
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: March 26, 2008

SUBJECT: California Avenue Reconstruction
Special Assessment Area (SAA) No. 103006
Resolution to create the Assessment Area

AFFECTED COUNCIL DISTRICTS: 2

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

ADMINISTRATIVE DEPT. AND CONTACT PERSON: Department of Public Services
John M. Coyle, Project Manager

FILE LOCATIONS: Public Services/California Avenue
Reconstruction SAA, 4800 W to 5600 W,
Job No. 103006

CC: Cindy Gust-Jenson, David Everitt, Lyn Creswell, Rick Graham, Ed Rutan, Boyd Ferguson, Jennifer Bruno, Dan Mulé, Marina Scott, Tim Harpst, Max Peterson, John Coyle, Michael Barry, Michael Stott, Quin Card, Susan Finlayson, Karen Carruthers, Randy Hillier, Blaine Carlton, and Garth Limburg

POTENTIAL MOTIONS:

1. ["I move that the Council"] Adopt a resolution designating an assessment area to be known as the "Salt Lake City, Utah California Avenue, 4800 West to 5600 West, Special Assessment Area (#103006)" generally described in the Notice of Intention designating the proposed assessment area; authorizing the City officials to proceed with the acquisition and construction of the improvements as set forth in the Notice of Intention; and related matters."
2. ["I move that the Council"] Not adopt the resolution.

KEY ELEMENTS: (Resolution)

The next step in the process of the proposed California Avenue, 4800 West to 5600 West, Special Assessment Area (SAA), Job No. 103006, for the Council's consideration is to adopt a resolution to create the Special Assessment Area. In order for the Assessment Area to be created, the property owners who submitted a protest must be less than 50 percent of the total property owners' front footage within the Assessment Area. A protest hearing was held on March 4, 2008 and no protests were received. According to the Administration, there were also no written protests that were filed in

the Office of the City Recorder.

After construction is completed, a property owner has the opportunity to appear before the Board of Equalization (comprised of the City Engineer or designee, the City Attorney or designee, the City Recorder or designee, and a Council Member), to present their concerns. All property owners within the proposed SAA are notified in advance of the dates and times when the Board of Equalization meets. The Board of Equalization can hear any discrepancies viewed by a property owner. For example, the Board could decide that a particular residential property owner does not receive as much benefit from the project as the commercial properties, and possibly reduce the assessment. If the assessment is a real financial burden income-wise to the property owner, the assessment can be deferred until the property is sold. There is no way to predict the outcome of a Board of Equalization review.

Upcoming action before the City Council will include:

- Resolution accepting a bid for construction work.
- Resolution appointing a Board of Equalization and setting the date for the Board of Equalization
- Ordinance confirming the assessment rolls and levying assessments.
- Resolution authorizing the issuance and providing the sale of bonds.

The following information was provided previously.

It is provided again for Council's reference.

As the first step in creating the process to establish the Special Assessment Area (SAA), the Administration requested that the Council adopt a resolution declaring the Notice of Intention and set the protest hearing date for March 4, 2008. SAA boundary includes five commercial properties abutting on the south side of California Avenue between 4800 West to 5600 West streets and the Lee Drain drainage easement running along California Avenue within the Area.

The Administration's paperwork stated that the proposed improvements consist of improvements for California Avenue to include "concrete pavement, curb and gutter, sidewalk, storm drainage, and street lighting" resulting in two eastbound lanes and one westbound lane. According to the Administration, the property owner on the north side of California Avenue is not participating in the SAA. However, when the property is developed, the property owner will be required to add the additional westbound lane, curb and sidewalk which are in keeping with City policy to require property owners to install the public way improvements adjacent to their property.

Also in keeping with City policy, areas of the proposed SAA that currently lack sidewalks, curb and gutter will be assessed a cost of 100 percent of the actual costs. The Administration reports there are a few areas of sidewalk requiring ADA ramps. The costs for the ADA ramps will be absorbed by the City.

Following Council's approval of the attached resolution, a letter was sent to property owners within the boundary areas of the proposed SAA. Property owners were notified that the City is considering a proposed SAA for reconstruction of California Avenue between 4800 West and 5600 West streets.

It is projected that the project will begin in May 2008 with an estimated completion date of November 2008. The Administration informed Council staff that the commercial properties along the south side of California Avenue do not access their properties from California Avenue, but rather have access from either 4800 West or 5500 West streets. Two of the five properties are developed. Construction will be planned accordingly to minimize disruption to businesses.

KEY DATES:

An informal information meeting was scheduled for February 26, 2008 for the Administration to review the proposed SAA with interested abutting property owners. The meeting was held from 2:00 p.m. to 4:00 p.m. at 349 South 200 East.

Written protests in opposition of the proposed improvements, assessments or creation of the SAA must have been presented and filed in the Office of the City Recorder on or before 5:00 p.m. on Tuesday, March 4, 2008; or communicated to the City Council at the Council protest hearing that was held on Tuesday, March 4, 2008 at 7:00 p.m.

BUDGET RELATED FACTS:

The City Engineer estimates that the total cost of improvements, including overhead costs, in the proposed SAA are \$5,261,000. It is anticipated the City's portion will be approximately \$3,984,725 which includes approximately \$390,000 paid by the Public Utility fund for drainage improvements. The property owners' portion is estimated to be approximately \$1,276,275 (includes construction costs; a portion of engineering expenses for all proposed improvements; the interest cost on interim warrants issued to finance construction of the improvements; an allowance of fifteen percent for administrative costs; a possible underwriter's discount on sale of special assessment bonds; and legal and other costs in connection with the issuance of the bonds). The estimated assessment is \$255 of per front foot of property which will be assessed to the property owners.

City funding will be allocated from the Salt Lake City Capital Improvement (CIP) funds and Public Utility fund. The remaining costs of the improvements shall be paid by a special assessment to be levied against the properties fronting or abutting upon or adjacent to the improvements. Property owners may pay assessments in ten annual principal installments with interest accruing on the unpaid balance, or the whole or any part of the assessment may be paid without interest within 25 days after the ordinance levying the assessment becomes effective.

If an assessed property is later subdivided into smaller parcels after the assessment has been adopted, as a condition to the City having approved said subdivision, the City shall amend the assessment ordinance allocating the original assessment to the smaller parcels based upon front footage.

RICHARD GRAHAM
PUBLIC SERVICES DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF PUBLIC SERVICES
DIRECTORS OFFICE

MAR 25 2008
RALPH BECKER
MAYOR

COUNCIL TRANSMITTAL

TO: David Everitt
Chief Of Staff



DATE: March 18, 2008

FROM: Rick Graham, Director
Public Services Department



SUBJECT: Creation of California Avenue, 4800 West to 5600 West, Special Assessment Area, Job No. 103006

STAFF CONTACT: John M. Coyle, P.E., Project Manager, 535-6241

DOCUMENT TYPE: Resolution

RECOMMENDATION: It is recommended the City Council adopt a resolution to create California Avenue, 4800 West to 5600 West, Special Assessment Area, Job No. 103006.

BUDGET IMPACT: Monies are provided from the Salt Lake City Capital Improvement fund, Public Utilities funds and property owner assessments through the Special Assessment Area.

BACKGROUND/DISCUSSION: California Avenue Special Assessment Area involves the construction of roadway pavement, concrete curbs, sidewalks and street lighting.

PUBLIC PROCESS: An informal information meeting was held February 26, 2008 at 349 South, 200 East and a protest hearing was held before the City Council on March 4, 2008.

LOCATION: 451 SOUTH STATE STREET, ROOM 148, SALT LAKE CITY, UTAH 84111-3104

MAILING ADDRESS: PO BOX 145469, SALT LAKE CITY, UTAH 84114-5469

TELEPHONE: 801-535-7775 FAX: 801-535-6175

WWW.SLCCOV.COM



Salt Lake City, Utah

April 1, 2008

A regular meeting of the City Council of Salt Lake City, Utah, was held on Tuesday, the 1st day of April, 2008, 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:

Jill Remington-Love	Chair
Carlton Christensen	Vice Chair
Søren Dahl Simonsen	Councilmember
K. Eric Jergensen	Councilmember
Luke Garrott	Councilmember
J.T. Martin	Councilmember
Van Blair Turner	Councilmember

Also present:

Ralph Becker	Mayor
Edwin P. Rutan, II	City Attorney
	Deputy City Recorder

Absent:

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

Pursuant to published notice concerning the intent of the City to create the "Salt Lake City, Utah California Avenue, 4800 West to 5600 West, Special Assessment Area (#103006) (the "Assessment Area"), a public hearing was held on March 4, 2008, at which interested persons were heard concerning comments or protests relating to the Assessment Area. No protests were filed prior to or at the public meeting from the owners of property to be assessed.

The City Council then concluded that the public interest will best be served by creating the Assessment Area in the format as described in Resolution 1 of 2008 adopted by the City Council on January 8, 2008.

After due consideration of the following resolution by the City Council, Councilmember _____ moved and Councilmember _____ seconded its adoption. The resolution was adopted by the following vote:

AYE:

NAY:

RESOLUTION NO. ____ OF 2008

A RESOLUTION DESIGNATING AN ASSESSMENT AREA TO BE KNOWN AS THE "SALT LAKE CITY, UTAH CALIFORNIA AVENUE, 4800 WEST TO 5600 WEST, SPECIAL ASSESSMENT AREA (#103006)" GENERALLY AS DESCRIBED IN THE NOTICE OF INTENTION DESIGNATING THE PROPOSED ASSESSMENT AREA; AUTHORIZING THE CITY OFFICIALS TO PROCEED WITH THE ACQUISITION AND CONSTRUCTION OF THE IMPROVEMENTS AS SET FORTH IN THE NOTICE OF INTENTION; AND RELATED MATTERS.

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

WHEREAS, pursuant to the Assessment Area Act, Title 11, Chapter 42, Utah Code Annotated 1953, as amended (the "Act"), on January 8, 2008, the Council adopted a Notice of Intention (the "Notice of Intention") to designate a special assessment area to be known as the "Salt Lake City, Utah California Avenue, 4800 West to 5600 West, Special Assessment Area (#103006) (the "Assessment Area"), and after giving notice as required by the Act, held a public hearing on March 4, 2008, at which interested persons were given an opportunity to provide comments or protests relating to said Assessment Area; and

WHEREAS, pursuant to Section 11-42-206 of the Assessment Area Act, and consistent with the Notice of Intention, the Council now desires to designate the Assessment Area.

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

Section 1. The Council has determined that it will be in the best interest of Salt Lake City (the "City") to finance the costs of certain infrastructure improvements consisting of the reconstruction of roadway pavement, installation of concrete curbs, sidewalks, and street lighting, as well as other miscellaneous work necessary to complete the improvements in a proper and workmanlike manner (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, generally described in the Notice of Intention;

Section 2. The Improvements are hereby authorized and the Assessment Area is hereby designated to acquire and construct the Improvements and to levy assessments to pay costs of the Improvements.

Section 3. The legal description and tax identification numbers of the properties to be assessed within the Assessment Area are more fully set forth in Exhibit A attached hereto.

Section 4. As required by law, the City Recorder is hereby authorized and directed to file in the Salt Lake County Recorder's office within fifteen (15) days from the date hereof (a) a copy of the Notice of Intention and an original or certified copy of this Resolution designating the Assessment Area, and (b) a Notice of Proposed Assessments in substantially the form of Exhibit B hereof that states that the Council has designated the Assessment Area and that lists the properties proposed to be assessed, described by tax identification number and legal description.

ADOPTED AND APPROVED this April 1, 2008.

(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 this _____, 2008.

By: _____
Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing resolution is hereby approved this ____ day of _____, 2008.

By: _____
Mayor

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

I, _____, the duly appointed, qualified and acting Deputy City Recorder of Salt Lake City, Utah, do hereby certify that the foregoing is a full, true and correct copy of the minutes of a regular meeting of the City Council of Salt Lake City held in the City Council Chambers in Salt Lake City on Tuesday, April 1, 2008, at the hour of 7:00 p.m., as recorded in the regular official book of minutes as kept in my official office, that said proceedings were duly had and taken as therein shown, and that all the members were given due, legal, and timely notice of said meeting as therein shown.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Salt Lake City this April 1, 2008.

(SEAL)

By: _____
Deputy City Recorder

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, _____, the undersigned Deputy City Recorder of Salt Lake City, Utah (the "Issuer"), do hereby certify, according to the records of the City Council of Salt Lake City 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 April 1, 2008, 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 principal offices at the City and County Building, Salt Lake City, Utah on March 28, 2008, 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 March 28, 2008, at least twenty-four (24) hours prior to the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this April 1, 2008.

(SEAL)

By: _____
Deputy City Recorder

SCHEDULE A

NOTICE OF MEETING

EXHIBIT A

TAX IDENTIFICATION NUMBERS AND LEGAL
DESCRIPTIONS OF PROPERTIES TO BE ASSESSED

(A complete list of Tax I.D. numbers and property descriptions is available for inspection
at the Salt Lake City Recorder's Office and City Engineer's Office.)

EXHIBIT B

NOTICE OF INTENTION

EXHIBIT C

PUBLIC HEARING MINUTES

