
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: March 20, 2009

SUBJECT: California Avenue Reconstruction
Special Assessment Area (SAA) No. 103006
Resolution to appoint a Board of Equalization
and Review and set the date for the Board
of Equalization to hear and consider objections
and corrections to any proposed assessments

AFFECTED COUNCIL DISTRICTS: 2

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

ADMINISTRATIVE DEPT.
AND CONTACT PERSON: Department of Public Services
John M. Coyle, Project Manager

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

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, Michael Barry, Michael Stott, Quin Card, Susan Finlayson, Karen
Carruthers, Blaine Carlton, and Garth Limburg

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 a resolution of the City Council of Salt Lake City, Utah, appointing a Board of Equalization and Review for the Salt Lake City, Utah California Avenue, 4800 West to 5600 West, Special Assessment Area (#103006); setting the dates for the Board of Equalization to hear and consider objections and corrections to any proposed assessments; authorizing the City Recorder to publish and mail a notice of meetings of the Board of Equalization and Review; and related matters.
2. ["I move that the Council"] Not adopt the resolution.

BACKGROUND:

- On January 8, 2008, the City Council adopted a Notice of Intention to create a Special Assessment Area to upgrade the streetscape in the 900 East 900 South for Special Improvement District 106018.
- 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.

The work has been completed, and the next step required by the City Council is to adopt the attached resolution appointing a Board of Equalization and Review and setting the dates for the Board of Equalization to hear and consider any objections and make corrections of any proposed assessments which the Board may deem unequal or unjust. This is an opportunity for property owners to discuss with the Board any actual costs that are being proposed.

The Board of Equalization consists of the following City officials or other designee: member of the City Council, representative of the City Engineer's Office, and a representative of the City Treasurer's Office. The attached resolution will schedule the Board of Equalization to meet for three days in the first floor conference room at 349 South 200 East:

Tuesday, April 28, 2009	3:00 p.m. to 4:00 p.m.
Wednesday, April 29, 2009	5:00 p.m. to 6:00 p.m.
Thursday, April 30, 2009	6:00 p.m. to 7:00 p.m.

Upcoming action before the City Council will include:

- Ordinance confirming the assessment rolls and levying assessments.
- Resolution authorizing the issuance and providing the sale of bonds.

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.

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 that the City is considering a proposed SAA for reconstruction of California Avenue between 4800 West and 5600 West streets.

It is 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 estimates that the total cost of improvements, including overhead costs, in the proposed SAA are \$5,261,000. It is 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 is 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.

CITY COUNCIL TRANSMITTAL



David Everitt, Chief of Staff

Date Received: 2/11/2009
Date sent to Council: 2/16/2009

TO: Salt Lake City Council
Carlton Christensen, Chair

DATE: February 12, 2009

FROM: Rick Graham - 535-7774
Public Services Department

SUBJECT: Resolution to Schedule a Board of Equalization and Review for California Avenue Reconstruction, Job No. 103006

STAFF CONTACT: Karen Carruthers - 535-6355

DOCUMENT TYPE: Resolution

RECOMMENDATION: N/A

BUDGET IMPACT: N/A

BACKGROUND/DISCUSSION: California Avenue Reconstruction, 4800 West to 5600 West, Special Assessment Area, Job No. 103006 involves the construction of roadway pavement, concrete curbs, sidewalks and street lighting improvements. Construction of this project was completed in the Fall of 2008. The work is complete and the attached resolution sets the dates for the Board of Equalization and Review meetings where property owners may review the final product and the proposed assessment for the improvements. The Board of Equalization will be comprised of a member of the City Council, the City Engineer or their representative and the City Treasurer or their representative. The board will meet in the first floor conference room at 349 South 200 East, Salt Lake City, UT 84111 on April 28, 29 and 30, 2009 at the times indicated in the resolution.

PUBLIC PROCESS: N/A



Salt Lake City, Utah

March 24, 2009

A regular meeting of the City Council of Salt Lake City, Utah, was held on Tuesday, March 24, 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
	Deputy City Recorder

Absent:

After the conduct of other business not pertinent to the following, the Chair stated that the City Engineer had prepared the assessment list for the "Salt Lake City, Utah California Avenue, 4800 West to 5600 West, Special Assessment Area (#103006) (the "Assessment Area") for action and consideration by the Board of Equalization and Review and by the City Council, which assessment list is on file in the office of the City Recorder and available for inspection by any interested property owner.

Thereupon, the following resolution was read in full:

RESOLUTION NO. ____ OF 2009

A RESOLUTION OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH, APPOINTING A BOARD OF EQUALIZATION AND REVIEW FOR THE SALT LAKE CITY, UTAH CALIFORNIA AVENUE, 4800 WEST TO 5600 WEST, SPECIAL ASSESSMENT AREA (#103006); SETTING THE DATES FOR THE BOARD OF EQUALIZATION TO HEAR AND CONSIDER OBJECTIONS AND CORRECTIONS TO ANY PROPOSED ASSESSMENTS; AUTHORIZING THE CITY RECORDER TO PUBLISH AND MAIL A NOTICE OF MEETINGS OF THE BOARD OF EQUALIZATION AND REVIEW; AND RELATED MATTERS.

WHEREAS, the City Council of Salt Lake City, Utah (the "City Council"), adopted a Notice of Intention on January 8, 2008 (the "2008 Notice"), to create the Salt Lake City, Utah California Avenue, 4800 West to 5600 West, Special Assessment Area (#103006) (the "Assessment Area"), and published said Notice beginning January 14, 2008, and continuing for three consecutive weeks thereafter, ending on February 4, 2008; and

WHEREAS, in accordance with the 2008 Notice and as required by statute, a hearing was held before the City Council on March 4, 2008 (the "2008 Hearing"); and

WHEREAS, prior to and at the 2008 Hearing, persons having an interest in the Assessment Area were allowed to protest the proposed improvements and/or the creation of the Assessment Area; and

WHEREAS, after protests against the creation of the Assessment Area were heard and considered and modifications recommended by the City Engineer were made, the City Council created the Assessment Area by resolution adopted on April 1, 2008; and

WHEREAS, the City Engineer has prepared the proposed assessment list that pertains to all of the properties within the Assessment Area; and

WHEREAS, the City Council desires to establish a board of equalization and review for the purpose of considering any objections and corrections to the proposed assessment list:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SALT LAKE CITY, UTAH AS FOLLOWS:

Section 1. As required by law, a Board of Equalization and Review for the Assessment Area is hereby appointed, consisting of one member of the City Council, a representative of the City Treasurer's office, and a representative of the City Engineer's office (the "Board") as follows:

Member of City Council

Member of City Council

Member of City Council

Representative of City Treasurer's office

Representative of City Engineer's office

Section 2. The Board shall sit as the Board of Equalization and Review on the special assessments proposed to be levied and assessed on the property within the Assessment Area and will meet at 349 South 200 East, Salt Lake City, Utah, on April 28, 2009, between the hours of 3:00 p.m. and 4:00 p.m. in the first floor conference room; on April 29, 2009, between the hours of 5:00 p.m. and 6:00 p.m. in the first floor conference room; and on April 30, 2009, between the hours of 6:00 p.m. and 7:00 p.m. in the first floor conference room to hear and consider any objections to and make corrections of any proposed assessments that the Board may deem unequal, inequitable, or unjust.

Section 3. The City Recorder is hereby authorized and directed to publish and mail, as provided by law and the ordinances of the City, a notice of meetings of the Board, said notice to be in substantially the following form:

NOTICE OF MEETINGS OF BOARD OF EQUALIZATION AND REVIEW

NOTICE IS HEREBY GIVEN that the assessment list for Salt Lake City, Utah California Avenue, 4800 West to 5600 West, Special Assessment Area (#103006) (the "Assessment Area"), has now been completed and is available for examination at the office of the City Engineer, 349 South 200 East, Suite 100, Salt Lake City Utah 84111. As required by law, three persons have been duly appointed to act as the Board of Equalization and Review on the assessments proposed to be levied on the property benefited within the Assessment Area.

The total actual cost of the improvements constructed within the Assessment Area is \$4,451,498.88, of which \$1,263,272.52 is anticipated to be assessed to the properties within the Assessment Area benefited by the improvements. The City anticipates paying the remaining costs of improvements in the amount of \$3,188,226.36.

Benefited properties within the Assessment Area will be assessed by front foot as set forth in the original Notice of Intention adopted by the City Council on January 8 2008.

The Board of Equalization and Review for assessments proposed to be levied on the affected property within the Assessment Area will meet in the first floor conference room at 349 South 200 East, Salt Lake City, Utah, on April 28, 2009, between the hours of 3:00 p.m. and 4:00 p.m.; on April 29, 2009, between the hours of 5:00 p.m. and 6:00 p.m.; and on April 30, 2009, between the hours of 6:00 p.m. and 7:00 p.m. to hear and consider any objections to and make any corrections of any proposed assessments that the Board may deem unequal, inequitable, or unjust.

On each of the dates specified above, the assessment list and plats and amounts of the proposed assessment against each parcel of property shall be open to public inspection continuously from 8:00 a.m. to 5:00 p.m. at the Office of the City Engineer of Salt Lake City, Utah.

Appeal from a decision of the Board of Equalization and Review may be taken to the City Council of the City by filing a written notice of appeal in the office of the City Recorder within fifteen (15) days from the date the Board's final report to the City Council is mailed to the affected property owners.

By resolution of the City Council of Salt Lake City, Utah, this March 24, 2009.

(SEAL)

/s/

Deputy City Recorder

Section 4. The Deputy City Recorder is hereby directed to enter the foregoing proceedings upon the records of the City, and to cause the notice set forth in Section 3 to be published in one issue of the Deseret News, a newspaper published in the City and having general circulation therein, the publication to be at least twenty (20) and not more than thirty-five (35) days prior to the date on which the Board of Equalization and Review will begin hearings.

A copy of the notice set forth in Section 3 above shall not later than ten (10) days after the first publication of such notice be mailed, postage prepaid, to each owner of land to be assessed within the Assessment Area at the last known address of such owner using for such purpose the names and addresses appearing on the last completed real property assessment rolls of the county wherein said affected property is located. In addition, a copy of such notice shall be addressed to "Owner" and shall be so mailed, addressed to the street number of each of the improved properties to be affected by the assessment.

After due consideration of said resolution by the City Council, Councilmember _____ moved and Councilmember _____ seconded its adoption and the same was adopted by the following vote:

AYE:

NAY:

ADOPTED AND APPROVED this March 24, 2009.

(SEAL)

By: _____
Chair

ATTEST:

By: _____
Deputy City Recorder

PRESENTATION TO THE MAYOR

The foregoing resolution was presented to the Mayor for his approval or disapproval on March ____, 2009.

By: _____
Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing resolution is hereby approved this March ____, 2009.

By: _____
Mayor

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

I, _____, the duly appointed, qualified, and acting Deputy City Recorder of Salt Lake City, Utah, do hereby certify that the foregoing is a full, true, and correct copy of the minutes of a regular meeting of the City Council of Salt Lake City held in the City Council Chambers in Salt Lake City on Tuesday, March 24, 2009, at the hour of 7:00 p.m. as recorded in the regular official book of minutes as kept in my official office, that said proceedings were duly had and taken as therein shown, and that all the members were given due, legal, and timely notice of said meeting as therein shown.

I further certify that I delivered to the Deseret News, a newspaper published in Salt Lake City and having general circulation therein, a notice of meetings of the Board of Equalization and Review for the "Salt Lake City, Utah California Avenue, 4800 West to 5600 West, Special Assessment Area (#103006)" (the "Assessment Area") for publication at least twenty (20) and not more than thirty-five (35) days prior to the date said Board will begin its hearings.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Salt Lake City, Utah, this March 24, 2009.

(SEAL)

By: _____
Deputy City Recorder

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

MAILING CERTIFICATE

I, _____, the duly appointed, qualified, and acting City Recorder of Salt Lake City, Utah, do hereby certify that I mailed a copy of the Notice of Meetings of the Board of Equalization and Review, postage prepaid, to each owner of property to be assessed within Salt Lake City, Utah California Avenue, 4800 West to 5600 West, Special Assessment Area (#103006), at the last known address of such owner, using for such purpose the names and addresses appearing on the last completed real property assessment rolls of the county in which the property is located, and, in addition, I mailed, postage prepaid, a copy of such Notice addressed to "Owner" at the street number of each piece of improved property to be assessed. Said Notices were mailed by me on March _____, 2009, that being not later than ten (10) days after the first publication of the Notice in the Deseret News as above certified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Salt Lake City, Utah, this March __, 2009.

(SEAL)

By: _____
City Recorder

PROOF OF PUBLICATION

Attached to this page is the Proof of Publication, indicating by the affidavit of the publisher that the Notice of Meetings of the Board of Equalization and Review was published one time in the Deseret News.

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, _____, the undersigned Deputy City Recorder of Salt Lake City, Utah (the "City"), do hereby certify, according to the records of the City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the March 24, 2009, public meeting held by the City Council of the City as follows:

(a) By causing a Notice, in the form attached hereto as Schedule A, to be posted at the City Council's principal offices at the City and County Building, Salt Lake City, Utah, on March __, 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;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule A, to be delivered to the Deseret News on March __, 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 _____, at the principal office of the City Council, (b) provided to at least one newspaper of general circulation within the Issuer on _____, 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 March 24, 2009.

(SEAL)

By: _____
Deputy City Recorder

SCHEDULE A
NOTICE OF MEETING