by \$323,200 for property acquisition; and

WHEREAS, in order for Ogden City to complete its purchase of the property, it is necessary for the RDA to assign its interest in the option agreements to Ogden City; and

WHEREAS, the assignment of the option agreements to the City will allow for the implementation and achievement of open space goals identified in the Redevelopment Master Plan; and

WHEREAS, the Redevelopment Agency Board finds it is in the best interest of the RDA to assign the option contracts to Ogden City.

NOW, THEREFORE, BE IT RESOLVED BY THE OGDEN CITY REDEVELOPMENT AGENCY BOARD, that the Board hereby approves the assignment of option contracts and authorizes the Ogden City Redevelopment Agency Executive Director to execute an assignment of the options conveying the RDA's interest in the acquisition of property at 1802 Wall Avenue (land serial number 12-127-0014) and 146 18<sup>th</sup> Street, Ogden Utah (land serial numbers 12-127-0043 and 03-031-0005), to Ogden City Corporation without consideration.

This resolution shall become effective immediately after final passage.

| PASSED AND ADOPTED by the C, 2012.              | Ogden City Redevelopment Agency this day of |
|-------------------------------------------------|---------------------------------------------|
| ATTEST:                                         | Neil Garner<br>Board Chair                  |
| OGDEN CITY RECORDER  APPROVED AS TO FORM:  LEGA | 7/18/2017<br>L DATE                         |