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## SALT LAKE CITY COUNCIL MEMORANDUM

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**DATE:** April 29, 2008

**TO:** City Council Members

**FROM:** Jan Aramaki

**SUBJECT:** 2007/08 FY Sidewalk Replacement Special Assessment Area (SAA) Job No. 102145 and Lyman Court SAA Job No. 102146  
Resolution to create the Assessment Area.

**COUNCIL DISTRICTS:** 2007/08 Fiscal Year Sidewalk Replacement Area No. 102145 - Zone I - Districts 5 and 6  
Lyman Court SAA Job. No. 102146 - Zone II - District 5

**FILE LOCATIONS:** Public Services  
Replacement SAA 102145; and Lyman Court SAA 102146

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### POTENTIAL MOTIONS:

1. ["I move that the Council"] **Adopt a resolution** *"designating an assessment area to be known as the "Salt Lake City, Utah Sidewalk Replacement #102145 and Lyman Court #102146 Special Assessment Area (The "Assessment Area") 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.

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### KEY ELEMENTS: (Resolution)

The next step in the process of the proposed Sidewalk Replacement Special Assessment Area (SAA) 2007/08 FY Job No. 102145 and Lyman Court SAA Job No. 102146 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 April 1, 2008 and the protest rate is as follows:

- SAA Job 102145 Sidewalk Replacement 1.657%
- SAA Job No. 102146 Lyman Court 0%

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 potentially 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 or the property owner no longer qualifies for the very low income deferment. 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.

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The following information was provided previously at the time of the Notice of Intention.

It is provided again for Council's reference.

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## **KEY ELEMENTS:** (Resolution)

This resolution includes two components: **2007/08 Fiscal Year Sidewalk Replacement Area No. 102145 - Zone I; and Lyman Court SAA Job. No. 102146 - Zone II**

Each year, a concrete replacement project is identified for funding. 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 that includes two different areas and set the protest hearing date of April 1, 2008:

1. **2007/08 Fiscal Year Sidewalk Replacement Area No. 102145 - Zone I (Council Districts 5 and 6)**

Improvements entail removal and reconstruction of deteriorated concrete sidewalks. In addition, at property owners' option, improvements include driveway approaches or curb and gutter replacement in conjunction with the proposed SAA improvement. The property owners are responsible for half of the optional replacement costs; however, commercial properties pay the full cost of the improvements.

Sidewalk access ramps on street corners are completed in conjunction with the project but paid in full by City funds. SAA boundaries include:

- Properties south of 1300 South from 1100 East to 1500 East;
- Properties north side of 1700 South from 1100 East to 1500 East;
- Properties east of 1100 East, but excluding all properties that abut directly on 1100 East since sidewalk replacement was completed in 2007.
- Properties west of 1500 East from 1300 South to 1700 South

Note: properties located within these boundaries that abut along 1300 East between 1300 South and 1700 South are also excluded because concrete replacement was completed in 2005. For a list of neighborhood streets located within these boundaries, please refer to the attached map which provides an illustration of the properties involved in this SAA. There are a total of 984 properties within these boundaries; however, only 739 properties have been identified to receive improvements -- nine of which are commercial properties.

Total Estimated Costs:

Property Owners' portion	\$ 871,609
City's portion	\$ 784,976
Total Estimated Costs	\$1,656,585

The Engineering Division has identified all properties within the boundaries of the proposed SAA that are in need of concrete replacement that will eliminate hazardous situations in the public way. Zone I is scheduled to start in the spring of 2008 with a projected completion date in the fall of 2008.

Following Council's approval of the attached resolution, a letter and a copy of the Notice of Intention was sent to property owners living within the boundary areas of the proposed SAA. Property owners were then notified that the City is considering a proposed SAA that includes their properties. The property owners are informed that the cost to replace defective concrete will be shared 50/50 by the City and the property owner; however, nine commercial properties will 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.

Property owners were 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. Saw cutting reduces property owner costs and eliminates 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 areas replaced rather than saw cut; however sidewalk replacement in these incidences requires property owners to pay the cost of the sidewalk removal and replacement at the SAA sidewalk replacement cost. 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 SAA.

To ensure that the assessments are equitable to the property owners involved in the Assessment Area, 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 must remove at their expense prior to commencement of the improvements, all nonconforming improvements such as: "lawns, shrubs, hedges, sprinkling systems, rock gardens, driveways, curb, gutters, culverts, walks, fences, etc. If improvements that have either been built or installed by the property owner are not removed by the property owners, contractor will remove and dispose of improvements.

**2. Lyman Court SAA Job. No. 102146 - Zone II (Council District 5)**

The proposed improvements entail roadway reconstruction, concrete pavement, sidewalk, storm drainage facilities, driveway approaches and water main.

Properties included within Zone II include Lyman Court street from 1210 South to 1300 South along both sides. Approximately 10 properties have been identified to be included as part of Zone II.

Total Estimated Costs:

Property Owners' portion	\$ 83,725
Salt Lake City Funds	\$ 82,585
Public Utilities Department's (water and storm drainage budget)	\$ 25,000
Total Estimated Costs	\$191,310

Zone II is scheduled to start in June of 2008 with a projected completion date in September of 2008.

The Administration has stated in the past that it is more economically feasible relating to bonding and administrative costs to combine two project areas into one SAA. Assessments in Zone I, 2007/08 FY Sidewalk Replacement SAA Job No. 102145 may be paid by property owners in approximately five (5) equal annual installments with interest accruing on the unpaid balance until paid in full. Assessments in Zone II, Lyman Court SAA Job No. 102146 may be paid by property owners in not more than approximately ten (10) principal annual installments with accrued interest until paid in full. Property owners have the option to pay the assessment in full or in part without interest within twenty-five (25) days after the ordinance levying the assessment becomes effective.

At the Forest Dale Golf Course, 2375 South 900 East, informal public meetings

were held for the Administration to review the proposed SAA with interested abutting property owners from 4 p.m. to 6 p.m.

Tuesday, March 25, 2008                      2007/08 FY Sidewalk Replacement  
SAA No. 102145

Wednesday, March 26, 2008                      Lyman Court SAA No. 102146

Options for property owners who do not wish to participate:

If a property owner does not wish to participate in the proposed SAA 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 SAA. 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 Assessment Area or a future SAA. The Assessment Area 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 had the opportunity to file a protest on or before 5:00 p.m. on the 1st day of April 2008 at the City Recorder’s Office, 451 S. State Street in Room 415 or to appear or submit comments at the City Council protest hearing on April 1, 2008 at 7 p.m. in the Council Chambers. However, in order for the Assessment Area not to be created, the necessary number of protests must represent more than 50 percent of the total footage to be assessed within the Assessment Area.
- If an assessed property owner within the Assessment Area 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 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.

**CC:** Cindy Gust-Jenson, David Everitt, Lyn Creswell, Rick Graham, Jennifer Bruno, Dan Mulé, Marina Scott, Max Peterson, Karen Hale, John Naser, John Coyle, Sylvia Richards, Quin Card, Joyce Valdez, Sam McAllister, Boyd Ferguson, Blaine Carlton, Kenneth Taylor, Cory Young, Karen Carruthers, Garth Limburg, Randy Hillier and Susan Finlayson

COPY

RICHARD GRAHAM  
PUBLIC SERVICES DIRECTOR

# SALT LAKE CITY CORPORATION

DEPARTMENT OF PUBLIC SERVICES  
DIRECTORS OFFICE

RALPH BECKER  
MAYOR



## COUNCIL TRANSMITTAL

**TO:** David Everitt  
Chief Of Staff

*DE*

**DATE:** April 17, 2008

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

*RG*

**SUBJECT:** Creation of Sidewalk Replacement and Lyman Court  
Special Assessment Areas, Job Numbers 102145 and  
102146

**STAFF CONTACT:** John Naser P.E., Deputy City Engineer - 535-6240

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**DOCUMENT TYPE:** Resolution

**RECOMMENDATION:** It is recommended the City Council adopt a resolution to create the Sidewalk Replacement and Lyman Court Special Assessment Areas, Job Numbers 102145 and 102146.

**BUDGET IMPACT:** Monies are provided from the Salt Lake City capital improvement budget and property owner assessments through the Special Assessment Area.

**BACKGROUND/DISCUSSION:** The Sidewalk Replacement Special Assessment Area 2007/2008 FY, Job No. 102145 involves the replacement of defective concrete sidewalk and at the property owner's option, defective driveways, curbs and gutters. This assessment area is bounded by 1100 East to 1500 East and 1300 South to 1700 South.

The Lyman Court Special Assessment Area, Job No. 102146 is to reconstruct the roadway from 1210 South to 1300 South. The work will consist of concrete pavement, sidewalks, storm drainage facilities, driveway approaches and a new water main.

**PUBLIC PROCESS:** Informal information meeting were held on March 25 and March 26, 2008 at the Forest Dale Golf Course, and a protest hearing was held before the City Council on April 1, 2008.

Salt Lake City, Utah

May 6, 2008

A regular meeting of the City Council of Salt Lake City, Utah, was held on Tuesday, May 6, 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 Sidewalk Replacement #102145 and Lyman Court #102146 Special Assessment Area" (the "Assessment Area"), a public hearing was held on April 1, 2008, at which interested persons were heard concerning comments or protests relating to the Assessment Area. There were fourteen protests from owners of property to be assessed (see Exhibit B).

After consideration of such protests it was determined that the total acreage represented by said protests is less than fifty percent (50%) of the total square footage or lineal front footage acreage to be assessed within the Assessment Area and is a percentage insufficient to legally protest creation of the Assessment Area.

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 7 of 2008 adopted by the City Council on February 12, 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 SIDEWALK REPLACEMENT #102145 AND LYMAN COURT #102146 SPECIAL ASSESSMENT AREA" (THE "ASSESSMENT AREA") 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 February 12, 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 Sidewalk Replacement #102145 and Lyman Court #102146 Special Assessment Area" (the "Assessment Area"), and after giving notice as required by the Act, held a public hearing on April 1, 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.

NOW THEREFORE BE IT RESOLVED by the City Council of Salt Lake City, Utah, as follows:

Section 1. The Council has determined that it will be in the best interest of Salt Lake City, Utah (the "City"), to finance the costs of certain infrastructure improvements consisting of sidewalk, pavement, storm drainage, and water main improvements, 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 C attached hereto 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 May 6, 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 May \_\_\_, 2008.

By: \_\_\_\_\_  
Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing resolution is hereby approved this May \_\_\_, 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, May 6, 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, Utah, this May 6, 2008.

(SEAL)

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

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 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 May 6, 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 of the City Council on May 2, 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 News on May 2, 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 May 6, 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 the City Engineer's Office.)



EXHIBIT B

PROTESTS

EXHIBIT C

NOTICE OF INTENTION

EXHIBIT D

PUBLIC HEARING MINUTES



