

**ORDINANCE NO. 2022-6-0**

**AN ORDINANCE ADOPTING THE LINDON PARK COMMUNITY REINVESTMENT PROJECT AREA PLAN, AS APPROVED BY THE REDEVELOPMENT AGENCY OF LINDON CITY, AS THE OFFICIAL COMMUNITY REINVESTMENT PROJECT AREA PLAN FOR THE PROJECT AREA AND DIRECTING THAT NOTICE OF THE ADOPTION BE GIVEN AS REQUIRED BY STATUTE.**

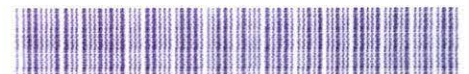
**WHEREAS** the Board of the Redevelopment Agency of Lindon City (the "Agency"), having prepared a Project Area Plan (the "Plan") for the Lindon Park Community Reinvestment Project Area (the "Project Area"), the boundary description attached hereto as **EXHIBIT A**, pursuant to Utah Code Annotated ("UCA") § 17C-5-105, and having held the required public hearing on the Plan on June 6, 2022, pursuant to UCA § 17C-5-104, adopted the Plan as the Official Community Reinvestment Plan for the Project Area attached hereto as **EXHIBIT B**; and

**WHEREAS** the Utah Community Reinvestment Agency Act (the "Act") mandates that, before the community reinvestment project area plan approved by an agency under UCA § 17C-5-104 may take effect, it must be adopted by ordinance of the legislative body of the community that created the agency in accordance with UCA § 17C-5-109; and

**WHEREAS** the Act also requires that notice is to be given by the community legislative body upon its adoption of a community reinvestment project area plan under UCA § 17C-5-110.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF LINDON CITY AS FOLLOWS:**

1. The City of Lindon hereby adopts and designates the Project Area Plan, as approved by the Agency Board, as the official community reinvestment plan for the Project Area (the "Official Plan").
2. City staff and consultants are hereby authorized and directed to publish or cause to be published the notice required by UCA § 17C-5-110, whereupon the Official Plan shall become effective pursuant to UCA § 17C-5-110(2).
3. Pursuant to UCA § 17C-5-106(5), the Agency may proceed to carry out the Official Plan upon its adoption.
4. This ordinance shall take effect upon publication.



ENT 71841:2022 PG 1 of 17  
ANDREA ALLEN  
UTAH COUNTY RECORDER  
2022 Jun 17 1:41 pm FEE 0.00 BY TM  
RECORDED FOR LINDON CITY CORPORATION

PASSED AND ADOPTED BY THE CITY COUNCIL OF LINDON CITY, STATE OF UTAH, ON THIS 6<sup>TH</sup> DAY OF JUNE 2022.

LINDON CITY

*Carolyn Lundberg*  
Mayor Carolyn Lundberg

Attest:

*Kathy Moosman*  
Kathy Moosman, City Recorder



**EXHIBIT A: PROJECT AREA BUDGET**

PROJECT AREA PLAN

# Lindon Park Community Reinvestment Area (CRA)

REDEVELOPMENT AGENCY OF LINDON CITY



ENT 71841:2022 PG 5 of 17

JUNE 2022

  
**LEWIS YOUNG**  
**ROBERTSON & BURNINGHAM, INC.**

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## Definitions

As used in this Community Reinvestment Project Area Plan, the term:

**"Act"** shall mean and include the Limited Purpose Local Government Entities – Community Reinvestment Agency Act in Title 17C, Chapters 1 through 5, Utah Code Annotated 1953, as amended, or such other amendments as shall from time to time be enacted or any successor or replacement law or act.

**"Agency"** shall mean the Redevelopment Agency of Lindon, which is a separate body corporate and politic created by Lindon City pursuant to the Act.

**"Base taxable value"** shall mean the agreed value specified in a resolution or interlocal agreement under Subsection 17C-1-102(8) from which tax increment will be collected.

**"Base year"** shall mean the agreed upon year for which the base taxable value is established and shall be incorporated into the interlocal agreements with participating taxing entities.

**"Base taxable year"** shall mean the Base Year during which the Project Area Budget is approved pursuant to Subsection 17C-1-102(9)(d).

**"City" or "Community"** shall mean Lindon City.

**"County"** shall mean Utah County

**"Legislative body"** shall mean the City Council of Lindon which is the legislative body of the City.

**"Plan Hearing"** shall mean the public hearing on the draft Project Area Plan required under Subsection 17C-1-102 (41) and 17C-5-104(3)(e).

**"Project Area"** shall mean the geographic area described in the Project Area Plan or draft Project Area Plan where the community development and investment is anticipated to take place, as further referenced and included by this definition in **Exhibit A** and **Exhibit B** attached hereto.

**"Net Present Value (NPV)"** shall mean the discounted value of a cash flow. The NPV illustrates the total value of a stream of revenue over a number of years expressed in terms of current or present-day dollars.

**"Project Area Budget"** shall mean (as further described under 17-C-5-303 of the Act) the multi-year projection of annual or cumulative revenues, other expenses and other fiscal matters pertaining to the Project Area that includes:

- ☐ the base taxable value of property in the Project Area;
- ☐ the projected tax increment expected to be generated within the Project Area;
- ☐ the amount of tax increment expected to be shared with other taxing entities;
- ☐ the amount of tax increment expected to be used to implement this Project Area Plan;



- ☐ if the area from which tax increment is to be collected is less than the entire Project Area:
  - the tax identification number of the parcels from which tax increment will be collected; or
  - a legal description of the portion of the Project Area from which tax increment will be collected; and
- ☐ for property that the Agency owns and expects to sell, the expected total cost of the property to the Agency and the expected selling price.

**“Project Area Plan”** or **“Plan”** shall mean the written plan (outlined by 17C-5-302 of the Act) that, after its effective date, guides and controls the community reinvestment activities within the Project Area. Project Area Plan refers to this document and all of the attachments to this document, which attachments are incorporated by this reference. It is anticipated that the LINDON PARK COMMUNITY REINVESTMENT PROJECT AREA PLAN will be subject to an interlocal agreement process with the taxing entities within the Project Area.

**“Taxes”** includes all levies on an ad valorem basis upon land, local and centrally assessed real property, personal property, or any other property, tangible or intangible.

**“Taxing Entity”** shall mean any public entity that levies a tax on any property within the Project Area.

**“Tax Increment”** shall mean the difference between the amount of property tax revenues generated each tax year by all taxing entities from the Project Area using the current assessed value of the property and the amount of property tax revenues that would be generated from the same area using the base taxable value of the property.

**“Tax Increment Collection Period”** shall mean the period of time in which the taxing entities from the Project Area consent to a portion of their tax increment to be remitted to the Agency from within the Project Area and used to fund the objectives outlined in this Project Area Plan.

**“Tax Year”** shall mean the 12-month period between sequential tax roll equalizations (November 1<sup>st</sup> - October 31<sup>st</sup>) of the following year, e.g., the November 1, 2021 - October 31, 2022 tax year.



## Introduction

The Redevelopment Agency of Lindon City ("Agency"), has the opportunity to enable development to be realized within the vicinity of Lindon City (the "City") along Lindon Park Drive and 400 South in the City and is shown on the attached map is **Exhibit B**. In consideration of the City's residents, as well as the City's capacity for new development, the Agency has carefully crafted this Project Area Plan (the "Plan") for the LINDON PARK COMMUNITY REINVESTMENT PROJECT AREA (the "Project Area"). The purpose of the Project Area is to enable the development of an auto dealership in the City. Without the assistance of the Project Area Plan, specific financial hurdles would not be overcome, and the project would not be developed in the foreseeable future.

The City and Agency have undergone a comprehensive evaluation of the types of appropriate land-uses and economic development for the land encompassed by the Project Area. The Plan is intended to define the method and means of supporting the property owners and or developers in overcoming the development shortfalls which will improve the Project Area from its current state to a higher and better use. The Project Area Plan is consistent with the General Plan of the City and is believed to facilitate the desired land-uses for the Project Area.

The City has determined it is in the best interest of its residents to assist in the development of the Project Area. It is the purpose of this Plan to clearly set forth the aims and objectives of development, scope, potential financing mechanism, and value to the residents of the City and other taxing entities within the Project Area.

The Project Area is being undertaken as a community reinvestment project area ("CRA") pursuant to certain provisions of Chapters 1 and 5 of the Utah Limited Purpose Local Governmental Entities -- Community Reinvestment Agency Act (the "Act", Utah Code Annotated ("UCA") Title 17C). The requirements of the Act, including notice and hearing obligations, have been observed at all times throughout the establishment of the Project Area. The realization of the Plan is subject to interlocal cooperation agreements between the taxing entities and the Agency.

## Resolution Authorizing the Preparation of a Draft Community Reinvestment Project Area Plan

Pursuant to the provisions of §17C-5-103 of the Act, the governing body of the Agency adopted a resolution authorizing the preparation of a draft Community Reinvestment Project Area Plan on April 18, 2022.

## Recitals of Prerequisites for Adopting a Community Reinvestment Project Area Plan

In order to adopt a community reinvestment project area plan, the Agency shall;

- ☐ Pursuant to the provisions of §17C-5-104(1)(a) and (b) of the Act, the City has a planning commission and General Plan as required by law; and
- ☐ Pursuant to the provisions of §17C-5-104 of the Act, the Agency has conducted or will conduct one or more public hearings for the purpose of informing the public about the Project Area, and allowing public input into the Agency's deliberations and considerations regarding the Project Area; and

Utah Code  
§17C-5-104





- Pursuant to the provisions of §17C-5-104 of the Act, the Agency has allowed opportunity for input on the *draft* Project Area Plan and has made a *draft* Project Area Plan available to the public at the Agency’s offices during normal business hours, provided notice of the plan hearing, sent copies of the *draft* Project Area Plan to all required entities prior to the hearing, and provided opportunities for affected entities to provide feedback.

UTAH CODE  
§17C-5-105(1)

## Description of the Boundaries of the Proposed Project Area

A legal description of the Project Area along with a detailed map of the Project Area is attached respectively as **Exhibit A** and **Exhibit B** and incorporated herein. The Plan focuses on property that lies just east of Lindon Park Drive along the southern side of 400 South. The current land use in the Project Area is vacant land. The Project Area is comprised of 1 parcel and approximately 6.8 acres of land.

As delineated in the office of the County Recorder, the Project Area encompasses all the parcels detailed in **Table 1**.

**TABLE 1: PARCEL LIST**

Parcel ID	Parcel Owner	Acres
17-015-0121	DLD Lindon LLC	6.88
<b>Total</b>		<b>6.88</b>

UTAH CODE  
§17C-5-105(1)

## General Statement of Land Uses, Layout of Principal Streets, Population Densities, Building Densities and How They Will be Affected by the Project Area

### General Land Uses

The Project Area’s land is currently zoned for commercial use. This Project Area Plan is consistent with the General Plan of the City and promotes economic activity by virtue of the land uses contemplated. Any zoning change, amendment or conditional use permit necessary to the successful development contemplated by this Project Area Plan shall be undertaken in accordance with the requirements of the City’s Code and all other applicable laws including all goals and objectives in the City’s General Plan.

### Layout of Principal Streets

The principal streets within the Project Area are Lindon Park Drive and 400 South. The Project Area map, provided in **Exhibit B**, shows the principal streets located within the Project Area.

### Population Densities

The estimated population density of the Project Area is 0.0 residents per acre. There are no residential buildings within the Project Area.

### Building Densities

Currently, there are no buildings within the Project Area, as it is made up entirely of vacant land. Building densities will increase as development occurs. The intent of this Plan is to assist the development of a new auto dealership, promote greater economic utilization of the land area, and increase overall density.



**Impact of Community Development and or Reinvestment on Land Use, Layout of Principal Streets, and Population Densities**

Community reinvestment activities within the Project Area will mostly consist of development and economic enhancement of underutilized areas. To promote the development of the Project Area, the Agency, along with property owners, developers, and/or businesses will need to construct infrastructure improvements and create better utilization of land.

**Land Use** – It is anticipated that future development will include an auto dealership.

**Layout of Principal Streets** – The proposed projects will not alter the configuration of principal streets. The roads will simply tie into the principal streets and enhance the overall accessibility of transportation connectivity.

**Population Densities** – There are currently no residential developments in the Project Area. Anticipated development does not include any residential components, therefore there will be no impact to the City's population density.

UTAH CODE  
§17C-5-105(c)

**Standards Guiding the Community Reinvestment**

In order to provide maximum flexibility in the development and economic promotion of the Project Area, and to encourage and obtain the highest quality in development and design, specific development controls for the uses identified above are not set forth herein. Each development proposal in the Project Area will be subject to appropriate elements of the City's General Plan; the Zoning Ordinance of the City, including adopted Architectural Design Guidelines pertaining to the area; institutional controls, deed restrictions if the property is acquired and resold by the Agency, other applicable building codes and ordinances of the City; and, as required by ordinance or agreement, review and recommendation of the Planning Commission, approval by the Agency and City Council.

Each development proposal by an owner, tenant, participant or a developer shall be accompanied by site plans, development data and other appropriate material that clearly describes the extent of proposed development and any other data determined to be necessary or requested by the Agency or the City.

UTAH CODE  
§17C-5-105(d)

**How the Purposes of this Title Will Be Attained By Community Reinvestment**

It is the intent of the Agency, with the assistance and participation of private developers and property owners, to assist with the development of an auto dealership in an underutilized, yet highly visible portion of the City,

UTAH CODE  
§17C-5-105(e)

**Conformance of the Proposed Development to the Community's General Plan**



The proposed Community Reinvestment Project Area Plan and the development contemplated are consistent with the City's General Plan and land use regulations.

UTAH CODE  
§17C-5-105(G)

## **Describe any Specific Project or Projects that are the object of the Proposed Community Reinvestment**

Currently, the Project Area will include the construction of an auto dealership and other development improvements. Additional commercial development may occur on the remaining site not used by the auto dealership.

UTAH CODE  
§17C-5-105(H)

## **Method of Selection of Private Developers to undertake the Community Reinvestment and Identification of Developers Currently Involved in the Process**

The City and Agency will partner with developers to create development as solicited or presented to the Agency and City that meets the development objectives set forth in this plan. The City and Agency retain the right to approve or reject any such development plan(s) that in their judgment do not meet the development intent for the Project Area. To the extent the RDA owns, controls, or partners on the land, the City and Agency may choose to solicit development through an RFP or RFQ process, through targeted solicitation to specific industries, from inquiries to the City and or Agency.

The City and Agency will ensure that all development conforms to this Plan and is approved by the City. If seeking CRA funds all potential developers may need to provide a detailed development plan including sufficient financial information to provide the City and Agency with confidence in the sustainability of the development and the wherewithal of the developer to successfully finance said development. Such a review may include a series of studies and reviews including reviews of the developer's financial statements, third-party verification of benefit of the development to the City, appraisal reports, etc.

Any participation between the Agency and developers and or property owners shall be governed by a Participation/Development Agreement or similar agreement as approved by the Agency.

UTAH CODE  
§17C-5-105(I)

## **Reason for Selection of the Project Area**

The Project Area is a highly visible and important section of the City. It is currently underutilized and vacant. The Project Area provides an opportunity to reinvest and revitalize this area. Additionally, the Project Area will create a large increase to the community's tax base and spur additionally community development in the area.



UTAH CODE  
§17C-5-105(j)

## Description of Physical, Social and Economic Conditions Existing in the Project Area

### Physical Conditions

The Project Area consists of approximately 6.8 acres of relatively flat, privately owned land as shown in the Project Area map.

### Social Conditions

The Project Area experiences a lack of connectivity and vitality. There are no residential units and no parks, libraries, or other social gathering places in the Project Area.

### Economic Conditions

The Project Area is currently vacant and underutilized. The Agency desires to encourage development within the Project Area that will directly benefit the existing economic base of the City, the County, and other taxing entities.

UTAH CODE  
§17C-5-105(k)

## Description of any Tax Incentives Offered Private Entities for Facilities Located in the Project Area

Tax increment arising from the development within the Project Area shall be used for public infrastructure improvements, Agency requested improvements and upgrades, both off-site and on-site improvements, land and development incentives, desirable Project Area improvements, and other items approved by the Agency. Subject to provisions of the Act, the Agency may agree to pay for eligible costs and other items from taxes during the Tax Increment Collection Period which the Agency deems to be appropriate under the circumstances. The Agency will consider each request for support individually, paying close attention to the potential costs and benefits.

In general, tax incentives may be offered to achieve the community reinvestment goals and objectives of this Plan, specifically to:

- ☐ Enable and accelerate economic development;
- ☐ Stimulate job development;
- ☐ Make needed infrastructure improvements to roads, street lighting, water, storm water, sewer, and parks and open space;
- ☐ Assist with property acquisition and/or land assembly;
- ☐ Provide attractive development for high-quality commercial/office tenants;
- ☐ Engineering mitigation and reclamation.

The Project Area Budget will include specific participation percentages and timeframes for each taxing entity. Furthermore, a resolution and interlocal agreement will formally establish the participation percentage and Tax Increment Collection Period for each taxing entity.

UTAH CODE  
§17C-5-105(2)

## Anticipated Public Benefit to be Derived from the Community Development



UTAH CODE  
§17C-5-105(2)(ii)(A)

### **The Beneficial Influences upon the Tax Base of the Community**

The beneficial influences upon the tax base of the City and the other taxing entities will include increased property tax revenues, increased sales and use tax revenues, and job creation. The increased revenues will come from the property values associated with new construction in the Project Area, as well as increased spending at new commercial properties and spending by the commercial and office space employees.

Job growth in the Project Area will result in increased wages, increasing local purchases and benefiting existing businesses in the Project Area. Job growth will also result in increased income taxes paid, which will be beneficial to the school district and the State of Utah. Additionally, business growth will generate corporate income taxes, also a benefit to the school district and State of Utah.

There will also be a beneficial impact on the community through increased construction activity within the Project Area. Positive impacts will be felt through construction wages paid, as well as construction supplies purchased locally. The nature of the development will attract visitors from outside the City and County who may make additional purchases that benefit the existing businesses in the area.

UTAH CODE  
§17C-5-105(2)(ii)(B)

### **The Associated Business and Economic Activity Likely to be Stimulated**

Other business and economic activity likely to be stimulated includes increased spending by new employees in the Project Area and in surrounding areas. This includes both direct and indirect purchases that are stimulated by the spending of the additional employees in the area.

Employees may make some purchases in the local area, such as convenience shopping for personal services (haircuts, banking, dry cleaning, etc.). The employees will not make all of their convenience or personal services purchases near their workplace and each employee's purchasing patterns will be different. However, it is reasonable to assume that a percentage of these annual purchases will occur within close proximity of the workplace (assuming the services are available).

UTAH CODE  
§17C-5-105(2)(B)

### **Efforts to Maximize Private Investment**

The Agency is in discussions with developers who are looking to develop within the Project Area. Creating a CRA will act as a catalyst to jumpstart the development of the area and guide the development to be the highest and best uses.

UTAH CODE  
§17C-5-105(2)(C)

### **But For Analysis**

The developer of the land has informed the Agency that the current property owners will only accept a premium price above fair market value for their land. This land price, combined with increases in construction costs, and required infrastructure costs creates a financing gap that cannot be overcome without assistance. "But for" public participation, the land will remain underutilized. Based on the Benefits Analysis included in the following section, public participation will bring \$3,905,304 of benefit to the City over the life of the Project Area.

UTAH CODE  
§17C-5-105(2)

### **Cost/Benefit Analysis**

Based on the land use assumptions, current economic and market demand factors, tax increment participation levels, the following table outlines the benefits (revenues) and costs (expenditures) anticipated in the Project Area. This does not factor in the benefit of other economic multipliers such as job creation, disposable income for retail consumption, etc. The revenues calculated in this analysis are property, sales, and franchise tax. The expenditures consist of general government, public safety, public works, and property and sales tax participation. The net benefit is calculated using total revenues less



total expenditures. As shown below, the proposed community reinvestment will create a net benefit to the City.

**TABLE 2: COST/BENEFIT ANALYSIS FOR CITY (OVER LIFE OF PROJECT AREA)**

<b>City Revenues</b>	<b>Total Incremental Revenues</b>
Property Tax (Increment)	\$143,983
Sales Tax	3,989,854
PARC Tax	797,971
Franchise Tax	52,336
<b>TOTAL REVENUES</b>	<b>\$4,984,143</b>
<b>City Expenditures</b>	<b>Total Expenses</b>
CRA Budget	\$942,754
General Government Services	37,637
Public Safety Services	67,391
Public Works (Streets) Services	31,059
<b>TOTAL EXPENDITURES</b>	<b>\$1,078,840</b>
<b>Total Revenues minus Expenditures</b>	<b>\$3,905,304</b>

The total net benefit to the City of participating in the Project Area is **\$3,905,304**<sup>1</sup>. The costs and benefits and other financial aspects of the Project Area are further detailed in the Project Area Budget.

<sup>1</sup> This does not include the \$10,799 housing portion of tax increment that will be reinvested into the City.



## EXHIBIT A: Boundary Description of Lindon Park CRA

PARCEL: 17:015:0121

COM S 1229.29 FT & E 1010.72 FT FR NW COR. SEC. 4, T6S, R2E, SLB&M.; N 88 DEG 12' 8" E 541.94 FT; ALONG A CURVE TO R (CHORD BEARS: S 89 DEG 37' 26" E 24.05 FT, RADIUS = 317 FT); ALONG A CURVE TO R (CHORD BEARS: S 80 DEG 54' 34" E 71.9 FT, RADIUS = 317 FT); S 74 DEG 26' 7" E 69.59 FT; S 1 DEG 50' 22" E 344.93 FT; S 88 DEG 9' 38" W 693.02 FT; S 66 DEG 30' 28" W 65.38 FT; N 25 DEG 46' 10" W 21.49 FT; ALONG A CURVE TO R (CHORD BEARS: N 12 DEG 53' 5" W 222.99 FT, RADIUS = 500 FT); N 69.57 FT; ALONG A CURVE TO R (CHORD BEARS: N 44 DEG 6' 4" E 139.19 FT, RADIUS = 100 FT) TO BEG. AREA 6.884 AC.



### EXHIBIT B: CRA Project Area Map





CERTIFICATE OF PASSAGE

STATE OF UTAH            }  
                                      }ss.  
COUNTY OF UTAH        }

I, Kathryn A. Moosman, City Recorder of Lindon City, Utah do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed and adopted by the City Council of Lindon City, Utah on the 6<sup>th</sup> day of June, 2022 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH ADOPTING THE LINDON PARK COMMUNITY REINVESTMENT PROJECT AREA PLAN, AS APPROVED BY THE REDEVELOPMENT AGENCY OF LINDON CITY, AS THE OFFICIAL COMMUNITY REINVESTMENT PROJECT AREA PLAN FOR THE PROJECT AREA AND DIRECTING THAT NOTICE OF THE ADOPTION BE GIVEN AS REQUIRED BY STATUTE AND PROVIDING FOR AN EFFECTIVE DATE.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Lindon City, Utah, this 6<sup>th</sup> day of June, 2022.

*Kathryn A. Moosman*  
Kathryn A. Moosman, City Recorder



AFFIDAVIT OF POSTING

STATE OF UTAH }  
 } ss.  
COUNTY OF UTAH }

I, Kathryn A. Moosman, City Recorder of Lindon City, Utah do hereby certify and declare that I posted the attached ordinance in three public places on the 7<sup>th</sup> day of June 2022.

The three public places are as follows:

1. Lindon City Police Department
2. Lindon City Community Development Office
3. Lindon City Center

I further certify that the agenda of the meeting of the City Council containing notice of public hearing was published and posted according to law, and that copies of the ordinance so posted were true and correct copies of the original.

*Kathryn A. Moosman*  
Kathryn A. Moosman, City Recorder

The foregoing instrument was acknowledged before me this 7 day of June, 2022 by Kathryn A. Moosman.

My Commission expires: January 7, 2025

*Britni Laidler*  
Notary Public

Residing at: Utah County

