

SALT LAKE CITY COUNCIL STAFF REPORT

DATE: January 9, 2009

SUBJECT: Sidewalk Replacement Special Assessment Area (SAA) No. 102154
Resolution to adopt the Notice of Intention and Set Protest Hearing Date of March 10, 2009

AFFECTED COUNCIL DISTRICTS: 5 and 6

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

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

FILE LOCATIONS: Public Services/Sidewalk Replacement SAA #102154

POTENTIAL MOTIONS:

1. ["I move that the Council"] **Adopt a resolution to (A) finance the cost of certain infrastructure improvements consisting of sidewalks, pavement, curb and gutter, driveway approaches, and all other miscellaneous work necessary to complete the improvements in a proper and workmanlike manner; (B) defray the cost and expenses of improvements by assessments to be levied against the properties benefited by such improvements; and (C) provide notice of intention to designate an assessment area to authorize such improvements and to fix a time and place for protests against such improvements (or the designation of said assessment area; and related matters).**
2. ["I move that the Council"] Not adopt the resolution.

KEY ELEMENTS: (Resolution)

Each year, a concrete replacement project is identified for funding. As the first step in creating the process to establish the Special Assessment Area (SAA), the Administration is requesting that the Council adopt a resolution providing the Notice of Intention for Sidewalk Replacement Special Assessment Area Job No. 102154, and set a protest hearing date for Tuesday, March 10, 2009 at 7 p.m. before the City Council.

There are 796 properties identified within the outlining boundaries of the Assessment Area which includes:

- North boundary: south side of 1300 South Street
- East boundary: west side of 1900 East Street

- South boundary: north side of 1700 South Street
- West boundary: east side of 1500 East Street

For detailed information regarding the identified streets included within these boundaries, refer to page 4 of the Administration’s paperwork for a list of streets and a project location map of the area is attached near the back of the Administration’s transmittal.

For the 2009 Sidewalk Replacement Special Assessment Area No. 102154, improvements involve the removal and reconstruction of concrete sidewalk which has been determined to be defective by the office of the City Engineer. All residential property owners will be assessed 50 percent of the construction costs of the completed improvements, “engineering expenses, allowance for the interest on interim warrants (if any issued to finance construction of the improvements), plus 10 percent of the total contract price of said improvements to cover administrative costs, a potential underwriter’s discount on the sale of assessment bonds and legal and other costs in connection with the issuance of assessment bonds.” However, commercial properties pay the full cost of the replacement. Property owners are assessed by square footage or lineal front footage.

Projected construction schedule indicates work to begin May of 2009 with an anticipated completion by November 2009.

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 through the SAA as follows:

| | |
|-----------------------|-------------------|
| Property owners: | \$ 955,000 |
| Salt Lake City Funds: | <u>\$ 721,000</u> |
| Total | \$1,676,000 |

Following Council’s approval of the attached resolution, estimated costs, a copy of the Notice of Intention, and a letter will be sent to property owners living within the boundary areas of the proposed SAA notifying property owners that the City is considering a proposed sidewalk replacement project that includes their properties.

In conjunction with the concrete replacement, property owners are also informed that new sidewalk access ramps for ADA accessibility will be installed at all street corners, costs paid by the City. Costs associated with defective driveway approaches into alley ways are also paid by the City. Also, property owners will be made aware that the City will use a horizontal saw cutting contractor to remove the vertical displacements of up to one inch in sidewalk sections at no cost to the property owner thus reducing property owner costs and eliminating hazardous situations. Saw cutting of the vertically displaced section could either take place before or after the work of replacing the designated sidewalk sections is completed. For areas identified for saw

cutting, property owners are given the option to express preference to have sidewalk area replaced rather than saw cut; however sidewalk replacement in these incidences requires property owners to pay the full cost of the sidewalk removal and replacement.

Areas identified by the City exceeding the one inch of sidewalk vertical displacement that do not warrant horizontal saw cutting or that are badly broken and deteriorated will be replaced as part of the 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 are provided the option to make a written request 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 SAA improvements, with the property owner being responsible for optional replacement costs.

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 resulting in the property being added back to the Assessment Area or a future assessment area. 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 have the opportunity to file a written protest on or before 5:00 p.m. on March 10, 2009 or to attend the protest hearing on Tuesday, March 10, 2009 at 7:00 p.m. in the City 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 square footage or front 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 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 a semi-annual basis.

KEY DATES:

An informal public meeting is scheduled for Tuesday, March 3, 2009 for the Administration to review the proposed SAA with interested abutting property owners. The meeting location is the Forest Dale Golf Course, 2375 South 900 East from 4:00 p.m. to 6:00 p.m.

Written protests against the proposed improvements, assessments or against the creation of the Assessment Area must be presented and filed in the Office of the City Recorder on or before 5:00 p.m. on Tuesday, March 10, 2009, followed by a Council protest hearing on March 10, 2009 at 7:00 p.m.

Upcoming action before the Council will include:

- City Council protest hearing.
- Resolution creating the Special Assessment Area and resolution accepting a bid for construction work.
- Resolution appointing a Board of Equalization and setting the date for the Board of Equalization hearing.
- Ordinance confirming the assessment rolls and levying assessments.
- Resolution authorizing the issuance and providing the sale of bonds.

CC: Cindy Gust-Jenson, Ed Rutan, Blaine Carlton, David Everitt, Lyn Creswell, Rick Graham, Jennifer Bruno, Dan Mulé, Max Peterson, John Naser, Boyd Ferguson, Nick Tarbet, Quin Card, Cindy Lou Trishman, Sylvia Richards, Lisa Harrison, Karen Carruthers, Susan Finlayson, Marina Scott, Cindy Arnold, and Garth Limburg

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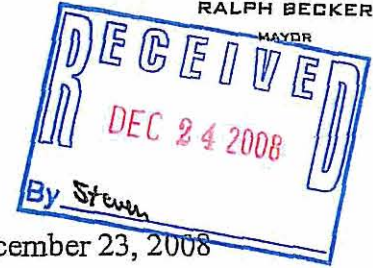
RICHARD GRAHAM
PUBLIC SERVICE DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF PUBLIC SERVICES
ENGINEERING DIVISION

COUNCIL TRANSMITTAL

RALPH BECKER
MAYOR



TO: David Everitt
Chief Of Staff

A handwritten signature in blue ink, appearing to be "DE".

DATE: December 23, 2008

FROM: Rick Graham, Director
Public Services Department

A handwritten signature in blue ink, appearing to be "Rick Graham for R. Graham".

SUBJECT: Notice of Intent for, Sidewalk Replacement Special
Assessment Area, Job Number 102154

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 approve a resolution to adopt the Notice of Intent for the subject Special Assessment Area.

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 2009, Job No. 102154 involves the replacement of defective concrete sidewalk and at the property owner's option, defective driveways and curb and gutters. This assessment area is bounded by 1500 East to 1900 East and 1300 South to 1700 South.

Attached are information sheets, site map, draft of the Notice of Intention and a schedule of hearings and meetings.

PUBLIC PROCESS: An Informal information meeting is scheduled for March 3, 2009 at the Forest Dale Golf Course and a protest hearing is scheduled before the City Council on March 10, 2009.

LOCATION: 349 SOUTH 200 EAST, SUITE 100, SALT LAKE CITY, UTAH 84111-2836

MAILING ADDRESS: P.O. BOX 145506, SALT LAKE CITY, UTAH 84114-5506

TELEPHONE: 801-535-7961 FAX: 801-535-6093

WWW.SLCOV.COM



Salt Lake City, Utah

January 13, 2009

A regular meeting of the City Council of Salt Lake City, Utah, was held on Tuesday, January 13, 2009, 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 to 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 |
| 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 resolution had been discussed, the Deputy City Recorder presented to the Council a Certificate of Compliance With Open Meeting Law with respect to this January 13, 2009, meeting, a copy of which is attached hereto as Exhibit A.

Thereupon, the following resolution was introduced in written form, discussed in full, and pursuant to motion made by Councilmember _____ and seconded by Councilmember _____, adopted by the following vote:

AYE:

NAY:

The resolution was then signed by the Mayor in open meeting and recorded by the Deputy City Recorder in the official records of Salt Lake City, Utah. The resolution is as follows:

RESOLUTION NO. 2009-__

A RESOLUTION TO (A) FINANCE THE COST OF CERTAIN INFRASTRUCTURE IMPROVEMENTS CONSISTING OF SIDEWALKS, PAVEMENT, CURB AND GUTTER, DRIVEWAY APPROACHES, AND ALL OTHER MISCELLANEOUS WORK NECESSARY TO COMPLETE THE IMPROVEMENTS IN A PROPER AND WORKMANLIKE MANNER; (B) DEFRAY THE COST AND EXPENSES OF IMPROVEMENTS BY ASSESSMENTS TO BE LEVIED AGAINST THE PROPERTIES BENEFITED BY SUCH IMPROVEMENTS; AND (C) PROVIDE NOTICE OF INTENTION TO DESIGNATE AN ASSESSMENT AREA TO AUTHORIZE SUCH IMPROVEMENTS AND TO FIX A TIME AND PLACE FOR PROTESTS AGAINST SUCH IMPROVEMENTS OR THE DESIGNATION OF SAID ASSESSMENT AREA; AND RELATED MATTERS.

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

Section 1. The Council hereby determines that it will be in the best interest of the City to finance the costs of certain infrastructure improvements consisting of sidewalks, pavement, curb and gutter, driveway approaches, and all other miscellaneous work necessary to complete the improvements in a proper and workmanlike manner (collectively, the "Improvements") according to plans on file in the office of the City Engineer, 349 South 200 East, Suite 100, Salt Lake City, Utah 84111. To finance the Improvements, the Council hereby determines that, pursuant to the Assessment Area Act, Title 11, Chapter 42, Utah Code Annotated 1953, as amended (the "Act"), it will be in the best interest of the City to designate an assessment area as provided herein.

Section 2. The proposed assessment area shall be known as the "Salt Lake City, Utah Sidewalk Replacement #102154 Special Assessment Area" (the "Assessment Area"). A description of the proposed Assessment Area is more particularly described in the Notice of Intention to Designate Assessment Area hereinafter set forth.

Section 3. The cost and expenses of the proposed Improvements shall be paid by assessments to be levied against the property to be improved or that may be directly or indirectly benefited by any of such Improvements. The assessments levied shall be paid in not more than five (5) principal installments with interest on the unpaid balance until due and paid.

Section 4. Written protests against the proposed Improvements or against the designation of the Assessment Area must be presented and filed in the Office of the City Recorder on or before Tuesday, March 10, 2009, at the hour of 5:00 p.m. Thereafter at 7:00 p.m. on Tuesday, March 10, 2009, at the Salt Lake City Council office, 451 South State Street, Salt Lake City, Utah, any such protests shall be heard and considered by the Council. The City Recorder is hereby directed to give notice of the Council's intention to

designate the Assessment Area, to make the proposed Improvements, to assess the costs thereof, and of the time within which protests against the proposed Improvements, the proposed assessments, or the designation of the Assessment Area may be filed and the date when such protests will be heard and considered by publishing a Notice of Intention to Designate Assessment Area in the Deseret News, a newspaper of general circulation in the City, said notice to be published four times, once during each week for four consecutive weeks, the last publication to be not less than five (5) nor more than twenty (20) days prior to the time fixed in the notice as the last day for the filing of protests. In addition, the City Recorder shall mail a copy of such notice by United States Mail, postage prepaid, to each owner of land to be assessed within the proposed Assessment Area at the last known address of such owner, using for such purpose the names and addresses of said owners appearing on the last completed real property assessment rolls of Salt Lake County, and, in addition, a copy of such notice shall be mailed, postage prepaid, addressed to "Owner" at the street number of each piece of improved property to be affected by the assessment, said notices to be so mailed not later than ten (10) days after the first publication of the Notice of Intention to Designate Assessment Area. If a street number has not been so assigned, then the post office box, rural route number, or any other mailing address of the improved property shall be used for the mailing of the Notice. Said Notice shall be in substantially the following form:

NOTICE OF INTENTION TO DESIGNATE ASSESSMENT AREA

PUBLIC NOTICE IS HEREBY GIVEN that on Tuesday, January 13, 2009, the City Council (the "Council") of Salt Lake City, Utah (the "City"), adopted a resolution declaring its proposal to designate an assessment area to be known as the "Salt Lake City, Utah Sidewalk Replacement #102154 Special Assessment Area" (the "Assessment Area"). It is the proposal of the Council to provide improvements to property within the proposed Assessment Area and to finance the cost of said improvements (the "Improvements") within the Assessment Area and to levy an assessment as provided in Title 11, Chapter 42, Utah Code Annotated 1953, as amended (the "Act"), on the property lying within the Assessment Area for the benefit of which such assessment is to be expended in the making of such Improvements.

DESCRIPTION OF ASSESSMENT AREA AND LOCATION OF IMPROVEMENTS

The proposed Assessment Area will be designated and Improvements will be constructed within the boundaries of Salt Lake City, Utah. The Assessment Area will include all property bounded on the following streets: on the north, the south side of 1300 South Street; on the east, the west side of 1900 East Street; on the south, the north side of 1700 South Street; and on the west, the east side of 1500 East Street. The properties to be improved and assessed about the following sections of street:

| <u>Street</u> | <u>Sections to be Improved</u> | <u>Side</u> |
|-----------------|--------------------------------|-----------------|
| 1300 South | 1500 East to 1900 East | South side only |
| Sherman Ave. | 1500 East to 1700 East | Both sides |
| Harrison Ave. | 1500 East to 1900 East | Both sides |
| Browning Ave. | 1500 East to 1755 East | Both sides |
| Roosevelt Ave. | 1500 East to 1700 East | Both sides |
| Emerson Ave. | 1500 East to 1700 East | Both sides |
| Kensington Ave | 1500 East to 1900 East | Both sides |
| Bryan Ave | 1500 East to 1900 East | Both sides |
| Logan Ave. | 1500 East to 1900 East | Both sides |
| Westmoreland | 1500 East to 1545 East | Both sides |
| Filmore St. | 1335 South to 1385 South | Both sides |
| Glenmare St. | 1335 South to 1385 South | Both sides |
| Shannon St. | 1300 South to 1350 South | Both sides |
| Penn St. | 1300 South to 1350 South | Both sides |
| Emigration St. | 1300 South to 1380 South | Both sides |
| Emigration Cir. | 1330 South to 1350 South | Both sides |
| Colonial Dr. | 1300 South to 1370 South | Both sides |
| Colonial Cir. | 1830 East to 1860 East | Both sides |
| Rosecrest Dr. | 1735 East to 1800 East | Both sides |
| 1700 South | 1500 East to 1900 East | North side only |
| 1500 East | 1300 South to 1700 South | East side only |
| 1600 East | 1350 South to 1700 South | Both sides |
| 1700 East | 1300 South to 1700 South | Both sides |
| 1800 East | 1300 South to 1700 South | Both sides |
| 1900 East | 1300 South to 1700 South | West side only |

PROPOSED IMPROVEMENTS

The proposed Improvements to be constructed within the Assessment Area consist of certain infrastructure improvements consisting of sidewalks, pavement, curb and gutter, driveway approaches, and all other miscellaneous work necessary to complete the improvements. The above described Improvements are collectively referred to as the “Required Improvements.” In addition, certain Optional Improvements may be constructed by the City at the written request of the property owner and include sidewalks, curb and gutter, driveway approaches, asphalt tie-ins, appurtenances, and other miscellaneous work necessary to complete the above improvements (the “Optional Improvements”). All other necessary items of work shall be done to complete the Required and Optional Improvements according to plans, profiles, and specifications on file in the office of the City Engineer, and together with the Required Improvements and Optional Improvements are collectively referred to as the “Improvements.” The City will mail a copy of the notice to all properties within the proposed Assessment Area to advise property owners (i) that they may request the construction of Optional Improvements to benefit their properties and (ii) the procedure for making said request.

NONCONFORMING IMPROVEMENTS

When work is to be done, all nonconforming improvements such as lawns, shrubs, hedges, sprinkling systems, rock gardens, driveways, curb, gutters, culverts, walks, fences, etc., that have been built or installed by abutting property owners within the area to be improved, must be removed by the property owners at their expense prior to the commencement of the construction of the Required and Optional Improvements. If these improvements are not removed by the property owners, they will be removed by the contractor and disposed of as directed by the City Engineer.

BASIS FOR ASSESSMENT

All residential property (“Residential Property”) abutting the street sections to be improved within the Assessment Area will be assessed fifty percent (50%) of the construction costs of the Improvements, plus administrative costs, funding of reserves, and other expenses described hereafter. The City will pay the remaining portion of the construction and administrative costs. All commercial property (“Commercial Property”) abutting the street sections to be improved within the Assessment Area will be assessed the total costs of the Improvements, including administrative costs, funding of reserves, and other expenses described hereafter. Any property within the Assessment Area whose owner has requested Optional Improvements will be assessed one hundred percent (100%) of the cost of such Optional Improvements. The estimated rates shown in Schedules A and B below take into account the fifty percent (50%) Residential Property discount, where applicable. The City also intends to construct sidewalk ramps, the cost of which will not be assessed to benefited properties. Benefited properties will be assessed by square footage (SF), or by lineal front footage (LF), as described herein.

ESTIMATED COST OF IMPROVEMENTS

The City Engineer’s total estimated cost of the Improvements, including estimated Optional Improvements within the Assessment Area, is \$1,676,000, of which it is anticipated the City will pay approximately \$721,000 (the “City’s Portion”). The remainder of approximately \$955,000 shall be paid by special assessments levied against the benefited properties.

The assessment amounts are to be levied against the properties abutting the streets that are affected or specifically benefited by such Improvements. The actual commitment of the City to pay its portion of the costs of Improvements is subject to the availability of funds and the obtaining of budget approval. No assessable costs will be incurred unless and until the City has completed the budgeting process as to its estimated portion of the costs of the proposed Improvements and has determined the availability of funds.

The property owners’ estimated assessments include the construction cost to complete the item of work, engineering expenses, allowance for the interest on interim warrants, if any, issued to finance construction of the Improvements, plus ten percent (10%) of the total contract price of said Improvements to cover administrative costs, a possible underwriter’s discount on the sale of assessment bonds, and legal and other costs in connection with the issuance of assessment bonds.

The estimated cost of Improvements to be assessed against the benefited properties of the Assessment Area and the method of assessment are as follows:

IMPROVEMENTS AND ESTIMATED COSTS

I. Sidewalk Replacement #102154 Special Assessment Area

SCHEDULE A – REQUIRED IMPROVEMENTS, ELIGIBLE FOR PROTEST

(Does not include corner lot exemptions)

| Rate No. | Improvements | Quantity | Unit | Cost/Unit | Estimated Cost |
|---|----------------------------------|----------|------|-----------|----------------|
| A1 | Required 4” Residential Sidewalk | 63,767 | SF | \$7.91 | \$504,396.97 |
| A2 | Required 6” Residential Sidewalk | 15,934 | SF | 7.95 | 126,675.30 |
| A3 | Required 4” Commercial Sidewalk | 2,022 | SF | 15.83 | 32,008.26 |
| A4 | Required 8” Commercial Sidewalk | 1,683 | SF | 16.07 | 27,045.86 |
| Estimated Abutter’s Cost of Required Improvements | | | | | \$690,126.39 |

SCHEDULE B – OPTIONAL IMPROVEMENTS, NOT ELIGIBLE FOR PROTEST

(Does not include corner lot exemptions)

| Rate No. | Improvements | Quantity | Unit | Cost/Unit | Estimated Cost |
|--|---|----------|------|-----------|----------------|
| B1 | Optional 4" Thick Residential Sidewalk | 100 | SF | \$ 15.83 | \$ 1,583.00 |
| B2 | Optional 6" Thick Residential Sidewalk | 100 | SF | 15.90 | 1,590.00 |
| B3 | Optional 8" Thick Commercial Sidewalk | 100 | SF | 16.07 | 1,607.00 |
| B4 | Optional 6" Thick Open Driveway Approach | 8,000 | SF | 9.42 | 75,360.00 |
| B5 | Optional 6" Thick Flare Driveway Approach | 2500 | SF | 9.42 | 23,550.00 |
| B6 | Optional 8" Thick Open Driveway Approach | 500 | SF | 18.83 | 9,415.00 |
| B7 | Optional 8" Thick Flare Driveway Approach | 500 | SF | 18.83 | 9,415.00 |
| B8 | Optional Piped Driveway Approach w/Curb | 300 | LF | 74.49 | 22,347.00 |
| B9 | Optional Residential Curb and Gutter | 2,000 | LF | 26.11 | 52,220.00 |
| B10 | Optional Commercial Curb and Gutter | 500 | LF | 52.22 | 26,110.00 |
| B11 | Optional Topsoil w/Re-grading | 1,000 | SF | .74 | 740.00 |
| B12 | Optional Sod w/Sprinklers | 1,000 | SF | 2.32 | 2,320.00 |
| B13 | Optional Asphalt Tie-In, 4" Thick | 4,000 | SF | 6.21 | 24,840.00 |
| B14 | Optional Asphalt Tie-In, 6" Thick | 1,000 | SF | 13.75 | 13,750.00 |
| Property Owner's Estimated Cost of Optional Improvements | | | | | \$264,847.00 |

Estimated Abutter's Cost of Required and Optional Improvements \$ 955,000

City's Portion of Costs \$721,000

TOTAL ESTIMATED PROJECT COST \$1,676,000

The proposed assessments will be equal and uniform based on benefits received. The adjustment for the City's Portion has been taken into account in the Schedules above so that the Estimated Assessment per square foot and lineal foot represents the net estimated cost to be assessed to the property owners.

The City Engineer has prepared a “Certificate of Project Engineer” that, among other things, identifies the costs of the proposed Improvements. Said Certificate is on file in the office of the City Engineer who will make such information available to all interested parties.

LEVY OF ASSESSMENTS

The proposed assessment rates shall be paid by a special assessment against the property abutting the streets to be improved or upon property that may be affected or specifically benefited by the Improvements. The rates will be equal and uniform based on benefits received, but under the Salt Lake City Code, the City’s portion varies depending on factors such as the use to which the abutting property is put by the owners.

It is the intention of the City to levy assessments as provided by the laws of the State of Utah on all parcels and lots of real property within the Assessment Area benefiting from the Improvements. The purpose of the assessments and levy is to pay for the costs of the Improvements. The method of assessment shall be by lineal feet or square feet as set forth herein.

Assessments may be paid by property owners in five (5) approximately equal annual installments. In order to fund the first semiannual interest payment on assessment bonds of the Assessment Area, the first payment date of an assessment installment may be less than one year from the date of adoption of the assessment ordinance. Thereafter, assessment installments will fall due on the anniversary date of the first installment payment. Interest will accrue on the unpaid balance at a rate or rates to be fixed by the City Treasurer. The whole or any part of the assessment may be paid without interest within twenty-five (25) days after the ordinance levying the assessment becomes effective. The assessments shall be levied according to the benefits to be derived by each property owner within the Assessment Area. Other payment provisions and enforcement remedies shall be in accordance with the Act.

EXCLUSION OF PROPERTY FROM ASSESSMENT

Properties subject to assessment may be excluded from assessment if the property owner and the City execute a “Defective Concrete Agreement.” The exclusion must be approved by the City Engineer. In the agreement the property owner must identify the manner in which the defective concrete will be replaced and the time within which all replacements will be completed. Failure to complete the repairs on time will make the agreement null and void. The property will be added back to the Assessment Area or future assessment areas and will be assessed for the costs of the Improvements. Any work contemplated by the owner must comply with City standard plans and specifications and require a no fee Permit to Work in the Public Way. No exclusions will be granted once the City executes a contract with a contractor to do the work in the Assessment Area.

TIME FOR FILING PROTESTS

Any person who is the owner of record of property proposed to be assessed in the Assessment Area described in this Notice of Intention to Designate Assessment Area shall have the right to file, in writing, a protest against the creation of Salt Lake City, Utah Sidewalk Replacement #102154 Special Assessment Area, or to make any other objections relating thereto. Protests shall describe or otherwise identify the property owned by the person or persons making the protest. Protests may be filed in writing with the City Recorder of Salt Lake City, Utah, on or before 5:00 p.m. on March 10, 2009 (the date of the hearing), either (i) in person during regular business hours Monday through Friday, at the offices of the City Recorder located in Room 415, City and County Building, 451 South State Street, Salt Lake City, Utah, or (ii) by mail addressed to P.O. Box 145515, Salt Lake City, Utah 84114-5515. No protest will be considered for purposes of designating the Assessment Area if it is received in the City Recorder's office later than this protest filing deadline. Thereafter, at 7:00 p.m. on March 10, 2009, the City Council will hold a public meeting in the City Council Chambers to consider all protests so filed and hear all objections relating to the proposed Assessment Area.

Protests shall not have any effect on the determination of the existence of defective concrete under the Salt Lake City Code and the responsibility imposed by said Ordinance for replacement of such defective concrete.

CALCULATION OF PROTEST RATE

The protest rate shall be determined by totaling the number of square feet or front footage, as applicable, with respect to Required Improvements of all properties, the owner of which has filed a written protest, and dividing it by the total number of square feet or front footage, as applicable, within the Assessment Area.

After the written protest rate has been determined, the City Council, at its discretion, may delete areas from the Assessment Area and create a modified Assessment Area.

The City Council will rescind its intention to designate the Assessment Area if the total protests represent more than fifty percent (50%) of the total square footage or front footage, as applicable, of Required Improvements within the Assessment Area or modified Assessment Area, as applicable.

DEFERRAL OF ASSESSMENT

Assessments shall be in accordance to the benefits and improvements received; however, when the owner of a residence abutting the Required Improvements 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," as amended from time to time, the property may be eligible for a low income deferment. Such owner must file an application for a deferment with the City in order for the payments required to be deferred.

To be eligible for a low income deferment, the property must be residential and owner occupied. New applications for deferment of annual installments will be accepted throughout the entire life of the Assessment Area from prior to the Board of Equalization meetings through the expiration date. The property owners will be required to submit documentation of their income to the City for an evaluation for a deferment. Initially, completed applications will be reviewed by the SID Coordinator in the City Treasurer's Office.

The deferred agreements will be reviewed on a semi-annual basis to verify property ownership and the current economic status of the owner. If property ownership has changed, the new owner will be notified that the deferment criteria must be satisfied within 30 days or the deferment status will be void and all delinquent interest and charges will be imposed.

DISABILITY INFORMATION

If assistance is needed to attend the public meetings, please contact the City Council office 24 hours in advance.

In compliance with ADA (Americans with Disabilities Act) the following information is provided:

| | |
|-----------|--|
| FAX No. | (801) 535-6093 |
| TDD No. | (801) 535-6021 |
| Attention | Engineering Division (801) 535-7961 |

ADOPTED BY THE CITY COUNCIL OF SALT LAKE CITY, UTAH

By: _____ /s/ _____
Deputy City Recorder

Published in the Deseret News on January 26, February 2, February 9, and February 16, 2009.

Section 5. The City Engineer has prepared a “Certificate of Project Engineer,” attached hereto as Exhibit B, that, among other things, identifies the costs of the proposed Improvements. The findings and determinations set forth in this resolution are based, in part, upon said Certificate of Project Engineer.

Section 6. The Council reasonably expects, and hereby confirms its prior expressions of intent, to reimburse the City from proceeds of the Bonds for capital expenditures paid by the City (whether or not such expenditures are paid from proceeds of interim warrants) with respect to the Improvements.

Section 7. This declaration is intended to be a declaration of official intent under Treasury Regulation § 1.103-18(1).

Section 8. The maximum principal amount of debt expected to be issued for reimbursement purposes is \$955,000. This amount will be reduced by cash payments received by the City from property owners who elect to pay their assessment in full during the cash prepayment period immediately following the effective date of the assessment ordinance.

Section 9. This declaration of official intent is consistent with the City’s budgetary and financial circumstances. No funds from sources other than assessment bonds are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the City or by any member of the same controlled group pursuant to their budget or financial policies with respect to the expenditures to be reimbursed.

Section 10. The City Engineer is hereby authorized to prepare notices to call for bids for the furnishing of materials and the acquisition and installation of the Improvements, and the City Recorder is hereby authorized to publish such notices calling for bids at least one time in the Deseret News, a newspaper of general circulation in the City, at least fifteen (15) days before the date specified in the notice for the receipt of bids.

After the conduct of other business not pertinent to the above, the meeting was, on motion duly made and seconded, adjourned.

PASSED AND APPROVED by the City Council of the City, this January 13, 2009.

(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 January __, 2009.

(SEAL)

By: _____
Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing resolution is hereby approved this January __, 2009.

By: _____
Ralph Becker, 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 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 Tuesday, January 13, 2009, insofar as the same relates to or concerns Salt Lake City, Utah Sidewalk Replacement #102154 Special Assessment Area as the same appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Salt Lake City this January 13, 2009.

(SEAL)

By: _____
Deputy City Recorder

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

AFFIDAVIT OF MAILING
NOTICE OF INTENTION

I, _____, the duly chosen, qualified, and acting Deputy City Recorder of Salt Lake City, Utah, do hereby certify that the attached Notice of Proposed Assessment Area Designation was approved and adopted in the proceedings of the City Council on January 13, 2009.

I further certify that on January _____, 2009 (a date not later than ten (10) days after the first publication of the Notice of Intention to Designate Assessment Area), I mailed a true copy of the Notice of Intention to Designate Assessment Area to designate Salt Lake City, Utah Sidewalk Replacement #102154 Special Assessment Area (the "Assessment Area") by United States Mail, postage prepaid to each owner of land to be assessed within the proposed Assessment Area at the last known address of such owner, using for such purpose the names and addresses appearing on the last completed real property assessment rolls of Salt Lake County. In addition, I mailed a copy of such notice, postage prepaid, addressed to "Owner" at the street number of each piece of improved property affected by the assessment.

I further certify that a certified copy of said Notice of Intention to Designate Assessment Area together with profiles of the Improvements and a map of the proposed Area, was on file in my office for inspection by any interested parties.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Salt Lake City, Utah this January _____, 2009.

(SEAL)

By: _____
Deputy City Recorder

PROOF OF PUBLICATION

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 the January 13, 2009, public meeting held by the City as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City's offices at 451 South State Street, Salt Lake City, Utah, on January 9, 2009, 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 1, to be delivered to the Deseret News on January 9, 2009, at least twenty-four (24) hours prior to the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this January 13, 2009.

(SEAL)

By: _____
Deputy City Recorder

SCHEDULE 1
NOTICE OF MEETING

EXHIBIT B

CERTIFICATE OF PROJECT ENGINEER

The undersigned project engineer for the Salt Lake City, Utah Sidewalk Replacement #102154 Special Assessment Area (the "Assessment Area"), hereby certifies as follows:

1. I am an engineer engaged by Salt Lake City, Utah, to perform the necessary engineering services for and to supervise the construction or installation of the improvements proposed to be acquired, constructed, or installed within the Assessment Area.

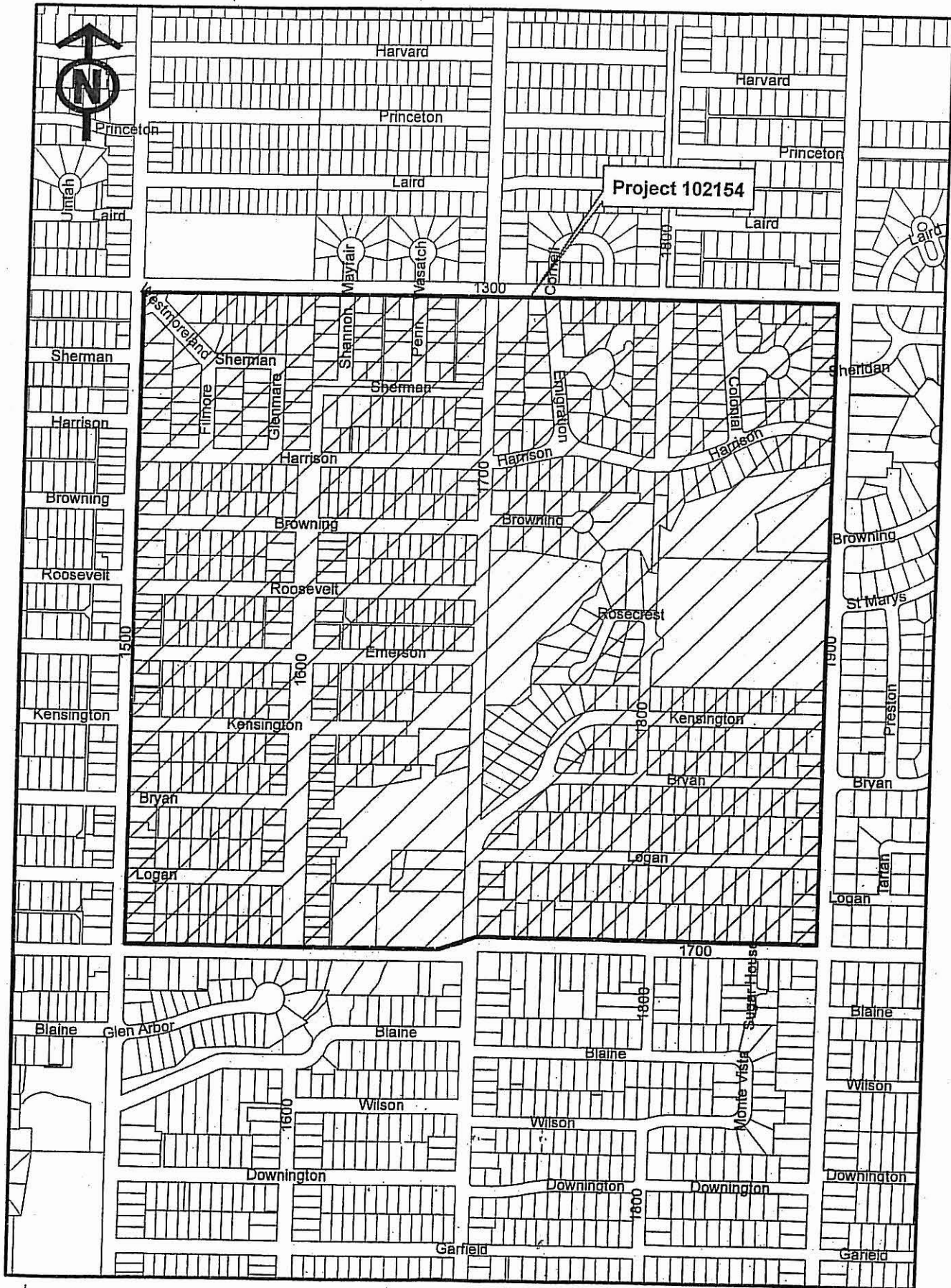
2. The estimated costs of the proposed improvements to be acquired, constructed, or installed within the Assessment Area are set forth in the attachment hereto. Said estimated costs are based on preliminary engineering estimates for the type and location of said proposed improvements as of the date hereof.


By: _____

DATE: _____

Project Location Map

Job No. 102154



 Project Border

0 375 750 1,500 Feet

CALENDAR OF EVENTS
SALT LAKE CITY
SPECIAL ASSESSMENT AREA (SAA)
Sidewalk Replacement SAA 2009; (102154)
Construction Phase

| Date | Event | Distribution Date 12/16/08 | Responsibility |
|--------------------|---|-----------------------------------|----------------------------|
| 2-Dec-08 | Description of improvements and areas to be improved furnished by City Engineer to Ballard Spahr ("Bond Counsel"). | | Engineering |
| 9-Dec-08 | Bond counsel transmits draft of Notice of Intention to City. | | Bond Counsel |
| 16-Dec-08 | Legal documents transmitted from Bond Counsel to Salt Lake City (the "City"). RE: Notice of Intention. | | Engineering & Bond Counsel |
| 23-Dec-08 | Council transmittal letter and the Notice of Intention delivered to Public Services for review. | | Engineering |
| 30-Dec-08 | Council transmittal letter and the Notice of Intention delivered to Mayors Office for review. | | Public Services |
| 6-Jan-09 | The Notice of Intention paperwork is due to the Council office. | | Mayors Office |
| 20-Jan-09 | Council briefing from Engineering | | Engineering |
| 20-Jan-09 | Council adopts Notice of Intention to create the Area and authorizes advertisement for bids and sets protest hearing date for March 10, 2009. | | Council |
| 26-Jan-09 | First publication of Notice of Intention. | | Recorders Office |
| 2-Feb-09 | Second Publication of Notice of Intention. | | Recorders Office |
| 2-Feb-09 | Mailing (within 10 days from the first publication) of the Notice of Intention to (1) each property within the Special Assessment Area and (2) each street address, post office box, rural route or other mailing address to "Owner". | | Engineering |
| 9-Feb-09 | Third publication of Notice of Intention. | | Recorders Office |
| 16-Feb-09 | Fourth publication of Notice of Intention. | | Recorders Office |
| 2-Mar-09 | Publication of the Notice to Contractors calling for bids. | | Engineering |
| 3-Mar-09 | Legal documents prepared by Bond Counsel | | Engineering & Bond Counsel |
| 3-Mar-09 4-6 pm | Informal information meeting. (This may be scheduled earlier; it is not a statutory requirement.) | | Engineering |

| Date | Event | Distribution Date 12/16/08 | Responsibility |
|-----------|---|----------------------------|-----------------|
| 10-Mar-09 | Council transmittal letter delivered to Public Services for review. | | Engineering |
| 17-Mar-09 | Council transmittal letter delivered to Mayors Office for review. | | Public Services |
| 10-Mar-09 | Deadline for filing written protests. | | |
| 10-Mar-09 | Protest Hearing. | | Council |
| 10-Mar-09 | The protest and creation paperwork is due to the Council office. | | Engineering |
| 11-Mar-09 | Tabulation of protests and creation of SAA furnished to Ballard Spahr. | | Engineering |
| 13-Mar-09 | Protests and creation of the SAA transmitted from Ballard Spahr to the City. | | Engineering |
| 18-Mar-09 | Bids opened, tabulated and reported. | | Engineering |
| 18-Mar-09 | Bond counsel transmits draft of resolution designating the SAA . | | Bond Counsel |
| 18-Mar-09 | Bond counsel transmits draft of resolution awarding the construction contract. | | Bond Counsel |
| 24-Mar-09 | Legal documents transmitted from Bond Counsel to City for the adoption of the resolution designating the SAA. | | Engineering |
| 24-Mar-09 | Legal documents transmitted from Bond Counsel to City for the award of the construction contract and approval of interim financing. | | Engineering |
| 31-Mar-09 | Council transmittal letter and adoption of the resolution designating the SAA delivered to Public Services for review and approval. | | Engineering |
| 31-Mar-09 | Council transmittal letter and the award of the construction contract and approval of interim financing delivered to Public Services for review and approval. | | Engineering |
| 7-Apr-09 | Council transmittal letter and adoption of the resolution designating the SAA delivered to Mayors Office for review and approval. | | Public Services |
| 7-Apr-09 | Council transmittal letter and the award of the construction contract and approval of interim financing delivered to Mayors Office for review and approval. | | Public Services |
| 14-Apr-09 | The resolution paperwork is due to the Council office. | | Mayors Office |
| 14-Apr-09 | The award paperwork is due to the Council office. | | Mayors Office |

| Date | Event | Distribution Date 12/16/08 | Responsibility |
|-----------|---|----------------------------|-------------------|
| 21-Apr-09 | Council adopts the resolution designating the SAA. | | Council |
| | (The 4-21-09 date has been approved by Ms. Aramaki) | | |
| 21-Apr-09 | Council award of the construction contract and | | Council |
| | approval of interim financing. | | |
| 21-Apr-09 | File a copy of the Notice of Intention and the | | Recorder's Office |
| | resolution designating the SAA and proposed | | |
| | Assessment List with the County Recorder. | | |