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# SALT LAKE CITY COUNCIL STAFF REPORT

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DATE: March 5, 2005

SUBJECT: 900 East 900 South Streetscape Upgrade  
Special Improvement District (SID), Job No. 106018  
Protest hearing

AFFECTED COUNCIL DISTRICTS: 4 and 5

STAFF REPORT BY: Jan Aramaki, Constituent Liaison/Policy Analyst

ADMINISTRATIVE DEPT.  
AND CONTACT PERSON: Department of Public Services  
John Naser

FILE LOCATIONS: Public Services/900 East 900 South  
SID, Job No. 106018

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## NEW INFORMATION:

On February 3, 2005, the City Council set the protest hearing date and adopted a resolution declaring the Notice of Intention for the 900 South 900 East, streetscape upgrade Special Improvement District, Job No. 106018. The next step is for the Council to hold a protest hearing. In order for the District to be created, the protest rate must be less than 50 percent of the property owners who submitted written protests to the City Recorder by the March 7th deadline. Protest information filed at the Recorder's Office will be provided to the City Council on the day of the protest hearing.

## POTENTIAL MOTIONS:

1. ["I move that the Council"] Close the protest hearing for the 900 East 900 South Streetscape Upgrade, Special Improvement District No. 106018 and refer to Engineering for tabulation.

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The following information was provided previously. It is provided again for Council's reference.

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## KEY ELEMENTS: (Resolution)

On November 9, 2004, the City Council finalized the capital improvement program (CIP) budget for fiscal year 2004-05. Included in the CIP budget was \$500,000 for the 900 South & 900 East Streetscape project, which was contingent upon Neighborhood SID Approval. As the first step in creating the process to establish the Special Improvement District (SID), the Administration is requesting that the Council adopt a resolution declaring the Notice of Intention and set the protest hearing date for March 8, 2005. SID boundary includes all property

fronting or abutting on both sides of 900 South from Windsor Street (860 East) to 1000 East. The Engineering Division has identified an estimated 26 parcels as part of the proposed SID, however some property owners own more than one parcel, therefore approximately 15 property owners will be involved with the proposed SID. All properties are commercial. The project is being coordinated with the Public Utilities Department for installation of storm drainage improvements for the project.

The Notice of Intention states that "The proposed improvements include the reconstruction of the roadway pavement; and the construction and installation of concrete angle parking, concrete curbs, sidewalks, driveway approaches, median islands, sidewalk ramps, storm drainage facilities, site furnishing, street lighting, traffic signals, landscaping, and miscellaneous work."

Depending upon the nature of the improvements, costs will be assessed by front foot (lot width) of abutting property. Each property owner will receive information with the Notice of Intention of an estimated assessment calculation made by the City Engineer's Office.

The Administration reports that existing curb, gutter, and angle parking are deteriorated and in poor condition and will be replaced as part of the City's expense portion. Although sidewalks are in good condition and do not need to be replaced, there is the exception of sidewalk areas near the intersection which will also be replaced at the City's expense for the beautification project.

Costs that will be assessed to the property owners include: areas that lack cut-back angle parking and for the beautification amenities associated with the project (decorative concrete, decorative street lighting, landscaped medians, and site furnishing upgrades). There are no options being offered to the property owners who may want to have additional work performed in conjunction with the proposed SID improvements.

Following Council's approval of the attached resolution, a Notice of Intention informational letter and a preliminary estimate will immediately be sent to property owners within the boundary areas of the proposed SID (a copy of a letter that will be sent to property owners is attached) notifying property owners that the City is considering a proposed SID for reconstruction of 900 South from Windsor Street to 1000 East.

It is projected that the project may begin in May with completion by fall of 2005.

## **KEY DATES:**

Informal public meetings were scheduled for March 2, 2005 for the Administration to review the proposed SID with interested abutting property owners. The meeting location was the Forest Dale Golf Course, 2375 South 900 East, from 4:00 p.m. to 6:00 p.m.

Written protests against the proposed improvements, assessments or against the creation of the District must be presented and filed in the Office of the City Recorder on or before 5:00 p.m. on March 7, 2005, followed by a Council protest hearing on Tuesday, March 8, 2005 at 7:00 p.m.

### Upcoming action before the Council will include:

- Resolution creating the Special Improvement District and resolution accepting a bid for construction work.
- Resolution appointing a Board of Equalization and setting the date for the Board of Equalization hearing.

- Ordinance confirming the assessment rolls and levying assessments.
- Resolution authorizing the issuance and providing the sale of bonds.

**BUDGET RELATED FACTS:**

The City Engineer has estimated that the total cost of improvements in the proposed District is \$1,502,000. It is anticipated the City’s portion will be approximately \$1,140,000 (includes approximately \$249,000 from the Public Utilities Department to pay for drainage improvements and \$96,000 from the United States Department of Housing and Urban Development). The property owners’ portion is estimated to be approximately \$362,000 (includes construction costs, a portion of engineering expenses, possibly a portion for debt service reserve, an allowance for interest on interim warrants issued to finance construction of the improvements and 15 percent for administrative costs).

Estimated breakdown costs to property owners are as follows:

Rate		Estimated Cost to
No.Quantity	Estimated Unit Costs	Property Owners
1 1,774.19 LF	\$204 per lineal foot	\$362,000

The majority of City funding sources are allocated from the Salt Lake City Capital Improvement budget Class “C” funds (\$500,000 was appropriated during the 2004-05 CIP process contingent upon the property owners being in favor of the SID), a Federal Economic Development Initiative Grant , Salt Lake City Public Utilities Department, and with the remaining costs of the improvements paid by a special assessment to be levied against the property fronting or abutting upon or adjacent to the improvements. It is anticipated that the first payment of an assessment installment may be less than one year from the date the Council adopts the assessment ordinance; thereafter approximately ten assessment installments will fall on the anniversary date of the first assessment payment, rather than five years as is calculated for concrete replacement SIDs.

**MATTERS AT ISSUE/POTENTIAL QUESTIONS FOR ADMINISTRATION:**

1. According to the Engineering Division, a Notice of Intention letter is prepared and copies for the property owners are made ahead of time prior to the City Council considering the Notice of Intention. Making copies ahead of time ensures that the letters are ready to be sent to property owners immediately following the Council’s adoption of the resolution. Council staff wishes to point this out only because during the last SID Notice of Intention briefing held by the Council, a suggestion was made by a Council Member to modify the Notice of Intention letter with the intent to ensure the letter clearly reflected the improvements the property owners were being assessed for. The Administration revised the letter but at the expense of having to recopy the letter for all the property owners.
2. During the design phase, a sight-impaired District Five resident had significant concerns with the plans when a round-about was included. He is pleased that it has been removed, but is still cautious to ensure that the design elements be completely accessible to ensure that there are no dangers for sight or hearing impaired individuals.

CC: Cindy Gust-Jenson, Sam Guevara, Rocky Fluhart, Rick Graham, Ed Rutan, Louis Zunguze, Gary Mumford, Dan Mulé, Luann Clark, Tim Harpst, Max Peterson, John Naser, Gordon Haight, Kurt Larson, Diana Karrenberg, Marge Harvey, Barry Esham, Sylvia Jones, Gwen Springmeyer, Lehua Weaver, Annette Daley, Chris Bramhall, Boyd Ferguson, Karen Carruthers, Garth Limburg, and Jennifer Bruno

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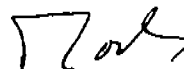
RICHARD GRAHAM  
PUBLIC SERVICES DIRECTOR

**SALT LAKE CITY CORPORATION**  
DEPARTMENT OF PUBLIC SERVICES

ROSS C. "ROCKY" ANDERSON  
MAYOR

DATE: January 19, 2005

TO: ROCKY FLUHART,  
CHIEF ADMINISTRATIVE OFFICER



SUBJECT: Notice of Intention for the 900 East 900 South Streetscape Upgrade  
Special Improvement District, Job No. 106018

FUNDING: Monies are provided from the Salt Lake City Capital Improvement budget Class "C" Road Funds, a Federal Economic Development Initiative Grant, Salt Lake City Public Utilities Department, and property owner assessments through the Special Improvement District.

BACKGROUND AND DISCUSSION: The 900 East 900 South Streetscape Improvement project involves the reconstruction and beautification of the roadway, park strip and sidewalks. The improvements include replacing deteriorated concrete, landscaped median islands, decorative sidewalks, enhanced street lighting, additional on-street parking and traffic signal upgrades. The project extends from Windsor Street to 1000 East. The project is being coordinated with Public Utilities for storm drain improvements.

Construction of the project is scheduled to start in May of 2005 with completion by fall 2005.

Attached is an information sheet, the Notice of Intention and a schedule of hearings and meetings.

CONTACT PERSON: John Naser, P.E., 535-6240



SUBMITTED BY: Rick Graham, Director  
Public Service Department



cc: Vault

INFORMATION SHEET  
900 SOUTH 900 EAST STREETScape UPGRADE  
SPECIAL IMPROVEMENT DISTRICT  
JOB NO. 106018

DESCRIPTION OF IMPROVEMENTS:

The 900 South 900 East Streetscape Upgrade project involves the reconstruction and beautification of the roadway, lighting, parking areas and sidewalks at the 900 South 900 East intersection. The improvements include resurfacing the roadway, replacing deteriorated concrete, landscaped median islands and park strips, decorative sidewalks, street furnishing, raised planters, enhanced street and pedestrian scale lighting, additional on-street angle parking and traffic signal upgrades. The project extends from Windsor Street to 1000 East. The project is being coordinated with Public Utilities for installation storm drainage improvements for the project.

AVAILABILITY OF FUNDS:

Funding is available from City General and Class "C" funds, Federal Economic Development Initiative funding from the US Department of Housing and Urban Development, Public Utilities storm drainage funds and property owner assessments through the Special Improvement District.

Salt Lake City, Utah

February 1, 2005

A regular meeting of the City Council of Salt Lake City, Salt Lake County, Utah, was held on Tuesday, the 1st day of February , 2005, at the hour of 7:00 p.m., at the offices of the City Council at 451 South State Street, Salt Lake City, Utah, at which meeting there were present and answering roll call the following members who constituted a quorum:

Dale Lambert	Chair
Nancy Saxton	Vice Chair
K. Eric Jergensen	Councilmember
Carlton Christensen	Councilmember
Van Blair Turner	Councilmember
David L. Buhler	Councilmember
Jill Remington Love	Councilmember

Also present:

Ross C. Anderson	Mayor
Edwin P. Rutan, II	City Attorney
	Deputy City Recorder

Absent:

None

After the meeting had been duly called to order and other matters not pertinent to this resolution had been discussed, the City Recorder presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this 1st day of February, 2005, meeting, a copy of which is attached hereto as Exhibit A.

Thereupon the following proceedings, among others, were duly had and taken:

The following resolution was introduced in writing, was read by title and Councilmember \_\_\_\_\_ moved its adoption:

RESOLUTION NO. \_\_\_ of 2005

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF SALT LAKE CITY, SALT LAKE COUNTY, UTAH, TO CONSTRUCT IMPROVEMENTS WITHIN THE CITY CONSISTING OF THE RECONSTRUCTION OF ROADWAY PAVEMENT, AND TO CONSTRUCT AND INSTALL CONCRETE ANGLE PARKING, CONCRETE CURBS, SIDEWALKS, DRIVEWAY APPROACHES, MEDIAN ISLANDS, SIDEWALK RAMPS, STORM DRAINAGE FACILITIES, SITE FURNISHING, STREET LIGHTING, TRAFFIC SIGNALS, LANDSCAPING, AND ALL OTHER MISCELLANEOUS WORK NECESSARY TO COMPLETE THE IMPROVEMENTS IN A PROPER AND WORKMANLIKE MANNER; TO CREATE THE SALT LAKE CITY, UTAH 900 SOUTH, 900 EAST, STREETScape UPGRADE SPECIAL IMPROVEMENT DISTRICT NO. 106018 (THE "DISTRICT"); TO PAY THE ACQUISITION AND INSTALLATION COSTS AND EXPENSES BY SPECIAL ASSESSMENTS TO BE LEVIED AGAINST THE PROPERTY BENEFITED BY SUCH IMPROVEMENTS; TO PROVIDE NOTICE OF INTENTION TO AUTHORIZE SUCH IMPROVEMENTS AND TO FIX A TIME AND PLACE FOR PROTESTS AGAINST SUCH IMPROVEMENTS, ASSESSMENTS OR THE CREATION OF THE DISTRICT; TO DECLARE THE CITY'S OFFICIAL INTENT TO REIMBURSE ITSELF FOR EXPENDITURES PAID BY IT PRIOR TO THE SALE OF BONDS; AND TO AUTHORIZE ADVERTISEMENT OF CONSTRUCTION BIDS AND RELATED MATTERS.

BE IT RESOLVED by the City Council of Salt Lake City, Salt Lake County, Utah (the "City"), as follows:

Section 1. The City Council hereby determines that it will be in the best interest of the City to reconstruct roadway pavement, and to construct and install concrete angle parking, concrete curbs, sidewalks, driveway approaches, median islands, sidewalk ramps, storm drainage facilities, site furnishing, street lighting, traffic signals, landscaping and all other miscellaneous work necessary to complete the whole in a proper and workmanlike manner (collectively, the "Improvements") according to plans on file in the Office of the City Engineer in Salt Lake City, Utah. To finance the costs of the Improvements, the City Council proposes to create and establish a special improvement district. A description of the proposed Improvements and special improvement district is more particularly described in the Notice of Intention hereinafter set forth.

Section 2. The proposed special improvement district shall be known as "Salt Lake City, Utah 900 South, 900 East Streetscape Upgrade Special Improvement District No. 106018" (the "District").

Section 3. The costs of the proposed Improvements shall be paid by a special assessment to be levied against the property fronting or abutting upon or adjacent to the



Improvements or which may be affected or specially benefited by any of such Improvements. The costs shall be paid in not more than ten (10) annual installments with interest on the unpaid balance until due and paid.

Section 4. Written protests against the proposed Improvements, assessments or against the creation of the District must be presented and filed in the Office of the Chief Deputy City Recorder on or before 5:00 p.m. on the 7th day of March, 2005. Thereafter at 7:00 p.m. on Tuesday, the 8th day of March, 2005, at 451 South State Street, Salt Lake City, Utah, any such protests shall be heard and considered by the City Council. The City Recorder is hereby directed to give notice of the City's intention to install the proposed Improvements and to assess for the costs thereof and of the time within which protests against the proposed Improvements, the proposed assessments or the creation of the District may be filed and the date when such protests will be heard and considered by publishing a notice of intention to create the District (the "Notice of Intention") in the Deseret Morning News, a newspaper of general circulation in the City, said Notice of Intention to be published four times, once during each week for four consecutive weeks, the last publication to be not less than five (5) nor more than twenty (20) days prior to the time fixed in the Notice of Intention as the last day for the filing of protests. In addition, the City Recorder shall mail a copy of the Notice of Intention by United States Mail, postage prepaid, to each owner of land to be assessed within the proposed District at the last known address of such owner, using for such purpose the names and addresses of said owners appearing on the last completed real property assessment rolls of Salt Lake County, Utah. In addition, a copy of the Notice of Intention shall be mailed, postage prepaid, addressed to "Owner" at the street number of each piece of improved property, if any, to be affected by the assessment, said Notice to be so mailed not later than ten (10) days after the first publication of the Notice of Intention. If a street number has not been so assigned, then the post office box, rural route number, or any other mailing address of the improved property shall be used for the mailing of the Notice of Intention. Said Notice of Intention shall be in substantially the following form:

## NOTICE OF INTENTION

PUBLIC NOTICE IS HEREBY GIVEN that on Tuesday, the 1st day of February, 2005, the Mayor and the City Council of Salt Lake City, Utah (the "City Council"), adopted a resolution declaring the City's intention to create a special improvement district to be known as the Salt Lake City, Utah 900 South, 900 East Streetscape Upgrade Special Improvement District No. 106018 (the "District"). It is the intention of the City Council to install improvements within or adjacent to the District, to operate and maintain said improvements and to levy special assessments as provided in Title 17A, Chapter 3, Part 3, Utah Code Annotated 1953, as amended, on the real estate lying within the District for the benefit of which such assessments are to be assessed in the making of such improvements.

### DESCRIPTION OF DISTRICT

The proposed District will be created and improvements will be constructed within the boundaries of Salt Lake City, Utah. The District boundary includes all property fronting or abutting on both sides of 900 South Street from Windsor Street to 1000 East Street.

### PROPOSED IMPROVEMENTS

The proposed improvements include the reconstruction of the roadway pavement, and the construction and installation of concrete angle parking, concrete curbs, sidewalks, driveway approaches, median islands, sidewalk ramps, storm drainage facilities, site furnishing, street lighting, traffic signals, landscaping, and miscellaneous work (collectively, the "Improvements").

The Improvements will generally be located as follows:

#### **900 South: from 900 East to Windsor Street**

##### **North Side Frontage:**

Beginning at the west right-of-way line of 900 East Street, thence west 329.69 feet.

##### **South Side Frontage:**

Beginning at the west right-of-way line of 900 East Street, thence west 326.00 feet to the east right-of-way line of Windsor Street.

**900 South: from 900 East to Lincoln Street**

**North Side Frontage:**

Beginning at the east right-of-way line of 900 East Street, thence east 297.00 feet to the west right-of-way line of Lincoln Street.

**South Side Frontage:**

Beginning at the east right-of-way line of 900 East Street, thence east 330.00 feet to the west right-of-way line of Lincoln Street.

**900 South: from Lincoln Street to 1000 Street**

**North Side Frontage:**

Beginning at the east right-of-way line of Lincoln Street, thence east 297.00 feet to the west right-of-way line of 1000 East Street.

**South Side Frontage:**

Beginning at the east right-of-way line of Lincoln Street, thence east 157.00 feet.

**BASIS FOR ASSESSMENT**

The property owners whose property will be improved will be assessed for a portion of the cost of the Improvements. Depending on the nature of the Improvements, costs will be assessed by lineal front foot of abutting property. For a designation of the applicable rates and methods of assessment, see "Estimated Cost of Improvements" set out hereafter.

The City Engineer's office will calculate the estimated assessment for each parcel to be assessed and that information will be provided for each property owner in a memorandum which will be mailed, together with a copy of this Notice of Intention, to each property owner. In addition, a tabulation of the assessments by individual parcel will be available together with a map of the District in the City Engineer's Office. Also available at that office will be a list of all properties to be assessed and the preliminary plans, profiles and specifications of the Improvements.

**ESTIMATED COST OF IMPROVEMENTS**

The total cost of Improvements in the proposed District as estimated by the City Engineer is \$1,502,000, of which the City is anticipated to pay approximately \$1,140,000 (the "City's Portion," including approximately \$249,000 from the Public Utilities Department of the City to pay for drainage improvements and \$96,000 from the United States Department of Housing and Urban Development). The remainder of

approximately \$362,000 (the "Property Owners' portion of the Improvements) plus administration costs shall be paid by a special assessment to be levied against the property abutting upon the streets to be improved or upon property which may be affected or specifically benefited by such Improvements. The actual commitment of the City to pay the City's portion of the cost of Improvements is subject to the availability of funds and compliance with the City's budget requirements.

The estimated property owners' costs include construction costs and a portion of engineering expenses, possibly a portion of a debt service reserve, an allowance for the interest on interim warrants issued to finance construction of the Improvements and an allowance of fifteen percent (15%) for administrative costs including underwriter's discount on sale of bonds, legal and other costs in connection with the issuance of bonds. The estimated cost to be assessed against the properties within the District shall be as follows:

<u>Improvements</u>	<u>Quantity</u>	<u>Est. Unit Cost</u>	<u>Est. Cost to Property Owner</u>
A portion of the above described improvements Rate No. 1	1,774.19 L.F.	\$204.00 L.F.	\$362,000
Total Estimated Property Owners Cost			\$362,000

The proposed assessment will be equal and uniform based on benefits received. The adjustment for the City's Portion has been taken into account in the Table above so that the Estimated Cost per front footage represents the net estimated cost to be assessed to the property owner.

#### LEVY OF ASSESSMENTS

The proposed assessment rates shall be paid by a special assessment to be levied against the property abutting the streets to be improved and upon property which may be affected or specifically benefited by such Improvements. The rates will be equal and uniform based on benefits received, but under the Salt Lake City Code, the City's portion varies depending on factors such as the use of the properties to be assessed.

The adjustment for the City's portion has been taken into account in the table above so that the estimated cost per unit represents the net estimated cost to be assessed to the property owners.

It is the intention of the City to levy assessments as provided by the laws of the State of Utah on all parcels and lots of real property within the District benefiting from the Improvements. The purpose of the assessments and levy is to pay the costs of the

proposed Improvements. The method of assessment for the Improvements shall be by lineal front feet or square feet as set forth herein.

Assessments may be paid by property owners in ten (10) approximately equal annual installments. To fund the first semiannual interest payment on assessment bonds of the District, the first payment date of an assessment installment may be less than one year from the date of adoption of the assessment ordinance. Thereafter, assessment installments will fall due on the anniversary date of the first assessment payment date. Interest will accrue on the unpaid balance at a rate or rates to be fixed by the City Treasurer. The whole or any part of the assessment may be paid without interest within fifteen (15) days after the ordinance levying the assessment becomes effective. The assessments shall be levied according to the benefits to be derived by each property owner within the District. Other payment provisions and enforcement remedies shall be in accordance with Title 17A, Chapter 3, Part 3, Utah Code Annotated 1953, as amended.

#### TIME FOR FILING PROTESTS

Any person who is the owner of record of property to be assessed in the District described in this Notice of Intention shall have the right to file in writing a protest against the creation of the District or to make any other objections relating thereto. Protests shall describe or otherwise identify the property owned of record by the person or persons making the protest and shall indicate the total front footage represented by said protest. Protests shall be filed with the City Recorder of Salt Lake City, Utah, on or before 5:00 p.m. on the 7th day of March, 2005. Thereafter at 7:00 p.m. on the 8th day of March, 2005, the City Council of Salt Lake City, Utah, will meet in public meeting at the offices of the City Council to consider all protests so filed and hear all objections relating to the proposed District.

Protests shall not have any effect on the determination of the existence of defective concrete under the Salt Lake City Code and the responsibility imposed by said Ordinance for replacement of such defective concrete.

#### CALCULATION OF PROTEST RATE

A protest rate shall be determined by aggregating the total of lineal feet for proposed Improvements for the assessable property of all property owners filing written protests and dividing it by the total aggregate lineal feet of Improvements of all property owners to be assessed within the proposed District. After the protest hearing, the City Council may delete properties of protesting owners from the District resulting in a modification of the District (the "Modified District"). At the time of creation of the District, the written protests of property owners in any area not included in the District will not be used in determining the protest rates. The City Council will rescind its intention to create the District if the Protest Rate exceeds fifty percent (50%) of all of the lineal feet of property to be assessed within the District or the property remaining in the Modified District.

APPROVED BY THE CITY COUNCIL OF SALT LAKE CITY, UTAH

By:       /s/        
Deputy City Recorder

Published in the Deseret Morning News

Publication Dates: \_\_\_\_\_ 2005

Section 5. The City Council reasonably expects, and hereby confirms its prior expressions of intent, to reimburse the City from proceeds of tax exempt assessment bonds for capital expenditures paid by the City (whether or not such expenditures are paid from proceeds of interim warrants) with respect to the Improvements.

Section 6. This declaration is intended to be a declaration of official intent under Treasury Regulation § 1.103-18(1).

Section 7. The maximum principal amount of debt expected to be issued for reimbursement purposes is \$362,000. This amount may be reduced by cash payments received by the City from property owners who elect to pay their assessment in whole or in part during the cash payment period immediately following the effective date of the assessment ordinance.

Section 8. This declaration of official intent is consistent with the City's budgetary and financial circumstances. No funds from sources other than tax exempt assessment bonds are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Council or by any member of the same controlled group pursuant to their budget or financial policies with respect to the expenditures to be reimbursed.

Section 9. The City Engineer is hereby authorized to prepare notices which call for bids for the furnishing of materials and the acquisition and installation of Improvements contemplated to be made in the District, and the City Recorder is hereby authorized to publish such notices calling for bids as least one time in the Deseret Morning News, a newspaper of general circulation in Salt Lake City, at least fifteen (15) days before the date specified in the notice for the receipt of bids.

Councilmember \_\_\_\_\_ seconded the motion to adopt the foregoing resolution. The motion and resolution were unanimously adopted on the following recorded vote:

Those voting AYE:

Chair  
Vice Chair  
Councilmember  
Councilmember  
Councilmember  
Councilmember  
Councilmember

Those voting NAY:

After the conduct of other business not pertinent to the above, the meeting was, on motion duly made and seconded, adjourned.

(SEAL)

By: \_\_\_\_\_  
Chair

ATTEST:

By: \_\_\_\_\_  
Deputy City Recorder



PRESENTATION TO THE MAYOR

The foregoing resolution was presented to the Mayor for his approval or disapproval on this \_\_\_ day of \_\_\_\_\_, 2005.

By: \_\_\_\_\_  
Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing resolution is hereby approved this \_\_\_ day of \_\_\_\_\_, 2005.

By: \_\_\_\_\_  
Mayor

STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE    )

I, \_\_\_\_\_, the duly chosen, qualified and acting Deputy City Recorder of Salt Lake City, Salt Lake County, Utah, do hereby certify as follows:

1. That the foregoing typewritten pages constitute a full, true and correct copy of the record of proceedings of the City Council taken at a regular meeting thereof held in said City on the 1st day of February, 2005, at the hour of 7:00 p.m., insofar as said proceedings relate to the consideration and adoption of a resolution declaring the intention of the City Council to create the Salt Lake City, Utah 900 South 900 East Streetscape Upgrade Improvement Special Improvement District No. 106018 and make certain Improvements therein described as the same appears of record in my office; that I personally attended said meeting, and that the proceedings were in fact held as in said minutes specified.

2. That due, legal and timely notice of said meeting was served upon all members as required by law and the rules and ordinances of said City.

3. That the above resolution was deposited in my office on the 1st day of February, 2005, has been recorded by me, and is a part of the permanent records of Salt Lake City, Utah.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of said City this the 1st day of February, 2005.

(SEAL)

By: \_\_\_\_\_  
Deputy City Recorder

STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE        )

AFFIDAVIT OF MAILING  
NOTICE OF INTENTION

I, \_\_\_\_\_, the duly chosen, qualified and acting Deputy City Recorder of Salt Lake City, Salt Lake County, Utah, do hereby certify that the attached Notice of Intention was approved and adopted in the proceedings of the City Council held on Tuesday, the 1st day of February, 2005.

I further certify that on the \_\_\_\_ day of \_\_\_\_\_, 2005 (a date not later than ten (10) days after the first publication of the Notice of Intention), I mailed a true copy of the Notice of Intention to create Salt Lake City, Utah 900 South 900 East Streetscape Upgrade Improvement Special Improvement District No. 101018 by United States Mail, postage prepaid to each owner of land to be assessed within the proposed Special Improvement District at the last known address of such owner, using for such purpose the names and addresses appearing on the last completed real property assessment rolls of Salt Lake County, and in addition I mailed on the same date a copy of said Notice of Intention addressed to "Owner" addressed to the street number, post office box, rural route number, or other mailing address of each piece of improved property to be affected by the assessment.

I further certify that a certified copy of said Notice of Intention, together with profiles of the improvements and a map of the proposed District, was on file in my office for inspection by any interested parties.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Salt Lake City, Salt Lake County, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

(SEAL)

By: \_\_\_\_\_  
Deputy City Recorder

(Affidavit of proof of publication of the Notice of Intention to create the Salt Lake City, Utah 900 South, 900 East, Streetscape Upgrade Special Improvement District No. 106018.

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, \_\_\_\_\_, the undersigned Deputy City Recorder of Salt Lake City, Salt Lake County, Utah, do hereby certify, according to the records of the City Council in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the 1st day of February, 2005, public meeting held by the City Council as follows:

(a) By causing a Notice in the form attached hereto as Schedule 1, to be posted at the offices of the Salt Lake City Council on the \_\_\_\_ day of \_\_\_\_\_, 2005, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Deseret Morning News on the \_\_\_\_ day of \_\_\_\_\_, 2005, at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2005 Annual Meeting Schedule for the City Council (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the City Council to be held during the year, by causing said Notice to be posted on the 17th day of December, 2004, at the principal office of the City Council and by causing a copy of said Notice to be provided to at least one newspaper of general circulation within the City on the 17th day of December, 2004.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this the 1st day of February, 2005.

(SEAL)

By: \_\_\_\_\_  
Deputy City Recorder

SCHEDULE 1

NOTICE OF MEETING

SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE

**CALENDAR OF EVENTS  
SALT LAKE CITY  
SPECIAL IMPROVEMENT DISTRICT  
900 East 900 South Streetscape SID  
Job # 106018**

**Construction Phase**

<b><u>Date</u></b>	<b><u>Event</u></b>
Jan 18, 2005	Engineering sends Municipal Council (the "Council") action letter to adopt Notice of Intention.
Jan 18, 2005	Description of improvements and areas to be improved furnished by City Engineer to Ballard Spahr Andrews & Ingersoll ("Bond Counsel").
Jan 25, 2005	Legal documents transmitted from Bond Counsel to Salt Lake City (the "City") and the "Financial Advisor"). RE: Notice of Intention.
Feb 1, 2005	Council adopts Notice of Intention to create District and authorizes advertisement for bids.
Feb 7, 2005	First publication of Notice of Intention.
Feb 14, 2005	Second publication of Notice of Intention.
Feb 14, 2005	Mailing (within 10 days from the first publication) of the Notice of Intention to (1) each owner within the Special Improvement District and (2) each street address, post office box, rural route or other mailing address to "Owner".
Feb 21, 2005	Third publication of Notice of Intention.
Feb 28, 2005	Fourth publication of Notice of Intention.
Mar 2, 2005	Informal information meeting. (This may be scheduled earlier; it is not a statutory requirement).



<u>Date</u>	<u>Event</u>
Mar 7, 2005	Deadline for filing written protests.
Mar 8, 2005	Protest hearing council date.
Mar 11, 2005	Legal documents prepared by Bond Counsel. RE: Bid Opening Summary.
Mar 15, 2005	Tabulation of protests furnished to Ballard Spahr Andrews & Ingersoll.
Mar 15, 2005	Council sent action letter to create District.
Mar 15, 2005	Protests and creation of District transmitted from Ballard Spahr Andrews & Ingersoll to the City and First Security Bank.
Mar 22, 2005	Publication of the Notice to Contractors calling for bids.
Apr 5, 2005	Council adopts a resolution creating the Special Improvement District.
Apr 6, 2005	Bids opened, tabulated and reported.
Apr 6, 2005	Award of construction contract and provisions for interim financing transmitted from Bond Counsel to the City and the Financial Advisor.
Apr 8, 2005	File a copy of the Notice of intention and the Resolution creating the Special Improvement District and proposed Assessment List with the County Recorder.
Apr 12, 2005	Council adopts a resolution awarding the contract to the best bidder.
To be determined	Construction begins.
To be determined	Council adopts a resolution amending the Special Improvement District to include new property.
To be determined	Interim payments made to contractor.

February 14, 2005

Reference: **900 East 900 South Streetscape Upgrade Special Improvement District  
Project No. 106018**

Dear Property Owner:

We wish to inform you of the proposed streetscape project on 900 South from Windsor Street to 1000 East. Your property along 900 South is included in the proposed project. This Streetscape Special Improvement District will consist of enhancing the pedestrian environment, traffic calming, streetscape beautification, reconstruction of roadway pavement, curb and gutter, sidewalks, ramps, and cutback parking. Upgrade of 900 East intersection traffic signals and decorative street lights; installation of additional cut back parking and landscape median islands; and the addition of site furnishings, drainage facilities and other miscellaneous work will also be included.

The work will be funded using City funds, Federal Economic Development Initiative funds, and property owner assessments through a Special Improvement District. Information concerning the Special Improvement District is included with this letter. The City and Federal portion of the funding for the improvements will pay the cost of removing and replacing the existing curb and gutter, milling the existing asphalt, placing an asphalt overlay, 900 South 900 East intersection reconstruction, drainage, traffic signals, and associated items. The Property Owner portion of the project cost includes decorative concrete, decorative street lighting, added cut-back angle parking, landscaped medians, and site furnishing upgrades.

The following attachments are for your information and use:

1. The Notice of Intention describes how a Special Improvement District is created and operates. The notice outlines the costs for the work and describes how you may protest the project if you disagree with it.
2. The preliminary estimate of the assessment for your property is based on the quantity of work and width of your property.

As the property owner of record, you have the right to file a written protest against the creation of the 900 East 900 South Streetscape Upgrade Special Improvement District, Job No. 106018 or make any other objections relating thereto. Protests shall describe or otherwise identify the property being protested. Protests shall be filed with the City Recorder of Salt Lake City, Utah on or before 5:00 p.m. on the 7<sup>th</sup> day of March, 2005. The City Council will meet on the 8<sup>th</sup> of March, 2005 at 7:00 p.m. in a public meeting at the City Council Chamber

to consider all protests so filed and hear all objections related to the proposed Improvement District.

The protest rate shall be determined by totaling the assessable front footage of property owners filing written protest divided by the total assessable front footage of properties included in the special improvement district. After the written protest rate has been determined, the City Council may, at its discretion, delete areas from the district. The City Council will rescind its intention to create the district if the total frontage of properties within the boundaries of the district protesting the improvements represents more than fifty percent (50%) of the total assessable front footage of the improvement district.

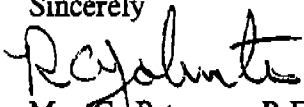
"Informal Public Meetings" are scheduled to review this project, with interested abutting property owners according to the following schedule:

March 2, 2005      4:00 p.m. to 6:00 p.m.  
Forest Dale Golf Course  
2375 South 900 East  
Salt Lake City, Utah

Members of the Engineering Division staff will be present and available to answer any specific questions property owners have relative to assessment costs and proposed work. Please note attendance at this meeting does not take the place of written protests. Those wishing to protest must follow the procedures outlined in the "Notice of Intention".

If you have any questions concerning this project and are unable to attend the meeting, please feel free to contact Mr. John J. Naser, P.E. at 535-6240 or Stephanie Toombs at 535-6374 in the City Engineering Office at 349 South 200 East, Suite 100, Salt Lake City, Utah 84111.

Sincerely

  
For Max G. Peterson, P.E.  
City Engineer