
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: February 8, 2007

SUBJECT: 2005/2006, 2006/2007 FY Sidewalk Replacement
Special Improvement No. 102136

AFFECTED COUNCIL DISTRICTS: 5 and 7

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

ADMINISTRATIVE DEPT.
AND CONTACT PERSON: Department of Public Services
Rick Graham

FILE LOCATIONS: Public Services/Sidewalk Replacement SID
2005/2006, 2006/2007 FY, No. 102136

POTENTIAL MOTIONS:

1. ["I move that the Council"] Adopt a resolution declaring the Notice of Intention and set the protest hearing date for April 3, 2007 at 7:00 p.m. for Sidewalk Replacement Special Improvement District 2005/2006, 2006/2007 FY, No. 102136.
 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 for Sidewalk Replacement Special Improvement District 2005/2006, 2006/2007 FY, No. 102136, and set a protest hearing date for Tuesday, April 3, 2007 at 7 p.m. before the City Council.

There are 1,245 properties identified within the outlining boundaries of the district which includes:

- 1300 South (south side only) to 1700 South (north side only) from the 700 East (east side only) to 1100 East (both sides).
- Both sides of 900 East and 1100 East from 1700 South to 2100 South

For more information regarding the identified streets included within these boundaries, refer to page 3 of the Administration's paperwork for a copy of a map; or page 5 of the resolution paperwork for a list of streets.

For the 2005/2006, 2006/2007 Sidewalk Replacement Special Improvement District No. 102136, improvements involve the removal and reconstruction of concrete sidewalk which has been determined to be defective by the office of the City Engineer. Projected construction schedule indicates work to begin in the spring of 2007 with anticipated completion by November 15, 2007.

Assessments may be paid by property owners in five (5) equal annual installments with interest accrual on the unpaid balance, or the assessment may be paid without interest in whole or in part within 30 days from the date when the ordinance levying the assessment becomes effective.

BUDGET RELATED FACTS:

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

Property owners:	\$ 778,130
Salt Lake City Funds:	<u>\$ 538,732</u>
Total	\$1,316,862

Following Council's approval of the attached resolution, estimated costs, a copy of the Notice of Intention, and a letter will be sent to property owners living within the boundary areas of the proposed SID notifying property owners that the City is considering a proposed sidewalk replacement project that includes their properties. All residential property owners are informed that the cost to replace defective concrete will be shared 50/50 by the City plus administrative costs, and other expenses described hereafter; however, commercial properties pay the full cost of the replacement.

In conjunction with the concrete replacement, property owners are also informed that new sidewalk access ramps for ADA accessibility will be installed at all street corners, costs paid by the City. Costs associated with defective driveway approaches into alley ways are also paid by the City. 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 full 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.

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.

Property owners are provided the option to have sidewalks replaced that have not been determined to be defective by the office of the City Engineer, driveway aprons, asphalt tie-ins, additional curb and gutter work performed in conjunction with the proposed SID improvements, with the property owner being responsible for optional replacement costs.

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 written protest on or before 5:00 p.m. on the 3rd of April 2007 or to attend the protest hearing on Tuesday, April 3, 2007 at 7:00 p.m. in the City Council Chambers; however, in order for the District not to be created, the necessary number of protests must represent more than one-half of the footage to be assessed 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.

KEY DATES:

An informal public meeting is scheduled for March 28, 2007 for the Administration to review the proposed SID with interested abutting property owners. The meeting location is the Forest Dale Golf Course, 2375 South 900 East from 3:00 to 6:00 p.m.


Written protests against the proposed improvements, assessments or against the creation of the District must be presented and filed in the Office of the City Recorder on or before 5:00 p.m. on Tuesday, April 3, 2007, followed by a Council protest hearing on April 3 at 7:00 p.m.


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, Lyn Creswell, Rick Graham, Gary Mumford, Dan Mulé, Max Peterson, Diana Karrenberg, Sylvia Jones, Janne Nielson, Gwen Springmeyer, John Naser, Chris Bramhall, Karen Carruthers, Susan Finlayson, and Garth Limburg

COUNCIL TRANSMITTAL

TO:  Lyn Creswell **DATE:** January 22, 2007
Chief Administrative Officer

FROM: Rick Graham, Director 
Public Services Department

SUBJECT: Notice of Intention, Sidewalk Replacement Special Improvement District,
2005/2006, 2006/2007 FY, Job No. 102136

RECOMMENDATION: It is recommended the City Council adopt a Resolution 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 2005/2006, 2006/2007, Job No. 102136 involves the installation of concrete sidewalk and at the property owner's option, driveway, curb and gutter. The District is bounded by the south side of 1300 South to the north side of 1700 South, the east side of 700 East to the east side of 1100 East and the south side of 1700 South to the north side of 2100 South between 900 East and 1100 East. Attached is an information sheet, site map, Notice of Intention and a schedule of hearings and meetings.

PUBLIC PROCESS: An informal information meeting is scheduled for March 28, 2007 at Forest Dale Golf Course, and a Protest Hearing is scheduled before the City Council on April 3, 2007.

INFORMATION SHEET
SIDEWALK REPLACEMENT
SPECIAL IMPROVEMENT DISTRICT, 2005/2006, 2006/2007 FY
JOB NO. 102136

DESCRIPTION OF IMPROVEMENTS:

The Sidewalk Replacement Special Improvement District, 2005/2006, 2006/2007 FY, Job No. 102136 involves the installation of concrete sidewalks, and at the property owner's option driveways, curb and gutter. The District is bounded by south side of 1300 South to the north side of 1700 South and the east side of 700 East and to the east side of 1100 East and the south side of 1700 South to the north side of 2100 South on 900 East and 1100 East. (See attached map.)

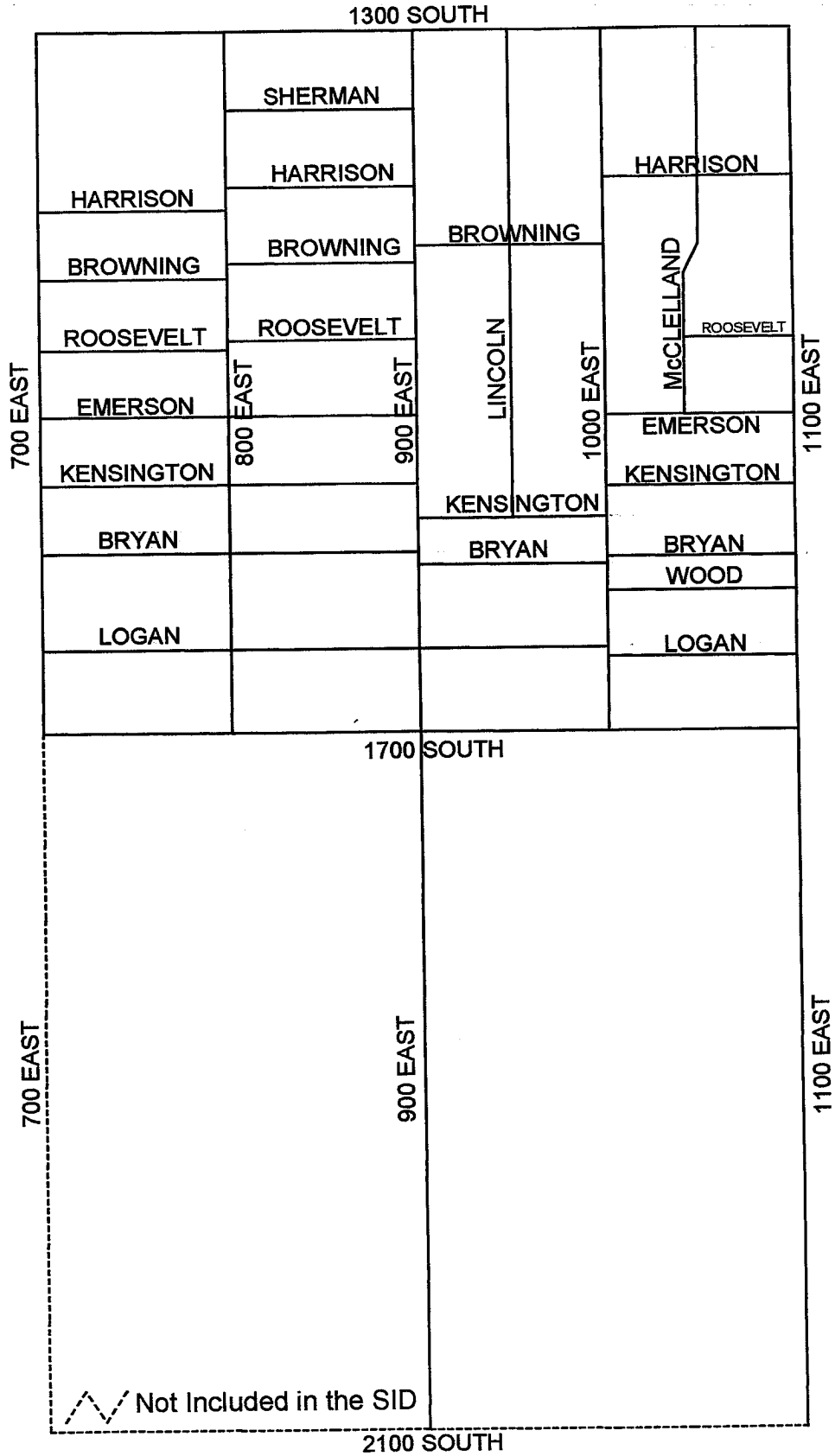
TOTAL ESTIMATED COSTS

• Property Owner's Portion of Costs	\$ 778,130.00
• City's Portion of Costs	\$ 538,732.00
 Total Estimated Project Cost	 \$1,316,862.00

SCHEDULE

Construction of the project is scheduled to start in the spring of 2007 with completion by November 15, 2007. The construction will be phased so disruption and inconvenience to property owners and pedestrians will be minimal.

**SIDEWALK REPLACEMENT S.I.D.
2005 - 2006 and 2006 - 2007
Job Number 102136**



Salt Lake City, Utah

February 13, 2007

A regular meeting of the City Council of Salt Lake City, Utah, was held on Tuesday, the 13th day of February, 2007, 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:

Van Blair Turner	Chair
Jill Remington-Love	Vice Chair
David L. Buhler	Councilmember
Nancy Saxton	Councilmember
Søren Dahl Simonsen	Councilmember
K. Eric Jergensen	Councilmember
Carlton Christensen	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 13th day of February, 2007, 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 2007

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH, TO CONSTRUCT IMPROVEMENTS WITHIN THE CITY CONSISTING OF THE REMOVAL AND RECONSTRUCTION OF DETERIORATED CONCRETE SIDEWALKS 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 2005/2006, 2006/2007 FY, JOB NO. 102136 (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 remove and reconstruct deteriorated concrete sidewalk 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. 2005/2006, 2006/2007 FY Job No. 102136" (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 3rd day of April, 2007, at the hour of 5:00 p.m. Thereafter at 7:00 p.m. on Tuesday, the 3rd day of April, 2007, 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 13th day of February, 2007, 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 2005/2006, 2006/2007 FY, Job No. 102136 (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.

INTENDED IMPROVEMENTS

The required improvements ("Required Improvements") for the District include the removal and reconstruction of concrete sidewalk which has been determined to be defective by the office of the City Engineer along the sections of streets listed below. The optional improvements ("Optional Improvements") may be constructed by the City at the written request of the property owner and include sidewalks, 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 July 1, 2007 (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) 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 City's approval of the Optional Improvements, the cost of which will be included in the assessment for purposes of 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.

<u>Street</u>	<u>Sections to be Improved</u>	<u>Side</u>
1300 South	700 East to 1100 East	South side only
Sherman Ave.	800 East to 900 East	Both sides
Harrison Ave.	700 East to 900 East	Both sides
Browning Ave.	700 East to 1000 East	Both Sides
Roosevelt Ave.	700 East to 900 East	Both Sides
Roosevelt Ave.	1040 East to 1100 East	Both Sides
Emerson Ave.	700 East to 900 East	Both sides
Emerson Ave.	1000 East to 1100 East	Both sides
Kensington Ave	700 East to 1100 East	Both Sides
Bryan Ave	700 East to 1100 East	Both Sides
Wood Ave.	1000 East to 1100 East	Both sides
Logan Ave.	700 East to 1100 East	Both sides
1700 South	700 East to 1100 East	North side only
700 East	1300 South to 1700 South	East side only
800 East	1300 South to 1700 South	Both sides
900 East	1300 South to 2100 South	Both sides
Lincoln Street	1300 South to 1545 South	Both sides
1000 East	1300 South to 1700 South	Both Sides
McClelland Street	1300 South to 1490 South	Both sides
1100 East	1300 South to 2100 South	Both Sides

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 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), as described herein.

ESTIMATED COST OF IMPROVEMENTS

The City Engineer's total estimated cost of Improvements, including estimated Optional Improvements of the District is \$1,316,862, of which it is anticipated the City will pay approximately \$538,732 (the "City's Portion"). The remainder of approximately \$778,130 shall be paid by a special assessment levied against the benefited 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, allowance for the interest on interim warrants, if any, issued to finance construction of the Improvements plus ten percent (10%) of the total contract price of said Improvements to cover administrative costs, a possible underwriter's discount on 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:

REQUIRED IMPROVEMENTS

(Does not include corner lot exemptions)

Rate No.	Improvements	Quantity	Method of Assessment	Cost/Unit	Estimated Cost
A1	Required 4" Residential Sidewalk	50,000	SF	\$4.80	\$240,000.00
A2	Required 6" Residential Sidewalk	13,200	SF	5.77	76,164.00
A3	Required 4" Commercial Sidewalk	16,900	SF	9.60	162,240.00
A4	Required 8" Commercial Sidewalk	6,000	SF	13.89	83,340.00
Estimated Abutter's Cost of Required Improvements					\$561,744.00

OPTIONAL IMPROVEMENTS, NOT ELIGIBLE FOR PROTEST

(Does not include corner lot exemptions)

Rate No.	Improvements	Quantity	Method of Assessment	Cost/Unit	Estimated Cost
B1	Optional 4" Residential Sidewalk	100	SF	\$ 9.60	\$ 960.00
B2	Optional 6" Residential Sidewalk	100	SF	11.54	1,154.00
B3	Optional 8" Commercial Sidewalk	100	SF	13.89	1,389.00
B4	Optional 6" Open Driveway Approach	8,000	SF	6.45	51,600.00
B5	Optional 6" Flare Driveway Approach	5,000	SF	5.60	28,000.00
B6	Optional 8" Open Driveway Approach	1,000	SF	13.89	13,890.00
B7	Optional 8" Flare Driveway Approach	1,000	LF	13.48	13,480.00
B8	Optional Piped Driveway Approach w/Curb	300	LF	44.61	13,383.00
B9	Optional Residential Curb & Gutter	2,000	LF	20.83	41,660.00
B10	Optional Commercial curb & Gutter	500	LF	41.66	20,830.00
B11	Optional Topsoil w/Re-grading	1,000	SF	1.93	1,930.00
B12	Optional Sod w/Sprinklers	1,000	SF	2.31	2,310.00
B13	Optional Asphalt Tie-In, 4" Thick	4,000	SF	3.85	15,400.00
B14	Optional Asphalt Tie-In, 6" Thick	1,000	SF	10.40	10,400.00
Property Owner's Estimated Cost of Optional Improvements					\$216,386.00

Estimated Abutter's Cost of Required and Optional Improvements	\$ 778,130.00
City's Portion of Costs	538,732.00

TOTAL ESTIMATED PROJECT COST **\$1,316,862.00**

The City will mail to each property owner a copy of this Notice of Intention, along with a Preliminary Estimate for each parcel of property to be assessed which will generally describe the improvements proposed to be constructed which will benefit said parcels and the method of assessment, assessment rate, and total estimated assessment for each parcel.

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 square foot or lineal foot 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 and Optional Improvements shall be by lineal front feet (LF) or square feet (SF) as provided herein.

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 thirty (30) 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 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 City 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 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 3rd day of April, 2007 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 3rd day of April, 2007, 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.

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, 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: February 26, March 5, March 12, and March 17, 2007.

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 _____, 2007.

By: _____
Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing resolution is hereby approved this _____ day of _____, 2007.

By: _____
Acting 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 13th day of February, 2007, 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 2005/2006, 2006/2007 FY, Job No. 102136 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 13th day of February, 2007, 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 13th day of February, 2007.

(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 13th day of February, 2007.

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 2005/2006, 2006/2007 FY, Job No. 102136 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 13th day of February, 2007.

(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. 2005/2006, 2006/207 FY Job No. 102136).

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 52-4-202, 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 13th day of February, 2007, 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 9th day of February, 2007, 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 9th day of February, 2007, at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2007 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 13th day of February, 2007.

(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 2005/06 & 2006/07 (102136)
Construction Phase

Date	Event	Responsibility
23-Jan-07	Description of improvements and areas to be improved furnished by City Engineer to Ballard Spahr Andrews & Ingersoll ("Bond Counsel").	Engineering
30-Jan-07	Legal documents transmitted from Bond Counsel to Salt Lake City (the "City") and the "Financial Advisor"). RE: Notice of Intention	Engineering & Bond Council
13-Feb-07	Council adopts Notice of Intention to create District and authorizes advertisement for bids	Council
20-Feb-07	First publication of Notice of Intention	Recorders Office
26-Feb-07	Second Publication of Notice of Intention	Recorders Office
26-Feb-07	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"	Recorders Office
5-Mar-07	Third publication of Notice of Intention	Recorders Office
12-Mar-07	Fourth publication of Notice of Intention	Recorders Office
To be determine	Informal information meeting. (This may be scheduled earlier; it is not a statutory requirement.)	
3-Apr-07	Deadline for filing written protests.	
3-Apr-07	Protest hearing council date.	

Date	Event	Responsibility
9-Apr-07	Tabulation of protests furnished to Ballard Spahr Andrews & Ingersoll.	Engineering
9-Apr-07	Council sent action letter to create District.	Council
9-Apr-07	Protests and creation of District transmitted from Ballard Spahr Andrews & Ingersoll to the City and First Security Bank.	Engineering
2-Apr-07	Publication of the Notice to Contractors calling for bids.	Engineering
2-Apr-07	Legal documents prepared by Bond Counsel RE: Bid Opening Summary.	Engineering & Bond Council
11-Apr-07	Bids opened, tabulated and reported.	Engineering
1-May-07	Council adopts a resolution creating the Special Improvement District.	Council
1-May-07	Award of construction contract and provisions for interim financing transmitted from Bond Counsel to the City and the Financial Advisor.	Engineering
1-May-07	File a copy of the Notice of intention and the Resolution creating the Special Improvement District and proposed Assessment List with the County Recorder.	Recorders Office

February 1, 2007

LuAnn Clark, Director H.A.N.D.
City/County Building
451 South State Street, Room 406
Salt Lake City, UT 84111

Re: **Budget Adjustment**

Dear Ms. Clark:

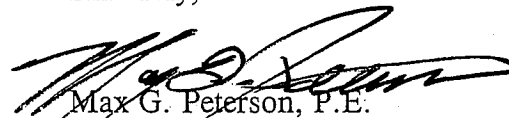
It is requested the budget be increased for the following job.

**A. Stewart Street (Montgomery to California) and 1500 West (Hayes to American),
Job No. 102121**

1. Cost Center/Original Budget
 - a. 83-05055/\$ 35,000
 - b. 83-07052/\$391,000
2. Required Change
 - a. Increase the budget in the amount \$42,600
3. Source of Funding
 - a. CDBG Contingency
4. Discussion to support this request
 - a. Bids were recently opened for this project. The low bid exceed available funds. Discussions have been held with the low bidder, Bowen Construction. The following items of work have been eliminated: 2" PVC, underground electrical conduit and pull box and stabilization separation geotextile fabric. Other quantity line items have been negotiated so the project can be awarded and construction completed this summer.

Please process this as an administrative adjustment through the Mayor.

Sincerely,


Max G. Peterson, P.E.
City Engineer

MGP:lb

cc: Rick Graham
Kevin Bergstrom
Greg Davis
Sherrie Collins
John Naser
Joel Harrison
John Coyle
Vault

JH