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# SALT LAKE CITY COUNCIL STAFF REPORT

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DATE:	October 6, 2005
SUBJECT:	Notice of Intention for Sidewalk Replacement Area No. 102119, and setting protest hearing date of November 15, 2005
AFFECTED COUNCIL DISTRICTS:	6
STAFF REPORT BY:	Jan Aramaki, Constituent Liaison/Policy Analyst
ADMINISTRATIVE DEPT. AND CONTACT PERSON:	Department of Public Services Daniel C. Noziska, P.E., Senior Project Mgr.
FILE LOCATIONS:	Public Services/Sidewalk Replacement SID 102119

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## POTENTIAL MOTIONS:

1. ["I move that the Council"] Adopt a resolution declaring the Notice of Intention for the Sidewalk Replacement Special Improvement District, Job No. 102119, and setting the protest hearing date of November 15, 2005 at 7:00 p.m.
  2. ["I move that the Council"] Not adopt the resolution.
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## KEY ELEMENTS: (Resolution)

Each year, a concrete replacement project is identified for funding. 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 that includes the identified areas within the boundaries that are in need of concrete replacement that will eliminate hazardous situations in the public way.

Western boundary:	1500 East (only includes properties east of 1500 East -- abutting property owners are not included since their sidewalks were part of the 2003/2004 SID concrete replacement Job No. 102112)
Eastern boundary:	1900 East (west side only)
Northern boundary:	Sunnyside Avenue (south side only)
Southern boundary:	1300 South (north side only)

Specific streets included within the proposed SID area are listed on page 4 of the resolution. Approximately 962 properties have been identified as part of the Sidewalk Replacement Area No. 102119. Projected construction schedule indicates work to begin in the spring of 2006 with anticipated completion by October 31, 2006.

Funding sources are allocated from the Salt Lake City CIP budget and property owner assessments through the SID as follows:

Sidewalk Replacement Area No. 102119 (Council District 6)

Property owners:	\$ 628,501
Salt Lake City Funds:	<u>\$ 651,161</u>
Total	\$1,279,662

A detailed estimated cost to be assessed against the properties is provided on page 7 of the resolution. Assessments may be paid by property owners in five (5) approximately equal annual installments.

Informal public meetings are scheduled on November 2, 2005 for the Administration to review the proposed SID with interested abutting property owners. The meeting location is the multi-purpose room at Bonneville Elementary School, 1145 south 1900 East from 3:30 p.m. to 4:30 p.m. and from 5:00 p.m. to 6:00 p.m.

Following Council's approval of the attached resolution, a letter will be sent to property owners living within the boundary areas of the proposed SID (a copy of a letter that will be sent to residents is attached). Property owners will then be notified that the City is considering a proposed sidewalk replacement project that includes their properties. The property owners are informed that the cost to replace defective concrete will be shared 50/50 by the City and the property owner; however, commercial properties pay the full cost of the replacement.

Also property owners will be made aware that the City will use a horizontal saw cutting contractor to remove the vertical displacements of up to one inch in sidewalk sections at no cost to the property owner thus reducing property owner costs and eliminating hazardous situations. Saw cutting of the vertically displaced section could either take place before or after the work of replacing the designated sidewalk sections is completed. For areas identified for saw cutting, property owners are given the option to express preference to have sidewalk area replaced rather than saw cut; however sidewalk replacement in these incidences requires property owners to pay the cost of the sidewalk removal and replacement.

Areas identified by the City exceeding the one inch of sidewalk vertical displacement that do not warrant horizontal saw cutting or that are badly broken and deteriorated will be replaced as part of the SID.

Property owners are provided the option to have driveway approaches, curb and gutter work, and asphalt tie-ins and other necessary miscellaneous work to complete improvements performed in conjunction with the proposed SID improvements, with the property owner being responsible for optional replacement costs. Property owners who wish to have optional improvements made have until March 1, 2006 to submit in writing a request.

To ensure that the assessments are equitable to the property owners involved in the District, an exception is given to corner lot properties. The sidewalk replacement costs associated with the first 75 feet along a non-address side of a property is excluded from the property owner's assessment cost. However, any optional improvements of curb, gutter, and driveway approach replacements are excluded in the exception and are again at the owner's expense.

It is stated in the Resolution that abutting property owners within the SID area to be improved who have built or installed "nonconforming improvements such as lawns, shrubs, hedges, sprinkling systems, rock gardens, driveways, curb, gutters, culverts, walks, fences, etc." must be removed at the property owner's expense prior to construction improvements begin. The contractor will remove and dispose improvements if they are not removed by the property owners.

If a property owner does not wish to participate in the proposed SID or is on a limited income, there are three options:

- The property owner and the City execute a "Defective Concrete Agreement" that requires approval by the City Engineer. The agreement will permit the property owner to seek another manner in which to replace the concrete rather than participate in the SID. A property owner must identify the manner in which the defective concrete will be replaced and provide a timeline as to when replacements will occur. If failure on the part of the property owner to complete the work on time occurs, the agreement becomes null and void. This results in the property being added back to the District or a future district. The District will make the replacements and assess the property owner for the cost of improvements. If a property owner chooses to find another manner in which to complete the concrete replacement, the owner must comply with City standard plans and specifications and a no fee permit to work in the public way is required.
- Property owners also have the opportunity to file a protest on or before 5:00 p.m. on the 15<sup>th</sup> day of November 2005; however, in order for the District not to be created, the necessary number of protests must represent more than 50 percent of the total assessable cost (total lineal front footage) within the District.
- If an assessed property owner within the District has a "combined family income at or below the very low income level guidelines established by the Department of Housing and Urban Development in its 'Income Limits for Housing and Community Developments, Section 8 Program for Salt Lake City and Ogden, Utah SMSA,'" the property owner may be eligible for low income deferment. The property owner must be residential and owner occupied to be eligible for low income deferment, and an owner must submit an application with the City. The deferment agreements are reviewed on an annual basis.

Upcoming action before the Council will include:

- City Council protest hearing.
- 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.

CC: Cindy Gust-Jenson, Sam Guevara, Rocky Fluhart, Rick Graham, Gary Mumford, Dan Mulé, Tim Harpst, Max Peterson, Dan Noziska, Diana Karrenberg, Annette Daley, Chris Bramhall, Karen Carruthers, and Garth Limburg



RICHARD GRAHAM  
PUBLIC SERVICES DIRECTOR

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

ROSS C. "ROCKY" ANDERSON  
MAYOR

October 24, 2005

Reference: **Sidewalk Replacement Special Improvement District, 2004/2005 FY**  
**Job No. 102119**

Dear Property Owner:

We wish to inform you that your property is within the proposed Sidewalk Replacement Special Improvement District located in the area from 1500 East to 1900 East and Sunnyside Avenue to 1300 South. The purpose of Sidewalk Replacement Special Improvement District is to eliminate defective sidewalk and tripping hazards. The work will consist of the removal and replacement of deteriorated concrete sidewalks and at the property owner's option, replacement of driveway approaches and curb and gutter.

The work will be funded using City funds and property owner assessments through a Special Improvement District. Information concerning the Special Improvement District is included with this letter. The cost of replacing defective concrete on residential properties is shared between the City and property owners with each party paying half the construction cost. Commercial properties pay all the cost of the replacement.

In an effort to reduce the property owner costs of eliminating sidewalk tripping hazards the City has engaged a contractor to remove the vertical displacements of up to one inch in sidewalk sections by saw cutting at no cost to the property owner. Sections of sidewalk which exceed the one inch of displacement or which are badly deteriorated will be replaced as a part of the Special Improvement District. If you would prefer having sidewalk sections abutting your property identified for saw cutting replaced rather than saw cut, please call John Coyle at 535-6241 by March 1, 2006 for a site review. Sidewalk replacement does require property owners to pay the cost of this work at the Special Improvement District sidewalk replacement rate.

The following are attached to this letter for your information and use:

1. The Notice of Intention
2. Preliminary estimate of the scheduled quantities of work and proposed assessable cost for your property.
3. Optional improvement request and consent letter - These are provided if you desire to have optional driveway, sidewalk, curb and gutter work done. This letter must be returned to our office by March 1, 2006.
4. Answers to most commonly asked questions.

Special Improvement District statutes require an exemption be given to corner lot properties so the assessments are equitable to all those involved in the District. The City accomplishes this by excluding the sidewalk replacement costs for the first 75 feet from the corner along the non-address side of the property. If you have a corner property, the attached preliminary estimate shows this work as being excluded from the proposed assessment. The exemption only applies for sidewalk replaced in the first 75 feet. Optional curb and gutter and driveway replacements will not be included in the exemption; those are

SALT LAKE CITY ENGINEERING  
349 SOUTH 200 EAST, SUITE 100, SALT LAKE CITY, UTAH 84111  
TELEPHONE: 801-535-7961 FAX: 801-535-6093

the owner's responsibility. The excluded assessable work and costs are only estimates and may vary when the work is done. The final assessment is based on the actual work done.

As the property owner of record, you have the right to file a written protest against the creation of the Sidewalk Replacement Special Improvement District, Job No. 102119 or make any other objections relating thereto. Protests shall include a property description 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 November 15, 2005. The City Council will hold a public meeting at 7:00 p.m. November 15, 2005 in the City Council Chamber to consider all protests so filed and hear all objections related to the proposed District.

The protests rate shall be determined by totaling the proposed assessable cost of required improvements scheduled for the property owners filing written protests and dividing it by the total proposed assessable cost of required improvements scheduled for all property owners within the District.

After the written protest rate has been determined the City Council at its discretion may delete area(s) from the District and create a Modified District.

The City Council will rescind its intention to create a District if the total proposed assessable cost of required improvements scheduled for the Property Owners having filed written protests within the boundaries of the (Modified) District represents more than fifty percent (50%) of the total assessable cost of required improvements scheduled for all Property Owners within the (Modified) District.


The following "Informal Public Meetings" are scheduled to review the project with interested Property Owners:

November 2, 2005 3:30 p.m. to 4:30 p.m. & 5:00 p.m. to 6:00 p.m.  
Bonneville Elementary, Multi-purpose room  
1145 South 1900 East  
Salt Lake City, Utah

**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. Daniel C. Noziska, P.E. at 535-7958 or John M. Coyle, P.E. at 535-6241, 349 South 200 East, Suite 100, Salt Lake City, Utah 84111.

Sincerely,

  
Max G. Peterson, P.E.  
City Engineer

MGP:DCN:lb

Attachments

cc: R.S. McAllister  
Daniel C. Noziska  
John M. Coyle  
File

**COUNCIL TRANSMITTAL**

**TO:** Rocky J. Fluhart *RF*  
Chief Administrative Officer

**DATE:** September 26, 2005

**FROM:** Rick Graham, Director *RG*  
Public Services Department

**SUBJECT:** Notice of Intention, Sidewalk Replacement Special Improvements District,  
2004/2005 FY, Job No. 102119

**STAFF CONTACT:** Daniel C. Noziska, P.E., Senior Project Manager, 535-7958 *DCN.*

**DOCUMENT TYPE:** Resolution

**RECOMMENDATION:** It is recommended the City Council adopt a resolution declaring its intent to create the District.

**BUDGET IMPACT:** Monies are provided from the Salt Lake City Capital Improvement budget and property owner assessments through the Special Improvement District.

**BACKGROUND/DISCUSSION:** The Sidewalk Replacement Special Improvement District 2004/2005 FY, Job No. 102119 involves the installation of concrete sidewalk and at the property owner's option, driveways, curb and gutter. The District is bounded by 1500 East to 1900 East and Sunnyside Avenue to 1300 South.

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

**PUBLIC PROCESS:** An informal information meeting is scheduled for November 2, 2005 at Bonneville Elementary and a Protest Hearing is scheduled before the City Council on November 15, 2005.

INFORMATION SHEET  
SIDEWALK REPLACEMENT  
SPECIAL IMPROVEMENT DISTRICT, 2004/2005 FY  
JOB NO. 102119

DESCRIPTION OF IMPROVEMENTS:

The Sidewalk Replacement Special Improvement District, 2004/2005 FY, Job No. 102119 involves the installation of concrete sidewalks, and at the property owner's option driveways, curb and gutter. The district is bounded between the south side of Sunnyside Avenue to the north side of 1300 South and the east side of 1500 East and Greenwood Terrace to the west side of 1900 East. (See attached map.)

AVAILABILITY OF FUNDS

Monies are provided from the Salt Lake City Capital Improvement Budget and property owner assessments through the Special Improvement District.

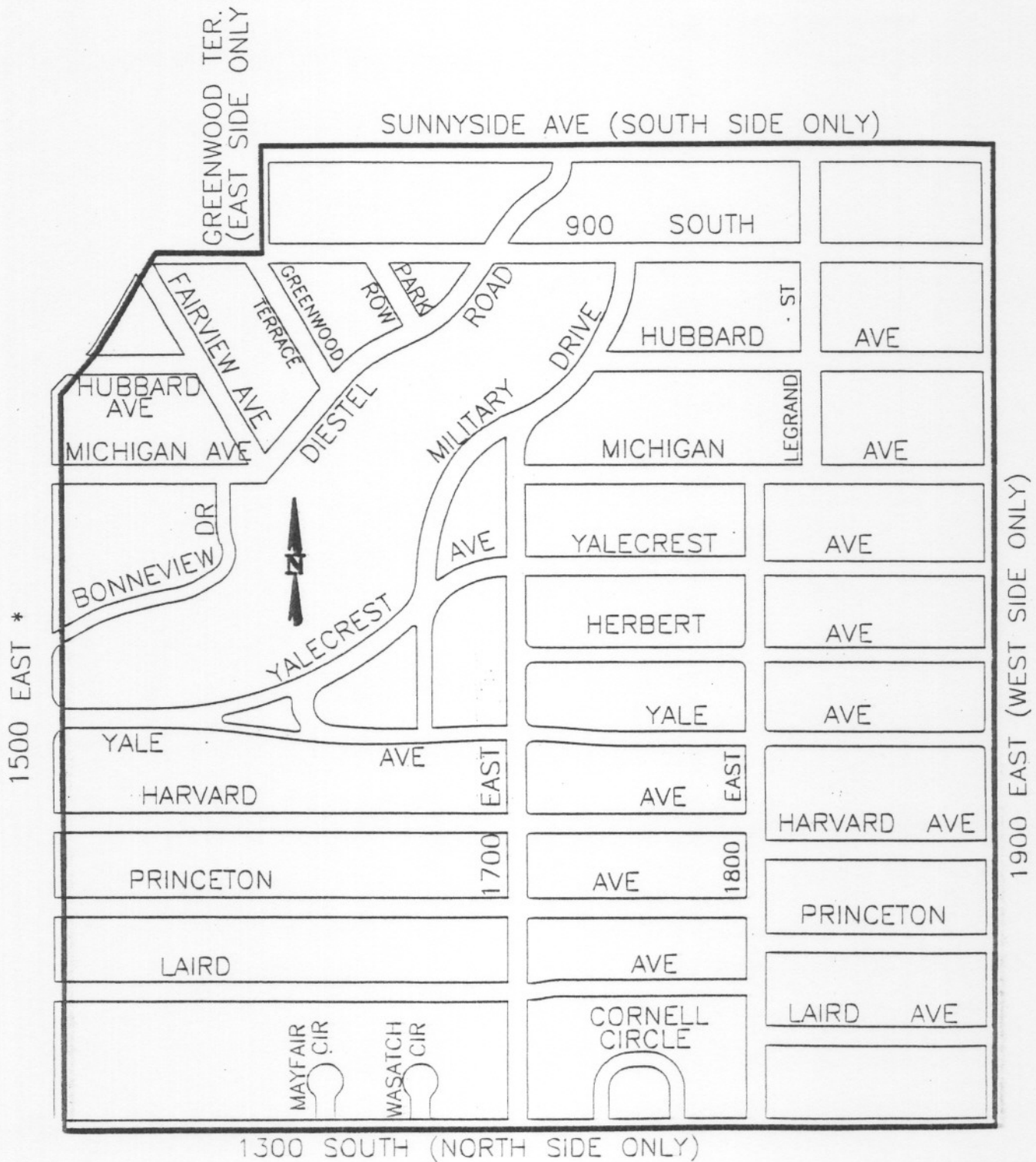
TOTAL ESTIMATED COSTS

• Property Owner's Portion of Costs	\$628,501
• City's Portion of Costs	651,161
Total Estimated Project Cost	\$1,279,662

SCHEDULE

Construction of the project is scheduled to start in the spring of 2006 with completion by October 31, 2006. The construction will be phased so disruption and inconvenience to property owners and pedestrians will be minimal.

SIDEWALK REPLACEMENT S.I.D. 2004-2005 FY  
Job No. 102119



PROJECT SITE / LIMITS

\* Properties abutting 1500 East are not in this S.I.D.



Salt Lake City, Utah

October 11, 2005

A regular meeting of the City Council of Salt Lake City, Utah, was held on Tuesday, the 11th day of October, 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
	City Attorney
	Deputy City Recorder

Absent:

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 11th day of October, 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, UTAH, TO CONSTRUCT IMPROVEMENTS WITHIN THE CITY CONSISTING OF THE INSTALLATION OF CONCRETE SIDEWALKS, DRIVEWAY APRONS, CURB, GUTTER AND ASPHALT TIE-INS, APPURTENANCES AND ALL OTHER MISCELLANEOUS WORK NECESSARY TO COMPLETE THE IMPROVEMENTS IN A PROPER WORKMANLIKE MANNER; TO CREATE THE SALT LAKE CITY, UTAH SIDEWALK REPLACEMENT SPECIAL IMPROVEMENT DISTRICT 2004/2005 FY, JOB NO. 102119 (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 ITS 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, Utah (the "City"), as follows:

Section 1. The City Council hereby determines that it will be in the best interest of the City to install concrete sidewalks, driveway aprons, curb, gutter, asphalt tie-ins, appurtenances and other miscellaneous work (collectively, the "Improvements"); and to complete the whole in a proper and workmanlike manner 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 Sidewalk Replacement Special Improvement District No. 2004/2005 FY" (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 five (5) 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 City Recorder on or before Tuesday, the 15th day of November, 2005, at the hour of 5:00 p.m. Thereafter at 7:00 p.m. on Tuesday, the 15th day of November, 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, and, 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 the 11th day of October, 2005, the City Council of Salt Lake City, Utah (the "City Council"), adopted a resolution declaring its intention to create a special improvement district to be known as the Salt Lake City, Utah Sidewalk Replacement Special Improvement District 2004/2005 FY, Job No. 102119 (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 AND LOCATION OF IMPROVEMENTS

The proposed District will be created and improvements will be constructed within the boundaries of Salt Lake City, Utah.

The general area is bounded between the south side of Sunnyside Avenue to the north side of 1300 South and the east side of 1500 East and Greenwood Terrace to west side of 1900 East. The properties to be improved and assessed about the following street sections.

<u>Street</u>	<u>Sections to be Improved</u>	<u>Side</u>
Sunnyside Ave.	Greenwood Terrace to 1900 East	South side only
900 South	1500 East to 1900 East	South side only
900 South	Greenwood Terrace to 1900 East	North side only
Hubbard Ave.	1500 East to Fairview	Both
Hubbard Ave.	Military Drive to 1900 East	Both
Fairview Ave.	900 South to Diestel Road	Both
Greenwood Terrace	Sunnyside Ave. to 900 South	East
Greenwood Terrace	900 South to Diestel Road	Both
Park Row	900 South to Diestel Road	Both
Bonneview Drive	1500 East to Michigan Ave.	Both
Diestel Road	Fairview Ave. to Sunnyside Ave.	Both
Michigan Ave.	1500 East to Fairview Ave.	Both
Michigan Ave.	1500 East to 1900 East	Both
Military Ave.	900 South to Yale Ave.	Both
Yalecrest Ave.	1575 East to 1900 East	Both
Herbert Ave.	1700 East to 1900 East	Both
Yale Ave.	1500 East to 1900 East	Both
Harvard Ave.	1500 East to 1900 East	Both
Princeton Ave.	1500 East to 1900 East	Both
Laird Ave.	1500 East to 1900 East	Both
1300 South	1500 East to 1900 East	North side only
1700 East	Military Drive to 1300 South	Both
1800 East	Michigan Ave. to 1300 South	Both

<u>Street</u>	<u>Sections to be Improved</u>	<u>Side</u>
LeGrand Street	Sunnyside Ave. to Michigan Ave.	Both
1900 East	Sunnyside Ave. to 1300 South	West side only
Mayfair Circle	1601 East to 1617 East	Both
Wasatch Circle	1635 East to 1651 East	Both
Cornell Circle	1725 East to 1767 East	Both

### INTENDED IMPROVEMENTS

The required improvements ("Required Improvements") for the District include the removal of concrete sidewalk, which has been determined to be defective by the office of the City Engineer along the sections of streets listed above. The optional improvements ("Optional Improvements") may be constructed by the City at the written request of the property owner and include driveway aprons, curb, gutter, asphalt tie-ins and appurtenances, and other miscellaneous work, which is necessary to complete the above improvements. All other necessary things shall be done to complete the Required and Optional Improvements according to plans, profiles and specifications on file in the office of the City Engineer.

Only owners of property which are subject to Required Improvements will have standing to submit a written protest which will be counted and calculated, if timely filed, as part of the protest percentage to determine if the District should be created and the Required Improvements constructed.

Owners of property within the District will also receive supplemental notice concerning Optional Improvements. If, on or prior to March 1, 2006 (1) any owner of property within the District submits in writing a request for the Optional Improvements coupled with a consent to be assessed within the District, (2) the City Engineer determines the request is in accordance with City Engineering guidelines and planning, and (3) if funds have been budgeted and are available to permit the financing of the City's portion of the Optional Improvements, the City Engineer's office will notify the property owner of the approval and the work will be included in the assessment for purposes of constructing the Optional Improvements and financing the property owner's portion of the cost thereof.

Properties may be added to the District by separate agreement if defective concrete is found.

### NONCONFORMING IMPROVEMENTS

All nonconforming improvements such as lawns, shrubs, hedges, sprinkling systems, rock gardens, driveways, curb, gutters, culverts, walks, fences, etc., which have been built or installed by abutting property owners within the area to be improved, must be removed by the property owners at their expense prior to the commencement of the construction of the Required and Optional Improvements. If these improvements are not removed by the property owners, they will be removed by the contractor and disposed of as directed by the City Engineer.

## BASIS FOR ASSESSMENT

All abutting residential property ("Residential Property") to be improved within the District will be assessed fifty percent (50%) of the construction improvements costs plus administrative costs, funding of reserves and other expenses described hereafter. The remaining portion of the construction cost of the improvements to Residential Property will be paid by the City. Where the abutting property within the District is used for commercial purposes ("Commercial Property"), it will be assessed the total costs of the improvements. The estimated rates shown in the table captioned, "Improvements and Estimated Costs" take into account the fifty percent (50%) Residential Property discount where applicable. In conjunction with the assessable improvements being constructed within the District, the City also intends to construct handicap ramps, the costs of which will not be assessed to benefited properties. Benefited properties will be assessed by square footage (SF), or by lineal front footage (LF), or by another method of assessment consented to by the property owner and the City.

## ESTIMATED COST OF IMPROVEMENTS

The City Engineer's total estimated cost of improvements, including estimated optional improvements of the District is \$1,279,662 of which it is anticipated the City will pay approximately \$651,161 (the "City's Portion"). The remainder of approximately \$628,501 shall be paid by a special assessment levied against the properties in the District.

The special assessment amounts are to be levied against the properties abutting the streets which are affected or specifically benefited by such improvements. The actual commitment of the City to pay its portion of the costs of improvements is subject to the availability of funds and compliance with budget approval. No assessable costs will be incurred unless and until the City has completed the budgeting process as to its estimated portion of the costs of the proposed improvements and has determined the availability of funds.

The estimated property owner's costs include the construction cost to complete the item of work, engineering expenses, [a portion of a debt service reserve], allowance for the interest on interim warrants issued to finance construction of the improvements and ten percent (10%) for: bonding, administrative costs, a possible 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:



Sidewalk Replacement Special Improvement District 2004/2005 FY, Job No. 102119

**SCHEDULE A – REQUIRED IMPROVEMENTS, ELIGIBLE FOR PROTEST**

(Does not include corner lot exemptions)

Rate No.	Improvements	Quantity	Assessment Unit	Estimated Cost/Unit	Estimated Cost
A1	Required 4" Residential sidewalk	71,000	SF	\$4.34	\$308,140
A2	Required 6" Residential sidewalk	16,500	SF	5.23	86,295
A3	Required 4" Commercial sidewalk	1000	SF	8.69	8,690
A4	Required 8" Commercial sidewalk	200	SF	12.59	2,518
Property Owners' Estimated Cost of Required Improvements					\$405,643

**SCHEDULE B – OPTIONAL IMPROVEMENTS, NOT ELIGIBLE FOR PROTEST**

(Does not include corner lot exemptions)

Rate No.	Improvements	Quantity	Assessment Unit	Estimated Cost/Unit	Estimated Cost
B1	Optional Non Defective 4" Residential Sidewalk	1,000	SF	\$ 8.69	\$8,690
B2	Optional Non Defective 6" Residential Sidewalk	1,000	SF	10.45	10,450
B3	Optional Defective 6" Residential Open Driveway	15,000	SF	5.84	87,600
B4	Optional Defective 6" Residential Flare Driveway	5,000	SF	5.07	25,350
B5	Optional Defective Piped Driveway Approach with Curb and Gutter	270	LF	39.95	10,787
B6	Optional 8" Commercial Driveway	200	LF	12.20	2,440
B7	Optional Defective Residential Curb & Gutter	2,900	LF	18.40	53,360
B8	Optional Commercial Curb & Gutter	100	LF	36.81	3,681
B9	Optional Remove Abandoned Drive	2,000	SF	2.85	5,700
B10	Optional Asphalt tie-in, 4" thick	5,000	SF	2.96	14,800
Property Owners' Estimated Cost of Optional Improvements					\$222,858

**PROPERTY OWNERS' PORTION OF COSTS**

**\$628,501**

**CITY'S PORTION OF COSTS**

**\$651,161**

**TOTAL ESTIMATED PROJECT COST**

**\$1,279,662**

## 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 subject improvements. The method of assessment for the Required Improvements shall be by lineal front feet (LF) or square feet (SF). Optional Improvements shall be assessed by another method of assessment consented to by the property owner and the City.

Assessments may be paid by property owners in five (5) approximately equal annual installments. In order 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.

## EXCLUSION OF PROPERTY FROM ASSESSMENT

Property subject to assessment under rates in Schedule A-Required Improvements may be excluded from assessment if the property owner and the City execute a "Defective Concrete Agreement." The exclusion must be approved by the City Engineer. In the agreement the property owner must identify the manner in which the defective concrete will be replaced and the time all replacements will be completed. Failure to complete the repairs on time will make the agreement null and void. The property will be added back to this District or a future District and the District will make the replacements and assess the benefited property the cost of the improvements. Any work contemplated by the owner must comply with City standard plans and specifications and require a no fee permit to work in the public way. No exclusions will be granted once the City executes a contract with a contractor to do the work in the District.

## 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 square footage or lineal 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 15th day of November, 2005. Thereafter at 7:00 p.m. on the 15th day of November, 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

After such consideration and determination, the City Council shall adopt a resolution either abandoning the District or creating the District either as described in this Notice of Intention or with deletions and changes made as authorized by law; but the City Council shall abandon the District and not create the same if the necessary number of protests as provided herein have been filed on or before the time specified in this Notice of Intention for the filing of protests after eliminating from such filed protests: (i) protests relating to property or relating to a type of improvement which has been deleted from the District and (ii) protests which have been withdrawn in writing prior to the conclusion of the hearing. The necessary number of protests shall mean protests representing one-half of the total square footage or lineal front footage to be assessed within the District.

The protest rate shall be determined by totaling the proposed assessable cost of required improvements scheduled for the property owners filing written protests and dividing it by the total assessable cost of required improvements scheduled for all property owners within the District.

After the written protest rate has been determined, the City Council, at its discretion, may delete areas from the District and create a modified District.

The City Council will rescind its intention to create the District if the total proposed assessable costs of required improvements scheduled for the property owners having filed written protests within the boundaries of the (modified) District represents more than fifty percent (50%) of the total of assessable cost of required improvements scheduled for all property owners within the (modified) District.

## DEFERRAL OF ASSESSMENT

Assessments shall be in accordance to the benefits and improvements received; however, when the owner of property to be assessed within the District shall have a combined family income at or below the very low income level guidelines established by the Department of Housing and Urban Development in its "Income Limits for Housing and Community Developments, Section 8 Program for Salt Lake City and Ogden, Utah SMSA," as amended from time to time, the property may be eligible for a low income deferment. Such owner must file an application therefore with the City, in order for the payments required to be deferred.

To be eligible for a low-income deferment, the property must be residential and owner occupied. New applications for deferment of annual installments will be accepted throughout the entire life of the District from prior to the Board of Equalization meetings through the expiration date. The property owners will be required to submit documentation of their income to the City for an evaluation for a deferment. Initially, completed applications will be reviewed by the SID Coordinator in the City Treasurer's Office.

The deferment agreements will be reviewed on an annual basis to verify property ownership and the current economic status of the owner. If and when the deferment requirements are no longer met, the then current owner will be notified that the deferment agreement must be satisfied within 30 days or the deferment status will be void and all delinquent interest and charges will be imposed.

## DISABILITY INFORMATION

In compliance with ADA (Americans with Disabilities Act) the following information is provided:

FAX No.	(801) 535-6093
TDD No.	(801) 535-6021
Attention	Engineering Division (801) 535-7961

If assistance is needed, please contact this office 24 hours in advance.



APPROVED BY THE CITY COUNCIL OF SALT LAKE CITY, UTAH

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

Published in the Deseret Morning News

Publication Dates: October 17, 24, 31, and November 7, 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 \$628,501. 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:

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, 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 11th day of October, 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 Sidewalk Replacement Special Improvement District 2004/2005 FY, Job No. 102119 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 11th day of October, 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 11th day of October, 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, 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 11th day of October, 2005.

I further certify that on \_\_\_\_\_ (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 Replacement Special Improvement District 2004/2005 FY, Job No. 102119 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, Utah, this 11th day of October, 2005.

(SEAL)

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

(Affidavit of proof of publication of the Notice of Intention to create the Salt Lake City, Utah Sidewalk Replacement Special Improvement District No. 2004/2005 FY).

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, \_\_\_\_\_, the undersigned Deputy City Recorder of Salt Lake City, 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 11th day of October, 2005, public meeting held by the City Council as follows:

(a) By causing a Notice in the form attached hereto as Schedule A, to be posted at the offices of the Salt Lake City Council on the \_\_\_\_ day of October, 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 A, to be delivered to the Deseret Morning News on the \_\_\_\_ day of October, 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 \_\_\_\_\_, 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 \_\_\_\_\_.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this the 11th day of October, 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**  
**Sidewalk Replacement SID 2004/2005 FY**  
**Job # 102119**

**Construction Phase**

<u><b>Date</b></u>	<u><b>Event</b></u>
Sep 19, 2005	Engineering sends Municipal Council (the "Council") action letter to adopt Notice of Intention.
Sep 19, 2005	Description of improvements and areas to be improved furnished by City Engineer to Ballard Spahr Andrews & Ingersoll ("Bond Counsel").
Sep 27, 2005	Legal documents transmitted from Bond Counsel to Salt Lake City (the "City") and the "Financial Advisor"). RE: Notice of Intention.
Oct 11, 2005	Council adopts Notice of Intention to create District and authorizes advertisement for bids.
Oct 17, 2005	First publication of Notice of Intention.
Oct 24, 2005	Second publication of Notice of Intention.
Oct 24, 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".
Oct 31, 2005	Third publication of Notice of Intention.
Nov 7, 2005	Fourth publication of Notice of Intention.
Nov 2, 2005	Informal information meeting. (This may be scheduled earlier; it is not a statutory requirement).

<u>Date</u>	<u>Event</u>
Nov 15, 2005	Deadline for filing written protests.
Nov 15, 2005	Protest hearing council date.
Nov 18, 2005	Legal documents prepared by Bond Counsel. RE: Bid Opening Summary.
Nov 22, 2005	Tabulation of protests furnished to Ballard Spahr Andrews & Ingersoll.
Nov 22, 2005	Council sent action letter to create District.
Nov 22, 2005	Protests and creation of District transmitted from Ballard Spahr Andrews & Ingersoll to the City and First Security Bank.
Nov 29, 2005	Publication of the Notice to Contractors calling for bids.
Dec 7, 2005	Bids opened, tabulated and reported.
Dec 13, 2005	Council adopts a resolution creating the Special Improvement District
Dec 13, 2005	Council adopts a resolution awarding the contract to the best bidder.
Dec 14, 2005	Award of construction contract and provisions for interim financing transmitted from Bond Counsel to the City and the Financial Advisor.
Dec 16, 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.
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.