
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: March 3, 2006

SUBJECT: Special Improvement District (SID)
Resolution for Notice of Intention and to
set protest hearing date of April 11, 2006

Strong's Court SID #102109: reconstruction of the
roadway, including installation of concrete pavement,
gutters, sidewalk, water facilities, driveway
approaches, and street lighting.

Fenway Ave. SID #102129: reconstruction of the roadway,
including installation of concrete pavement,
Gutters, sidewalk, water facilities, and driveway
approaches.

AFFECTED COUNCIL DISTRICTS: 4

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/Strong's Court SID No. 102109 and
Fenway Avenue SID No. 102129.

POTENTIAL MOTIONS:

1. ["I move that the Council"] Set the protest hearing date of April 11, 2006 at 7:00 p.m. to accept protests and adopt the resolution (declaring the Intention of the City Council of Salt Lake City, Utah, to construct improvements within the City consisting of the reconstruction of roadways, including installation of concrete pavement, gutters, sidewalk, water facilities, driveway approaches, street lighting, and all other miscellaneous work necessary to complete the improvements in a proper and workmanlike manner; to create the Salt Lake City, Utah Strong's Court (#102109) and Fenway Avenue (#102129) reconstruction Special Improvement District; to pay the improvement 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).

2. ["I move that the Council"] Not adopt the resolution.

KEY ELEMENTS: (Resolution)

According to the Administration, currently Strongs Court (845 East between 340-400 South streets) and Fenway Avenue (635 South between 1200-1240 East streets) are private streets. Property owners made a request to the City to have both streets reconstructed to City standards as dedicated City streets, to include new utilities and pavement. As the first step in creating the process to establish the Special Improvement Districts (SIDs), Strong Courts SID No. 102109 and Fenway Avenue SID No. 102129, the Administration is requesting that the Council adopt a resolution declaring the Notice of Intention that includes the identified two streets. The Administration states that proposed "improvements shall be constructed according to plans, profiles and specifications on file in the Office of the City Engineer" and are as follows:

Strongs Court #102109: complete reconstruction of the roadway to include concrete pavement, gutters, sidewalk, water facilities, driveway approaches, and street lighting.

Fenway Avenue #102129: complete reconstruction of the roadway to include concrete pavement, gutters, sidewalk, water facilities, and driveway approaches.

Approximately 12-14 properties have been identified along both sides of each street. Projected construction schedule indicates work to begin around mid-June 2006 with an anticipated completion date of September 2006.

Funding sources are allocated from the Salt Lake City Capital Improvement Project (CIP) budget, Public Utilities Department water and storm drain budgets, and property owner assessments through the SID broken down as follows:

Strongs Court (SID #102109)

Property Owners (rate \$125.67/LF):	\$ 82,940
Salt Lake City Funds	\$ 84,348
Public Utilities Department	<u>\$ 28,120</u>
Total Estimated Costs	\$195,408

Fenway Avenue (SID #102129)

Property Owners (rate \$116.78/LF):	\$ 81,161
Salt Lake City Funds	\$ 82,727
Public Utilities Department	<u>\$ 27,788</u>
Total Estimated Costs	\$191,676

For a combined total of:

Property Owner's Assessed Portion of Costs	\$164,101
City's Portion of Costs	<u>\$222,983</u>
Project Estimated Total	\$387,084

The estimated property owners' costs include: "construction cost to complete the item of work, engineering expenses, allowance for the interest on interim warrants, if any, issued to finance construction of the improvements and ten percent for bonding, administrative costs, a possible underwriter's discount on the sale of bonds, legal and other costs in connection with the issuance of assessment bonds." Assessments may be paid by property owners in not more than ten (10) equal annual installments with interest on the unpaid balance until due and paid.

An informal public meeting is scheduled for April 3, 2006 for the Administration to review the proposed SID with interested abutting property owners. The meeting location is the Salt Lake City Engineering Office's First Floor Conference Room at 349 South 200 East from 4:00 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 along with "Answers to the Most Commonly Asked Questions" sheet (see attached). Property owners will then be notified that the City is considering a proposed street reconstruction project that includes their properties. The property owners are informed that the improvement costs will be shared 50/50 by the City and the property owner.

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 beginning. The contractor will remove and dispose of improvements if they are not removed by the property owners at the owner's expense.

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

- Property owners have the opportunity to file a protest at or before 5:00 p.m. on the 11th day of April 2006 to the City Recorder's Office or appear at the protest hearing on April 11th at 7:00 p.m.; however, in order for the District not to be created, the number of protests must represent 50 percent or more of the 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 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 a semi-annual basis to verify property ownership and the current economic status of the property owner.

Upcoming action before the Council will include:

- City Council protest hearing, April 11, 2006.

- Resolution creating the Special Improvement District, resolution accepting a bid for construction work, and a resolution to amend the Special Improvement District to include new property.
- 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, Louis Zunguze, Gary Mumford, Dan Mulé, Tim Harpst, Max Peterson, Dan Noziska, Diana Karrenberg, Gwen Springmeyer, Chris Bramhall, Susan Finlayson, Karen Carruthers, and Garth Limburg

COUNCIL TRANSMITTAL

TO: Rocky J. Fluhart
Chief Administrative Officer

DATE: February 21, 2006

FROM: Rick Graham, Director
Public Services Department

SUBJECT: Notice of Intention, Protest Hearing and Authorization to Advertise for Bids.
Strongs Court, (#102109) and Fenway Avenue (#102129) Reconstruction
Special Improvement District

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

DOCUMENT TYPE: Resolution

RECOMMENDATION: It is recommended the City Council adopt a resolution declaring its intent to create the district, to fix a time and place for protests, and authorize the City Engineer to advertise for construction bids.

BUDGET IMPACT: Monies are provided from the Salt Lake City Capital Improvement Budget, Public Utilities Department Water and Storm Drain Budgets and property owner assessments through the Special Improvement District.

BACKGROUND/DISCUSSION: The property owners on Fenway Avenue and Strongs Court have requested these private streets be reconstructed to City standards with new utilities and pavement and be dedicated to the City.

The Special Improvement District will only be created if at least one of the streets supports the creation of the District and become a dedicated public way.

The Strongs Court (#102109) and Fenway Avenue (#102129) Reconstruction Special Improvement District involves the total reconstruction of these streets with new water systems, storm drain systems and concrete pavement. Strongs Court would also receive new streetlights.

Attached is an information sheet, site map, draft of the Notice of Intention, a schedule of meetings and a draft of the letter to property owners.

PUBLIC PROCESS: An informal meeting is scheduled for March 30, 2006 at 349 South 200 East and a protest hearing is scheduled before the City Council on April 11, 2006.

MD

INFORMATION SHEET
Strong's Court (#102109) and Fenway Avenue (#102129)
Reconstruction Special Improvement District

DESCRIPTION OF IMPROVEMENTS:

The improvements for Strong's Court (#102109) involve the complete reconstruction of the roadway and include concrete pavement, gutters, sidewalk, water facilities, driveway approaches, and street lighting.

The improvements for Fenway Avenue (#102129) involve the complete reconstruction of the roadway and include concrete pavement, gutters, sidewalk, water facilities, and driveway approaches.

All other necessary improvements shall be constructed according to plans, profiles and specifications on file in the office of the City Engineer.

AVAILABILITY OF FUNDS:

The project will be funded from the Salt Lake City Capital Improvement budget, Public Utilities Department budgets and property owner assessments through the Special Improvement District.

TOTAL ESTIMATED COSTS:

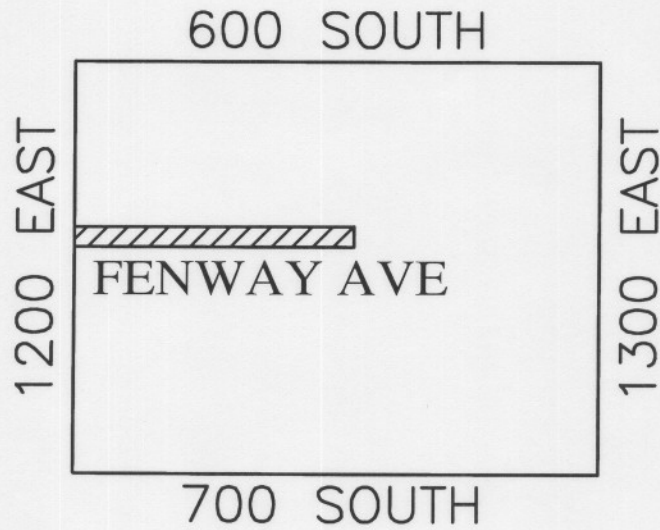
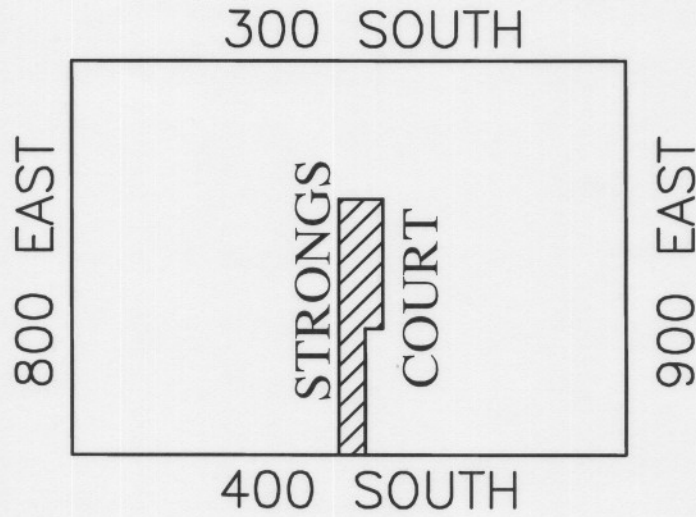
Strong's Court (#102109)	
• Property Owners (Rate \$125.67/LF)	\$ 82,940.00
• Salt Lake City Funds	\$ 84,348.00
• Public Utility Department	<u>\$ 28,120.00</u>
• Total	\$195,408.00
Fenway Avenue (#102129)	
• Property Owners (Rate \$116.78/LF)	\$ 81,161.00
• Salt Lake City Funds	\$ 82,727.00
• Public Utility Department	<u>\$ 27,788.00</u>
• Total	\$191,676.00

ESTIMATED CONSTRUCTION SCHEDULE

• Awarded Contract	May, 2006
• Start Construction	June, 2006
• Complete Construction	September, 2006

STRONGS COURT (#102109)
and
FENWAY AVENUE (#102129)

SPECIAL IMPROVEMENT DISTRICT



PROJECT SITES / LIMITS

Salt Lake City, Utah

March 7, 2006

A regular meeting of the City Council of Salt Lake City, Utah, was held on Tuesday, the 7th day of March, 2006, 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:

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

Also present:

Ross C. Anderson	Mayor
Edwin P. Rutan, II	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 7th day of March, 2006, 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 2006

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH, TO CONSTRUCT IMPROVEMENTS WITHIN THE CITY CONSISTING OF THE RECONSTRUCTION OF ROADWAYS, INCLUDING INSTALLATION OF CONCRETE PAVEMENT, GUTTERS, SIDEWALK, WATER FACILITIES, DRIVEWAY APPROACHES, STREET LIGHTING, AND ALL OTHER MISCELLANEOUS WORK NECESSARY TO COMPLETE THE IMPROVEMENTS IN A PROPER AND WORKMANLIKE MANNER; TO CREATE THE SALT LAKE CITY, UTAH STRONGS COURT (#102109) AND FENWAY AVENUE (#102129) RECONSTRUCTION SPECIAL IMPROVEMENT DISTRICT (THE "DISTRICT"); TO PAY THE IMPROVEMENT 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, Salt Lake County, Utah (the "City"), as follows:

Section 1. The City Council hereby determines that it will be in the best interest of the City to reconstruct roadways, including concrete pavement, gutters, sidewalks, water facilities, driveway approaches, street lighting, and related improvements (collectively, the "Improvements") within the herein described district; 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 assessment district. A description of the proposed Improvements and special assessment district is more particularly described in the Notice of Intention hereinafter set forth.

Section 2. The proposed special assessment district shall be known as "Salt Lake City, Utah Strongs Court (#102109) and Fenway Avenue (#102129) Reconstruction Special Improvement District" (the "District").

Section 3. The costs of the proposed Improvements shall be paid by a special assessment to be levied against the property fronting or abutting upon or adjacent to the Improvements or which may be affected or specially benefited by any of such Improvements. The costs shall be paid in not more than ten (10) annual installments with interest on the unpaid balance until due and paid.

Section 4. Written protests against the proposed Improvements, assessments or against the creation of the District must be presented and filed in the Office of the Chief Deputy City Recorder on or before 5:00 p.m. on the 11th day of April, 2006. Thereafter at 7:00 p.m. on Tuesday, the 11th day of April, 2006, 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 7th day of March, 2006, the City Council of Salt Lake City, Utah (the "City"), adopted a resolution declaring its intention to create a special assessment district to be known as Strongs Court (#102109) and Fenway Avenue (#102129) Reconstruction Special Improvement District, (the "District"). It is the intention of the City Council to install improvements within or adjacent to the District, 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 boundaries of the District include all property abutting or fronting on the following street sections:

1. Strongs Court (845 East) between 340 South and 400 South, both sides.
2. Fenway Avenue (635 South) between 1240 East and 1200 East, both sides.

INTENDED IMPROVEMENTS

The improvements ("Improvements") for Strongs Court (#102109) involve the reconstruction of the roadway and include concrete pavement, gutters, sidewalk, water facilities, driveway approaches, and street lighting. All other necessary things shall be done to complete the improvements according to plans, profiles, and specifications on file in the office of the City Engineer.

The Improvements for Fenway Avenue (#102129) involve the reconstruction of the roadway and include concrete pavement, gutters, sidewalk, water facilities, and driveway approaches. All other necessary things shall be done to complete the improvements according to plans, profiles, and specifications on file in the office of the City Engineer.

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 must be removed by the property owners at their expense prior to the commencement of construction of the Improvements. If these nonconforming improvements are not removed by the property owners, they will be removed by the contractor and disposed of as directed by the City Engineer, all at the owners' expense.

BASIS FOR ASSESSMENT

All abutting property to be improved within the District will be assessed fifty percent (50%) of the construction costs of the Improvements plus administrative costs, funding of reserves and other expenses described hereafter. The remaining portion of the construction cost will be paid by the City. The estimated rates shown in the table captioned, "Improvements and Estimated Costs" take into account the fifty percent (50%) discount, where applicable. In conjunction with the construction of the Improvements, the City also intends to construct storm drain improvements and water improvements, the costs of which will not be assessed to benefited properties. Benefited properties will be assessed by lineal front footage (LF).

ESTIMATED COST OF IMPROVEMENTS

The City Engineer's total estimated cost of the Improvements for Strongs Court (#102109), plus the estimated cost of storm drainage and water improvements is \$195,408 of which it is anticipated the City will pay approximately \$112,468 (the "City's Portion"). The remainder of approximately \$82,940 shall be paid by a special assessment levied against the properties in the District.

The City Engineer's total estimated cost of the Improvements for Fenway Avenue (#102129), plus the estimated cost of storm drainage and water improvements is \$191,676 of which it is anticipated the City will pay approximately \$110,515 (the "City's Portion"). The remainder of approximately \$81,161 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 owners' 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, if any, issued to finance construction of the Improvements and ten percent (10%) for bonding, administrative costs, a possible underwriter's discount on the sale of bonds, legal and other costs in connection with the issuance of assessment bonds. The estimated cost to be assessed against the properties within the District shall be as follows:

IMPROVEMENTS AND ESTIMATED COSTS

1. Strong's Court (#102109)

Improvements	Assessment Unit	Cost/Unit	Estimated Cost
Concrete Roadway, Water Main and street lights	Lineal Front Footage	\$125.67	\$82,940
Property Owner's Estimated Cost of Improvements			\$82,940

2. Fenway Avenue (#102129)

Improvements	Assessment Unit	Cost/Unit	Estimated Cost
Concrete Roadway and Water Main	Lineal Front Footage	\$116.78	\$81,161
Property Owner's Estimated Cost of Improvements			\$81,161

PROPERTY OWNERS' PORTION OF COSTS \$164,101

CITY'S PORTION OF COSTS \$222,983

TOTAL ESTIMATED PROJECT COST \$387,084

LEVY OF ASSESSMENTS

The proposed assessments shall be paid by a special assessment levied against the properties 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 properties to be assessed.

The adjustment for the City's portion has been taken into account in the table above so that the estimated costs per unit represent the net estimated unit 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 for those costs of the subject Improvements. The method of assessment for the Improvements shall be by lineal front feet (LF).

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

TIME FOR FILING PROTESTS

Any person who is the owner of record of property proposed 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 street name and property of record by the person or persons making the protest and shall indicate the total lineal front footage represented by said protest. Protests shall be filed in writing with the City Recorder of Salt Lake City, Utah, either in person during regular business hours Monday through Friday, or by mail on or before the date of the hearing at 5:00 p.m. on the 11th day of April, 2006 at the offices of the City Recorder located in Room 415, City and County Building, 451 South State Street, Salt Lake City, Utah 84111. Thereafter, at 7:00 p.m. on the 11th day of April, 2006, the City Council of Salt Lake City, Utah, will meet in a public meeting at the offices of the City Council to consider all protests so filed and hear all objections relating to the proposed District.

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.

A protest rate shall be determined for each street, i.e., Strongs Court (#102109) or Fenway Avenue (#102129), by totaling the proposed lineal front footage for the property

owners filing written protests on each street and dividing it by the total assessable front footage on the applicable street.

After written protests have been determined, the City Council shall delete a street from the District if the total lineal front footage represented by the protests with respect to that street exceeds fifty percent (50%) of the total lineal front footage of said street.

DEFERRAL OF ASSESSMENT

Assessments shall be levied in accordance to the benefits received; however, when the owner of a residence abutting the Improvements 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 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. Application 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 a semi-annual basis to verify property ownership, and the current economic status of the owner. If property ownership has changed, the new 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: March 13, 20, 27, and April 3, 2006.

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 \$165,000. This amount may be reduced by cash payments received by the City from property owners who elect to pay their assessment, in whole or in part, during the cash payment period immediately following the effective date of the assessment ordinance.

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

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

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

Those voting AYE:

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 _____, 2006.

By: _____
Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing resolution is hereby approved this ___ day of _____, 2006.

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 7th day of March, 2006, at the hour of 7:00 p.m., insofar as said proceedings relate to the consideration and adoption of a resolution declaring the intention of the City Council to create the Salt Lake City, Utah Strongs Court (#102109) and Fenway Avenue (#102129) Reconstruction Special Improvement District 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 7th day of March, 2006, has been recorded by me, and is a part of the permanent records of Salt Lake City, Utah.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of said City this the 7th day of March, 2006.

(SEAL)

By: _____
Deputy City Recorder

CALENDAR OF EVENTS
SALT LAKE CITY
SPECIAL IMPROVEMENT DISTRICT
Strongs Court (102109) & Fenway Avenue (102129), Reconstruction

Construction Phase

<u>Date</u>	<u>Event</u>
Feb 21, 2006	Engineering sends Municipal Council (the "Council") action letter to adopt Notice of Intention.
Feb 21, 2006	Description of improvements and areas to be improved furnished by City Engineer to Ballard Spahr Andrews & Ingersoll ("Bond Counsel").
Feb 28, 2006	Legal documents transmitted from Bond Counsel to Salt Lake City (the "City") and the "Financial Advisor"). RE: Notice of Intention.
Mar 7, 2006	Council adopts Notice of Intention to create District and authorizes advertisement for bids.
Mar 13, 2006	First publication of Notice of Intention.
Mar 20, 2006	Second publication of Notice of Intention.
Mar 20, 2006	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".
Mar 27, 2006	Third publication of Notice of Intention.
Apr 1, 2006	Publication of the Notice to Contractors calling for bids.
Apr 3, 2006	Fourth publication of Notice of Intention.
April 3, 2006	Informal information meeting.

Date**Event**

Apr 11, 2006	Deadline for filing written protests.
Apr 11, 2006	Protest hearing council date.
Apr 14, 2006	Legal documents prepared by Bond Counsel. RE: Bid Opening Summary.
Apr 18, 2006	Tabulation of protests furnished to Ballard Spahr Andrews & Ingersoll.
Apr 18, 2006	Council sent action letter to create District.
Apr 18, 2006	Protests and creation of District transmitted from Ballard Spahr Andrews & Ingersoll to the City and Wells Fargo.
Apr 19, 2006	Bids opened, tabulated and reported.
May 1, 2006	Mayor signs street dedication.
May 9, 2006	Council adopts a resolution creating the Special Improvement District.
May 9, 2006	Council adopts a resolution awarding the contract to the best bidder.
May 9, 2006	Council adopts a resolution amending the Special Improvement District to include new property.
May 11, 2006	Award of construction contract and provisions for interim financing transmitted from Bond Counsel to the City and the Financial Advisor.
May 12, 2006	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	Interim payments made to contractor.

February 20, 2006

Reference: **Strongs Court (#102109) and Fenway Avenue (#102129)
Special Improvement District**

Dear Property Owner:

We wish to inform you that your property is within the proposed Special Improvement District. The District is on two separate noncontiguous streets and consists of the following:

1. Strongs Court (845 East) between 340 and 400 South
2. Fenway Avenue (635 South) between 1240 East and 1200 East

The improvements for Strongs Court and Fenway Avenue involve the roadway and include concrete pavement, gutters, sidewalk, water facilities and driveway approaches, Strongs Court will also receive new streetlights.

The project will be funded from the Salt Lake City Capital Improvement budget, Public Utilities Department budgets and property owner assessments through the Special Improvement District.

In order for the work to proceed, the required number of Property Owners on your street must be in favor of creating the district.

As the property owner of record, you have the right to file a written protest against the creation of the Special Improvement District, or make any other objections relating thereto. Protests shall include a property description or otherwise identify the property being protested. Protest shall be filed with the City Recorder of Salt Lake City, Utah on or before 5:00 p.m. on April 11, 2006. The City Council will hold a public meeting at 7:00 p.m. April 11, 2006 in the City Council Chamber to consider all protests so filed and hear all objection related to the proposed District.

A protest rate shall be determined for each street [I. Strongs Court (#102109), II. Fenway Avenue (102129) - by totaling the proposed lineal front footage for the property owners filing written protest on each street and dividing it by the total assessable front footage on each street.

After the written protest rate has been determined, the City Council, at its discretion, may delete a street from the District if the protest rate for that street exceeds fifty percent (50%) and create a modified District.

The City Council will rescind its intention to create a District if the protest rate for each street exceeds fifty percent (50%).

The following "Informal Public Meeting is scheduled to review the project with interested Property Owners:

April 3, 2006 4:00 p.m. to 6:00 p.m.
First Floor Conference Room
349 South 200 East
Salt Lake City, Utah 84111

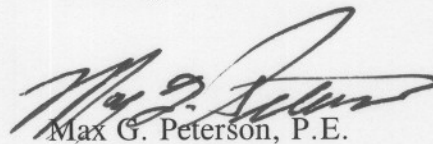
Please note attendance at this meeting does not take the place of written protests. Those wishing to protest must follow the procedures outlined in the :Notice of Intention".

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. Answers to most commonly asked questions.

If you have any questions concerning this project and are unable to attend the meeting, please feel free to contact Daniel C. Noziska, P.E. at 535-7958 or Richard A. Johnston, P.E. at 535-6232, 349 South 200 East, Suite 100, Salt Lake City, Utah 84111.

Sincerely,



Max G. Peterson, P.E.
City Engineer

MGP:DCN:jmw
Attachments

cc: Richard A. Johnston
Daniel C. Noziska
File

**STRONGS COURT (#102109) & Fenway Avenue (#102129)
SPECIAL IMPROVEMENT DISTRICT**

ANSWERS TO THE MOST COMMONLY ASKED QUESTIONS

1. **In regards to the Owner's Preliminary Estimate, are the amounts shown thereon my costs or does the City pay ½ of those costs?**

Answer: The amount shown on the Owner's Preliminary Estimate is the estimated cost the property owner pays. The City will pay a matching amount which is not shown on the Preliminary Estimate.

2. **How were the unit costs for the rates determined?**

Answer: The unit costs are estimates only. The costs were based upon bid prices the City received for similar projects constructed in 2005. Administrative, engineering and bond costs have been added to the unit costs.

3. **I am on a fixed income. What allowance is being made for abatement of these special improvement district assessments?**

Answer: No abatement is provided in this special improvement district. Deferment of assessment, however, is being provided and is described in the notice of intention. "Owner must file an application with the City Treasurer, in order for the payments to be deferred. To be eligible for low income deferment, the property must be residential and owner occupied." Completed applications for deferment will be reviewed by the City Treasurer to verify ownership and the current economic status of the owner. "If and when the deferment requirements are no longer met, the 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." For more information call Mr. Garth Limburg of the City Treasurer's Office at 535-6431.

4. **I want to protest this district. 1) Whom do I address my written protest to? 2) Where do I send my protest? 3) Are verbal protests used in determining the protest rate?**

Answer #1: Address your protest to Salt Lake City Recorder. In your written protest, you must identify the property address. The protest must be made by property owner of record or person having the power of attorney.

Answer #2: Send your protest to the Salt Lake City Recorder, Room 415, 451 South State Street, Salt Lake City, UT 84111.

Answer #3: Verbal protests are not used in determining the protest rate. To be considered for purposes of rejection of the district, all protests must be written.

5. **If I protest, what happen then?**

Answer: Your written protest will be used to establish the protest rate for your street. If more than 50 percent of the assessed footage on your street protest the district, it will not be included in the District and made a public street.

6. **Will the City's contractor do work for me on my property? If so, how will I be billed, or do I have to pay the Contractor myself?**

Answer: The City will not contract to do work on property outside of the street right-of-way. If the property owner desires to have work done by the City's contractor on the property owner's property, the City will not be a party to that contract. The City will not bill the property owner for work which is contracted between the property owner and the City's contractor.

7. **What are my options for paying off the assessment?**

Answer: When the work in the Special Improvement District is completed, actual costs to be assessed to property owners will be determined. Property owners will be given the option of paying the assessment in full without interest within fifteen (15) days after the ordinance levying the assessment becomes effective, or paying the assessment in ten (10) annual installments. The installments will include interest on the unpaid balance at a rate fixed by the bond market.