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# SALT LAKE CITY COUNCIL STAFF REPORT

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**DATE:** July 8, 2009

**TO:** City Council Members

**FROM:** Jan Aramaki

**SUBJECT:** 2007/08 FY Sidewalk Replacement Special  
Assessment Area (SAA) Job No. 102145 and  
Lyman Court SAA Job No. 102146  
Ordinance to confirm the equalized assessment  
list and to levy an assessment

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

**ADMINISTRATIVE DEPT.  
AND CONTACT PERSON:** Department of Public Services  
John Naser, P.E., Deputy City Engineer

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

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## 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 Sidewalk Replacement #102145 and Lyman Court #102146 Special Assessment Area (The "Assessment Area"), for the purpose of financing the cost of certain infrastructure improvements consisting of sidewalk, pavement, storm drainage, and water main improvements, 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 the ordinance.**

## NEW INFORMATION:

The completed improvements were done in the fall of 2008 and include:

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

Removal and reconstruction of deteriorated concrete sidewalks. In addition, at property owners' option, improvements include driveway approaches or curb and gutter replacement in conjunction with the proposed SAA improvement. SAA boundaries include:

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

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

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

Properties included within Zone II include Lyman Court from 1210 South to 1300 South along both sides.

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.

For 2007/08 Fiscal Year Sidewalk Replacement Area No. 102145, eight property owners attended the Board of Equalization hearings and raised concerns about their proposed property assessment. After Engineering reviewed the concerns raised, five out of the eight property assessments were reduced and property owners agreed upon the reduced adjustments. A copy of the Administration's Engineering Report on the outcome of the Board of Equalization hearings is attached for Council's information.

For Lyman Court SAA No. 102146, 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 2007/08 Fiscal Year Sidewalk Replacement SAA 102145 and Lyman Court SAA 102146, for the purpose of paying a portion of the costs to construct the improvements.

Breakdown of costs for the improvements are as follows:

2007/08 Fiscal Year Sidewalk Replacement Special Assessment Area No. 102145, Zone I

City Portion	\$ 750,734.51
<b>Property Owners</b>	<u>\$ 683,444.06</u>
Total Estimated Cost	\$1,434,178.57

Lyman Court Special Assessment Area No. 102146, Zone II

City Portion	\$ 135,147.19
<b>Property Owners</b>	<u>\$ 84,300.08</u>
Total Estimated Cost	\$ 219,447.27

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 five years for 2007/08 Fiscal Year Sidewalk Replacement Area No. 102145 – Zone I from the effective date of the ordinance in five equal annual principal and interest installments; and over a period of ten years for Lyman Court SAA Job. No. 102146 – Zone II 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 February 12, 2008, the City Council adopted a Notice of Intention to create a Special Assessment Area for 2007/08 fiscal year Sidewalk Replacement No. 102145 and Lyman Court SAA No. 102146 and to set a protest hearing date of April 1, 2008 at 7 pm
- On April 1, 2008, a protest hearing was held.
- On May 6, 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 May 6, 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 2007/08 Fiscal Year Sidewalk Replacement Area No. 102145 and Lyman Court SAA No. 102146 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 the sale of bonds.

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**The following information was provided previously at the time of the Notice of Intention.  
It is provided again for Council's reference and for background purposes.**

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## KEY ELEMENTS: (Resolution)

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

Each year, a concrete replacement project is identified for funding. As the first step in creating the process to establish the Special Assessment Area (SAA), the Administration requested that the Council adopt a resolution declaring the Notice of Intention that includes two different areas and set the protest hearing date of April 1, 2008:

**1. 2007/08 Fiscal Year Sidewalk Replacement Area No. 102145 – Zone I**

**(Council Districts 5 and 6):**

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

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

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

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

Total Estimated Costs:

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

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

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

In conjunction with the concrete replacement, property owners are also informed that new sidewalk access ramps for ADA accessibility will be installed at all street corners.

Property owners were made aware that the City will use a horizontal saw cutting contractor to remove the vertical displacements of up to one inch in sidewalk sections at no cost to the property owner. Saw cutting reduces property owner costs and eliminates hazardous situations. Saw cutting of the vertically displaced section could either take place before or after the work of replacing the designated sidewalk sections is completed. For areas identified for saw cutting, property owners are given the option to express preference to have sidewalk areas replaced rather than saw cut; however sidewalk replacement in these incidences requires property owners to pay the cost of the sidewalk removal and replacement at the SAA sidewalk replacement cost. Areas identified by the City exceeding the one inch of sidewalk vertical displacement that do not warrant horizontal saw cutting or that are badly broken and deteriorated will be replaced as part of the SAA.

To ensure that the assessments are equitable to the property owners involved in the Assessment Area, an exception is given to corner lot properties. The sidewalk replacement costs associated with the first 75 feet along a non-address side of a property is excluded from the property owner's assessment cost.

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

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

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

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

Total Estimated Costs:

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

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

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

At the Forest Dale Golf Course, 2375 South 900 East, informal public meetings were held for the Administration to review the proposed SAA with interested abutting property owners from 4 p.m. to 6 p.m.

Tuesday, March 25, 2008	2007/08 FY Sidewalk Replacement SAA No. 102145
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Wednesday, March 26, 2008	Lyman Court SAA No. 102146
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Options for property owners who do not wish to participate:

If a property owner does not wish to participate in the proposed SAA or is on a limited income, there are three options:

- The property owner and the City execute a "Defective Concrete Agreement" that requires approval by the City Engineer. The agreement will permit the property owner to seek another manner in which to replace the concrete rather than participate in the SAA. A property owner must identify the manner in which the defective concrete will be replaced and provide a timeline as to when replacements will occur. If failure on the part of the property owner to complete the work on time occurs, the agreement becomes null and void. This results in the property being added back to the Assessment Area or a future SAA. The Assessment Area will make the replacements and assess the property owner for the cost of improvements. If a property owner chooses to find another manner in which to complete the concrete replacement, the owner must comply with City standard plans and specifications and a no fee permit to work in the public way is required.
- Property owners also had the opportunity to file a protest on or before 5:00 p.m. on the 1st day of April 2008 at the City Recorder's Office, 451 S. State Street in Room 415 or to appear or submit comments at the City

Council protest hearing on April 1, 2008 at 7 p.m. in the Council Chambers. However, in order for the Assessment Area not to be created, the necessary number of protests must represent more than 50 percent of the total footage to be assessed within the Assessment Area.

- If an assessed property owner within the Assessment Area has a “combined family income at or below the very low income level guidelines established by the Department of Housing and Urban Development in its ‘Income Limits for Housing and Community Developments, Section 8 Program for Salt Lake City and Ogden, Utah SMSA,’” the property may be eligible for low income deferment. The property owner must be residential and owner occupied to be eligible for low income deferment, and an owner must submit an application with the City. The deferment agreements are reviewed on an annual basis.

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

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

### Lyman Court Special Assessment Area (SAA), Job Number 102146

The Board of Equalization Hearings for Special Assessment Area (SAA) Number 102146 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,  
Luke Garrott,  
John Naser,  
Marina Scott,

City Council Member  
City Council Member  
Deputy City Engineer  
Deputy Treasurer

Assisting the Board were the following individuals:

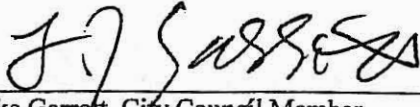
John M. Coyle,  
Alice Montoya,  
Susan Finlayson,

Project Manager  
City Engineering  
City Engineering

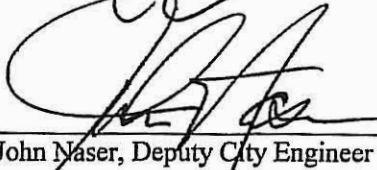
No property owners attended the Board of Equalization and no issues were raised.  
No adjustments to this Special Assessment Area are recommended.

  
Søren Simonsen, City Council Member

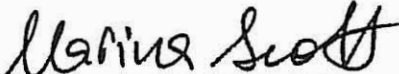
6/9/2009.  
Date

  
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



**ENGINEERING REPORT OF THE BOARD OF EQUALIZATION  
SPECIAL ASSESSMENT AREA (SAA)  
Sidewalk Replacement Special Assessment Area (SAA) 2007/2008, Job No. 102145**

In conformance with statutes and ordinances, Board of Equalization Hearings for Special Assessment Area (SAA) Number 102145 held were on April 28, 29, and 30, 2009 at 349 South 200 East in the first floor conference room.

The Board was comprised of the following members:

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

Assisting the Board were:

Ken Taylor,	Project Manager
Rebecca Thomas,	City Engineering
Alice Montoya,	City Engineering
Susan Finlayson,	City Engineering

The following issues and concerns were raised by property owners at the hearings. Also included are the Engineers response and the recommended resolution from the Board.

**Tuesday, April 28, 2009**

1. Kosta Napoles  
1414 East Emerson Avenue  
Salt Lake City, Utah 84105-2608  
16-16-110-003-0000

Mr. Napoles was concerned about the amount of sidewalk replaced at his property and that he may have been assessed for a sidewalk slab on which a trip hazard was removed by horizontal sawcutting procedures and not actually replaced. Mr. Taylor agreed to meet with Mr. Napoles to re-measure the replaced sidewalks.

**Engineer's Response:**

The replaced sidewalk has been re-measured and Mr. Napoles agrees the original measurements were correct. Mr. Napoles was not assessed for any sawcut sections.

**Recommendation of the Board:**

The assessment for this property will not change.

**Current Assessment**

A1 Required 4" Residential Sidewalk	128.50 Sq. ft. @ \$ 7.15	<u>\$ 918.78</u>
Total		\$ 918.78

2. Betty Fifield (and son Clair Fifield)  
1524 South 1400 East  
Salt Lake City, Utah 84105-2626  
16-16-105-025-0000

Mrs. Fifield stated she had spoken with Mr. Taylor about having her curb and gutter and drive approach replaced as optional work and signed the consent form to have the work done, but does not think that the amount of work identified on the consent form matches her pending assessment. It seems the assessment is much larger than was discussed with Mr. Taylor before the work was done. Also, her sprinklers were broken along a portion of her replaced sidewalk and that some of the sod was dying.

Mr. Taylor will re-measure the quantities and check on the sprinklers and sod. Mrs. Fifield indicated she was happy with the work, but Mr. Fifield was concerned about his mother's ability to pay the assessment. The assessment deferral payment program was explained to the Fifield's.

**Engineer's Response:**

City Engineering and Information Management Service (IMS) found a programming error in the software used to calculate the original assessment. The error has been corrected and the appropriate adjustments will be made to Mrs. Fifield final assessment. The contractor for the project has corrected the sprinklers and sod problems.

**Recommendation of the Board:**

The Board recommends the assessment be revised as follows:

**Current Assessment**

A1	Required 4" Residential Sidewalk	872.50 Sq. ft. @ \$ 7.15	\$ 6,238.38
A1a	Exempt 4" Residential Sidewalk	444.00 Sq. ft. @ \$ -7.15	\$-3,174.60
A2	Required 6" Residential Sidewalk	105.00 Sq. ft. @ \$ 7.18	\$ 753.90
B4	Optional 6" Open Driveway Approach	104.76 Sq. ft. @ \$ 8.50	\$ 890.46
B9	Optional Residential Curb & Gutter	164.40 Ln. ft. @ \$ 23.57	\$ 3,874.91
B13	Optional Asphalt Tie-In, 4" Thick	577.40 Sq. ft. @ \$ 2.95	<u>\$ 1,703.33</u>
Total			\$10,286.37

**Revised Assessment**

A1	Required 4" Residential Sidewalk	469.00 Sq. ft. @ \$ 7.15	\$ 3,353.35
A1a	Exempt 4" Residential Sidewalk	222.00 Sq. ft. @ \$ -7.15	\$-1,587.30
A2	Required 6" Residential Sidewalk	52.50 Sq. ft. @ \$ 7.18	\$ 376.95
B4	Optional 6" Open Driveway Approach	104.76 Sq. ft. @ \$ 8.50	\$ 890.46
B9	Optional Residential Curb & Gutter	82.00 Ln. ft. @ \$ 23.57	\$ 1,932.74
B13	Optional Asphalt Tie-In, 4" Thick	319.20 Sq. ft. @ \$ 2.95	<u>\$ 941.64</u>
Total			\$ 5,907.84

**Wednesday, April 29, 2009**

1. Mark Barone  
1132 East Bryan Avenue  
Salt Lake City, Utah 84105-2508  
16-17-257-008-0000

Mr. Barone stated he was against having the work done and felt strongly that no sidewalks at his property needed to be replaced. Mr. Barone met with Mr. Taylor at his property before the work was done to review which sidewalk sections would need to be replaced. Mr. Barone disagreed with Mr. Taylor replacing the sections which were replaced. Mr. Barone stated that he knows that concrete gets harder with age and doesn't understand why the replaced sections were replaced. He stated the joints on two or the replaced sections were worn but were flush with the remaining

sidewalks. The third section had a crack but there was no vertical displacement between the two halves. Mr. Naser stated that the Board will look into this situation and notify Mr. Barone of the decision.

Mr. Barone also stated that there were many other slabs of sidewalk in the neighborhood that are in the same condition as those replaced at his property that were not replaced. Mr. Barone feels strongly that these two older slabs should have been left alone and doesn't feel he should have to pay for their replacement.

**Engineer's Response:**

After reviewing our preconstruction pictures, City Engineering recommends that Mr. Barone's assessment be reduced by \$170.46. Mr. Barone is in agreement with this arrangement.

In regard for other bad sidewalks in the area; City Engineering is unaware of any trip hazards greater than 1/4" in the SAA area which have not been eliminated by the SAA or by our follow on horizontal sawcutting procedures.

**Recommendation of the Board:**

The Board recommends the assessment be revised as follows:

**Current Assessment**

A1	Required 4" Residential Sidewalk	32.00 Sq. ft. @ \$ 7.15	\$ 228.80
A2	Required 6" Residential Sidewalk	15.60 Sq. ft. @ \$ 7.18	\$ 112.00
Total			\$ 340.80

**Revised Assessment**

A1	Required 4" Residential Sidewalk	32.00 Sq. ft. @ \$ 7.15	\$ 228.80
A1a	Exempt 4" Residential Sidewalk	23.84 Sq. ft @ \$ - 7.15	\$- 170.46
A2	Required 6" Residential Sidewalk	15.60 Sq. ft. @ \$ 7.18	\$ 112.00
Total			\$ 170.34

2. Shawn Lake  
1209 East Logan Avenue  
Salt Lake City, Utah 84105-2511  
16-17-278-003-0000

Mr. Lake is a new home owner and knew nothing of the sidewalk assessment until he received his assessment "Notice" dated March 30, 2009. He stated that the previous owner had not informed him of the pending assessment. Mr. Lake also indicated nothing was listed on his title insurance policy about this assessment.

Mr. Lake was given a copy of the "Notice of Intention" and told it is likely the title company's responsibility to cover the assessment. He indicated the he would work with the previous owner and the title company.

**Engineer's Response:**

None.

**Recommendation of the Board:**

The assessment for this property will not change.

**Current Assessment**

A1	Required 4" Residential Sidewalk	420.80 Sq. ft. @ \$ 7.15	\$ 3,008.72
A1a	Exempt 4" Residential Sidewalk	15.60 Sq. ft. @ \$ -7.15	<u>\$ - 111.54</u>
Total			\$ 2,897.18

3. Teresa Wesemann  
(Resident Roger Brown of 1492 East Kensington Avenue sub-structure)  
1482 East Kensington Avenue  
Salt Lake City, Utah 84105-2654  
16-16-155-032-0000

Mr. Brown submitted pictures of the concrete replaced at this property and stated he had no problem with the assessment amount but is unhappy with the concrete work. Mr. Brown was concerned about a crack in the drive approach, and the spalling in the sidewalk concrete. Mr. Naser explained some problems with the concrete spalling have occurred in City project the last few years. Mr. Brown was informed the City will review the cracked and spalled concrete and notify him of the Board's decision.

**Engineer's Response:**

Mr. Taylor met with Mr. Brown to review the driveway approach and agreed to have the contractor replace the cracked section of the driveway approach. This was agreed to by Mr. Brown. The "popouts" are cosmetic only and will be monitored by the city.

**Recommendation of the Board:**

The assessment for this property will not change.

**Current Assessment**

A1	Required 4" Residential Sidewalk	67.50 Sq. ft. @ \$ 7.15	\$ 482.63
A2	Required 6" Residential Sidewalk	93.50 Sq. ft. @ \$ 7.18	\$ 671.33
B4	Optional 6" Open Driveway Approach	206.96 Sq. ft. @ \$ 8.50	\$1,759.16
B9	Optional Residential Curb & Gutter	62.00 Ln. ft. @ \$23.57	\$1,461.34
B13	Optional Asphalt Tie-In, 4" Thick	124.00 Sq. ft. @ \$ 2.95	<u>\$ 365.80</u>
Total			\$4,740.26

4. Stephanie & Kurt Grube  
1334 East Bryan Avenue  
Salt Lake City, Utah 84105-2684  
16-16-152-003-0000

Mrs. Grube indicated they were opposed to the project from the start and had submitted a protest letter. She questioned standards by which that the sidewalk conditions were judge. She also stated that as they walked through the neighborhood there are still many others sidewalk sections that are in worse condition than theirs that have not replaced. Mr. Naser explained the standards for sidewalk replacement; i.e. tripping hazards, ice buildup, joint separations and cracking. Mrs. Grube wanted to know why there aren't any ramps at Emerson Ave, Browning Ave. and Sherman Ave. on 1400 East. Mr. Naser explained that the ramps will be completed sometime this summer as a part of a separate City project.

Mrs. Grube further stated that the information sent with the Special Assessment Area "Notice of Intention" indicated that displacement under 1" could be removed by horizontal sawcutting procedures. Mr. Taylor indicated the sidewalk sections that were replaced were older sections of sidewalk which were only 1" thick. Because these sidewalks were so thin, horizontal sawcutting was not viable option and sidewalks had to be replaced.

Mrs. Grube also stated that the "Notice of Intention" was very confusing, dry, technical, hard to understand and hard to read. Mr. Naser explained that the "Notice of Intention" is a legal document and hoped that the letter sent with the notice helped explain the assessment and project requirements. That is also why public meetings and hearings are held to help explain the purpose and intent of the project.

Mrs. Grube's protest letter was returned, although it was addressed to the P O Box listed in the "Notice of Intent".

The payment options were explained to Mrs. Grube.

**Engineer's Response:**

After reviewing our preconstruction pictures, City Engineering recommends the Grube's assessment be reduced by \$178. The Grube's are in agreement with this arrangement.

In regard for other bad sidewalks in the area; City Engineering is unaware of any trip hazards greater than 1/4" in the SAA area which have not been eliminated by the SAA or by our follow on horizontal sawcutting procedures.

City Engineering has researched our mailing system and can find no reason for the Grube's Protest Letter for the SAA being returned to them.

The missing ADA accessibility Ramps on 1400 East are now being installed.

**Recommendation of the Board:**

The Board recommends the assessment be revised as follows:

**Current Assessment**

A1	Required 4" Residential Sidewalk	34.50	Sq. ft. @ \$ 7.15	\$ 246.68
A2	Required 6" Residential Sidewalk	47.50	Sq. ft. @ \$ 7.18	<u>\$ 341.05</u>
Total				\$ 587.73

**Revised Assessment**

A1	Required 4" Residential Sidewalk	34.50	Sq. ft. @ \$ 7.15	\$ 246.68
A1a	Exempt 4" Residential Sidewalk	25.00	Sq. ft. @ \$ - 7.15	\$- 178.75
A2	Required 6" Residential Sidewalk	47.50	Sq. ft. @ \$ 7.18	<u>\$ 341.05</u>
Total				\$ 408.98

5. Mary & Benjamin Wheeler  
1206 East Bryan Avenue  
Salt Lake City, Utah 84105-2510  
16-17-277-003-0000

Mrs. Wheeler wrote a protest letter, and feels frustrated that their neighbors had the same type and condition of sidewalk and hers was replaced but the neighbor's sidewalk was not replaced.

Mrs. Wheeler asked for the sidewalk tripping hazard to be sawcut and were told that they would try to shave the sidewalk before replacing. She indicated the contractor just came through and replaced the sections without trying to shave or sawcut it. Mr. Taylor explained that the old concrete was only a 1" thick and not thick enough to sawcut. Mr. Naser stated that the Board would look into the replacement and also the neighbor's sidewalk that wasn't replaced.

Mr. Naser explained the payment options to Mrs. Wheeler.

**Engineer's Response:**

After reviewing our preconstruction pictures, City Engineering recommends the Wheeler's assessment be reduced by \$228.80. The Wheeler's are in agreement with this arrangement.

In regard for other bad sidewalks in the area; City Engineering is unaware of any trip hazards greater than 1/4" in the SAA area which have not been eliminated by the SAA or by our follow on horizontal sawcutting procedures.

**Recommendation of the Board:**

The Board recommends the assessment be revised as follows:

**Current Assessment**

A1	Required 4" Residential Sidewalk	167.60 Sq. ft. @ \$ 7.15	\$ 1,198.34
A2	Required 6" Residential Sidewalk	26.80 Sq. ft. @ \$ 7.18	\$ 192.42
Total			\$ 1,390.76

**Revised Assessment**

A1	Required 4" Residential Sidewalk	167.60 Sq. ft. @ \$ 7.15	\$ 1,198.34
A1a	Exempt 4" Residential Sidewalk	32.00 Sq. ft. @ \$ - 7.15	\$- 228.80
A2	Required 6" Residential Sidewalk	26.80 Sq. ft. @ \$ 7.18	\$ 192.42
Total			\$ 1,161.96

**Thursday, April 30, 2009**

Joan Dykstra  
1403 East Harrison Avenue  
Salt Lake City, Utah 84105-2612  
16-16-106-001-0000

Ms. Dykstra stated she did a walkthrough of the property with Mr. Taylor before the work was done and the amount Noted in the "Notice of Intent" is much less than the amount on the "Notice". Mr. Naser stated that it looks like the corner lot exemption wasn't applied to the "Notice" due to a computer program error. Mr. Taylor indicated he would meet with Ms. Dykstra and remeasure the work.

**Engineer's Response:**

Credit for the corner lot exemption was in error and recommend the assessment be revised.

**Recommendation of the Board:**

The Board recommends the assessment be revised as follows:

**Current Assessment**

A1	Required 4" Residential Sidewalk	170.00 Sq. ft. @ \$ 7.15	\$ 1,215.50
A2	Required 6" Residential Sidewalk	58.50 Sq. ft. @ \$ 7.18	<u>\$ 420.03</u>
Total			\$ 1,635.53

**Revised Assessment**


A1	Required 4" Residential Sidewalk	220.50 Sq. ft. @ \$ 7.15	\$ 1,576.58
A1a	Exempt 4" Residential Sidewalk	150.00 Sq. ft. @ \$ - 7.15	<u>\$-1,072.50</u>
A2	Required 6" Residential Sidewalk	45.00 Sq. ft. @ \$ 7.18	<u>\$ 323.10</u>
Total			\$ 827.18

  
Søren Simonsen, City Council Member

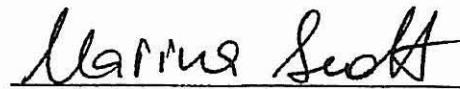
6/9/2009.  
Date

  
Luke Garrott, City Council Member

6/9/09  
Date

  
John Maser, 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  
DIRECTORS OFFICE

RALPH BECKER  
MAYOR

**CITY COUNCIL TRANSMITTAL**

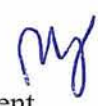
  
David Everitt, Chief of Staff

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



**TO:** Salt Lake City Council  
Carlton Christensen, Chair

**DATE:** June 23, 2009

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

**SUBJECT:** Assessment Ordinance for the Sidewalk Replacement and Lyman Court Special Assessment Areas, Job Numbers 102145 and 102146.

**STAFF CONTACT:** John Naser P.E., Deputy City Engineer – 801-535-6240

**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 Sidewalk Replacement and Lyman Court Special Assessment Areas, Job Numbers 102145 and 102146.

**BUDGET IMPACT:**

**Sidewalk Replacement Special Assessment Area, Job Number 102145**

City Portion	\$ 750,734.51
Property Owners	\$ 683,444.06
Total Estimated Cost	\$1,434,178.57

**Lyman Court Special Assessment Area, Job No. 102146**

City Portion	\$ 135,147.19
Property Owners	\$ 84,300.08
Total Estimated Cost	\$ 219,447.27

LOCATION: 451 SOUTH STATE STREET, ROOM 138, SALT LAKE CITY, UTAH 84111-3104

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

TELEPHONE: 801-535-7775 FAX: 801-535-7963

WWW.SLCCGOV.COM



**BACKGROUND/DISCUSSION:** The Sidewalk Replacement Special Assessment Area 2007/2008 FY, Job No. 102145 involves the replacement of defective concrete sidewalk and at the property owner's option, defective driveways and curb and gutters. This assessment area is bounded by 1100 East to 1500 East and 1300 South to 1700 South. Construction of this project was completed in the fall of 2008. The assessments for Sidewalk Replacement Special Assessment Area Job Number 102145 are to be levied are for the purpose of paying for the improvements necessary to complete the area. Assessments for the Area 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 five years from the effective date of the ordinance

The Lyman Court Special Assessment Area, Job No. 102146 is to reconstruct the roadway from 1210 South to 1300 South. The work will consist of concrete pavement, sidewalks, storm drainage facilities, driveway approaches and a new water main. Construction of this project was completed in the fall of 2008. The assessments for Lyman Court Special Assessment Area Job Number 102146 are to be levied are for the purpose of paying for the improvements necessary to complete the area. Assessments for the Area 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 30, 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 Sidewalk Replacement #102145 and Lyman Court #102146 Special Assessment Area" (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 as adjusted herein, will bear more than its proportionate share of the costs of the improvements in the Assessment Area.

#### RECOMMENDATION AND DECISION

It is the decision of the Board that the proposed assessment list, as adjusted by the modifications shown in Exhibit C, 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 modifications shown on Exhibit C attached hereto.

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 owner's property.

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 assessment list, as adjusted.

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 Sidewalk Replacement #102145 and Lyman Court #102146 Special Assessment Area (the "Assessment Area"), for the purpose of financing the cost of certain infrastructure improvements consisting of sidewalk, pavement, storm drainage, and water main improvements, 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 and adjusted assessment lists for Zone I and Zone II located within the Assessment Area, copies of which are 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 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 acquiring or 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 for Zone I and Zone II.



(a) Zone I: The total cost of the Improvements for Zone I in the Assessment Area is \$1,434,178.57, including allowable related expenses. Of this total cost, the City's portion is \$750,734.51. 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 Zone I of the Assessment Area is \$683,444.06.

(b) Zone II: The total cost of the Improvements for Zone II in the Assessment Area is \$219,447.27 including allowable related expenses. Of this total cost, the City's portion is \$135,147.19. 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 Zone II of the Assessment Area is \$84,300.08.

The total assessments for Zone I and Zone II do 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 methods 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 levied in Zone I 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 and interest payments. Any part of the assessment levied in Zone II 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 payments. 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

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 February 1, 2010, 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, may 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 Salt Lake 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 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 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 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 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 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 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  
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 Sidewalk Replacement #102145 and Lyman Court #102146 Special Assessment Area" (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 Sidewalk Replacement #102145 and Lyman Court #102146 Special Assessment Area" (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 City 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 1

NOTICE OF MEETING

SCHEDULE 2

NOTICE OF 2009 ANNUAL MEETING SCHEDULE

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. \_\_)