

**Effective 5/10/2016**

**17C-1-204 Project area development by an adjoining agency -- Requirements.**

- (1)
  - (a) A community that has not created an agency may enter into an interlocal agreement with an agency located in the same or an abutting county that authorizes the agency to exercise all the powers granted to an agency under this title within the community.
  - (b) The agency and the community shall adopt an interlocal agreement described in Subsection (1)(a) by resolution.
- (2) If an agency and a community enter into an interlocal agreement under Subsection (1):
  - (a) the agency may act in all respects as if a project area within the community were within the agency's boundaries;
  - (b) the board has all the rights, powers, and privileges with respect to a project area within the community as if the project area were within the agency's boundaries;
  - (c) the agency may be paid project area funds to the same extent as if a project area within the community were within the agency's boundaries; and
  - (d) the community legislative body shall adopt, by ordinance, each project area plan within the community approved by the agency.
- (3) If an agency's project area abuts another agency's project area, the agencies may coordinate with each other in order to assist and cooperate in the planning, undertaking, construction, or operation of project area development located within each agency's project area.
- (4)
  - (a) As used in this Subsection (4):
    - (i) "County agency" means an agency that is created by a county.
    - (ii) "Industrial property" means private real property:
      - (A) over half of which is located within the boundary of a town, as defined in Section 10-1-104; and
      - (B) comprises some or all of an inactive industrial site.
    - (iii) "Perimeter portion" means the portion of an inactive industrial site that is:
      - (A) part of the inactive industrial site because the site lies within the perimeter described in Section 17C-1-102; and
      - (B) located within the boundary of a city, as defined in Section 10-1-104.
  - (b)
    - (i) Subject to Subsection (4)(b)(ii), a county agency may undertake project area development on industrial property if the record property owner of the industrial property submits a written request to the county agency to do so.
    - (ii) A county agency may not include a perimeter portion within a project area without the approval of the city in which the perimeter portion is located.
  - (c) If a county agency undertakes project area development on industrial property:
    - (i) the county agency may act in all respects as if the project area that includes the industrial property were within the county agency's boundary;
    - (ii) the board of the county agency has each right, power, and privilege with respect to the project area as if the project area were within the county agency's boundary; and
    - (iii) the county agency may be paid project area funds to the same extent as if the project area were within the county agency's boundary.
  - (d) A project area plan for a project on industrial property that is approved by the county agency shall be adopted by ordinance of the legislative body of the county in which the project area is located.

Amended by Chapter 350, 2016 General Session