
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: July 7, 2009

SUBJECT: California Avenue Reconstruction
Special Assessment Area (SAA) No. 103006
Ordinance to confirm the equalized assessment
list and to levy an assessment

AFFECTED COUNCIL DISTRICTS: 2

STAFF REPORT BY: Jan Aramaki

ADMINISTRATIVE DEPT.
AND CONTACT PERSON: Department of Public Services
John M. Coyle P.E., Project Manager
John Naser, P.E., Deputy City Engineer

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

POTENTIAL MOTIONS:

This is the next step in the Special Assessment Area (SAA) process, the Council may wish to make the following motion:

1. ["I move that the Council"] Adopt an ordinance (*confirming the equalized assessment list and levying an assessment against certain properties in the Salt Lake City, Utah California Avenue, 4800 West to 5600 West, Special Assessment Area (#103006) (The "Assessment Area"), for the purpose of financing the cost of certain infrastructure improvements consisting of the reconstruction of roadway pavement, installation of concrete curbs, sidewalks, and street lighting and all other miscellaneous work necessary to complete the improvements in a proper and workmanlike manner; (collectively, the "improvements"); establishing the effective date of this ordinance; and related matters*).
2. ["I move that the Council"] Not adopt an ordinance.

NEW INFORMATION:

California Avenue Reconstruction Special Assessment Area (SAA) No. 103006 boundary includes five commercial properties abutting on the south side of California Avenue between 4800 West to 5600 West streets and the Lee Drain drainage easement running along California Avenue within the Area. The completed improvements for California Avenue include “concrete pavement, curb and gutter, sidewalk, storm drainage, and street lighting” resulting in one eastbound lane and two westbound lanes. According to the Administration at the time of the Notice of Intention, the property owner on the north side of California Avenue is not participating in the SAA. However, when the property is developed, the property owner will be required to add the additional westbound lane, curb and sidewalk which are in keeping with City policy to require property owners to install the public way improvements adjacent to their property.

On March 24, 2009, the City Council adopted a resolution to appoint a Board of Equalization and Review and to set the dates for the Board of Equalization. The Board met for three days, April 28, 29 and 30, 2009. This was an opportunity for property owners to discuss with the Board actual proposed costs. There were no property owners who attended the Board of Equalization hearings regarding proposed assessments relating to improvement work.

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 California Avenue Reconstruction SAA 103006, 4800 W to 5600 W, for the purpose of paying a portion of the costs to construct the improvements.

Breakdown of costs for the improvements are as follows:

City Portion	\$3,188,226.36
Property Owners	<u>\$1,263,272.52</u>
Total Estimated Cost	\$4,451,498.88

According to the Administration, assessments for the Assessment Area may be paid without interest provided they are paid within twenty-five days of the effective date of the ordinance. Any part of the assessment not paid within the twenty-five day period can be paid over a period of ten years from the effective date of the ordinance in ten equal annual principal and interest installments. Interest will accrue on the unpaid balance at an estimated 4.5 percent (actual rate will be known once the amount to borrow is determined after the 25 day prepayment period). The first assessment installment due date shall be approximately February 1, 2010 and subsequent installment payments shall be due on each anniversary date until paid in full.

BACKGROUND:

- On January 8, 2008, the City Council adopted a Notice of Intention to create a Special Assessment Area for California Avenue Reconstruction Job No. 103006 and set a protest hearing date of March 4, 2008 at 7 pm
- On March 4, 2008, a protest hearing was held.
- On April 1, 2008, the City Council adopted a resolution to authorize City officials to proceed with the construction of improvements and to create the assessment area.

- On April 1, 2008, the City Council adopted a resolution accepting bids and authorizing execution of a contract to the best bidder for construction work and materials to complete the improvements for the reconstruction of improvements.
- March 24, 2009, the City Council adopted a resolution to appoint a Board of Equalization and Review for Special Assessment Area 103006 (California Avenue) and set the dates for the Board of Equalization to hear and consider objections.
- April 28, 29 and 30, 2009 Board of Equalization hearings were held.

Upcoming action before the City Council will include:

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

The following information was provided previously to the City Council.

It is being provided again for Council's reference and to provide background information.

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

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

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

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

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

KEY DATES

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

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

BUDGET RELATED FACTS

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

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

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

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

**ENGINEERING REPORT OF THE BOARD OF EQUALIZATION
SPECIAL ASSESSMENT AREA (SAA)**

California Avenue Reconstruction (4800 West to 5600 West) S.A.A.; Job Number 103006

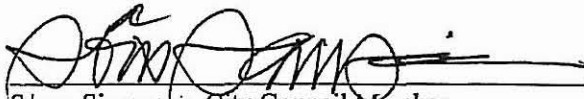
The Board of Equalization Hearings for Special Assessment Area (SAA) Number 103006 were held on April 28, 29, and 30, 2009 at 349 South 200 East in the first floor conference room; in conformance with statutes and ordinances governing Special Assessment Areas. The Board was comprised of the following members:

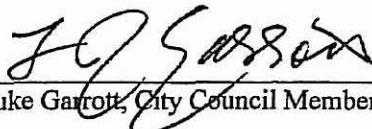
Søren Simonsen,	City Council Member
Luke Garrott,	City Council Member
John Naser,	Deputy City Engineer
Marina Scott,	Deputy Treasurer

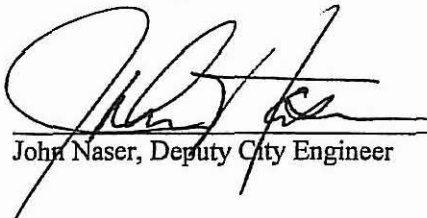
Assisting the Board were the following individuals:

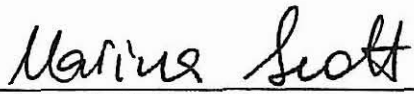
John M. Coyle,	Project Manager
Alice Montoya,	City Engineering
Susan Finlayson,	City Engineering

No property owners attended the Board of Equalization and no issues were raised.
No adjustments to this Special Assessment Area are recommended.


Søren Simonsen, City Council Member 6/9/2009.
Date


Luke Garrott, City Council Member 6/9/09
Date


John Naser, Deputy City Engineer 6/9/09
Date


Marina Scott, Deputy Treasurer 6-9-09
Date


RICHARD GRAHAM
PUBLIC SERVICES DIRECTOR

SALT LAKE CITY CORPORATION
DEPARTMENT OF PUBLIC SERVICES
CITY COUNCIL TRANSMITTAL

RALPH BECKER




David Everitt, Chief of Staff

Date Received: 
Date sent to Council: 07/01/2009

TO: Salt Lake City Council
Carlton Christensen, Chair

DATE: June 22, 2009

FROM: Rick Graham, Director 
Public Services Department

SUBJECT: Assessment Ordinance for California Avenue Reconstruction, Job No. 103006.

STAFF CONTACT: John Naser, P.E., Deputy City Engineer – 801-535-6240
John M. Coyle, P.E., Project Manager – 801-535-6241

DOCUMENT TYPE: Ordinance

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 cost to construct the improvements in the California Avenue Reconstruction, 4800 West to 5600 West, Special Assessment Area, Job Number 103006.

BUDGET IMPACT:	City Portion	\$ 3,188,226.36
	Property Owners	<u>\$ 1,263,272.52</u>
	Total Estimated Cost	\$ 4,451,498.88

BACKGROUND/DISCUSSION: California Avenue Reconstruction, 4800 West to 5600 West, Special Assessment Area (S.A.A.), Job Number 103006 involved the construction of roadway pavement, concrete curbs, sidewalks and street lighting improvements. Construction of this project was completed in the fall of 2008. The assessments are to be levied for the purpose of paying for the improvements necessary to complete the project. Assessments for the S.A.A. may be paid without interest within twenty five 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 ten years from the effective date of the ordinance.

PUBLIC PROCESS: The Board of Equalization hearings were held on April 28, 29, and 30th, 2009.

Salt Lake City, Utah

July 14, 2009

A regular meeting of the City Council of Salt Lake City, Utah, was held on Tuesday, July 14, 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:

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

Also present:

Ralph Becker	Mayor
Edwin P. Rutan, II	City Attorney
	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 City Recorder presented to the City Council a Certificate of Compliance With Open Meeting Law with respect to this July 14, 2009, meeting, a copy of which is attached hereto as Exhibit A.

The Board of Equalization and Review (the "Board") for "Salt Lake City, Utah California Avenue, 4800 West to 5600 West, Special Assessment Area (#103006) (the "Assessment Area") presented to the City Council its report and stated that it had reviewed statements, comments and complaints on each property in the Assessment Area as listed in the minutes of the hearings of the Board held on April 28, 29, and 30, 2009.

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 Assessment Area 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 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 is equitable and that the improvements being financed thereby constitute a benefit to the properties to be assessed.

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

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 Assessment Area. The motion carried unanimously.

The 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 Assessment Area. 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 City Recorder in the official records of Salt Lake City, Utah. The ordinance is as follows:

ORDINANCE NO. __ of 2009

AN ORDINANCE CONFIRMING THE EQUALIZED ASSESSMENT LIST AND LEVYING AN ASSESSMENT AGAINST CERTAIN PROPERTIES IN THE SALT LAKE CITY, UTAH CALIFORNIA AVENUE, 4800 WEST TO 5600 WEST, SPECIAL ASSESSMENT AREA (#103006) (THE "ASSESSMENT AREA"), FOR THE PURPOSE OF FINANCING THE COST OF CERTAIN INFRASTRUCTURE IMPROVEMENTS CONSISTING OF THE RECONSTRUCTION OF ROADWAY PAVEMENT, INSTALLATION OF CONCRETE CURBS, SIDEWALKS, AND STREET LIGHTING AND ALL OTHER MISCELLANEOUS WORK NECESSARY TO COMPLETE THE IMPROVEMENTS IN A PROPER AND 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 Assessment Area, 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 assessment list for the Assessment Area, 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 equalized, is just and equitable; that each piece of property to be assessed within the Assessment Area 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 Assessment Area. The

assessments are levied upon the parcels of land in the Assessment Area at equal and uniform rates.

Section 4. Cost of Improvements; Amount of Total Assessments. The total cost of the Improvements in the Assessment Area is \$4,451,498.88, including allowable related expenses. Of this total cost, the City's portion is \$3,188,226.36. The City's portion includes that part of the overhead costs for which an assessment cannot be levied, if any, the cost of making the Improvements for the benefit of property against which an assessment may not be levied, if any, and that portion of the total cost the City had agreed to pay when the City designated the Assessment Area. The amount to be assessed against property affected or benefited by the Improvements in the Assessment Area is \$1,263,272.52. 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 Assessment Area, 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 Assessment Area is levied in accordance with the method set out in the Notice of Intention pertaining to the Assessment Area. 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 Assessment Area 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 ten (10) years from the effective date of this Ordinance in ten (10) substantially equal annual principal and interest installments. Interest on the unpaid balance of the assessment shall accrue at the rate of _____ percent (____%) per annum until and unless special assessment bonds (the "Bonds") are issued for the Assessment Area. 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 _____, 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. Amendments to this Ordinance. If a property assessed under this Ordinance is subdivided into smaller parcels, as a condition to the City approving said subdivision, the City shall amend this Ordinance to allocate the original assessment to the smaller parcels based upon front footage; provided however, that if one or more of the smaller parcels does not front on California Avenue or the drainage easement running along California Avenue, the owner of the originally assessed property, as a condition to the City approving said subdivision, must either (i) prepay that portion of the original assessment attributable to the property that does not front on California Avenue or the drainage easement running along California Avenue based upon an area allocation or (ii) provide a written consent and waiver to the City in which said owner consents to the City allocating an assessment to the property that does not front on California Avenue or the drainage easement running along California Avenue based upon an area allocation and waives any right to contest said assessment, in which case the City shall amend this Ordinance to reflect that change.

Section 8. 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 County. 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 9. 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 10. 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 11. 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 Assessment Area and the assessments levied in the Assessment Area 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 12. 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 Assessment Area. 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 13. 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 14. Repeal of Conflicting Provisions. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed.

Section 15. Publication of Ordinance. Immediately after its adoption, this Ordinance shall be signed by the Mayor and the 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 16. 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
July 14, 2009.

(SEAL)

By: _____
Chair

ATTEST:

By: _____
Deputy City Recorder

The City Treasurer was thereupon authorized to mail to the property owners in the Assessment Area 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 July ____, 2009.

By: _____
Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this July ____, 2009.

Ralph Becker
Mayor

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

I, _____, the duly appointed and qualified 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 July 14, 2009, insofar as the same relates to or concerns the “Salt Lake City, Utah California Avenue, 4800 West to 5600 West, Special Assessment Area (#103006)” (the “Assessment Area”) 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 July 14, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Salt Lake City this July 14, 2009.

(SEAL)

By: _____
 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 _____, 2009, I caused to be mailed a Notice of Assessment to each property owner in the “Salt Lake City, Utah California Avenue, 4800 West to 5600 West, Special Assessment Area (#103006)” (the “Assessment Area”) 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 _____, 2009.

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 July 14, 2009, was published one time in the Deseret News.

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, _____, the undersigned 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 July 14, 2009, 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 July 10, 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 A, to be delivered to the Deseret News on July 10, 2009, at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice to be posted on the Utah Public Notice Website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2009 Annual Meeting Schedule for the City Council (attached hereto as Schedule 2) was given specifying the date, time, and place of the regular meetings of the City Council to be held during the year, by causing said Notice to be (a) posted on January 1, 2009, at the principal office of the City Council, (b) provided to at least one newspaper of general circulation within the Issuer on January 1, 2009, and (c) published on the Utah Public Notice Website (<http://pmn.utah.gov>) during the current calendar year.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this July 14, 2009.

(SEAL)

By: _____
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. __)