
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: September 24, 2008

SUBJECT: Ordinance confirming the modified and equalized assessment rolls and levying an assessment against certain properties in the Salt Lake City, Sidewalk Replacement Special Improvement District 2005/2006, 2006/2007 FY Job No. 102136 -- installation of concrete sidewalks, driveway aprons, curb, gutter and asphalt tie-ins & other miscellaneous work

AFFECTED COUNCIL DISTRICTS: Districts Five and Seven

STAFF REPORT BY: Jan Aramaki

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

POTENTIAL MOTION:

If the Council desires to adopt the assessment ordinance, the following motion would be appropriate:

["I move that the Council"] Adopt an ordinance confirming the modified and equalized assessment lists and levying an assessment against certain properties in the Salt Lake City, Utah Sidewalk Replacement Special Improvement District 2005/2006, 2006/2007 FY Job No. 102136, for the purpose of paying a portion of the costs of the installation of concrete sidewalks, driveway aprons, curb, gutter and asphalt tie-ins, appurtenances and all other miscellaneous work necessary to complete the improvements in a proper workmanlike manner (collectively, the "improvements"); establishing the effective date of this ordinance, and related matters.

NEW INFORMATION:

The next step for the City Council is to adopt the attached ordinance confirming the modified and equalized assessment lists and levying an assessment against certain properties within the Salt Lake City, Utah Sidewalk Replacement Special Improvement District 2005/2006, 2006/2007 FY Job No. 102136 for the purpose of paying a portion of the costs of the installation of concrete sidewalks, driveway aprons, curb, gutter and asphalt tie-ins, and related improvements.

Breakdown of costs for the improvements are as follows:

City Portion	\$ 772,473.82
Property Owners	<u>\$ 599,751.36</u>
Total Estimated Cost	\$1,372,225.18

“The whole or any part of the assessments for the District may be paid without interest within twenty-five (25) days after this Ordinance becomes effective. Any part of the assessment not paid within the twenty five day period can be payable over a period of five years from the effective date of the ordinance in five substantially equal annual principal installments, plus interest accrued at the rate of 4.50% per annum until and unless special assessment bonds are issued for the District. ”

On May 6, 2008, the City Council adopted a resolution to appoint a Board of Equalization and Review and set the dates for the Board of Equalization. The Board of Equalization met for three days on June 24, 25, and 26, 2008. The Board of Equalization and Review consisted of the following City officials: City Council Members Martin, Love and Turner; Max Peterson, City Engineer; and Garth Limburg, City Treasurer’s designee. Those who assisted the Board consisted of: Robert McAllister, Project Manager; Ken Taylor, Project Onsite Representative; and Christian Johnson, Rebecca Thomas, Karen Carruthers, Alice Montoya and Susan Finlayson of City Engineering.

The Board heard and considered objections and made corrections to any proposed assessments which the Board deemed unequal or unjust. This was an opportunity for property owners to discuss with the Board any actual costs that were being proposed. Attached is a copy of the “Report of the Board of Equalization Special Improvement District” that provides details about issues raised by eighteen property owners. Ten requests for an assessment reduction were denied by the Board of Equalization, while eight property owners were granted a reduction in their final assessment.

According to state code, subsection 11-42-402, the Board of Equalization shall provide a copy of the Board’s final report to each property owner who objected at the hearings held on June 24, 25, and 26 regarding their proposed assessments. A property owner has the opportunity to appeal a decision made by the Board to the City Council (governing body) by filing a written notice of appeal within 15 days after the Board’s final report is mailed to property owners. Currently, the Administration is aware of one property owner who was denied a request for an assessment reduction when presented to the Board of Equalization and there is the potential this property owner may make an appeal to the City Council.

Future action to be scheduled before the City Council:

- Resolution authorizing the issuance and providing for the sale of bonds.

Information below was previously provided to the City Council and is being provided again for Council’s reference.

KEY DATES:

February 13, 2007: Council adopted a resolution declaring the Notice of Intention and set the protest hearing date of April 3, 2007 at 7 p.m.

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

April 3, 2007: Deadline for written protests against the proposed improvements, assessments or against

the creation of the District were to be 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 3rd at 7:00 p.m.

April 11, 2007: At 2:00 p.m., bids were opened for the construction and improvements and City Engineer's Office tabulated bid results for the City Council's consideration.

May 1, 2007: Council adopted resolutions to create the Assessment Area and to accept bids and authorize execution of a contract to the best bidder for construction work.

May 6, 2008: Council adopted a resolution to appoint a Board of Equalization and review and set the dates of the Board of Equalization to hear and consider objections and corrections to any proposed assessments.

June 24, 25 and 26, 2008: Board of Equalization hearings took place, opportunity for property owners to raise issues or concerns regarding SID proposed assessments.

KEY ELEMENTS:

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 requested 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 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 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 indicated 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 25 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.

Following Council's approval of the attached resolution, estimated costs, a copy of the Notice of Intention, and a letter was 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 were 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 were 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 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 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. No fee permit to work in the public way is required.
- Property owners had 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 have represented 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.

cc: Cindy Gust-Jenson, David Everitt, Lyn Creswell, Rick Graham, Jennifer Bruno, Dan Mulé, John Naser, Max Peterson, Karen Hale, Nick Tarbet, Robert McAllister, Ken Taylor, Christian Johnson, Rebecca Thomas, Alice Montoya, Cindy Lou Trishman, Michael Stott, Joyce Valdez, Ed Rutan, Boyd Ferguson, Karen Carruthers, Susan Finlayson, Blaine Carlton, Marina Scott, Randy Hillier, and Garth Limburg.

COUNCIL TRANSMITTAL




David Everitt, Chief of Staff

Date Received 9/18/08 - SRB

Date Sent to Council 9/22/08

TO: Jill Remington-Love
City Council Chair

DATE: September 18, 2008

FROM: Rick Graham, Director 
Public Services Department

SUBJECT: Assessment Ordinance for the Sidewalk Replacement Special
Improvement District, 2005/2006, 2006/2007 FY, Job No. 102136



STAFF CONTACT: Karen Carruthers 535-6355
Engineering

DOCUMENT TYPE: Briefing

RECOMMENDATION: That the Council adopt the Assessment Ordinance levying an assessment upon each property identified in the assessment list for the purpose of paying the costs to construct the improvements in the Sidewalk Replacement Special Improvement District, 2005/2006, 2006/2007 FY, Job No. 102136.

BUDGET IMPACT:	City Portion	\$ 772,473.82
	Property Owners	\$ 599,751.36
	Total Estimated Cost	\$1,372,255.18

DISCUSSION: The Sidewalk Replacement Special Improvement District 2005/2006, 2006/2007 FY, Job No. 102136 involves the replacement of defective concrete sidewalk and at the property owner's option, defective driveways, curb, and gutter. The District is bounded by 700 East to 1100 East and 1300 South to 1700 South and includes 1700 South to 2100 South between 900 and 1100 East. Construction of this project was completed in the fall of 2007. The assessments to be levied are for the purpose of paying for the improvements necessary to complete the district. Assessments for the district may be paid without interest within thirty days after this ordinance

becomes effective. Any part of the assessment not paid within the thirty-day period can be payable over a period of five years from the effective date of the ordinance.

PUBLIC PROCESS: The Board of Equalization hearings were held on June 24, 25, and 26, 2008.

Salt Lake City, Utah

September 30, 2008

A regular meeting of the City Council of Salt Lake City, Salt Lake County, Utah, was held on Tuesday, September 30, 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

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

Also present:

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

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this ordinance had been discussed, the Deputy City Recorder presented to the City Council a Certificate of Compliance With Open Meeting Law with respect to this September 30, 2008, meeting, a copy of which is attached hereto as Exhibit A.

The Board of Equalization and Review (the "Board") for "Salt Lake City, Utah Sidewalk Replacement Special Improvement District 2005/2006, 2006/2007 FY Job No. 102136" (the "District"), presented to the City Council its report and stated that it had reviewed statements, comments and complaints on each property in the District as listed in the minutes of the hearings of the Board held on June 24, 25, and 26, 2008.

The following Findings, Recommendations, and Decisions were then presented to the City Council by the Board:

FINDINGS

It is the finding of the Board that each piece of property within the District will be directly or indirectly benefited in an amount not less than the assessment to be levied against said property. No piece of property listed in the adjusted assessment list will bear more than its proportionate share of the costs of such improvements.

RECOMMENDATION AND DECISION

It is the decision of the Board that the proposed assessment list, as adjusted, is equitable and that the improvements being financed thereby constitute a benefit to the properties to be assessed. The assessment list is approved subject to the following modifications:

See Exhibit C

The Board respectfully recommends that the City Council approve and confirm the assessment list as adjusted and adopt an ordinance levying the assessment set out in the adjusted assessment list.

The City Recorder is hereby authorized and directed to mail, at the property owner's mailing address, a copy of the Board's final report to each property owner who objected at the Board hearings to the proposed assessment to be levied against the property owner's property.

Motion was then made by Councilmember _____ and seconded by Councilmember _____ that the City Council accept the Recommendation and Decision of the Board regarding the proposed assessments to be levied within the District. The motion carried unanimously.

The Deputy City Recorder then noted that the City Council is now convened in this meeting for the purpose, among other things, of adopting an Assessment Ordinance (the "Ordinance") for the District. The following Ordinance was then introduced in writing, was fully discussed, and pursuant to motion duly made by Councilmember _____ and seconded by Councilmember _____, was adopted by the following vote:

AYE:

NAY:

The ordinance was then signed by the Chair, presented to and approved by the Mayor, and recorded by the Deputy City Recorder in the official records of Salt Lake City, Utah. The ordinance is as follows:

ORDINANCE NO. __ of 2008

AN ORDINANCE CONFIRMING THE MODIFIED AND EQUALIZED ASSESSMENT LISTS AND LEVYING AN ASSESSMENT AGAINST CERTAIN PROPERTIES IN THE "SALT LAKE CITY, UTAH SIDEWALK REPLACEMENT SPECIAL IMPROVEMENT DISTRICT 2005/2006, 2006/2007 FY JOB NO. 102136" (THE "DISTRICT"), FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF THE INSTALLATION OF CONCRETE SIDEWALKS, DRIVEWAY APRONS, CURB, GUTTER AND ASPHALT TIE-INS, APPURTENANCES AND ALL OTHER MISCELLANEOUS WORK NECESSARY TO COMPLETE THE IMPROVEMENTS IN A PROPER WORKMANLIKE MANNER (COLLECTIVELY, THE "IMPROVEMENTS"); ESTABLISHING THE EFFECTIVE DATE OF THIS ORDINANCE; AND RELATED MATTERS.

BE IT ORDAINED BY THE CITY COUNCIL OF SALT LAKE CITY, UTAH, AS FOLLOWS:

Section 1. Determination of Costs. All costs and expenses for the making of the Improvements within the District, together with related costs, have been determined.

Section 2. Approval of Assessment List; Findings. The City Council (the "Council") of Salt Lake City, Utah (the "City"), hereby accepts and adopts the Findings and Recommendation of the Board of Equalization and Review. The Council confirms and adopts the equalized and adjusted assessment list for the District, a copy of which is attached hereto as Exhibit B and incorporated herein by reference (the "Assessment List"). The Council has determined that the Assessment List, as adjusted and equalized, is just and equitable; that each piece of property to be assessed within the District will be benefited in an amount not less than the assessment to be levied against said property; and that no piece of property listed in the assessment list will bear more than its proportionate share of the cost of the Improvements.

Section 3. Levy of Assessments. The Council hereby levies an assessment upon the real property identified in the Assessment List. The assessments levied upon each parcel of property therein described shall be in the amount set forth in the Assessment List.

The assessments hereby levied are for the purpose of paying a portion of the costs of constructing the Improvements in a proper and workmanlike manner.

The assessments are hereby levied and assessed upon each of the parcels of real property described in the Assessment List according to the extent that they are specially benefited by the Improvements acquired or constructed within the District. The assessments are levied upon the parcels of land in the District at equal and uniform rates.

Section 4. Cost of Improvements; Amount of Total Assessments. The total cost of the Improvements in the District is \$1,372,225.18, including allowable related expenses. Of this total cost, the City's portion is \$772,473.82. The City's portion for the District includes that part of the overhead costs for which an assessment cannot be levied, if any, and the cost of making the Improvements for the benefit of property against which an assessment may not be levied, if any. The amount to be assessed against property affected or benefited by the Improvements in the District is \$599,751.36. That amount does not exceed in the aggregate the sum of: (a) the total contract price or prices for the Improvements under contract duly let to the lowest and best responsible bidder therefor and a portion of the costs of engineering, designing, and inspection; (b) the reasonable cost of utility services, maintenance and operation, labor, materials, or equipment supplied by the City, if any; (c) the price of purchasing property, if any; (d) connection fees, if any; (e) the interest on any interim warrants issued against the District, if any; and (f) overhead costs not to exceed fifteen percent (15%) of the sum of (a), (b), and (d).

Section 5. Method and Rate. The total assessment for the District is levied in accordance with the method set out in the Notice of Intention pertaining to the District. The applicable rate for each property was determined based on costs as set out in the preceding Section.

Section 6. Payment of Assessments.

(a) The whole or any part of the assessments for the District may be paid without interest within twenty-five (25) days after this Ordinance becomes effective. Any part of the assessment not paid within such twenty-five (25)-day period shall be payable over a period of five (5) years from the effective date of this Ordinance in five (5) substantially equal annual principal installments, plus interest accruing thereon. Interest on the unpaid balance of the assessment shall accrue at the rate of four and one-half percent (4.50%) per annum until and unless special assessment bonds (the "Bonds") are issued for the District. After issuance of the Bonds the interest rate on unpaid assessment balances (unless delinquent rates apply) shall be the same rate as the net effective interest rate of the Bonds. The first assessment installment payment due date shall be on or about April 1, 2009, and subsequent installment payments shall be due on each anniversary date of the first assessment installment payment due date thereafter until paid in full. Interest shall accrue from the effective date of this Ordinance. Each assessment installment shall include one year's interest on the unpaid assessment amount.

(b) After the above-referenced twenty-five (25)-day period, all unpaid installments of an assessment levied against any piece of property may be paid prior to the dates on which they become due, but any such prepayment must include an additional amount equal to the interest which would accrue on the assessment to the next succeeding date on which interest is payable on the Bonds issued in anticipation of the collection of the assessments, plus such additional amount as, in the opinion of the City Treasurer, is necessary to assure the availability of money to pay interest on the Bonds as interest becomes due and payable plus any premiums that may be charged and become payable on

redeemable Bonds that may be called in order to utilize the assessments paid in advance.

Section 7. Default in Payment. If a default occurs in the payment of any assessment installment when due, the City may (a) declare the delinquent amount to be immediately due and subject to collection, or (b) accelerate payment of the total unpaid balance of the assessment and declare the whole of the unpaid principal and interest then due to be immediately due and payable. Additional interest shall accrue and be paid on all amounts declared to be delinquent or accelerated and immediately due and payable at the same rate as is applied to delinquent real property taxes for the year in which the assessment installment becomes delinquent (the "Delinquent Rate"). In addition to interest charges at the Delinquent Rate, costs of collection, including attorneys fees and court costs ("Collection Costs"), as determined by the City Treasurer or required by law, shall be charged and paid on all amounts declared to be delinquent or accelerated and immediately due and payable. In lieu of accelerating the total assessment balance when one or more assessment installments become delinquent, the City may elect to bring an action to collect only the delinquent portion of the assessment plus interest at the Delinquent Rate and Collection Costs.

Upon any default, the City Treasurer shall give notice in writing of the default to the owner of the property in default as shown by the last available equalized assessment rolls. Notice shall be effective upon deposit of the notice in the U.S. Mail, postage prepaid, and addressed to the owner as shown on the last equalized assessment rolls for the City or on the official ownership records of the City. The notice shall provide for a period of thirty (30) days in which the owner shall pay the installments then due and owing together with accrued interest at the regular rate plus costs as determined by the City Treasurer. If the City elects to use the enforcement remedy involving acceleration, the Notice shall also declare that after the thirty (30) day period the City shall accelerate the then unpaid balance of the principal of the assessment to be immediately due and payable together with Collection Costs and interest on the entire unpaid balance to accrue from the date of delinquency at the Delinquent Rate. Thereafter, the City may commence foreclosure proceedings in the manner provided for actions to foreclose mortgage liens or trust deeds. If the City elects to utilize the trust deed enforcement remedy, the City Attorney shall designate a trust deed trustee for purposes of the enforcement action. If at the sale no person or entity shall bid and pay the City the amount due on the assessment plus interest and costs, the property shall be deemed sold to the City for these amounts. The City shall be permitted to bid at the sale.

The remedies provided herein for the collection of assessments and the enforcement of liens shall be deemed and construed to be cumulative and the use of any one method or means of collection or enforcement shall not deprive the City of the use of any other method or means. The amounts of accrued interest and all costs of collection shall be added to the amount of the assessment up to the date of foreclosure sale.

Section 8. Remedy of Default. If prior to the final date that payment may be legally made under a final sale or foreclosure of property to collect delinquent assessment installments, the property owner pays the full amount of all unpaid installments that are

past due and delinquent with interest at the Delinquent Rate, plus all approved or required costs, the assessment of said owner shall be restored so that the owner will have the right to make the payments in installments as if the default had not occurred.

Section 9. Lien of Assessment. An assessment or any part or installment of it, any interest accruing, and the penalties and costs of collection shall constitute a lien against the property upon which the assessment is levied on the effective date of this Ordinance. Said lien shall be superior to the lien of any trust deed, mortgage, mechanic's or materialman's lien, or other encumbrance, shall be equal to and on a parity with the lien for general property taxes, and shall apply without interruption, change of priority, or alteration in any manner to any reduced payment obligations. The lien shall continue until the assessment, reduced payment obligations, and any interest, penalties, and costs on it are paid, notwithstanding any sale of the property for or on account of a delinquent general property tax, special tax or other assessment, the issuance of a tax deed, an assignment of interest by the governing entity, or a sheriff's certificate of sale or deed.

Section 10. Contestability. No assessment shall be declared void or set aside in whole or in part in consequence of any error or irregularity that does not go to the equity or justice of the assessment or proceeding. Any party who has not waived his objections to same as provided by statute may commence a civil action against the City to enjoin the levy or collection of the assessment or to set aside and declare unlawful this Ordinance.

Such action must be commenced and summons must be served on the City not later than thirty (30) days after the effective date of this Ordinance. This action shall be the exclusive remedy of any aggrieved party. No court shall entertain any complaint that the party was authorized to make by statute but did not timely make or any complaint that does not go to the equity or justice of the assessment or proceeding.

After the expiration of the 30-day period provided in this section:

(a) The Bonds issued or to be issued against the District and the assessments levied in the District shall become incontestable as to all persons who have not commenced the action provided for in this section; and

(b) A suit to enjoin the issuance or payment of the Bonds, the levy, collection, or enforcement of the assessment, or to attack or question the legality of the Bonds or assessments may not be commenced in this state, and a court may not inquire into those matters.

Section 11. Notice to Property Owners. The City Treasurer is hereby authorized and directed to give notice of assessment by mail to the property owners in the District. Said notice shall, among other things, state the amount of the assessment and the terms of payment. A copy of the form of notice of assessment is available for examination upon request at the office of the City Recorder.

Section 12. All Necessary Action Approved. The officials of the City are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance.

Section 13. Repeal of Conflicting Provisions. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed.

Section 14. Publication of Ordinance. Immediately after its adoption, this Ordinance shall be signed by the Mayor and the City Recorder or the Chief Deputy City Recorder and shall be recorded in the ordinance book kept for that purpose. This Ordinance shall be published once in the Deseret News, a newspaper published and having general circulation in the City, and shall take effect immediately upon its passage and approval and publication as required by law.

Section 15. Notice of Assessment Interest. The City Treasurer is hereby authorized and directed to file a Notice of Assessment Interest with the Salt Lake County Recorder within five (5) days after the twenty-five (25)-day prepayment period provided in Section 6(a). Such Notice shall (1) state that the City has an assessment interest in the assessment property, and (2) describe the property assessed by legal description and tax identification number.

PASSED AND APPROVED by the City Council of Salt Lake City, Utah, this
September 30, 2008.

(SEAL)

By: _____
Chair

ATTEST:

By: _____
Deputy City Recorder

The City Treasurer was thereupon authorized to mail to the property owners in the District the foregoing notice of special assessment as hereinbefore provided.

After the transaction of other business not pertinent to the foregoing matter, the meeting was on motion duly made, seconded, and carried, adjourned.

(SEAL)

By: _____
Chair

ATTEST:

By: _____
Deputy City Recorder

PRESENTATION TO THE MAYOR

The foregoing ordinance was presented to the Mayor for his approval or disapproval on this September __, 2008.

By: _____
Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this September __, 2008.

Ralph Becker
Mayor

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

I, _____, the duly appointed and qualified Deputy City Recorder of Salt Lake City, Utah, do hereby certify that the above and foregoing is a full, true and correct copy of the record of proceedings had by the City Council of Salt Lake City, Utah, at its meeting held on September 30, 2008, insofar as the same relates to or concerns the "Salt Lake City, Utah Sidewalk Replacement Special Improvement District 2005/2006, 2006/2007 FY Job No. 102136" (the "District") as the same appears of record in my office.

I further certify that the Ordinance levying the special assessments was recorded by me in the official records of Salt Lake City on September 30, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Salt Lake City this September 30, 2008.

(SEAL)

By: _____
Deputy City Recorder

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

AFFIDAVIT OF MAILING
NOTICE OF ASSESSMENT

I, Daniel A. Mulé, the duly appointed and qualified City Treasurer of Salt Lake City, Utah, do hereby certify that on October 7, 2008, I caused to be mailed a Notice of Assessment to each property owner in the "Salt Lake City, Utah Sidewalk Replacement Special Improvement District 2005/2006, 2006/2007 FY Job No. 102136" (the "District") by United States Mail, postage prepaid, at the last known address of such owner.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Salt Lake City, Utah this October _____, 2008.

By: _____
City Treasurer

PROOF OF PUBLICATION

Attached to this page is the Proof of Publication, indicating by the affidavit of the publisher that the said Ordinance levying the special assessments adopted by the City Council on September 30, 2008, was published one time in the Deseret News.

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, _____, the undersigned Deputy City Recorder of Salt Lake City, Utah (the "City"), do hereby certify, according to the records of the 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 September 30, 2008, public meeting held by the City as follows:

(a) By causing a Notice, in the form attached hereto as Schedule A, to be posted at the City's offices at 451 South State Street, Salt Lake City, Utah, on September 26, 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 September 26, 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 September 30, 2008.

(SEAL)

By: _____
Deputy City Recorder

SCHEDULE A

NOTICE OF MEETING

EXHIBIT B

ASSESSMENT LIST

[Available for review at the offices of the
City Recorder or City Engineer]

EXHIBIT C

MODIFICATIONS RECOMMENDED
BY BOARD OF EQUALIZATION AND REVIEW

(See Transcript Document No. __)

**REPORT OF THE BOARD OF EQUALIZATION
SPECIAL IMPROVEMENT DISTRICT
Sidewalk Replacement Special Improvement District 2005/06 2006/07 F.Y.,
Job No. 102136**

The Board of Equalization Hearings for Special Improvement District Number 102136 were held on June 24, 25, and 26, 2008 at 349 South 200 East in the first floor conference room; in conformance with statutes and ordinances governing special improvement districts. The Board was comprised of the following members:

Jill Remington Love,	City Council Member
JT Martin,	City Council Member
Van Turner,	City Council Member
Max Peterson,	City Engineer
Garth Limburg,	City Treasurer Designee

Assisting the Board were the following individuals:

Robert McAllister,	Project Manager
Ken Taylor,	Project Onsite Representative
Christian Johnson,	City Engineering
Rebecca Thomas,	City Engineering
Karen Carruthers,	City Engineering
Alice Montoya,	City Engineering
Susan Finlayson,	City Engineering

The following are issues raised by property owners concerning the Special Improvement District assessments and recommendations of the Board of Equalization.

Tuesday, June 24, 2008

1. Charles Kowallis
1648 South 1000 East
Salt Lake City, Utah 84105-2359
16-17-181-025-0000

Mr. Kowallis stated that the job was well done. He was concerned about why the costs of the estimated assessment had tripled for his final assessment. Mr. Kowallis requested a reduction to his assessment.

Response:

During the original inventory for the Special Improvement District (SID) some of the American Disability Act (ADA) sidewalk replacement requirements were not adequately considered in determining which sections of sidewalk needed replacement. Mr. Taylor found it necessary to make adjustments at the time of construction. The amount of sidewalk replaced met the replacement criteria and is what would have been shown on the original estimate had Mr. Taylor done the initial evaluation. The property owner protests against this SID were only 1.7%.

Another Factor that increased the costs between the original estimate and final assessments was an "unusually" large jump in the cost of concrete materials between the time the original estimates were made for the project and when the construction was actually accomplished. The estimating engineer used a standard inflation factor in his estimate which did not anticipate the high cost of construction during 2007.

Recommendation of the Board:

The assessment for this property will not change.

Current Assessment

A1	4" Residential Sidewalk	404.00 Sq. ft. @ \$ 5.35	\$ 2,161.40
A1a	Exempt 4" Residential Sidewalk	117.60 Sq. ft. @ \$ -5.35	\$ -629.16
Total			\$ 1,532.24

2. Edward McDonald
821 East Browning Avenue
Salt Lake City, Utah 84105-2211
16-17-127-018-0000

Mr. McDonald stated that the construction crew came through too quickly for him to complete the concrete work himself. He believes he should not be required to pay this assessment.

Response:

The City can not dictate the construction contractors work schedule. It is his sole prerogative to accelerate his work should he deem it necessary. Also Mr. McDonald had ample of time to do the work himself after his receipt of the Notice of Intent and before the contractor was on site.

Recommendation of the Board:

Recommend the assessment for this property not change.

Current Assessment

A1	4" Residential Sidewalk	16.80 Sq. ft. @ \$ 5.35	\$ 89.88
Total			\$ 89.88

3. Marianne Goldthorpe
MJ Property Management, LLC
703 East 1700 South
Salt Lake City, Utah 84105-3125
16-17-156-003-0000

Ms. Goldthrope stated she had spoken with Mr. Taylor earlier on site concerning her assessment and quantity of work and thought that she needed to be present at the Board meetings to get the adjustments they discussed.

Response:

After Mr. Taylors's remeasurement it is recommend the assessments be adjusted as noted below.

Recommendation of the Board:

The Board recommends the assessment be revised as follows:

Current Assessment

A3	4" Commercial Sidewalk	86.60 Sq. ft. @ \$ 10.70	\$ 926.62
A3a	Exempt 4" Commercial Sidewalk	16.80 Sq. ft. @ \$ -10.70	<u>\$ -179.76</u>
Total			\$ 746.86

Revised Assessment

A3	4" Commercial Sidewalk	46.80 Sq. ft. @ \$ 10.70	\$ 500.76
A3a	Exempt 4" Commercial Sidewalk	16.80 Sq. ft. @ \$ -10.70	<u>\$ - 179.76</u>
Total			\$ 321.00

-
4. Kamie Jackson & Michael Snure
805 East Harrison Avenue
Salt Lake City, Utah 84105-2233
16-17-126-001-0000

Ms. Jackson stated that some of their zeroscape landscaping adjacent to the construction area was ruined because of the installation of the new sidewalk. She stated that both the weed barrier and the decorative rock adjacent to the new sidewalks had large sections missing. Along with the missing rock and weed barrier, some of the thyme ground cover had been replaced with sod. Ms. Jackson personally replaced the contractor installed sod with thyme. She also repaired the weed barrier and replaced the decorative rocks as needed adjacent to the new sidewalks. Receipts were submitted for the cost of the replaced items.

Response:

The total amount of the presented receipts equals \$454.35.

In discussion with the Ms. Jackson, it was determined that some of the materials and plants represented by the receipts were actually used for other landscaping areas several feet from the sidewalk work installed as part of this Special Improvement District. However, some of this additional landscaping work was done by the owners in support of a City Streets Department ADA Ramp installation project adjacent to their property at the N.E. corner of 800 East and Harrison Avenue.

It is recommended the current assessment be reduced by \$267.50 to compensate the owners for the labor and materials used to repair the landscaping immediately adjacent to the reworked sidewalks and ADA Access Ramps. The property owners are in agreement with this amount.

Recommendation of the Board:

The Board recommends the assessment be revised as follows:

Current Assessment

A1	4" Residential Sidewalk	100.00 Sq. ft. @ \$ 5.35	\$ 535.00
A1a	Exempt 4" Residential Sidewalk	33.60 Sq. ft. @ \$ -5.35	\$ -179.76
Total			\$ 355.24

Revised Assessment

A1	4" Residential Sidewalk	100.00 Sq. ft. @ \$ 5.35	\$ 535.00
A1a	Exempt 4" Residential Sidewalk	33.60 Sq. ft. @ \$ -5.35	\$ -179.76
R	Reduction due to Owners Purchases	267.50 Each @ \$ 1.00	\$ -267.50
Total			\$ 87.74

Wednesday, June 25, 2008

1. Mike & Maria Boyle
1016 East Kensington Ave
Salt Lake City, Utah 84105-2404
16-17-251-005-0000

Ms. Boyle stated they were concerned as to why the "Notice of Intent" estimated costs had increased so significantly for the final assessment.

Response:

The original measurement for sidewalk replacement work at the Boyle property was not accurate. Upward adjustments were needed at the time of construction.

During the original inventory for the Special Improvement District (SID) some of the American Disability Act (ADA) sidewalk replacement requirements were not adequately considered in determining which sections of sidewalk needed replacement. Mr. Taylor found it necessary to make adjustments at the time of construction. The amount of sidewalk replaced met the replacement criteria and is what would have been shown on the original estimate had Mr. Taylor done the initial evaluation. The property owner protests against this SID were only 1.7%.

Another Factor that increased the costs between the original estimate and final assessments was an "unusually" large jump in the cost of concrete materials between the time the original estimates were made for the project and when the construction was actually accomplished. The estimating engineer used a standard inflation factor in their estimate which did not anticipate the high cost of construction during 2007.

Recommendation of the Board:

The assessment for this property will not change.

Current Assessment

A1	4" Residential Sidewalk	103.50 Sq. ft. @ \$ 5.35	\$ 553.73
A2	6" Residential Sidewalk	45.50 Sq. ft. @ \$ 6.31	\$ 287.11
Total			\$ 840.83

2. Kevin & Vicki Lu Rathunde
1843 South 1100 East
Salt Lake City, Utah 84105-3414
16-17-411-001-0000

Mr. Rathunde stated that the original "Notice of Intent" listed his property as commercial. Mr. Rathunde requested Mr. Taylor reissue the "Notice of Intent" to reflect residential property. He was told this was not practical and that on his final assessment his property would be listed as residential property.

Mr. Rathunde then stated that Mr. Taylor indicated Mr. Rathunde new estimate would be around \$300.00 to \$400.00. To the best of Mr. Taylor's memory, he had intended to inform Mr. Rathunde that his final assessment would probably be \$300.00 to \$400.00 less than the initial estimate. Mr. Taylor explained the commercial rates were 50% higher than the residential rates.

Mr. Limburg explained the assessment deferral program to Mr. Rathunde as an option, if he qualifies.

Response:

The final assessment for the property was changed to residential before the Board of Equalization mailing.

Recommendation of the Board:

The assessment for this property will not change.

Current Assessment

A1	4" Residential Sidewalk	478.00 Sq. ft. @ \$ 5.35	\$ 2,557.30
A1a	Exempt 4" Residential Sidewalk	212.00 Sq. ft. @ \$ -5.35	\$-1,134.20
A2	6" Residential Sidewalk	45.60 Sq. ft. @ \$ 6.31	\$ 287.74
Total			\$ 1,710.84

3. Pauline Schlegel
1020 East Logan Avenue
Salt Lake City, Utah 84105-2410
16-17-254-004-0000 and
16-17-254-030-0000

Ms. Schlegel stated she was concerned as to why the amount of her final estimate had increased so much from her original estimated assessment. Mr. Taylor agreed to meet with Ms. Schlegel at her property to remeasure the amount of work done.

Response:

Mr. Taylor met with Ms. Schlegel and remeasured the work. The parcel with number 16-17-254-004-0000 should remain as is, but parcel 16-17-254-030-0000 should be removed from Ms. Schlegel assessment. This work should have been assessed to the property on the SE corner of 1000 East & Logan Avenue.

Recommendation of the Board:

The Board recommends the assessment be revised as follows:

16-17-254-004-0000

Current Assessment

A1	4" Residential Sidewalk	90.00 Sq. ft. @ \$ 5.35	<u>\$ 481.50</u>
Total			<u>\$ 481.50</u>

Revised Assessment

A1	4" Residential Sidewalk	90.00 Sq. ft. @ \$ 5.35	<u>\$ 481.50</u>
Total			<u>\$ 481.50</u>

16-17-254-030-0000

Current Assessment

A1	4" Residential Sidewalk	432.00 Sq. ft. @ \$ 5.35	\$ 2,311.20
A1a	Exempt 4" Residential Sidewalk	300.00 Sq. ft. @ \$ -5.35	\$-1,605.00
A2	6" Residential Sidewalk	48.00 Sq. ft. @ \$ 6.31	<u>\$ 302.88</u>
Total			<u>\$ 1,009.08</u>

Revised Assessment

A1	4" Residential Sidewalk	0.00 Sq. ft. @ \$ 5.35	\$ 0.00
A1a	Exempt 4" Residential Sidewalk	0.00 Sq. ft. @ \$ -5.35	\$ 0.00
A2	6" Residential Sidewalk	0.00 Sq. ft. @ \$ 6.31	<u>\$ 0.00</u>
Total			<u>\$ 0.00</u>

-
4. Barbara Ann & Charles Pioli
1343 South Lincoln Street
Salt Lake City, Utah 84105-2316
16-08-384-014-0000

Mr. & Mrs. Pioli stated that their final estimate for the work seems to have increased considerably over the amount noted in "Notice of Intent". Mrs. Pioli stated the 6" sidewalk noted as being placed was not 6" but only 4". She doesn't feel she should pay for 6" when only 4" was placed. Mr. Taylor was requested to check the measurements including depth of the sidewalk placed. Mrs. Pioli stated there was an additional square replaced that wasn't marked for replacement. She felt it didn't need to be replaced and doesn't want to pay for the additional section.

Response:

The requested remeasurements have been made. It is recommended the amount of 4" residential sidewalk be changed from 152.00 square feet to 154.40 square feet and that the amount of 6" Residential sidewalk be changed from 45.20 square feet to 0.00 square feet.

Recommendation of the Board:

The Board recommends the assessment be revised as follows:

Current Assessment

A1	4" Residential Sidewalk	152.00 Sq. ft. @ \$ 5.35	\$ 813.20
A2	6" Residential Sidewalk	45.20 Sq. ft. @ \$ 6.31	<u>\$ 285.21</u>

Total \$ 1,098.41

Revised Assessment

A1	4" Residential Sidewalk	154.40 Sq. ft. @ \$ 5.35	\$ 826.04
A2	6" Residential Sidewalk	0.00 Sq. ft. @ \$ 6.31	\$ 0.00
Total			\$ 826.04

-
5. Allan Flandro
1257 East Gilmer Drive
Salt Lake City, Utah 84105-1527

Property address:

1866 South 1100 East
Salt Lake City, Utah 84105
16-17-405-027-0000

Mr. Flandro stated that he just purchased this property and was unaware of this SID in the area. He would have preferred to replace the sidewalk square himself if he had been aware of the work being done by the city. Mr. Flandro also stated that the sprinklers need to be repaired.

Response:

The sprinklers at his property have been repaired.

Recommendation of the Board:

The assessment for this property will not change.

Current Assessment

A1	4" Residential Sidewalk	78.00 Sq. ft. @ \$ 5.35	\$ 417.30
Total			\$ 417.30

Thursday, June 26, 2008

1. Barry Makarewicz & Laura Howat
1850 East Logan Avenue
Salt Lake City, Utah 84105-2632

Property address:

788 East Emerson Avenue
Salt Lake City, Utah 84105
16-17-109-020-0000

Mr. Makarewicz stated the sidewalk replaced at his property did not need to be replaced. Mr. Taylor will meet Mr. Makarewicz and remeasure the amount of work done.

Mr. Makarewicz also stated that part of his property had not been re-sodded and that there were broken sprinklers that he had to repair himself. Mr. Makarewicz submitted pictures and a copy of an email to Mr. Taylor.

Response:

The contractor seeded the property last fall in hopes that it would not need to be sodded. The grass did not grow and the contractor will now sod the bare areas at the contractor's expense.

Also, when city streets crews installed the ramps on Emerson, they replaced all sidewalks on the address side of the property. An exemption was given for the first 75 feet on the non address side of the property. These measurements are correctly reflected in the current Assessment amounts.

During the original inventory for the Special Improvement District (SID) some of the American Disability Act (ADA) sidewalk replacement requirements were not adequately considered in determining which sections of sidewalk needed replacement. Mr. Taylor found it necessary to make adjustments at the time of construction. The amount of sidewalk replaced met the replacement criteria and is what would have been shown on the original estimate had Mr. Taylor done the initial evaluation. The property owner protests against this SID were only 1.7%.

Another Factor that increased the costs between the original estimate and final assessments was an "unusually" large jump in the cost of concrete materials between the time the original estimates were made for the project and when the construction was actually accomplished. The estimating engineer used a standard inflation factor in their estimate which did not anticipate the high cost of construction during 2007.

Recommendation of the Board:

The assessment for this property will not change.

Current Assessment

A1	4" Residential Sidewalk	94.40 Sq. ft. @ \$ 5.35	\$ 505.04
A1a	Exempt 4" Residential Sidewalk	68.00 Sq. ft. @ \$ -5.35	\$- 363.80
A2	6" Residential Sidewalk	48.80 Sq. ft. @ \$ 6.31	<u>\$ 307.93</u>
Total			<u>\$ 449.17</u>

-
2. Sue Darling
825 East Roosevelt Avenue
Salt Lake City, Utah 84105-2235
16-17-128-034-0000

Ms. Darling stated that the assessment amount had doubled over the "Notice of Intent" estimate.

Ms. Darling also stated the contractor broke a square that was not marked for removal and doesn't think she should have to pay for it.

Ms. Darling had her sod replaced but it didn't live. Mr. Taylor agreed to remeasure the property and get the sod replaced.

Mr. Peterson explained the billing process to Ms. Darling.

Response:

Much of the existing sidewalks in this area of the Special Improvement District (SID) consist of a 2 inch layer of the weak, fragile concrete overlaid with a ¼ to ½ inch layer of much stronger concrete walking surface. While this provides a very serviceable walking surface, the contractors have found these slabs to be very fragile. They will sometimes shatter while work is being done on adjacent slabs.

The property owner should not be required to pay for replacement of such slabs should they be broken accidentally. It is therefore recommended that Ms. Darling's current assessment be reduced as shown below.

City Engineering required the contractor to replace all sod installed at the Darling residence which did not live due to the contractor not complying with the contract documents. This work has been accomplished.

During the original inventory for the Special Improvement District (SID) some of the American Disability Act (ADA) sidewalk replacement requirements were not adequately considered in determining which sections of sidewalk needed replacement. Mr. Taylor found it necessary to make adjustments at the time of construction. The amount of sidewalk replaced met the replacement criteria and is what would have been shown on the original estimate had Mr. Taylor done the initial evaluation. The property owner protests against this SID were only 1.7%.

Another Factor that increased the costs between the original estimate and final assessments was an "unusually" large jump in the cost of concrete materials between the time the original estimates were made for the project and when the construction was actually accomplished. The estimating engineer used a standard inflation factor in her estimate which did not anticipate the high cost of construction during 2007.

Recommendation of the Board:

The Board recommends the assessment be revised as follows:

Current Assessment

A1	4" Residential Sidewalk	83.60 Sq. ft. @ \$ 5.35	\$ 447.26
A2	6" Residential Sidewalk	33.20 Sq. ft. @ \$ 6.31	<u>\$ 209.49</u>
Total			\$ 656.75

Revised Assessment

A1	4" Residential Sidewalk	67.60 Sq. ft. @ \$ 5.35	\$ 361.66
A2	6" Residential Sidewalk	33.20 Sq. ft. @ \$ 6.31	<u>\$ 209.49</u>
Total			\$ 571.15

-
3. Jackie Lakeit & Julia Service
927 East Kensington Avenue
Salt Lake City, Utah 84105-2314
16-17-133-048-0000

Ms. Lakeit stated that the assessment amounts had increased significantly over the "Notice of Intent" estimate. Ms. Lakeit stated she had talked with the Urban Forester, Bill Ruthford, about the tree and wanted to have it removed because it was too large for the parking strip. Ms. Lakeit also felt that the City should be responsible for the removal of the tree since the City planted it on city property. She also doesn't want to pay for the sidewalk replacement because the tree caused the damage.

Mr. Peterson explained the Special Improvement District (SID) billing process to Ms. Lakeit and how the City is helping mitigate future property owner costs thru the City's horizontal sawcutting program to remove sidewalk trip hazards.

Ms. Lakeit also questioned why they had to pay for sidewalk replacement while other family members who live further west didn't have pay for their sidewalk replacements. Mr. Peterson explained that federal funded CDBG projects pay for sidewalk replacements in certain CDBG target areas generally located west of 700 East. CDBG Target Areas are established by the City to facilitate the use of federal funds designated for use in low income target areas of the City.

Response:

During the original inventory for the Special Improvement District (SID) some of the American Disability Act (ADA) sidewalk replacement requirements were not adequately considered in determining which sections of sidewalk needed replacement. Mr. Taylor found it necessary to make adjustments at the time of construction. The amount of sidewalk replaced met the replacement criteria and is what would have been shown on the original estimate had Mr. Taylor done the initial evaluation. The property owner protests against this SID were only 1.7%.

Another Factor that increased the costs between the original estimate and final assessments was an "unusually" large jump in the cost of concrete materials between the time the original estimates were made for the project and when the construction was actually accomplished. The estimating engineer used a standard inflation factor in their estimate which did not anticipate the high cost of construction during 2007.

No further action is required.

Recommendation of the Board:

The assessment for this property will not change.

Current Assessment

A1	4" Residential Sidewalk	36.80 Sq. ft. @ \$ 5.35	\$ 196.88
A2	6" Residential Sidewalk	21.60 Sq. ft. @ \$ 6.31	<u>\$ 136.30</u>
Total			\$ 333.18

4. Jill Skinner & Julia Service
935 East Bryan Avenue
Salt Lake City, Utah 84105-2310
16-17-179-015-0000

Ms. Skinner stated she wanted to replace the sidewalk herself and also that she didn't feel the sidewalk needed to be replaced and therefore shouldn't have to pay for it. She also stated the

process to replace the sidewalk herself was not customer friendly. Ms. Skinner disagrees with the amount of sidewalk replaced. She felt some of the replaced sidewalk was still in good condition.

Response:

Mr. Taylor has reviewed the work done, including the before and after pictures, and determined the work done at 935 East Bryan Avenue was needed to meet the requirements of the Special Improvement District. No further action is required.

Recommendation of the Board:

The assessment for this property will not change.

Current Assessment

A1	4" Residential Sidewalk	97.60 Sq. ft. @ \$ 5.35	\$ 522.16
Total			\$ 522.16

5. Misty Dawson
1903 South 1100 East
Salt Lake City, Utah 84105-3433
16-17-454-004-0000

Ms. Dawson stated concerns as to why the final assessment was double that of the "Notice of Intent" estimate. She further stated they were not prepared for the financial hit. Ms. Dawson also stated regular grass was installed and it did not match the Buffalo grass at their property.

Mr. Taylor agreed to meet the Dawson's concerning the replacement of their buffalo grass with sod by the contractor.

Response:

Due to the cost of the buffalo grass seed and the labor expended by the Dawson's in doing the required rework, it is recommend a \$200.00 reduction in the final assessment be granted. The Dawson's have agreed this amount would be appropriate to compensate them for the seed and the work done by them.

During the original inventory for the Special Improvement District (SID) some of the American Disability Act (ADA) sidewalk replacement requirements were not adequately considered in determining which sections of sidewalk needed replacement. Mr. Taylor found it necessary to make adjustments at the time of construction. The amount of sidewalk replaced met the replacement criteria and is what would have been shown on the original estimate had Mr. Taylor done the initial evaluation. The property owner protests against this SID were only 1.7%.

Another Factor that increased the costs between the original estimate and final assessments was an "unusually" large jump in the cost of concrete materials between the time the original estimates were made for the project and when the construction was actually accomplished. The estimating engineer used a standard inflation factor in their estimate which did not anticipate the high cost of construction during 2007.

Recommendation of the Board:

The Board recommends the assessment be revised as follows:

Current Assessment

A1	4" Residential Sidewalk	131.50 Sq. ft. @ \$ 5.35	\$ 703.53
A2	6" Residential Sidewalk	39.50 Sq. ft. @ \$ 6.31	<u>\$ 249.25</u>
Total			\$ 952.77

Revised Assessment

A1	4" Residential Sidewalk	131.50 Sq. ft. @ \$ 5.35	\$ 703.53
A2	6" Residential Sidewalk	39.50 Sq. ft. @ \$ 6.31	\$ 249.25
R	Reduction due to Owners Purchases	200.00 Each @ \$ 1.00	<u>\$ -200.00</u>
Total			\$ 752.77

6. Jeff & Rebecca Lyon
11755 South Briarglen Drive
Sandy, Utah 84092-5877

Property address:

1553 South 700 East
Salt Lake City, Utah 84105
16-17-154-004-0000

Mr. & Mrs. Lyon were concerned about the increase in their assessment between the original "Notice of Intent" and the final assessment. Mr. Taylor agreed to remeasure property to verify that a corner lot exemption was given.

Response:

Mr. Taylor checked the work and verified that no work was done on 700 East (the address side of the property). All work was done on the side street and the correct side street exemption has been given.

During the original inventory for the Special Improvement District (SID) some of the American Disability Act (ADA) sidewalk replacement requirements were not adequately considered in determining which sections of sidewalk needed replacement. Mr. Taylor found it necessary to make adjustments at the time of construction. The amount of sidewalk replaced met the replacement criteria and is what would have been shown on the original estimate had Mr. Taylor done the initial evaluation. The property owner protests against this SID were only 1.7%.

Another Factor that increased the costs between the original estimate and final assessments was an "unusually" large jump in the cost of concrete materials between the time the original estimates were made for the project and when the construction was actually accomplished. The estimating engineer used a standard inflation factor in their estimate which did not anticipate the high cost of construction during 2007.

Recommendation of the Board:

The assessment for this property will not change.

Current Assessment

A1	4" Residential Sidewalk	111.60 Sq. ft. @ \$ 5.35	<u>\$ 597.06</u>
Total			\$ 597.06

7. Chad Cole & Jennifer Garcia
1855 South 1100 East
Salt Lake City, Utah 84105-3414
16-17-411-003-0000

Mr. Cole & Ms. Garcia stated that when a large tree was removed at their property they had to personally resod the area. Mr. Taylor agreed to verify the amount of sod installed. Pictures and cost receipts were submitted.

Response:

A 10 feet by 4 feet section of sod was installed by the property owners. It is recommended that the final assessment be reduce by \$150.00 to compensate the owners for the cost of the sod and their labor. The owners have agreed to this amount.

Recommendation of the Board:

The Board recommends the assessment be revised as follows:

Current Assessment

A1	4" Residential Sidewalk	222.00 Sq. ft. @ \$ 5.35	<u>\$ 1,187.70</u>
Total			\$ 1,187.70

Revised Assessment

A1	4" Residential Sidewalk	222.00 Sq. ft. @ \$ 5.35	\$ 1,187.70
R	Reduction due to Owners Purchases	150.00 Each @ \$ 1.00	<u>\$ -150.00</u>
Total			\$ 1,037.70

8. Margaret Barney
976 East Kensington Avenue
Salt Lake City, Utah 84105-2314
16-17-179-022-0000

Ms. Barney was surprised by the cost increase between the "Notice of Intent" and the final assessment. The neighbors across the street had about the same amount of work done but Ms. Barney feels her assessment is higher and that there may have been a miscalculation in the amount of work done at her property. She would like to have Mr. Taylor do a remeasurement.

Ms. Barney also believes that two squares in front of her home buckled since the new sidewalk was placed. Mr. Taylor will check the two squares also.

Response:

Mr. Taylor met with the property owner to remeasure and the original measurements were correct. Mrs. Barney showed the two buckled slabs to Mr. Taylor. Any buckling that may have occurred has since dissipated. To help preclude any future buckling from occurring, Mr. Taylor had the contractor sawcut a relief joint in the concrete at the point of buckling.

During the original inventory for the Special Improvement District (SID) some of the American Disability Act (ADA) sidewalk replacement requirements were not adequately considered in determining which sections of sidewalk needed replacement. Mr. Taylor found it necessary to make adjustments at the time of construction. The amount of sidewalk replaced met the replacement criteria and is what would have been shown on the original estimate had Mr. Taylor done the initial evaluation. The property owner protests against this SID were only 1.7%.

Another Factor that increased the costs between the original estimate and final assessments was an “unusually” large jump in the cost of concrete materials between the time the original estimates were made for the project and when the construction was actually accomplished. The estimating engineer used a standard inflation factor in her estimate which did not anticipate the high cost of construction during 2007.

Recommendation of the Board:

The assessment for this property will not change.

Current Assessment

A1	4” Residential Sidewalk	65.60 Sq. ft. @ \$ 5.35	\$ 350.96
A2	6” Residential Sidewalk	46.40 Sq. ft. @ \$ 6.31	<u>\$ 292.78</u>
Total			\$ 643.74

9. Jake & Amy Murdock
1488 South 900 East
Salt Lake City, Utah 84105-2364
16-17-129-028-0000

Mr. & Mrs. Murdock were concerned that the measurement for the driveway which is divided between three homes wasn’t done correctly. Mr. Taylor explained that the divisions of the driveway could only be done by how it is shown on the County’s parcel maps.

Mr. Murdock further stated that the plants and backfill were replaced by them personally and that he gave the contractor the receipt for the costs and is still waiting to be reimbursed. Mr. Murdock has called the contractor a few times with no response. Mr. Taylor agreed to remeasure and verify the amount of sidewalk and other appurtenances replaced

Response:

Mr. Taylor’s remeasurements indicate all the driveway measurements were correct except the amount of curb and gutter replaced. The amount of curb and gutter replaced should be 11.00 ln.ft. in lieu of 36.10 ln. ft.

The Contractor has agreed to reimburse the property owner for the plants, etc... Mr. Taylor will verify that this occurs.

Recommendation of the Board:

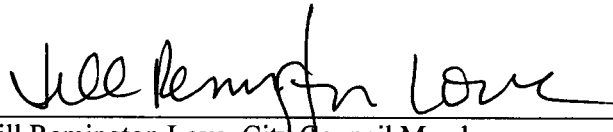
The Board recommends the assessment be revised as follows:

Current Assessment

A1	4" Residential Sidewalk	138.80 Sq. ft. @ \$ 5.35	\$ 742.58
A1a	Exempt 4" Residential Sidewalk	36.00 Sq. ft. @ \$ -5.35	\$ - 192.60
B13	Optional Asphalt Tie-In, 4" Thick	22.50 Sq. ft. @ \$ 3.69	\$ 83.03
B4	Optional 6" Open Driveway Approach	45.75 Sq. ft. @ \$ 6.64	\$ 303.78
B9	Optional Residential Curb & Gutter	36.10 Ln. ft. @ \$20.60	<u>\$ 743.66</u>
Total			\$ 1,680.45

Revised Assessment

A1	4" Residential Sidewalk	138.80 Sq. ft. @ \$ 5.35	\$ 742.58
A1a	Exempt 4" Residential Sidewalk	36.00 Sq. ft. @ \$ -5.35	\$ - 192.60
B13	Optional Asphalt Tie-In, 4" Thick	22.50 Sq. ft. @ \$ 3.69	\$ 83.03
B4	Optional 6" Open Driveway Approach	45.75 Sq. ft. @ \$ 6.64	\$ 303.78
B9	Optional Residential Curb & Gutter	11.00 Ln. ft. @ \$20.60	<u>\$ 226.60</u>
Total			\$ 1,163.19



Jill Remington Love, City Council Member

Date



JT Martin, City Council Member



Date



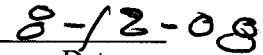
Van Turner, City Council Member



Date



Max Peterson, City Engineer



Date



~~Garth Limburg~~, City Treasurer ~~Designee~~



Date

DANIEL A. MULÉ