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# SALT LAKE CITY COUNCIL STAFF REPORT

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DATE: September 3, 2009

SUBJECT: Sidewalk Replacement Special Assessment Area (SAA) No. 102154  
Resolution to adopt the Notice of Intention and Set Protest Hearing Date of November 5, 2009

AFFECTED COUNCIL DISTRICTS: 5 and 6

STAFF REPORT BY: Jan Aramaki

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

FILE LOCATIONS: Public Services/Sidewalk Replacement SAA  
#102154

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## POTENTIAL MOTIONS:

1. ["I move that the Council"] **Adopt a resolution and set protest hearing date of November 5, 2009 at 7:00 pm** *(which will (A) finance the cost of certain infrastructure improvements consisting of sidewalks, pavement, curb and gutter, driveway approaches, and all other miscellaneous work necessary to complete the improvements in a proper and workmanlike manner; (B) defray the cost and expenses of improvements by assessments to be levied against the properties benefited by such improvements; and (C) provide notice of intention to designate an assessment area to authorize such improvements and to fix a time and place for protests against such improvements).*
2. ["I move that the Council"] Decline the resolution and not set a protest hearing date of November 5, 2009.
3. ["I move that the Council"] Decline the resolution and not set a protest hearing, but rather delay until next fiscal year [or a future date] and reallocate the CIP funds for other projects.

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## KEY ELEMENTS: (Resolution)

Each year, a concrete replacement project is identified for funding. As the first step in creating the process to establish the Special Assessment Area (SAA), the Administration is requesting that the Council adopt a resolution providing the Notice of Intention for Sidewalk Replacement Special Assessment Area Job No. 102154, and set a protest hearing date for Thursday, November 5, 2009 at 7 p.m. before the City Council.

In order for the SAA not to be created, the total protests must represent more than fifty percent (50%) of the total square footage or lineal front footage. However, the City Council has the following options: 1) not to create the SAA even if the protest rate represents less than fifty (50%) of the total square footage or lineal front footage; or 2) decrease the number of properties by opting out streets; however, once the Council adopts the Notice of Intention, the Council cannot expand the boundaries or increase the properties within the proposed SAA.

Out of a total of 853 properties located within the boundaries of the proposed SAA, 752 properties have been identified requiring the work of concrete replacement. Sixty-seven of these properties are located in District Five with the remaining properties being located in District Six.

On January 13, 2009, the Administration initially recommended to the City Council to adopt a resolution providing the Notice of Intention for Sidewalk Replacement SAA Job No. 102154 which included the following outlining boundaries:

- North boundary: south side of 1300 South Street
- East boundary: west side of 1900 East Street
- South boundary: north side of 1700 South Street
- West boundary: east side of 1500 East Street

However, at the time of the January 13, 2009 briefing, Council Member Martin requested that the Administration consider expanding the scope of this project to include the properties noted in bullet points below since these properties are long overdue in being included as part of an SAA. In addition on January 27, 2009, the proposed SAA was again discussed when the City Council considered the budget allocation for this project as proposed in Budget Amendment #2 for Fiscal Year 2008-09. During both these discussions, the Council raised the policy question about whether sidewalk replacement should be a priority of the City during the current economic times and the current budgetary constraints facing the City. **The Council may wish to continue this policy discussion.**

The additional properties noted below add an estimated cost of \$140,200 to the proposed SAA. These properties have been included as part of the proposed SAA since the initial proposal in January 2009.

- North boundary: north side of Herbert Avenue and Yale Avenue
- East boundary: west side of 2100 East
- South boundary: south side of Princeton Drive and Yale Avenue
- West boundary: east side of 2000 East.

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

For the 2009 Sidewalk Replacement Special Assessment Area No. 102154, improvements involve the removal and reconstruction of concrete sidewalk which has

been determined to be defective by the office of the City Engineer. All residential property owners will be assessed 50 percent of the construction costs of the completed improvements, "engineering expenses, allowance for the interest on interim warrants (if any issued to finance construction of the improvements), plus 10 percent of the total contract price of said improvements to cover administrative costs, a potential underwriter's discount on the sale of assessment bonds and legal and other costs in connection with the issuance of assessment bonds." However, commercial properties pay the full cost of the replacement. In addition, any optional improvements requested by property owners will be assessed 100 percent of the costs associated with such improvements. Property owners are assessed by square footage or lineal front footage on actual work performed.

Projected construction schedule is anticipated to begin in the spring of 2010 with an anticipated completion by fall of 2010. Assessments may be paid by property owners in five (5) equal annual installments with interest accrual on the unpaid balance, or the assessment may be paid without interest in whole or in part within 25 days from the date when the ordinance levying the assessment becomes effective.

**BUDGET RELATED FACTS:**

Funding sources are allocated from the Salt Lake City Capital Improvement Program (CIP) budget and property owner assessments through the SAA as follows:

Property owners:	\$1,036,000
Salt Lake City Funds:	\$ 780,000
Total	\$1,816,000

Following Council's approval of the attached resolution, estimated costs, a copy of the Notice of Intention, and a letter will be sent to property owners living within the boundary areas of the proposed SAA notifying property owners that the City is considering a proposed sidewalk replacement project that includes their properties. In conjunction with the concrete replacement, property owners are also informed that new sidewalk access ramps for ADA accessibility will be installed at all street corners, costs paid by the City. Costs associated with defective driveway approaches into alley ways are also paid by the City.

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

exception is given to corner lot properties. The sidewalk replacement costs associated with the first 75 feet along a non-address side of a property is excluded from the property owner's assessment cost.

Property owners are provided the option to make a written request to have sidewalks replaced that have not been determined to be defective by the office of the City Engineer, driveway aprons, asphalt tie-ins, additional curb and gutter work performed in conjunction with the proposed SAA improvements, with the property owner being responsible for optional replacement costs. If a property owner does not wish to participate in the proposed SAA or is on a limited income, there are three options:

- The property owner and the City execute a "Defective Concrete Agreement" that requires approval by the City Engineer. The agreement will permit the property owner to seek another manner in which to replace the concrete rather than participate in the SAA. A property owner must identify the manner in which the defective concrete will be replaced and provide a timeline as to when replacements will occur. If failure on the part of the property owner to complete the work on time occurs, the agreement becomes null and void resulting in the property being added back to the Assessment Area or a future assessment area. The Assessment Area will make the replacements and assess the property owner for the cost of improvements.

If a property owner chooses to find another manner in which to complete the concrete replacement, the owner must comply with City standard plans and specifications and a no fee permit to work in the public way is required.

- Property owners also have the opportunity to file a written protest on or before 5:00 p.m. on Thursday, November 5, 2009 or to attend the protest hearing on Thursday, November 5, 2009 at 7:00 p.m. in the City Council Chambers; however, in order for the Assessment Area not to be created, the necessary number of protests must represent more than 50 percent of the total square footage or front footage to be assessed within the Assessment Area.
- If an assessed property owner within the Assessment Area has a "combined family income at or below the very low income level guidelines established by the Department of Housing and Urban Development in its 'Income Limits for Housing and Community Developments, Section 8 Program for Salt Lake City and Ogden, Utah SMSA,'" the property owner may be eligible for low income deferment. The property owner must be residential and owner occupied to be eligible for low income deferment, and an owner must submit an application with the City. The deferment agreements are reviewed on a semi-annual basis.

## **KEY DATES:**

An informal public meeting is scheduled for Tuesday, October 27, 2009 for the Administration to review the proposed SAA with interested abutting property owners. The meeting location is the Forest Dale Golf Course, 2375 South 900 East from 4:00 p.m.

to 6:00 p.m. Written protests against the proposed improvements, assessments or against the creation of the Assessment Area must be presented and filed in the Office of the City Recorder on or before 5:00 p.m. on Thursday, November 5, 2009, followed by a Council protest hearing on November 5, 2009 at 7:00 p.m.

Upcoming action before the Council will include:

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

CC: Cindy Gust-Jenson, Ed Rutan, Blaine Carlton, David Everitt, Lyn Creswell, Rick Graham, Jennifer Bruno, Dan Mulé, Max Peterson, John Naser, Boyd Ferguson, Nick Tarbet, Quin Card, Cindy Lou Trishman, Sylvia Richards, Shawn McDonough, Michael Stott, Joyce Valdez, Karen Carruthers, Susan Finlayson, Marina Scott, Cindy Arnold, Sam McAllister, Kenneth Taylor, and Garth Limburg

**COUNCIL TRANSMITTAL**

**TO:** David Everitt *DE*  
Chief Of Staff

**DATE:** August 11, 2009

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

*SENT TO COUNCIL  
09/02/2009 CH*

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

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

**DOCUMENT TYPE:** Resolution

**RECOMMENDATION:** It is recommended the City Council approve a resolution to adopt the Notice of Intent for the subject Special Assessment Area.

**BUDGET IMPACT:** Monies are provided from the Salt Lake City capital improvement budget and property owner assessments through the Special Assessment Area.

**BACKGROUND/DISCUSSION:** The Sidewalk Replacement Special Assessment Area 2008/2009, Job No. 102154 involves the replacement of defective concrete sidewalk and at the property owner's option, defective driveways and curb and gutters.

This Special Assessment Area consists of two sections of the City. The first area is bound by the east side of 1500 East and the west side of 1900 East between the south side of 1300 South and the north side of 1700 South. The second area consists of the east side of 2000 East between Princeton Drive and Herbert Avenue; both sides of Herbert Avenue and Yale Avenue between 2000 East and 2100 East; and both sides of Princeton drive between 2000 East and Yale Avenue.

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

**PUBLIC PROCESS:** An Informal information meeting is scheduled for October 27, 2009 at the Forest Dale Golf Course and a protest hearing is scheduled before the City Council on November 5, 2009.

Salt Lake City, Utah

September 8, 2009

A regular meeting of the City Council of Salt Lake City, Utah, was held on Tuesday, September 8, 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 resolution had been discussed, the City Recorder presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this September 8, 2009, meeting, a copy of which is attached hereto as Exhibit A.

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

AYE:

NAY:

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

RESOLUTION NO. 2009-\_\_

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

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

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

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

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

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

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

## NOTICE OF INTENTION TO DESIGNATE ASSESSMENT AREA

PUBLIC NOTICE IS HEREBY GIVEN that on Tuesday, September 8, 2009, the City Council (the "Council") of Salt Lake City, Utah (the "City"), adopted a resolution declaring its proposal to designate an assessment area to be known as the "Salt Lake City, Utah Sidewalk Replacement #102154 Special Assessment Area" (the "Assessment Area"). It is the proposal of the Council to provide improvements to property within the proposed Assessment Area and to finance the cost of said improvements (the "Improvements") within the Assessment Area and to levy an assessment as provided in Title 11, Chapter 42, Utah Code Annotated 1953, as amended (the "Act"), on the property lying within the Assessment Area for the benefit of which such assessment is to be expended in the making of such Improvements.

### DESCRIPTION OF ASSESSMENT AREA AND LOCATION OF IMPROVEMENTS

The proposed Assessment Area will be designated and Improvements will be constructed within the boundaries of Salt Lake City, Utah. The Assessment Area will include all property bounded on the following streets: on the north, the south side of 1300 South Street; on the east, the west side of 1900 East Street; on the south, the north side of 1700 South Street; and on the west, the east side of 1500 East Street. Also on the north, the north side of Herbert Avenue and Yale Avenue, on the east, the west side of 2100 East, on the south, the south side of Princeton Drive and Yale Avenue, and on the west, the east side of 2000 East. The properties to be improved and assessed about the following sections of street:

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

1700 East	1300 South to 1700 South	Both sides
1800 East	1300 South to 1700 South	Both sides
1900 East	1300 South to 1700 South	West side only
2000 East	1073 South to 1183 South	East side only
Herbert Ave.	2000 East to 2059 East	Both sides
Princeton Drive	2000 East to 2060 East	Both sides
Yale Ave.	2069 East to 2100 East	Both sides

### PROPOSED IMPROVEMENTS

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

### NONCONFORMING IMPROVEMENTS

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

### BASIS FOR ASSESSMENT

All residential property (“Residential Property”) abutting the street sections to be improved within the Assessment Area will be assessed fifty percent (50%) of the construction costs of the Improvements, plus administrative costs, funding of reserves, and other expenses described hereafter. The City will pay the remaining portion of the construction and administrative costs. All commercial property (“Commercial Property”) abutting the street sections to be improved within the Assessment Area will be assessed the total costs of the Improvements, including administrative costs, funding of reserves, and other expenses described hereafter. Any property within the Assessment Area whose owner has requested Optional Improvements will be assessed one hundred percent (100%) of the cost of such Optional Improvements. The estimated rates shown in

Schedules A and B below take into account the fifty percent (50%) Residential Property discount, where applicable. The City also intends to construct sidewalk ramps, the cost of which will not be assessed to benefited properties. Benefited properties will be assessed by square footage (SF), or by lineal front footage (LF), as described herein.

**ESTIMATED COST OF IMPROVEMENTS**

The City Engineer’s total estimated cost of the Improvements, including estimated Optional Improvements within the Assessment Area, is \$1,816,199.60, of which it is anticipated the City will pay approximately \$780,000 (the “City’s Portion”). The remainder of approximately \$1,036,199.60 shall be paid by special assessments levied against the benefited properties.

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

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

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

**IMPROVEMENTS AND ESTIMATED COSTS**

**I. Sidewalk Replacement #102154 Special Assessment Area**

**SCHEDULE A – REQUIRED IMPROVEMENTS, ELIGIBLE FOR PROTEST**

(Does not include corner lot exemptions)

Rate No.	Improvements	Quantity	Unit	Cost/Unit	Estimated Cost
A1	Required 4” Residential Sidewalk	67,827	SF	\$7.91	\$536,511.57
A2	Required 6” Residential Sidewalk	17,043	SF	7.95	135,491.85
A3	Required 4” Commercial Sidewalk	1,973	SF	15.83	31,232.59
A4	Required 8” Commercial Sidewalk	1,637	SF	16.07	26,306.59

Estimated Abutter's Cost of Required Improvements	\$729,542.60
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**SCHEDULE B – OPTIONAL IMPROVEMENTS, NOT ELIGIBLE FOR PROTEST**

(Does not include corner lot exemptions)

Rate No.	Improvements	Quantity	Unit	Cost/Unit	Estimated Cost
B1	Optional 4" Thick Residential Sidewalk	200	SF	\$ 15.83	\$ 3,166.00
B2	Optional 6" Thick Residential Sidewalk	200	SF	15.90	3,180.00
B3	Optional 8" Thick Commercial Sidewalk	200	SF	16.07	3,214.00
B4	Optional 6" Thick Open Driveway Approach	8,000	SF	9.42	75,360.00
B5	Optional 6" Thick Flare Driveway Approach	3,000	SF	9.42	28,260.00
B6	Optional 8" Thick Open Driveway Approach	500	SF	18.83	9,415.00
B7	Optional 8" Thick Flare Driveway Approach	500	SF	18.83	9,415.00
B8	Optional Piped Driveway Approach w/Curb	300	LF	74.49	22,347.00
B9	Optional Residential Curb and Gutter	3,000	LF	26.11	78,330.00
B10	Optional Commercial Curb and Gutter	500	LF	52.22	26,110.00
B11	Optional Topsoil w/Re-grading	1,000	SF	.74	740.00
B12	Optional Sod w/Sprinklers	1,000	SF	2.32	2,320.00
B13	Optional Asphalt Tie-In, 4" Thick	5,000	SF	6.21	31,050.00
B14	Optional Asphalt Tie-In, 6" Thick	1,000	SF	13.75	13,750.00
Property Owner's Estimated Cost of Optional Improvements					\$306,657.00

Estimated Abutter's Cost of Required and Optional Improvements \$ 1,036,199.60

City's Portion of Costs \$780,000

**TOTAL ESTIMATED PROJECT COST \$1,816,199.60**

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

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

### LEVY OF ASSESSMENTS

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

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

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

### EXCLUSION OF PROPERTY FROM ASSESSMENT

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

be granted once the City executes a contract with a contractor to do the work in the Assessment Area.

#### TIME FOR FILING PROTESTS

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

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

#### CALCULATION OF PROTEST RATE

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

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

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

#### DEFERRAL OF ASSESSMENT

Assessments shall be in accordance to the benefits and improvements received; however, when the owner of a residence abutting the Required Improvements has a combined family income at or below the very low income level guidelines established by the Department of Housing and Urban Development in its "Income Limits for Housing and Community Developments, Section 8 Program for Salt Lake City and Ogden, Utah

SMSA,” as amended from time to time, the property may be eligible for a low income deferment. Such owner must file an application for a deferment with the City in order for the payments required to be deferred.

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

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

#### DISABILITY INFORMATION

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

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

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

ADOPTED BY THE CITY COUNCIL OF SALT LAKE CITY, UTAH

By: \_\_\_\_\_ /s/ \_\_\_\_\_  
City Recorder

Published in the Deseret News on September 28, October 6, October 13 and October 20, 2009.

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

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

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

Section 8. The maximum principal amount of debt expected to be issued for reimbursement purposes is \$1,037,000. This amount will be reduced by cash payments received by the City from property owners who elect to pay their assessment in full during the cash prepayment period immediately following the effective date of the assessment ordinance.

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

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

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

PASSED AND APPROVED by the City Council of the City, this September 8, 2009.

(SEAL)

By: \_\_\_\_\_  
Chair

ATTEST:

By: \_\_\_\_\_  
City Recorder

PRESENTATION TO THE MAYOR

The foregoing resolution was presented to the Mayor for his approval or disapproval this September \_\_, 2009.

(SEAL)

By: \_\_\_\_\_  
Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing resolution is hereby approved this September \_\_, 2009.

By: \_\_\_\_\_  
Ralph Becker, Mayor

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

I, \_\_\_\_\_, the duly appointed, qualified, and acting City Recorder of Salt Lake City, Utah, do hereby certify that the above and foregoing is a full, true, and correct copy of the record of proceedings had by the City Council of Salt Lake City, Utah, at its meeting held on Tuesday, September 8, 2009, insofar as the same relates to or concerns Salt Lake City, Utah Sidewalk Replacement #102154 Special Assessment Area as the same appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Salt Lake City this September 8, 2009.

(SEAL)

By: \_\_\_\_\_  
  City Recorder

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

AFFIDAVIT OF MAILING  
NOTICE OF INTENTION

I, \_\_\_\_\_, the duly chosen, qualified, and acting City Recorder of Salt Lake City, Utah, do hereby certify that the attached Notice of Proposed Assessment Area Designation was approved and adopted in the proceedings of the City Council on September 8, 2009.

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

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

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

(SEAL)

By: \_\_\_\_\_  
City Recorder

PROOF OF PUBLICATION

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 the September 8, 2009, public meeting held by the City as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City's offices at 451 South State Street, Salt Lake City, Utah, on September 4 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 1, to be delivered to the Deseret News on September 4, 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 Issuer (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 September 8, 2009.

(SEAL)

By: \_\_\_\_\_  
City Recorder

SCHEDULE 1  
NOTICE OF MEETING

EXHIBIT B

CERTIFICATE OF PROJECT ENGINEER

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

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

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

By: \_\_\_\_\_

DATE: \_\_\_\_\_



## SPECIAL ASSESSMENT AREAS

### ANSWERS TO THE MOST COMMONLY ASKED QUESTIONS ABOUT SPECIAL ASSESSMENT AREAS

1. **In regards to the Owner's Preliminary Estimate, are the amounts shown thereon my costs or does the City pay ½ of those costs?**

Answer: The amount shown on the Owner's Preliminary Estimate is the estimated cost the property owner pays. The City will pay a matching amount which is not shown on the Preliminary Estimate.

2. **How were the unit costs for the rates determined?**

Answer: The unit costs are estimates only. The costs were based upon bid prices the City received for similar projects constructed in 2007 and 2008. Administrative, engineering and bond costs have been added to the unit costs.

3. **What constitutes "defective" concrete improvements?**

Answer: Defective concrete has been defined by City Ordinance No. 32 of 1999 and is illustrated on Standard Plan No. 291 (attached). The City compared similar legislation enacted by other municipalities throughout the country.

4. **I am on a fixed income. What allowance is being made for abatement of these special assessment area assessments?**

Answer: No abatement is provided in this special assessment area. Deferment of assessment, however, is being provided and is described in the notice of intention. "Owner must file an application with the City Treasurer, in order for the payments to be deferred. To be eligible for low income deferment, the property must be residential and owner occupied." Completed applications for deferment will be reviewed by the City Treasurer to verify ownership and the current economic status of the owner. "If and when the deferment requirements are no longer met, the current owner will be notified that the deferment agreement must be satisfied within 30 days or the deferment status will be void and all delinquent interest and charges will be imposed." For more information call Mr. Garth Limburg of the City Treasurer's Office at 535-6431.

5. **I want to protest this area. 1) Whom do I address my written protest to? 2) Where do I send my protest? 3) Are verbal protests used in determining the protest rate?**

Answer #1: Address your protest to Salt Lake City Recorder. In your written protest, you must identify the property address. The protest must be made by property owner of record or person having the power of attorney.

Answer #2: Send your protest to the Salt Lake City Recorder, Room 415, 451 South State Street, Salt Lake City, UT 84111.

Answer #3: Verbal protests are not used in determining the protest rate. To be considered for purposes of rejection of the district, all protests must be written.

**6. If I protest, what happens then?**

Answer: Your written protest will be used to establish the protest rate for the District. If more than 50 percent of the assessed footage protest the Area, it will not be created in its presently proposed boundary format.

**7. Is it possible that the City will do more or less work than on the Owner's Preliminary Estimate?**

Answer: It is possible the City may do more or less work than shown. If more work is contemplated, the extent of the work will be fully explained to the property owner. If the city is aware that the resident is not the property owner, the City will endeavor to reach and advise the property owner of the proposed work. If you are not residing in the Special Assessment Area, please instruct the person occupying your property to inform you of the work proposed at your property and if it is necessary to have the City perform more work than is marked.

**8. Will the City's contractor do work for me on my property? If so, how will I be billed, or do I have to pay the Contractor myself?**

Answer: The City will not contract to do work on property outside of the street right-of-way. If the property owner desires to have work done by the City's contractor on the property owner's property, the City will not be a party to that contract. The City will not bill the property owner for work which is contracted between the property owner and the City's contractor.

**9. 1) Can I do the work myself? 2) If I do the work myself will the City still bill me?**

Answer #1: Yes. The property owner may employ a contractor, or act as a contractor, to make the required replacement or new improvements. Such work must be done according to City specifications under a permit issued by the City Engineer. The work shall be made at the property owner's sole cost and expense.

Answer #2: The City will not bill for the work. Should the property owner proceed under this option, the property owner chooses to do so entirely voluntarily and the replacement costs paid by the property owner shall not be deemed to be an assessment to the City nor can the property owner use the special assessment area for payment. Before doing any work, however, be sure to secure a "no cost" Permit to Work in the Public Way from the City Engineer at 349 South 200 East, Suite 100.

**10. What are my options for paying off the assessment?**

Answer: When the work in the Special Assessment Area is completed, actual costs to be assessed to property owners will be determined. Property owners will be given the option of paying the assessment in full without interest within thirty (30) days after the ordinance levying the assessment becomes effective, or paying the assessment in five (5) annual installments. The installments will include interest on the unpaid balance at a rate fixed by the bond market.

**11. Do I have to remove grass or protect my sprinkler system?**

Answer: In regards to your grass and sprinkler systems in areas where curb, gutter and sidewalk exist, you do not have to remove or protect these items. The City's contractor will be responsible to protect them. When the Contractor is finished working in front of your property, make sure you test and inspect your grass and sprinkler system. Let the City's inspector know immediately if your system is not properly restored and functional.

**12. I own a corner lot. I understand the City is granting an assessment exemption up to 75 feet for corner lot owners, are driveway approaches included in this 75-foot exemption?**

Answer: No. Optional driveway approaches (which include curb, gutter and sidewalk) will not be included in the 75-foot exemption.

**13. The damage in front of my property is caused by the City tree. Why should I have to pay for the repairs on damage caused by the City tree?**

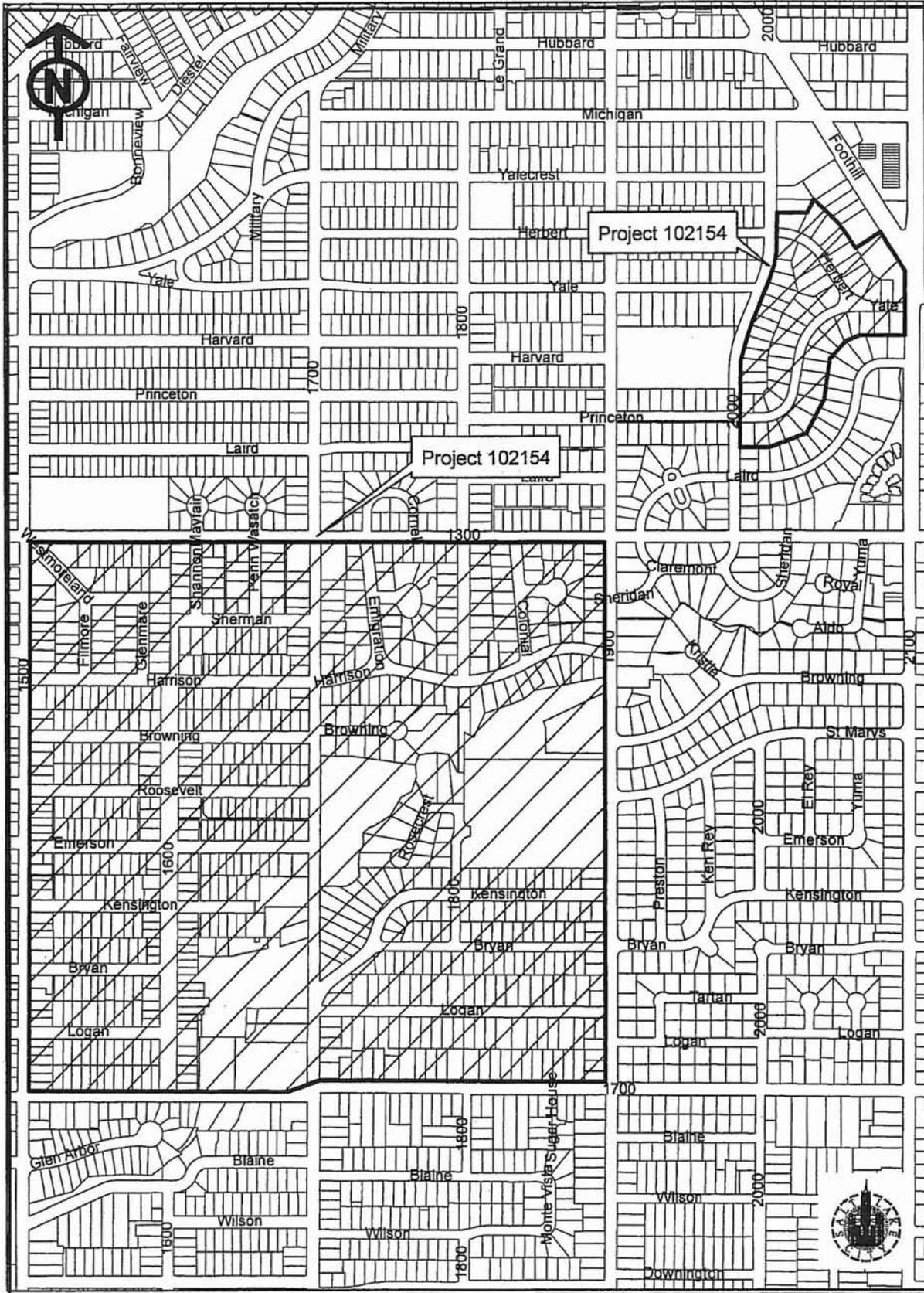
Answer: The City has not appropriated funds for making these repairs at no cost to the property owner. The problem is common throughout the City.

**14. I would like to remove the tree in front of my property. Will the City remove my tree?**

Answer: The City's Urban Forester will make an assessment if requested. Trees add a benefit to the neighborhood as a whole and therefore, cannot be evaluated for removal on an individual basis. Some trees may have to be removed because of age, disease, proximity to other trees, etc. The City will consider each request for tree removal and will base its judgment primarily on the tree's benefit to the neighborhood and secondarily to the desire of the adjacent property owner.

# Project Location Map

Job No. 102154

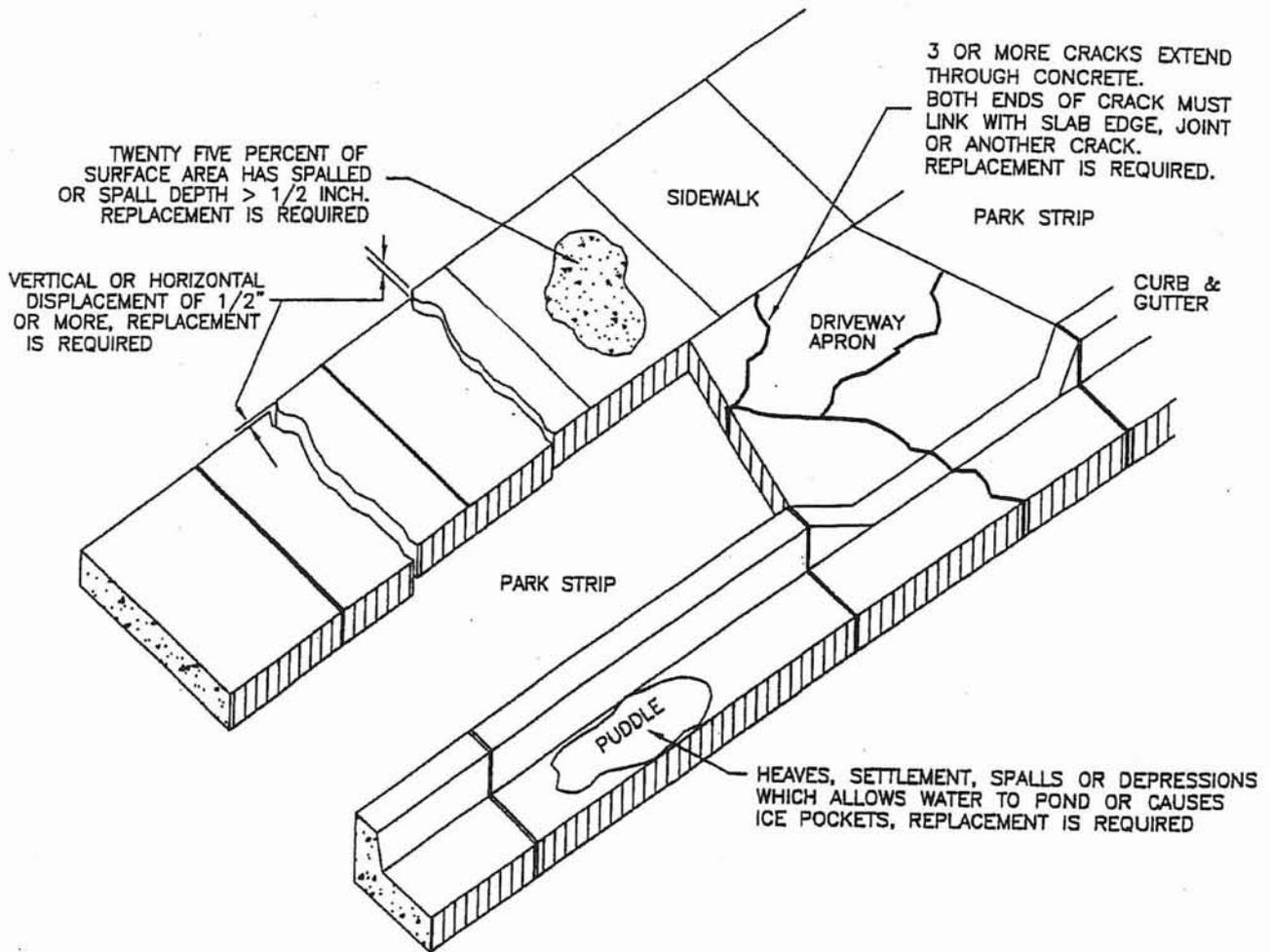


 Project Border

0 455 910 1,820 Feet

***Defective concrete***

1. **NARRATIVE:** This drawing defines parameters for determining whether new or existing concrete is defective. Replacement is required if any component has one or more of the conditions shown.



**OBLIQUE**

***Defective concrete***

Plan No.

**291**

**CALENDAR OF EVENTS**  
**SALT LAKE CITY**  
**SPECIAL ASSESSMENT AREA (SAA)**  
**Sidewalk Replacement SAA 2008/09; Project Number 102154**  
Construction Phase

<b>Date</b>	<b>Event</b>	<b>Distribution Date 09/01/09</b>	<b>Responsibility</b>
22-Jul-09	Description of improvements and areas to be improved furnished by City Engineer to Ballard Spahr ("Bond Counsel").		Engineering
27-Jul-09	Bond counsel transmits draft of Notice of Intention to City.		Bond Counsel
4-Aug-09	Legal documents transmitted from Bond Counsel to Salt Lake City (the "City"). RE: Notice of Intention.		Engineering & Bond Counsel
11-Aug-09	Council transmittal letter and the Notice of Intention delivered to Public Services for review.		Engineering
18-Aug-09	Council transmittal letter and the Notice of Intention delivered to Mayors Office for review.		Public Services
25-Aug-09	The Notice of Intention paperwork is due to the Council office.		Mayors Office
8-Sep-09	Council briefing from Engineering		Engineering
8-Sep-09	Council adopts Notice of Intention to create the Area and authorizes advertisement for bids and sets protest hearing date for Nov. 3, 2009.		Council
28-Sep-09	First publication of Notice of Intention.		Recorders Office
6-Oct-09	Second Publication of Notice of Intention.		Recorders Office
6-Oct-09	Mailing (within 10 days from the first publication) of the Notice of Intention to (1) each property within the Special Assessment Area and (2) each street address, post office box, rural route or other mailing address to "Owner".		Engineering
13-Oct-09	Third publication of Notice of Intention.		Recorders Office
20-Oct-09	Fourth publication of Notice of Intention.		Recorders Office

Date	Event	Distribution Date 09/01/09	Responsibility
27-Oct-09	Informal information meeting. (This may be scheduled earlier; it is not a statutory requirement.)		Engineering
2-Nov-09	Publication of the Notice to Contractors calling for bids.		Engineering
5-Nov-09	The protest tabulation paperwork is due to the Council office.		Engineering
5-Nov-09	Deadline for filing written protests.		
5-Nov-09	Protest Hearing.		Council
4-Nov-09	Tabulation of protests for this SAA furnished furnished to Ballard Spahr.		Engineering
6-Nov-09	Protests and creation of the SAA transmitted from Ballard Spahr to the City.		Engineering
18-Nov-09	Bids opened, tabulated and reported.		Engineering
18-Nov-09	Bond counsel transmits draft of resolution designating the SAA .		Bond Counsel
18-Nov-09	Bond counsel transmits draft of resolution awarding the construction contract.		Bond Counsel
24-Nov-09	Legal documents transmitted from Bond Counsel to City for the adoption of the resolution designating the SAA.		Engineering
24-Nov-09	Legal documents transmitted from Bond Counsel to City for the award of the construction contract and approval of interim financing.		Engineering
1-Dec-09	Council transmittal letter and adoption of the resolution designating the SAA delivered to Public Services for review and approval.		Engineering
1-Dec-09	Council transmittal letter and the award of the construction contract and approval of interim financing delivered to Public Services for review and approval.		Engineering
8-Dec-09	Council transmittal letter and adoption of the resolution designating the SAA delivered to Mayors Office		Public Services

Date	Event	Distribution Date 09/01/09	Responsibility
	for review and approval.		
8-Dec-09	Council transmittal letter and the award of the construction contract and approval of interim financing delivered to Mayors Office for review and approval.		Public Services
15-Dec-09	The resolution paperwork is due to the Council office.		Mayors Office
15-Dec-09	The award paperwork is due to the Council office.		Mayors Office
5-Jan-10	Council adopts the resolution designating the SAA.		Council
5-Jan-10	Council award of the construction contract and approval of interim financing.		Council
5-Jan-10	File a copy of the Notice of Intention and the resolution designating the SAA and proposed Assessment List with the County Recorder.		Recorder's Office