
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: November 9, 2005

SUBJECT: Ordinance confirming the modified and equalized assessment rolls and levying an assessment against certain properties in the Rose Park Special Improvement District for costs of installing decorative street light poles.

SID includes property within the boundaries of 600 North on the south, Rose Park Golf Course on the north, Jordan River on the west, and 900 West on the east.

AFFECTED COUNCIL DISTRICTS: District One

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

ADMINISTRATIVE DEPT. AND CONTACT PERSON: Department of Community Development
Tim Harpst and Michael Barry

NEW INFORMATION:

On July 12, 2005, the City Council adopted a resolution to appoint a Board of Equalization and Review and set the dates for the Board of Equalization. The Board heard and considered objections to and made corrections of any proposed assessments which the Board deemed unequal or unjust. This was an opportunity for property owners to discuss with the Board any actual costs that are being proposed.

The Board of Equalization and Review consisted of the following City officials: Michael Barry, Transportation Engineer; Chris Meeker, City Deputy Recorder; Ed Rutan, City Attorney; and Melanie Reif, Assistant City Attorney. The Board received assistance from Karen Carruthers, City Engineering; Susan Finlayson, City Engineering; Pat Peterson, Construction Coordinator; and Garth Limburg, Special Assessment Coordinator. The Board of Equalization met for three days on August 23, 24, and 25, 2005. The following is a summary of the concerns expressed by property owners regarding the proposed SID assessments along with responses and recommendations from the Board of Equalization.

August 23, 2005		
Property Owner	Concerns	Board's Response/Recommendation
<p>Larry and Seria Barker 1060 W. Rambler Drive 08-26-379-021-0000</p> <p><u>Proposed Assessment:</u> Lighting Improvement: 1 unit @ \$29.13 = \$29.13 Operation & Maintenance: 1 unit @ \$6.05 = \$ 6.05 Total Assessment: <u>\$35.18</u></p>	<p>Submitted letter to protest proposed assessment. Light posts are too far apart at 1060 W. Rambler Drive with a large gap in the lighting on their side of the street. Request for additional lights to fill in the large gaps between poles.</p>	<p>Michael Barry reviewed placement of lights on Rambler Drive and determined the design for Rambler Drive conforms to the scope and criteria of the project (see Administration's transmittal for more details).</p> <p>Recommendation: Assessment will remain at \$35.18.</p>
August 24, 2005 - no protestors attended		
August 25, 2005		
<p>Ellen Butler 1149 W. Talisman Dr. 08-26-376-004-0000</p> <p><u>Proposed Assessment:</u> Lighting Improvement: 1 unit @ \$29.13 = \$29.13 Operation & Maintenance: 1 unit @ \$ 6. 05 = \$ 6.05 Total Assessment: <u>\$35.18</u></p>	<p>Inquired about purpose and time length of the assessment. Concern that new lights were not illuminating as well as the former lights possibly on account of tree interference.</p>	<p>Michael Barry explained property owners would be assessed annually for new light fixtures for 10 years and the operation and maintenance assessment would be an ongoing separate annual assessment. Urban Forester will be contacted to trim any tree interference from the lights.</p> <p>Recommendation: Assessment will remain at \$35.18.</p>
<p>Michele Hoskins 1055 W. Prosperity Ave. 08-26-379-004-0000</p> <p><u>Proposed Assessment:</u> Lighting Improvement: 1 unit @ \$29.13 = \$29.13 Operation & Maintenance: 1 unit @ \$ 6. 05 = \$ 6.05 Total Assessment: <u>\$35.18</u></p>	<p>Similar concerns as Ellen Butler. She also mentioned roots from a tree in her park strip were causing damage to the sidewalk and her sewer.</p>	<p>Again, Michael Barry explained purpose of assessment and Urban Forester will be contacted to trim any trees interfering with the lights. Property owner was provided a phone number for Tim Rodriguez, Risk Management Specialist, to help address the tree in park strip; and problem of raised sidewalk was referred to Sam McAllister of Engineering for review.</p> <p>Recommendation: Assessment will remain at \$35.18.</p>

Property Owner	Concerns	Board's Response/Recommendation
<p>Jose & Maria Lopez 1071 N. Valentine Street 08-26-157-005-0000</p> <p><u>Proposed Assessment:</u> Lighting Improvement: 1 unit @ \$29.13 = \$29.13 Operation & Maintenance: 1 unit @ \$ 6. 05 = \$ 6.05 Total Assessment: <u>\$35.18</u></p>	<p>Asked if assessment is monthly or annually.</p>	<p>Board explained annually.</p> <p>Recommendation: Assessment will remain at \$35.18.</p>
<p>Courtney Reeser 825 North 900 West 08-26-408-024-0000</p> <p><u>Proposed Assessment:</u> Lighting Improvement: 1 unit @ \$29.13 = \$29.13 Operation & Maintenance: 1 unit @ \$ 6. 05 = \$ 6.05 Total Assessment: <u>\$35.18</u></p>	<p>Asked for explanation of the proposed assessment.</p>	<p>Board reviewed property owner's assessment and findings reveal no new lights were installed on 900 West.</p> <p>Recommendation: Assessment modified -- Property owner exempt from assessment.</p>
<p>LeGrande & Cindy Steenblik 1442 W. Leadville Avenue 08-27-480-013-0000</p> <p>1444 W. Leadville Avenue 08-27-480-019-0000</p> <p>1444 W. Leadville Avenue 08-27-480-021-0000</p> <p><u>Proposed Assessment for Each Parcel:</u> Lighting Improvement: 1 unit @ \$29.13 = \$29.13 Operation & Maintenance: 1 unit @ \$ 6. 05 = \$ 6.05 Total Assessment: <u>\$35.18</u></p>	<p>Expressed concern through email that they own three adjoining parcels, and only one parcel has public street frontage. Request to be exempt of two of the assessments.</p>	<p>Michael Barry investigated the two parcels in question and determined the two parcels lacked street frontage where the lights were installed.</p> <p>Recommendation: Assessment for parcel Sidwell No. 08-27-480-021-0000 will remain at \$35.18; however assessments were modified for parcels 08-27-480-019-0000 and 08-27-480-021-000 therefore property owner exempt from assessments.</p>

The next step for the City Council is to adopt the attached ordinance confirming the modified and equalized assessment rolls and levying an assessment against certain properties within the Rose Park Special Improvement District for the purpose of paying the costs of installing decorative street lighting poles and removing existing wooden street lighting poles.

Operating and Maintenance Assessment:

There are 50 existing street lighting special improvement districts (extensions). The City has combined the individual districts into three super districts to simplify the annual assessment process. These extensions were combined based on assessment due dates, not on geographical location. On

an annual basis, each district is renewed by assessment ordinance. According to the Administration, nine total extensions received new lights as part of the Rose Park SID that were previously dispersed amongst Lighting SIDs L01, L02 and L03. These nine extensions have been separated from Lighting Districts L01, L02, and L03 and are being assessed this **one-time only** for operating and maintenance costs as the Rose Park SID with the first installment payment being due on or about July 1, 2006. However, for subsequent years, to stay in keeping with the purpose of simplifying the annual assessment process with the three super districts, all nine extensions that are included in the Rose Park SID will be rolled back into Lighting District L02 in 2006 and will be assessed annually as part of L02 for **operating and maintenance** costs.

According to the Administration, the operating, maintenance, and electrical energy costs for this first annual assessment is approximately \$21,344. Property owners will be assessed 75% of the annual operating and maintenance costs of \$16,008, and the City will pay 25% of \$5,336 which is included in the City's non-departmental annual operating budget. Property owners' portion of the annual operation and maintenance costs is **\$6.05** per lot for this first year's assessment (certain properties representing more than one lot may be assessed a larger amount).

Improvement Capital Assessment:

Total cost for improvements equals \$2,786,368, of which the City will pay \$2,021,007 from two Capital Improvement Program (CIP) Grants and funds previously collected for capital replacement from abutting property owners through the nine total extensions that received new lights as part of the Rose Park SID, leaving a remainder of \$765,361. Property owners have the option to pay in whole or in part their portion of the lighting improvement costs for a total cost of \$291.33 within fifteen days from the date the ordinance goes into effect without interest. Any part of the assessment not paid within the fifteen days shall be payable over a period of ten years in substantially equal annual principal and interest installments of \$29.13. Estimated interest rate on the unpaid balance of the assessment will be 4.6 percent until the actual rate is determined when the bonds are sold. The first initial assessment for improvement costs requires action by the City Council to adopt an ordinance, but subsequent assessments will not require further action by the City Council.

Additional Information from the Administration re: 600 North and 900 West

The Administration wishes to clarify that street lights were not installed on 600 North or 900 West therefore properties along these two streets are not included as part of the proposed SID, except for those properties that abut streets with lighting improvements. More specifically, a property located at an intersection having one side of the property that abuts a street with new lights will be assessed. For example, in looking at two properties located along 600 North: 1) property at the corner of 600 North and Oakley Street (1258 W. 600 N.) is assessed because it abuts Oakley Street that has new lights installed; whereas, 2) the property at 1320 West 600 North would not be assessed because it is located outside an intersection and does not abut the improvements.

Upcoming action before the City Council will include:

- Resolution authorizing the issuance and providing the sale of bonds scheduled for Council's consideration on January 10, 2006.

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

BACKGROUND INFORMATION:

In February 2004, the City Council adopted a resolution declaring the intention of the City to create an improvement district to construct lighting improvements in Rose Park. A protest hearing was held in March 2004. The Council created the Rose Park Lighting Special Improvement District No. 106024 on August 10, 2004. On August 24, 2004, the City Council adopted a resolution accepting bids and authorizing execution of a contract to the best bidder for construction work and materials to complete the improvements for the Rose Park Special Improvement District No. 106024.

Assessment Analysis Provided Earlier by the Administration is as follows:

- FY 2005 – The cost of all services and improvements for the nine Rose Park extensions is \$77,765.74. The property owners in Rose Park will be assessed 75% of that amount, or \$58,324.31. The remaining 25% is paid by the City. The proposed overhead fee is \$4,652.10 which is 15% of the contract price of \$31,014. These overhead charges can be absorbed in the existing assessment collection without raising assessments. During this fiscal year, no Rose Park resident will experience a change in the amount or the manner in which they are currently assessed.
- FY 2006 – The Rose Park residents will receive a combined assessment similar in look to curb and gutter-type assessments, that will be payable over a 10-year period. The first installment is estimated to be \$35.00, of which \$29.00 is for capital improvements and \$6.00 is for lighting costs. The actual costs will be dependent on the final construction costs. There are no overhead charges associated with this first installment.
- FY 2007 to FY 2015 – Each resident will receive two assessment invoices: one for street lighting power and maintenance for approximately \$7.00 (\$6.00 + \$1.00 overhead), and one for capital improvements for approximately \$29.00 plus bond interest.
- FY 2016 and beyond – The \$29.00 assessment plus bond interest for the capital improvements would end and the \$7.00 power and maintenance assessment would be increased to approximately \$15.00. The \$8.00 increase would be collected to begin building a capital replacement fund reserve.

The above costs are in today's dollars and will increase as power and maintenance costs increase. The assessment will continue for as long as the system is being powered and maintained since there is not a "sunset" or termination clause.

Boundary Description:

The boundaries that define the proposed SID include: 600 North on the south, Rose Park Golf Course on the north, Jordan River on the west, and 900 West on the east. The SID proposal combines nine existing SIDs into one. Residents who are currently participating in the nine separate SIDs are paying yearly assessments based upon linear feet of street frontage. By combining the nine existing SIDs into one, the new assessment will be based on a per lot basis which means that all the Rose Park

residents will be assessed the same dollar amount, with the exception of the following property owners: Board of Education, Elementary School; Board of Education, Jr. High School; LDS Church; Salt Lake City Parks; Jordan River Park Authority; Utah Power; Y-Z Investments; Terraces of Rose Park Condos; Utah Division of Wild Life; and Smith Food King. Private property owners in the Rose Park area can participate in the proposed SID, however, school, state, federal and county agencies are not obligated to participate in a City SID. In addition, the Salt Lake City Parks Division manages 25 acres. The Administration is recommending that Salt Lake City Parks Division participate in the proposed SID for a cost of \$3,500 per year.

Project Description: According to the Administration's paperwork, the proposed project includes: "removing the existing street lights and overhead wiring and installing 12 foot cast aluminum decorative poles with an acorn lens on top. Lower poles will minimize the impact of the tree canopy and will provide better lighting to the sidewalks for pedestrians. Removal of the overhead wiring will help improve the visual appearance of the area and eliminate the pruning of trees. The underground electrical wiring will be installed primarily by boring to minimize construction impacts to the neighborhoods and to reduce the risk of cutting tree roots. The lens will include dark sky "cutoff" shielding with optional resident side shielding. This results in the greatest percentage of light generated being shone on the street and sidewalk and not in the sky or windows."

CHRONOLOGY:

- In June 2003 as part of the fiscal year 2003-04 budget, the City Council approved funding for the proposed Rose Park Lighting project to remove all existing overhead street lighting and install new decorative poles with underground wiring throughout the Rose Park Community Council district. Funding allocation includes: \$975,000 from FY 2003-04 Capital Improvement Program (CIP) appropriation and \$675,000 in accumulated lighting replacement funds currently available in the existing SID. An additional \$561,000 was also approved by the City Council to be assessed to property owners. However, as a result of updated cost estimates, interest, and additional fees having been added to the cost, the Administration states that the estimated bond amount has increased from \$561,000 to \$800,000. The property owners' share is \$800,000 which will be financed by annual assessments to property owners over a ten-year period. The City currently contributes 25 percent of the cost of the Rose Park lighting power and maintenance, which the Administration expects to continue at a slightly lower rate once the new system is installed. Total estimated cost of the proposed project is \$2,450,000.
- February 3, 2004, the City Council adopted a resolution declaring the intention of the City to construct improvements within the City consisting of the installation of decorative street lighting poles, the removal of existing wooden street lighting poles, and all other miscellaneous work necessary to complete the improvements; to levy an assessment to operate and maintain said street lighting facilities; to create a special improvement district to defray the cost and expenses of the improvement district by special assessments to be levied against the property benefited by such improvements; to declare its official intent to reimburse itself for expenditures paid by it prior to the sale of bonds; and setting the deadline for filing written protest and setting the date for a public hearing protest.
- February 24 and March 4, 2004 – the Administration held two informational meetings prior to the protest hearing to provide answers to any questions residents may have about the project and to provide residents the opportunity to express comments. In addition, the Administration states that numerous meetings were held with the Rose Park Community

Council and residents to identify the poles and lights within the proposed street lighting district.

- March 9, 2004 Protest hearing was held. 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 8th deadline. The Administration reports there were no protests made at the hearing; however, the City Recorder's Office reports receiving eleven written comments protesting the district, representing 0.5% protest rate.
- On June 1, 2004 as a result of the City Council's briefing received on the annual assessment for street lighting Special Improvement District No. 1, the Council requested that the Administration provide bullet points outlining how 15% administrative overhead costs impact the Rose Park Lighting Special Improvement District and SIDs L01, L02, and L03. The Transportation and Treasurer's Divisions provided the requested information, including maps for Special Improvement District L01, L02, and L03 which show the locations of the lighting extensions within each SID.
- On August 10, 2004, the City Council adopted a resolution creating the Rose Park Lighting Special Improvement District No. 106024.
- On August 18, 2004 bids were opened and the best bidder was identified.
- On August 24, 2004, the City Council adopted a resolution accepting bids and authorizing execution of a contract to the best bidder for construction work and materials to complete the improvements for the Rose Park Special Improvement District No. 106024.
- On July 12, 2005, the City Council adopted a resolution to appoint a Board of Equalization and Review and to set dates whereby the Board of Equalization heard and considered any objections to make corrections of any proposed assessment which the Board deemed unequal or unjust.

cc: Rocky Fluhart, Rick Graham, Louis Zunguze, Sam Guevara, Cindy Gust-Jenson, Dan Mulé, Tim Harpst, Kurt Larson, Chris Bramhall, Karen Carruthers, Garth Limburg, Gary Mumford, Marge Harvey, and Barry Esham

File location: Special Improvement District

A. LOUIS ZUNGUZE
DIRECTOR

BRENT B. WILDE
DEPUTY DIRECTOR

SALT LAKE CITY CORPORATION
DEPT. OF COMMUNITY DEVELOPMENT
OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON
MAYOR

COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer **DATE:** November 9, 2005
FROM: Louis Zunguze, Community Development Director
RE: An ordinance, authorizing the Mayor to approve the annual assessment ordinance for Rose Park Special Improvement District.

STAFF CONTACT: Tim Harpst, Transportation Director, at 535-6630 or
Tim.harpst@slc.gov
Mike Barry, Transportation Engineer, at 535-7147 or
Michael.barry@slcgov.com

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None. The City's portion of the lighting costs is included in the City's non-departmental operating budget.

DISCUSSION:

Issue Origin: This is a request to the City Council to adopt the accompanying ordinance authorizing the Mayor to approve an annual assessment ordinance for the Rose Park Special Improvement District. This SID was requested by a majority of the property owners of Rose Park for the purpose of installing a decorative street lighting system. This ordinance sets the rate for this District.

Analysis: The first year annual operating, maintenance and electrical energy costs for the district is estimated at \$21,344.00. The City pays 25% of the first year annual operating and maintenance costs (\$5,336.00) and the residents in the district pay the remaining 75% (\$16,008.00). The City's portion is included in the City's non-departmental annual operating budget.

The total acquisition and installation costs of improvements in the district is \$2,786,368.13 of which \$2,021,007.17 came from two CIP grants and funds previously collected for capital replacement from abutting property owners through the nine existing SID's. The remainder of \$765,360.96 shall be paid by this special assessment which will be levied against the property owners benefited by the lighting improvements.

The attached assessment authorizes the Mayor to approve the annual assessment for the Rose Park Special Improvement District to be levied upon each parcel of property in the

lighting district for the purpose of paying the operating, maintenance, and electrical energy for the first year of the district and all of the capital costs of the district. Subsequent years' operating, maintenance and electrical energy costs will be assessed through the existing Special Lighting District LO2.

Public Process: The standard Special Improvement District process has been followed. The minutes of the Board of Equalization are attached.

Relevant Ordinance: The accompanying SID assessment ordinance.

**REPORT OF THE BOARD OF EQUALIZATION
SPECIAL IMPROVEMENT DISTRICTS
Rose Park Street Lighting Replacement SID
Job No. 106024**

The Board of Equalization Hearings for Special Improvement District No. 106024 were held on August 23, 24, and 25, 2005 at 349 South 200 East in Suite 100 and in conformance with the ordinances governing special improvement districts. The Board was comprised of the following members:

Michael Barry,	Transportation Engineer
Chris Meeker,	Chief Deputy Recorder
Ed Rutan,	City Attorney
Melanie Reif,	Assistant City Attorney

Assisting the Board were the following individuals:

Karen Carruthers,	City Engineering
Susan Finlayson,	City Engineering
Pat Peterson,	Construction Coordinator
Garth Limburg,	Special Assessment Coordinator

The following are the concerns of property owners regarding the Special Improvement District assessments, and the responses and recommendations of the Board of Equalization.

Tuesday, August 23, 2002 - 3:00 to 4:00 P.M.

No protestors attended to this meeting. However one letter dated August 15, 2005 was submitted.

1. **Barker, Larry and Seria**
1060 West Rambler Drive
Salt Lake City, Utah 84116-2230
08-26-379-021-0000

Mr. & Mrs. Barker wrote a letter in protest of the new street lighting project; they were not able to attend the meetings, however wanted to have their protest considered. It was stated in the letter dated August 15, 2005 that the light posts are too far apart at 1060 West Rambler Drive, and there is a large gap in the lighting on their side of the street. Mr. & Mrs. Barker stated that the distance between the lights was too large and additional lights should have been installed.

Response:

Michael Barry reviewed the as-constructed drawings in regard to the placement of lights on Rambler Drive and has determined that the lights on Rambler Dr. were generally placed according to the design drawings. According to Mr. Barry, some minor adjustments to the locations were made during construction according to site specific considerations such as the proximity to trees and driveways. The field adjustments would not affect the overall lighting design threshold criteria (i.e., average luminance, luminance uniformity ratio, etc.). It was noted that the address in question (1060 West Rambler Dr.) is located at the midpoint between two lights and thus is not as brightly lit as other areas on the street. However, it is not the intention of the lights to light completely the entire sidewalk and street surfaces but to provide a general level of lighting uniformity for the area. Although, some "dark spots" were to be expected, especially with the large number of large trees in the project area, the design for Rambler Dr. conforms to the scope and criteria for the project.

Recommendation of the Board:

The assessment for this property will not change.

Current Assessment

Street Lighting Improvement	1 Unit @ \$ 29.13 = \$ 29.13
Operation and Maintained	1 Unit @ \$ 6.05 = \$ 6.05
Total	\$ 35.18

REPORT OF THE BOARD OF EQUALIZATION SPECIAL IMPROVEMENT DISTRICTS Rose Park Street Lighting Replacement SID Job No. 106024

The Board of Equalization Hearings for Special Improvement District No. 106024 were held on August 23, 24, and 25, 2005 at 349 South 200 East in Suite 100 and in conformance with the ordinances governing special improvement districts. The Board was comprised of the following members:

Michael Barry,
Chris Meeker,
Ed Rutan,
Melanie Reif,

Transportation Engineer
Chief Deputy Recorder
City Attorney
Assistant City Attorney

Assisting the Board were the following individuals:

Karen Carruthers,
Susan Finlayson,
Pat Peterson,
Garth Limburg,

City Engineering
City Engineering
Construction Coordinator
Special Assessment Coordinator

The following are the concerns of property owners regarding the Special Improvement District assessments, and the responses and recommendations of the Board of Equalization.

Wednesday, August 24, 2002 - 5:00 to 6:00 P.M.

No protestors attended to this meeting.

**REPORT OF THE BOARD OF EQUALIZATION
SPECIAL IMPROVEMENT DISTRICTS
Rose Park Street Lighting Replacement SID
Job No. 106024**

The Board of Equalization Hearings for Special Improvement District No. 106024 were held on August 23, 24, and 25, 2005 at 349 South 200 East in Suite 100 and in conformance with the ordinances governing special improvement districts. The Board was comprised of the following members:

Michael Barry,
Chris Meeker,
Ed Rutan,
Melanie Reif,

Transportation Engineer
Chief Deputy Recorder
City Attorney
Assistant City Attorney

Assisting the Board were the following individuals:

Karen Carruthers,
Susan Finlayson,
Pat Peterson,
Garth Limburg,

City Engineering
City Engineering
Construction Coordinator
Special Assessment Coordinator

The following are the concerns of property owners regarding the Special Improvement District assessments, and the responses and recommendations of the Board of Equalization.

Thursday, August 25, 2002 - 6:00 to 7:00 P.M.

1. **Butler, Ellen**
1149 West Talisman Drive
Salt Lake City, Utah 84116-2155
08-26-376-004-0000

Mrs. Butler wanted to know what this assessment was for and how long the assessment would remain at \$35.18. Mrs. Butler stated that the new lights were not illuminating as well as the old lights for a large area, possibly due to the lights being in the middle of the trees. Mrs. Butler wanted to know why the design of the lights changed. The Board and Mrs. Butler discussed possibility of getting the Forestry Division to trim the tree around the light so the light could come through better.

Response:

Michael Barry explained the assessment was for the new light fixtures which would be assessed for 10 years and the assessment of operation and maintenance would be an annual assessment. Michael Barry will be contacting the Forestry Division to have them trim the trees from the lights.

Recommendation of the Board:

The assessment for this property will not change.

Current Assessment

Street Lighting Improvement	1 Unit @ \$ 29.13 = \$ 29.13
Operation and Maintained	1 Unit @ \$ 6.05 = \$ 6.05
Total	\$ 35.18

2. **Hoskins, Michele**
1055 West Prosperity Avenue
Salt Lake City, Utah 84116-2223
08-26-379-004-0000

Ms. Hoskins wanted an explanation of her assessment, what this assessment was for and how long the assessment would remain at \$35.18. Ms. Hoskins stated that the new lights were not illuminating as well as the old lights for a large area, possibly due to the lights being in the middle of the trees. Ms. Hoskins wanted to know why the design of the lights changed. The Board and Ms. Hoskins discussed possibility of getting the Forestry Division to trim the tree around the light so the light could come through better. Ms. Hoskins stated that a tree in front of her property was causing damage to the sidewalk and her sewer with roots.

Response:

Michael Barry explained the assessment was for the new light fixtures which would be assessed for 10 years and the assessment of operation and maintenance would be an annual assessment. Michael Barry will be contacting the Forestry Division to have them

trim the trees from the lights. Ms. Hoskins was given Tim Rodriguez phone number, to see if Tim could help her with the problems about the tree in the park strip in front of her property. Susan Finlayson referred the problem of up lifting sidewalk to Sam McAllister to have someone investigate the sidewalk in front of this property.

Recommendation of the Board:

The assessment for this property will not change.

Current Assessment

Street Lighting Improvement	1 Unit @ \$ 29.13 = \$ 29.13
Operation and Maintained	1 Unit @ \$ 6.05 = \$ 6.05
Total	\$ 35.18

3. **Lopez, Jose & Maria**
1071 North Valentine Street
Salt Lake City, Utah 84116-3623
08-26-157-005-0000

Mr. Lopez was curious to know whether this assessment was to be paid monthly or yearly.

Response:

The Board was explained that this was a yearly assessment replacing his other lighting assessment that was sent to him on July 1 (LO1).

Recommendation of the Board:

The assessment for this property will not change.

Current Assessment

Street Lighting Improvement	1 Unit @ \$ 29.13 = \$ 29.13
Operation and Maintained	1 Unit @ \$ 6.05 = \$ 6.05
Total	\$ 35.18

4. **Reeser, Courtney**
825 North 900 West
Salt Lake City, Utah 84116-1305
08-26-408-024-0000

Ms. Reeser wanted some explanation of the assessment she received.

Response:

The Board looked into Ms. Reeser's assessment and discovered that no new lights were installed on 900 West. Ms. Reeser was also given a copy of the Notice of Intent.

Recommendation of the Board:

The assessment for this property will be deleted.

Current Assessment

Street Lighting Improvement	1 Unit @ \$ 29.13 = \$ 29.13
Operation and Maintained	1 Unit @ \$ 6.05 = \$ 6.05
Total	\$ 35.18

Revised Assessment

Street Lighting Improvement	1 Unit @ \$ 0.00 = \$ 0.00
Operation and Maintained	1 Unit @ \$ 0.00 = \$ 0.00
Total	\$ 0.00

5. Steenblik, LeGrande & Cindy
1442 West Leadville Avenue
Salt Lake City, Utah 84116-2044
08-27-480-013-0000

1444 West Leadville Avenue
Salt Lake City, Utah 84116-2044
08-27-480-019-0000

1444 West Leadville Avenue
Salt Lake City, Utah 84116-2044
08-27-480-021-0000

Mr. LeGrande spoke with and also emailed Michael Barry on August 25, 2005. Mr. LeGrande was unable to attend the Board of Equalization meeting, however his email will be considered. Mr. LeGrande owns three adjoining parcels, and one of the parcels has public street frontage. Mr. LeGrande would like the other two assessments remove.

Response:

Michael Barry spoke with Mr. LeGrande and also looked into the locations of the two parcels in question. It was determined that the two parcels in question did not have frontage to the streets where the lights were placed.

Recommendation of the Board:

The assessments for two properties will change as follows:

Current Assessment

08-27-480-013-0000

Street Lighting Improvement	1 Unit @ \$ 29.13 = \$ 29.13
Operation and Maintained	1 Unit @ \$ 6.05 = \$ 6.05
Total	\$ 35.18

Revised Assessment

08-27-480-013-0000

Street Lighting Improvement
Operation and Maintained
Total

1 Unit @ \$ 29.13 = \$ 29.13
1 Unit @ \$ 6.05 = \$ 6.05
\$ 35.18

Current Assessment

08-27-480-019-0000

Street Lighting Improvement
Operation and Maintained
Total

1 Unit @ \$ 29.13 = \$ 29.13
1 Unit @ \$ 6.05 = \$ 6.05
\$ 35.18

Revised Assessment

08-27-480-019-0000

Street Lighting Improvement
Operation and Maintained
Total

1 Unit @ \$ 0.00 = \$ 0.00
1 Unit @ \$ 0.00 = \$ 0.00
\$ 0.00

Current Assessment

08-27-480-021-0000

Street Lighting Improvement
Operation and Maintained
Total

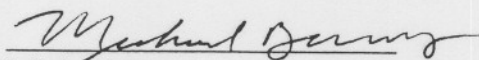
1 Unit @ \$ 29.13 = \$ 29.13
1 Unit @ \$ 6.05 = \$ 6.05
\$ 35.18

Revised Assessment

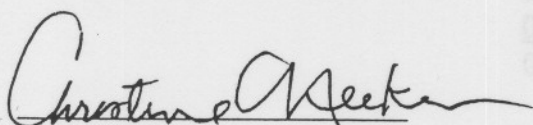
08-27-480-021-0000

Street Lighting Improvement
Operation and Maintained
Total

1 Unit @ \$ 0.00 = \$ 0.00
1 Unit @ \$ 0.00 = \$ 0.00
\$ 0.00



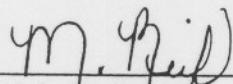
Michael Barry
Transportation Engineer



Chris Meeker
Chief Deputy Recorder



Ed Rutan
City Attorney



Melanie Relf
Assistant City Attorney

Salt Lake City, Utah

November 15, 2005

A regular meeting of the City Council of Salt Lake City, Salt Lake County, Utah, was held on Tuesday, the 15th day of November, 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 to 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
	City Attorney
	Deputy City Recorder

Absent:

None

The City Council has considered the Findings and Recommendation of the Board of Equalization and Review for Salt Lake City, Utah Rose Park Special Improvement District (the "District") and has reviewed minutes of the hearings of that Board and determined to approve the modified and equalized assessment rolls as recommended by the Board of Equalization and Review and levy assessments as set out therein.

The following assessment ordinance was then introduced in writing, was fully discussed, and pursuant to motion duly made by Councilmember _____ and seconded by Councilmember _____, adopted by the following vote:

AYE:

NAY:

The ordinance was then signed by the Chair, presented to and approved by the Mayor, and recorded by the City Recorder in the official records of Salt Lake City, Utah. The ordinance is as follows:

ORDINANCE NO. ____ of 2005

AN ORDINANCE CONFIRMING THE MODIFIED AND EQUALIZED ASSESSMENT ROLLS AND LEVYING AN ASSESSMENT AGAINST CERTAIN PROPERTIES IN THE SALT LAKE CITY, UTAH ROSE PARK SPECIAL IMPROVEMENT DISTRICT (THE "DISTRICT"), FOR THE PURPOSE OF PAYING THE COSTS OF INSTALLING DECORATIVE STREET LIGHTING POLES, AND REMOVING EXISTING WOODEN STREET LIGHTING POLES; AND OTHER MISCELLANEOUS WORK WHICH IS NECESSARY TO COMPLETE THE ABOVE IMPROVEMENTS (COLLECTIVELY, THE "IMPROVEMENTS"); ESTABLISHING THE EFFECTIVE DATE OF THIS ORDINANCE; AND RELATED MATTERS.

BE IT ORDAINED BY THE CITY COUNCIL OF SALT LAKE CITY, SALT LAKE COUNTY, UTAH:

Section 1. Determination of Costs. All costs and expenses for the making of the Improvements within the District, together with related costs, have been determined.

Section 2. Approval of Assessment List; Findings. The City Council (the "Council") of Salt Lake City, Utah (the "City"), hereby accepts and adopts the Findings and Recommendation of the Board of Equalization and Review. The Council confirms and adopts the equalized and modified assessment roll for the District, a copy of which is attached hereto as Exhibit B and incorporated herein by reference (the "Assessment List"). The Council has determined that the Assessment List, as adjusted and equalized, is just and equitable; that each piece of property to be assessed within the District will be benefited in an amount not less than the assessment to be levied against said property; and that no piece of property listed in the assessment list will bear more than its proportionate share of the cost of such Improvements.

Section 3. Levy of Assessments. The Council hereby levies an assessment upon the real property identified in the Assessment List. The assessments levied upon each parcel of property therein described shall be in the amount set forth in the Assessment List.

The assessments hereby levied are for the purpose of paying the costs of installing decorative street lighting poles, and removing existing wooden street lighting poles in a proper and workmanlike manner (collectively, the "Improvements"). Said Improvements are more particularly described in the Assessment List.

The City Council further intends to finance the costs of electrical power and other operation and maintenance expenses for the Improvements. To finance the acquisition and installation costs of the Improvements (the "Acquisition Costs") and the operation and maintenance costs thereof (the "Maintenance Costs"), the City Council has created and established the District.

The assessments for the Acquisition Costs of the proposed Improvements and the First Year's Maintenance Costs are hereby levied and assessed upon each of the parcels of real property described in the Assessment List according to the extent that they are specially benefited by the Improvements acquired or constructed within the District. The assessments are levied upon the parcels of land in the District at equal and uniform rates.

Section 4. Cost of Improvements; Amount of Total Assessments. The total Acquisition Costs in the District including overhead costs is \$2,786,368.13 of which the City will pay \$2,021,007.17 (approximately \$896,007.17 of which consists of capital replacement funds which have previously been collected by the City within the District), leaving a remainder of \$765,360.96 which shall be paid by a special assessment to be levied against the property which may be affected or specifically benefited by such Improvements. The assessments for Acquisition Costs include estimated overhead costs which the City projects to incur in the creation and administration of the District. The amount to be assessed against property affected or benefited by the Improvements in the District is \$765,360.96. This amount does not exceed in the aggregate the sum of: (a) the total contract price or prices for the Improvements under contract duly let to the lowest and best responsible bidder therefor and a portion of the costs of engineering, designing and inspection; (b) the reasonable cost of utility services, maintenance, labor, materials or equipment supplied by the City, if any; (c) the property price, if any; (d) connection fees, if any; (e) the interest on any interim warrants issued against the District; and (f) overhead costs not to exceed fifteen percent (15%) of the sum of (a), (b), (c), and (d).

The property owners' portion of the annual operation and maintenance costs (the "Maintenance Costs") of the Improvements is \$6.05 per lot* for the first year. The Maintenance Costs shall be paid by a special assessment which will be levied annually against the properties abutting upon the streets to be improved or which may be affected or specially benefited by the Improvements

Section 5. Method and Rate. The total assessment for the District is levied in accordance with the method set out in the Notice of Intention pertaining to the District. The applicable rate for each property was determined based on costs as set out in the preceding Section.

Section 6. Payment of Assessments. The whole or any part of the assessments for the Acquisition Costs may be paid without interest within fifteen (15) days after this Ordinance becomes effective. Any part of the assessment not paid within such fifteen- (15) day period shall be payable over a period of ten (10) years from the effective date of this Ordinance in ten (10) substantially equal annual principal and interest installments. Interest on the unpaid balance of the assessment shall accrue at the rate of four and six-tenths percent (4.6%) per annum until and unless special assessment bonds (the "Bonds") are issued for the District. After issuance of the Bonds the interest

* Certain larger properties have been assessed a larger amount since they represent more than one lot.

rate on unpaid assessment balances (unless delinquent rates apply) shall be the same rate as the net effective interest rate of the Bonds anticipated to be issued by the City. The first assessment installment payment due date shall be on or about July 1, 2006, and on each anniversary date of the first assessment installment payment date thereafter until paid in full. Interest shall accrue from the effective date of this Ordinance. Each assessment installment shall include one year's interest on the unpaid assessment amount.

The assessments for the Maintenance Costs for the first year shall be due and payable within fifteen (15) days after the adoption and publication of this assessment ordinance imposing said assessments.

After the above-referenced fifteen- (15) day period, all unpaid installments of an assessment for Acquisition Costs levied against any piece of property may be paid prior to the dates on which they become due, but any such prepayment must include an additional amount equal to the interest which would accrue on the assessment to the next succeeding date on which interest is payable on any special assessment bonds issued in anticipation of the collection of the assessments plus such additional amount as, in the opinion of the City Treasurer, is necessary to assure the availability of money to pay interest on the special assessment bonds as interest becomes due and payable plus any premiums which may be charged and become payable on redeemable bonds which may be called in order to utilize the assessments paid in advance.

Section 7. Default in Payment. If a default occurs in the payment of any installment of principal or interest, when due, the City may accelerate payment of the total unpaid balance of the assessment and declare the whole of the unpaid principal and interest then due to be immediately due and payable. Additional interest shall accrue and be paid on all amounts declared to be delinquent or accelerated and immediately due and payable at the same rate as is applied to delinquent real property taxes for the year in which the assessment installment becomes delinquent (the "Delinquent Rate"). In addition to interest charges at the Delinquent Rate, costs of collection, including attorneys fees and court costs ("Collection Costs"), as determined by the City Treasurer or required by law shall be charged and paid on all amounts declared to be delinquent or accelerated and immediately due and payable. In lieu of accelerating the total assessment balance when one or more assessment installments become delinquent, the City may elect to bring an action to collect only the delinquent portion of the assessment plus interest at the Delinquent Rate and Collection Costs.

Upon any default, the City Treasurer shall give notice, in writing, of the default to the owner of the property in default, as shown by the last available equalized assessment rolls. Notice shall be effective upon deposit of the notice in the U.S. Mail, postage prepaid, and addressed to the owner as shown on the last equalized assessment rolls for the City or on the official ownership records of the City. The notice shall provide for a period of thirty (30) days in which the owner shall pay the installments then due and owing together with accrued interest at the regular rate plus costs as determined by the City Treasurer. If the City elects to use the enforcement remedy involving acceleration, the Notice shall also declare that after the thirty (30) day period the City shall accelerate

the then unpaid balance of the principal of the assessment to be immediately due and payable together with Collection Costs and interest on the entire unpaid balance to accrue from the date of delinquency at the Delinquent Rate. Thereafter, the City may commence foreclosure proceedings in the manner provided for actions to foreclose mortgage liens or trust deeds. If the City elects to utilize the trust deed enforcement remedy, the City Attorney shall designate a trust deed trustee for purposes of the enforcement action. If at the sale no person or entity shall bid and pay the City the amount due on the assessment plus interest and costs, the property shall be deemed sold to the City for these amounts. The City shall be permitted to bid at the sale.

The remedies provided herein for the collection of assessments and the enforcement of liens shall be deemed and construed to be cumulative and the use of any one method or means of collection or enforcement shall not deprive the City of the use of any other method or means. The amounts of accrued interest and all costs of collection shall be added to the amount of the assessment up to the date of foreclosure sale.

Section 8. Remedy of Default. If prior to the final date on which payment may be legally made under a final sale or foreclosure of property to collect delinquent assessment installments, the property owner pays the full amount of all unpaid installments which are past due and delinquent with interest at the Delinquent Rate, plus all approved or required costs, the assessment of said owner shall be restored so that the owner will have the right to make the payments in installments as if the default had not occurred.

Section 9. Lien of Assessment. An assessment or any part or installment of it, any interest accruing and the penalties and costs of collection shall constitute a lien against the property upon which the assessment is levied on the effective date of this Ordinance. Said lien shall be superior to the lien of any trust deed, mortgage, mechanic's or materialman's lien or other encumbrance and shall be equal to and on a parity with the lien for general property taxes. The lien shall continue until the assessment and any interest, penalties and costs on it are paid, notwithstanding any sale of the property for or on account of a delinquent general property tax, special tax or other assessment or the issuance of a tax deed, an assignment of interest by the governing entity or a sheriff's certificate of sale or deed.

Section 10. Contestability. No assessment shall be declared void or set aside in whole or in part in consequence of any error or irregularity which does not go to the equity or justice of the assessment or proceeding. Any party who has not waived his objections to same as provided by statute may commence a civil action against the City to enjoin the levy or collection of the assessment or to set aside and declare unlawful this Ordinance.

Such action must be commenced and summons must be served on the City not later than 30 days after the effective date of this Ordinance. This action shall be the exclusive remedy of any aggrieved party. No court shall entertain any complaint which

the party was authorized to make by statute but did not timely make or any complaint that does not go to the equity or justice of the assessment or proceeding.

After the expiration of the 30-day period provided in this section:

(a) The special assessment bonds issued or to be issued against the District and the assessments levied in the District shall become incontestable as to all persons who have not commenced the action provided for in this section; and

(b) No suit to enjoin the issuance or payment of the bonds, the levy, collection or enforcement of the assessment, or in any other manner attacking or questioning the legality of the bonds or assessments may be instituted in this state, and no court shall have authority to inquire into these matters.

Section 11. Notice to Property Owners. The City Treasurer is hereby authorized and directed to give notice of assessment by mail to the property owners in the District. Said notice shall, among other things, state the amount of the assessment and the terms of payment. A copy of the form of notice of assessment is available for examination upon request at the office of the City Recorder.

Section 12. All Necessary Action Approved. The officials of the City are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance.

Section 13. Repeal of Conflicting Provisions. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed.

Section 14. Publication of Ordinance. An emergency is hereby declared, the preservation of peace, health and safety of the City and the inhabitants thereof so requiring. Immediately after its adoption, this Ordinance shall be signed by the Mayor and City Recorder and shall be recorded in the ordinance book kept for that purpose. This Ordinance shall be published once in the Deseret Morning News, a newspaper published and having general circulation in the City, and shall take effect immediately upon its passage and approval and publication as required by law.

PASSED AND APPROVED by the City Council of Salt Lake City, Utah, this
15th day of November, 2005.

(SEAL)

By: _____
Chair

ATTEST:

By: _____
Deputy City Recorder

The City Treasurer was thereupon authorized to mail to the property owners in the District the foregoing notice of special assessment as hereinbefore provided.

After the transaction of other business not pertinent to the foregoing matter, the meeting was on motion duly made, seconded and carried, adjourned.

(SEAL)

By: _____
Chair

ATTEST:

By: _____
Deputy City Recorder

PRESENTATION TO THE MAYOR

The foregoing ordinance was presented to the Mayor for his approval or disapproval on the ____ day of _____, 2005.

(SEAL)

By: _____
Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved ____ day of _____, 2005.

Ross C. Anderson
Mayor

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

I, _____, the duly appointed and qualified Deputy City Recorder of Salt Lake City, Salt Lake County, Utah, do hereby certify that the above and foregoing is a full, true and correct copy of the record of proceedings had by the City Council of Salt Lake, Salt Lake County, Utah, at its meeting held on the ____ day of November, 2005, insofar as the same relates to or concerns Salt Lake City, Utah Rose Park Special Improvement District as the same appears of record in my office.

I further certify that the Ordinance levying the special assessments was recorded by me in the official records of Salt Lake City on the ____ day of November, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Salt Lake City this ____ day of November, 2005.

(SEAL)

By: _____
Deputy City Recorder

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

AFFIDAVIT OF MAILING
NOTICE OF ASSESSMENT

I, Daniel Mulé, the duly appointed, qualified City Treasurer of Salt Lake City, Salt Lake County, Utah, do hereby certify that on _____, 2005, I caused to be mailed a Notice of Assessment to each property owner in Salt Lake City, Utah Rose Park Special Improvement District by United States Mail, postage prepaid, at the last known address of such owner.

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

(SEAL)

By: _____
City Treasurer

PROOF OF PUBLICATION

Attached to this page is the Proof of Publication, indicating by the affidavit of the publisher that the said Ordinance levying the special assessments which was contained in the Ordinance adopted by the City Council on the ____ day of November, 2005, was published one time in the Deseret Morning News.

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, _____, the undersigned Deputy City Recorder of Salt Lake City, Salt Lake County, Utah (the "City"), do hereby certify, according to the records of the City 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 ____ day of November, 2005, public meeting held by the City as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City's offices at 451 South State Street, Salt Lake City, Utah, 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 _____, 2005, at least twenty-four (24) hours prior to the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this ____ day of November, 2005.

(SEAL)

By: _____
Deputy City Recorder

SCHEDULE 1

Notice of Meeting

EXHIBIT B

ASSESSMENT LIST

[Available for review at the offices of the
City Recorder or City Engineer]

