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# M E M O R A N D U M

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**DATE:** April 20, 2010  
**TO:** City Council Members  
**FROM:** Jennifer Bruno, Deputy Director  
**RE:** Closing out previous proposal for North Temple SAA; Starting new process for revised proposal for North Temple SAA

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The Administration has provided two resolutions for Council consideration regarding the North Temple SAA:

1. Resolution repealing the previous North Temple SAA.
2. Resolution stating the notice of intention for a new SAA proposal, and setting a new protest hearing date of May 18, 2010.

## **POTENTIAL MOTIONS**

1. **["I move that the Council"]** Adopt the resolution repealing resolution 13 of 2010, stating a Notice of Intention to create a Special Assessment Area.  
**AND**
2. **["I move that the Council"]** Adopt the resolution stating a Notice of Intention to create a new Special Assessment Area, and setting the protest hearing date of May 18, 2010.

## **BACKGROUND**

- A. On February 16<sup>th</sup>, the Council adopted a Notice of Intention and Public Hearing date for April 13<sup>th</sup>, for an SAA as described starting on Page 2 of this staff report (Lighting, Lighting Maintenance, Sidewalk Maintenance, Landscaping Maintenance). The total per foot cost for the lighting part would have been \$185 per year, and the total maintenance cost per foot would have been \$17.50 per year.
- B. As of the April 13 original protest hearing, 51.53% of property owners protested. This percentage is calculated using individual property owner street frontage as compared to the total street frontage. By state statute the Council could not adopt the SAA as proposed. *The property owner protests are listed in detail on the attached sheet.*
- C. The Administration has developed a **new proposal** for an SAA along North Temple.
  - a. Changes to the Lighting Component - The Administration has progressed further in the design of the lighting along the boulevard. As a result costs are now more finalized, and the amended resolution proposes reducing the lighting installation assessment from \$185 per foot to **\$140 per foot**. This would be a one-time assessment.
  - b. Changes to the Maintenance District Component - The Administration has prepared a resolution for Council consideration that would amend the SAA - it would reduce the scope of the "maintenance district" component of the SAA to only involve the irrigation and maintenance of the landscaping along the boulevard, as well as lighting maintenance for a potential cost of **\$5.00 per foot per year**. This would be an on-going assessment.
    - i. Snow removal and sidewalk maintenance are no longer included.

- c. The Administration indicated in their previous memo that the SAA can be structured so that in the future different levels of maintenance can be paid for by the SAA for different property owners. *The Council may wish to consider how this may complicate the Administration of the SAA, as well as how this may affect the overall look of the boulevard.*
- D. Previous protests will not “count” towards this new SAA. Any property owner that wishes to protest should provide written protest to the City recorder’s office by May 18, 2010, or attend the Council public hearing on the night of May 18, 2010. *The Council may wish to discuss with the Administration if this is sufficient time to notify all concerned parties.*

Salt Lake City, Utah

April 20, 2010

A regular meeting of the City Council of Salt Lake City, Utah, was held on Tuesday, April 20, 2010, 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:

JT Martin	Chair
Jill Remington-Love	Vice Chair
Søren Dahl Simonsen	Councilmember
Stan Penfold	Councilmember
Van Blair Turner	Councilmember
Luke Garrott	Councilmember
Carlton Christensen	Councilmember

Also present:

Ralph Becker	Mayor
Edwin P. Rutan, II	City Attorney
Chris Meeker	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 City Council a Certificate of Compliance with Open Meeting Law with respect to this April 20, 2010, meeting, a copy of which is attached hereto as Exhibit A.

\_\_\_\_\_ then explained that on February 16, 2010, the City Council adopted a resolution of intent to designate an assessment area to be known as the Salt Lake City, Utah North Temple Boulevard Assessment Area No. LC-109015 and M-109016 (the “North Temple Boulevard Assessment Area”). Upon further review by the City Council of the cost of the Improvements (as defined in said resolution) and operation and maintenance costs proposed to be assessed against properties within the North Temple Boulevard Assessment Area, the City Council determined to repeal the February 16, 2010, proceedings with respect to the North Temple Boulevard Assessment Area.

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 and recorded by the City Recorder in the official records of Salt Lake City, Utah. The resolution is as follows:

RESOLUTION NO \_\_ of 2010

A Resolution to repeal Resolution No. 13 of 2010, adopted on February 16, 2010.

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

Section 1. Resolution No. 13 of 2010 adopted on February 16, 2010, is hereby repealed.

Section 2. All resolutions or parts thereof in conflict with this resolution are, to the extent of such conflict, hereby repealed and this resolution shall be in full force and effect immediately upon its approval and adoption.

ADOPTED BY THE CITY COUNCIL OF SALT LAKE CITY, UTAH

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

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 April 20, 2010.

(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 April 20, 2010.

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

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing resolution is hereby approved this \_\_\_\_\_, 2010.

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

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

I, Chris Meeker, 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 Thursday, April 20, 2010, insofar as the same relates to or concerns the repeal of Resolution No. 13 of 2010.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Salt Lake City, Utah, this April 20, 2010.

(SEAL)

By: \_\_\_\_\_  
  City Recorder



EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Chris Meeker, 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 April 20, 2010, public meeting held by the City Council of the City as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City Council's principal offices at 451 South State Street, Salt Lake City, Utah, on \_\_\_\_\_, 2010, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Deseret News on \_\_\_\_\_, 2010, 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 2010 Annual Meeting Schedule (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 City 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 April 20, 2010.

(SEAL)

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

SCHEDULE 1  
NOTICE OF MEETING

SCHEDULE 2

NOTICE OF 2010 ANNUAL MEETING SCHEDULE

Salt Lake City, Utah

April 20, 2010

A regular meeting of the City Council of Salt Lake City, Utah, was held on Tuesday, April 20, 2010, 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:

JT Martin	Chair
Jill Remington-Love	Vice Chair
Søren Dahl Simonsen	Councilmember
Stan Penfold	Councilmember
Van Blair Turner	Councilmember
Luke Garrott	Councilmember
Carlton Christensen	Councilmember

Also present:

Ralph Becker	Mayor
Edwin P. Rutan, II	City Attorney
Chris Meeker	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 City Council a Certificate of Compliance with Open Meeting Law with respect to this April 20, 2010, 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 and recorded by the City Recorder in the official records of Salt Lake City, Utah. The resolution is as follows:

RESOLUTION NO \_\_ of 2010

A Resolution to (a) finance the cost of certain infrastructure improvements consisting of the reconstruction of the roadway pavement, and the construction and installation of the Jordan River bridge, curbs, multipurpose walkways, driveway approaches, walkway access ramps, bicycle and pedestrian paths, pedestrian crosswalks, decorative walkway pavements and treatments, street corner treatments, park strip landscaping, irrigation systems, landscaped median islands, site acquisitions, storm drainage facilities, street and pedestrian lighting system, traffic signals, and public art, together with all other miscellaneous work necessary to complete the improvements in a proper and workmanlike manner; (b) pay a portion of the cost of said improvements by assessments to be levied against properties benefited by such improvements; (c) pay certain operation and maintenance costs with respect to street and pedestrian lighting, and an irrigation system for the North Temple Boulevard park strip and median island, including electrical costs and water service costs; (d) 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; to declare the City's official intention to reimburse itself for expenditures paid by it prior to the issuance of tax-exempt bonds; 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 reconstruction of the roadway pavement, and the construction and installation of the Jordan River bridge, curbs, multi-purpose walkways, driveway approaches, walkway access ramps, bicycle and pedestrian paths, pedestrian crosswalks, decorative walkway pavements and treatments, street corner treatments, park strip landscaping, irrigation systems, landscaped median islands, site acquisitions, storm drainage facilities, street and pedestrian lighting system, traffic signals and public art in conjunction with the Utah Transit Authority and City downtown to Airport light rail line project, together with all other miscellaneous work necessary to complete said improvements in a proper and workmanlike manner (collectively, the "Improvements") according to plans on file in the office of the City Engineer in Salt Lake City, Utah. To finance a portion of the cost of the Improvements and to pay certain operation and maintenance costs with respect to street and pedestrian lighting and an irrigation system for the North Temple Boulevard park strip and median island, including electrical costs and water service costs by assessments to be levied against properties benefited by such 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 is 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 North Temple Boulevard Assessment Area No. LC-109017 and No.

M-109018 (the “North Temple Boulevard Assessment Area”). A description of the proposed North Temple Boulevard Assessment Area is more particularly described in the Notice of Intention to Designate Assessment Area hereinafter set forth.

Section 3. Written protests against the proposed Improvements or against the designation of the North Temple Boulevard Assessment Area must be presented and filed in the Office of the City Recorder on or before Tuesday, May 18, 2010, at the hour of 5:00 p.m. Thereafter at 7:00 p.m. on Tuesday, May 18, 2010, 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 intention to designate the North Temple Boulevard Assessment Area, to make the proposed Improvements and to assess a portion of the costs thereof, as well as certain operation and maintenance expenses, and of the time within which protests against the proposed Improvements, the proposed assessments, or the designation of the North Temple Boulevard Assessment Area may be filed and the date when such protests will be heard and considered. The notice shall be given 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 North Temple Boulevard 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, April 20, 2010, the City Council (the "Council") of Salt Lake City, Utah (the "City"), adopted a resolution declaring its intention to designate an assessment area to be known as the Salt Lake City, Utah North Temple Boulevard Assessment Area No. LC-109017 and No. M-109018 (the "North Temple Boulevard Assessment Area"). It is the proposal of the Council to provide Improvements herein described to property within the proposed North Temple Boulevard Assessment Area, to finance a portion of the cost of the proposed Improvements within the North Temple Boulevard Assessment Area as well as operation and maintenance costs with respect to certain of said Improvements, and to levy assessments as provided in Title 11, Chapter 42, Utah Code Annotated 1953, as amended, (the "Act") on the properties lying within the North Temple Boulevard Assessment Area for the benefit of which such assessments are to be expended to pay for such Improvements as well as certain operation and maintenance costs.

### DESCRIPTION OF ASSESSMENT AREA

The proposed North Temple Boulevard Assessment Area shall include the following properties fronting North Temple Street as follows:

**From 400 West to 500 West:**

**North Side:**

Beginning at the west right of way line of 400 West thence west to the east right of way line of 500 West.

**South Side:**

Beginning at the west right of way line of 400 West thence west to the east right of way line of 500 West.

**From 500 West to 600 West:**

**North Side:**

Beginning at the east right of way line of 600 West thence east to the west right of way line of 500 West.

**South Side:**

Beginning at the east right of way line of 600 West thence east 701.25 feet to the west boundary line of the Union Pacific Railroad corridor.

**From 600 West to I-15:**

**North Side:**

Beginning at the west right of way line of 600 West thence west to the east right of way line of I-15.

**South Side:**

Beginning at the west right of way line of 600 West thence west to the east right of way line of I-15.

**From I-15 to 800 West:**

**North Side:**

Beginning at the west right of way line of 700 West thence west to the east right of way line of 800 West.

**South Side:**

Beginning at the west right of way line of I-15 thence west to the east right of way line of 800 West.

**From 800 West to 900 West:**

**North Side:**

Beginning at the west right of way line of 800 West thence west to the east right of way line of 900 West.

**South Side:**

Beginning at the west right of way line of 800 West thence west to the east right of way line of 900 West.

**From 900 West to 1000 West:**

**North Side:**

Beginning at the west right of way line of 900 West thence west to the east right of way line of 1000 West.

**South Side:**

Beginning at the west right of way line of 900 West thence west to the east right of way line of Chicago Street, then  
Beginning at the west right of way line of Chicago Street thence west to the east right of way line of 1000 West.

**From 1000 West to the Jordan River:**

**North Side:**

Beginning at the west right of way line of 1000 West thence west to the east boundary line of the Jordan River.

**South Side:**

Beginning at the west right of way line of 1000 West thence west to the east boundary line of the Jordan River.

**From the Jordan River to Redwood Road.**

**North Side:**

Beginning at the west boundary line of the Jordan River thence west to the east right of way line of 1460 West Street, then  
Beginning at the west right of way line of 1460 West thence west to the east right of way line of Cornell Street, then  
Beginning at the west right of way line of Cornell Street thence west to the east right of way line of Redwood Road.

**South Side:**

Beginning at the west boundary line of the Jordan River thence west to east right of way line of Redwood Road.



**From Redwood Road to I-215 (1980 West).**

**North Side:**

Beginning at the west right of way line of Redwood Road thence west to the east right of way line of 1950 West, then.

Beginning at the west right of way line of 1950 West thence west to the east right of way line of I-215.

**South Side:**

Beginning at the west right of way line of Redwood Road thence west to the east right of way line of Lawrence Street, then

Beginning at the west right of way line of the Lawrence Street thence west to the east right of way line of Winnifred Street, then

Beginning at the west right of way line of Winnifred Street thence west to the east right of way line of I-215.

**From I-215 to 2400 West.**

**North Side:**

Beginning at the west right of way line of I-215 thence west 342.70 feet, then

Beginning at the southwest corner of parcel no. 8-22-42-478 thence southwest along old Utah State Route 186 to the northeast right of way line of 2200 West, then

Beginning at the southwest corner of 2200 West thence southwest along old Utah State Route 186 to the northeast right of way line of 2400 West.

**South Side:**

Beginning at the west right of way line of I-215 thence southwest along old Utah State Route 186 to the northeast right of way line of 2400 West.

A map of the proposed North Temple Boulevard Assessment Area is attached hereto as Attachment A.

**PROPOSED IMPROVEMENTS AND LOCATION**

The proposed Improvements consist of the reconstruction of the roadway pavement, and the construction and installation of the Jordan River Bridge, concrete curbs, multi-purpose walkways, driveway approaches, walkway access ramps, bicycle and pedestrian paths, enhanced pedestrian crosswalks, decorative walkway pavements and treatments, street corner treatments, park strip landscaping, irrigation systems, landscaped median islands, site furnishings, storm drainage facilities, street and pedestrian lighting system, traffic signals and public art in conjunction with the Utah Transit Authority and City downtown to Airport light rail line project, and related improvements together with all other miscellaneous work necessary to complete said improvements in a proper and workmanlike manner (collectively, the "Improvements"). The Improvements are generally located on North Temple Street from 400 West Street to 2400 West Street.

PROPOSED ASSESSMENTS, ESTIMATED COST OF IMPROVEMENTS,  
AND METHOD OF ASSESSMENT

Pursuant to the Act, the Council has determined to levy assessments to pay a portion of the cost of the Improvements (the “Capital Assessments”) and to pay certain operation and maintenance costs with respect to the street and pedestrian lighting system from 400 West to 2400 West, and an irrigation system for the North Temple Boulevard park strip and median island, within the public right of way from 600 West to 1980 West (the “O&M Assessments”).

The total cost of the Improvements including overhead costs is estimated to be \$29,232,499, approximately \$25,059,957 of which will be paid by the City and by other funding sources, including approximately \$14,359,000 in City Funds, \$10,000,000 of Airport Light Rail Alliance Funds, and \$700,957 of State of Utah Funds. The remaining estimated \$4,172,542 will be paid by the Assessments to be levied against the properties that may be directly or indirectly benefited by such Improvements, which benefits need not actually increase the fair market value of the properties to be assessed.

The Council intends to levy O&M Assessments, as provided in the Act, on those properties within the North Temple Boulevard Assessment Area to be benefited by the maintenance of portions of the Improvements to pay certain operation and maintenance costs incurred by the City within the North Temple Boulevard Assessment Area. The initial estimated aggregate annual O&M Assessment is \$128,000 for the first year. Each subsequent annual O&M Assessment shall be determined as follows: actual O&M costs for the prior year, less any surplus or plus any deficits for the prior year, plus a cost of living adjustment, plus any extraordinary O&M costs to be incurred for the coming year. The Council will adjust each annual O&M Assessment annually to reflect the current operation and maintenance costs anticipated to be incurred by the City using the determination method described above, and will adopt a new assessment ordinance levying each annual assessment.

All properties described under DESCRIPTION OF ASSESSMENT AREA above, with the exception of those properties fronting North Temple Street from 400 West to 500 West, will be assessed a Capital Assessment as follows:

CAPITAL ASSESSMENTS

<u>Improvements</u>	<u>Estimated Assessment</u>	<u>Method of Assessment</u>
All above described Improvements	\$140	Per front foot

All properties described under DESCRIPTION OF ASSESSMENT AREA above will be assessed a Rate 1 O&M Assessment as follows:

#### RATE 1 O&M ASSESSMENTS

<u>Rate</u>	<u>Improvements</u>	<u>Estimated Annual Assessment</u>	<u>Method of Assessment</u>
1	Operation and maintenance costs of the North Temple street and pedestrian lighting system including general maintenance, light pole and fixture replacements, and electrical power costs.	\$2.00	Per front foot

The following properties fronting North Temple Street from 600 West to I-15, from I-15 to 800 West, from 800 West to 900 West, from 900 West to 1000 West, from 1000 West to the Jordan River, from the Jordan River to Redwood Road, and from Redwood Road to I-215 will also be assessed the Rate 2 O&M Assessment as follows:

#### RATE 2 O&M ASSESSMENTS

<u>Rate</u>	<u>Improvements</u>	<u>Estimated Annual Assessment</u>	<u>Method of Assessment</u>
2	Operation, repair, and replacement of an irrigation water system for the North Temple Boulevard park strip and median island.	\$3.00	Per front foot

The proposed Capital Assessments and O&M Assessments will be equal and uniform based on benefits received. The City Engineer has prepared a “Certificate of Project Engineer” that, among other things, identifies the costs of the proposed Improvements and operation and maintenance costs. 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 Council proposes to levy the Capital Assessments as provided in the Act on all parcels and lots of real property within the North Temple Boulevard Assessment Area fronting on North Temple Street as described herein. The purpose of the Capital Assessment and levy is to pay a portion of the costs of the proposed Improvements. The method of assessment will be by front footage as described above. The Capital Assessments may be paid by property owners in ten (10) annual principal installments with interest on the unpaid balance at a rate or rates fixed by the Council, or 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 O&M Assessments will be paid in annual installments by property owners over a five-year period beginning on the day on which the Council adopts an assessment

ordinance levying the O&M Assessment. The first O&M Assessment payment shall be due and payable 30 days after the effective date of the first Assessment Ordinance to be adopted by the Council to levy said O&M Assessment and subsequent assessment payments with respect to subsequent assessment ordinances shall be due and payable on each anniversary date thereafter for so long as the Council determines to adopt an assessment ordinance to levy the O&M Assessment; but in no event longer than five (5) years, provided, however, that the Council may levy an O&M Assessment after said five-year period, if, after the five-year period expires, the Council complies with Part 4 of the Act. The Council may elect to charge interest at a rate determined by the Council on unpaid O&M Assessments from the date the O&M Assessment comes due. The assessments shall be levied according to the benefits to be derived by each property within the North Temple Boulevard Assessment Area. Other payment provisions and enforcement remedies shall be in accordance with the Act.

A map of the proposed Assessment Area and a more detailed description of the proposed Improvements and other related information are on file in the office of the City Engineer who will make such information available to all interested persons.

#### TIME FOR FILING PROTESTS

Any person who is the owner of record of property to be included within the North Temple Boulevard Assessment Area shall have the right to file in writing a protest against the designation of the North Temple Boulevard Assessment Area or to make any other objections relating thereto. Protests shall describe or otherwise identify the property owned of record by the person or persons making the protest. Protests shall be filed in writing with the City Recorder of Salt Lake City, Utah, either in person during regular business hours Monday through Friday, or by mail on or before the date of the hearing at 5:00 p.m. on Tuesday, May 18, 2010, at the offices of the City Recorder located in Room 415, City and County Building, 451 South State Street, P.O. Box 145515, Salt Lake City, Utah 84114-5515. Thereafter, at 7:00 p.m. on Tuesday, May 18, 2010, the Council will meet in public meeting at the City Council offices in Salt Lake City, Utah, to consider all protests so filed and hear all objections relating to the proposed North Temple Boulevard Assessment Area, the proposed assessments, and the proposed Improvements. After such consideration and determination, the Council shall adopt a resolution either abandoning the North Temple Boulevard Assessment Area or designating the North Temple Boulevard Assessment Area either as described in this Notice of Intention to Designate Assessment Area or with deletions and changes made as authorized by the Act; but the Council shall abandon the designation of the North Temple Boulevard Assessment Area if the necessary number of protests as provided herein have been filed on or before the time specified in this Notice of Intention to Designate Assessment Area for the filing of protests after eliminating from such filed protests: (a) protests relating to property or relating to a type of Improvement that has been deleted from the North Temple Boulevard Assessment Area, and (b) protests that have been withdrawn in writing prior to the conclusion of the hearing. The necessary number of protests shall mean the following: Protests representing at least one-half of the total front

footage of all properties to be assessed where an assessment is proposed to be made according to front footage.

ADOPTED BY THE CITY COUNCIL OF SALT LAKE CITY, UTAH

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

Published in the Deseret News on \_\_\_\_\_, 2010.

ATTACHMENT A

MAP OF PROPOSED NORTH TEMPLE BOULEVARD ASSESSMENT AREA

Section 4. 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 5. The Council reasonably expects, and hereby confirms its prior expressions of intent, to reimburse the City from proceeds of tax-exempt bonds for the cost of the proposed Improvements paid by the City.

Section 6. This declaration is intended to be a declaration of official intent under Treasury Regulation § 1.103-18(1).

Section 7. The maximum principal amount of debt expected to be issued for reimbursement purposes is \$4,172,542.

Section 8. This declaration of official intent is consistent with the City’s budgetary and financial circumstances. No funds from sources other than the tax-exempt 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 9. The City Engineer is hereby authorized to prepare notices to call for bids for the furnishing of materials and the acquisition and installation of 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 April 20, 2010.

(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 April 20, 2010.

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

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing resolution is hereby approved this \_\_\_\_\_, 2010.

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

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

I, Chris Meeker, 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 Thursday, April 20, 2010, insofar as the same relates to or concerns Salt Lake City, Utah North Temple Boulevard Assessment Area No. LC-109017 and No. M-109018 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, Utah, this April 20, 2010.

(SEAL)

By: \_\_\_\_\_  
  City Recorder

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

AFFIDAVIT OF MAILING  
NOTICE OF INTENTION

I, Chris Meeker, 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 April 20, 2010.

I further certify that on \_\_\_\_\_, 2010 (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 North Temple Boulevard Assessment Area No. LC-109017 and No. M-109018 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 \_\_\_\_\_, 2010.

(SEAL)

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

PROOF OF PUBLICATION

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Chris Meeker, 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 April 20, 2010, public meeting held by the City Council of the City as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City Council's principal offices at 451 South State Street, Salt Lake City, Utah, on \_\_\_\_\_, 2010, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Deseret News on \_\_\_\_\_, 2010, 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 2010 Annual Meeting Schedule (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 City 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 April 20, 2010.

(SEAL)

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

SCHEDULE 1  
NOTICE OF MEETING

SCHEDULE 2

NOTICE OF 2010 ANNUAL MEETING SCHEDULE



EXHIBIT B

CERTIFICATE OF ENGINEER

SCANNED TO: Mayor  
SCANNED BY: Rachel  
DATE: 4-5-10

RICHARD GRAHAM  
PUBLIC SERVICES DIRECTOR

# SALT LAKE CITY CORPORATION

DEPARTMENT OF PUBLIC SERVICES  
DIRECTORS OFFICE

RALPH BECKER



## CITY COUNCIL TRANSMITTAL

\_\_\_\_\_  
David Eyeritt, Chief of Staff  
  
Ralph Becker, Mayor

Date Received: \_\_\_\_\_  
Date sent to Council: \_\_\_\_\_

**TO:** Salt Lake City Council  
JT Martin, Chair

**DATE:** April 20, 2010

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

**SUBJECT:** Amended and Restated Notice of Intention to Designate North Temple Boulevard Assessment Area No LC-109015 and M-109016

**STAFF CONTACT:** John Naser, P.E., Deputy City Engineer – 801-535-6240  
(john.naser@slcgov.com)

**DOCUMENT TYPE:** Resolution

### RECOMMENDATION:

It is recommended the City Council approve a resolution amending and restating the Notice of Intent to Designate the subject Special Assessment Area (SAA).

### BUDGET IMPACT:

Funds are provided from the Salt Lake City capital improvement budget, North Temple Alliance funds established in the Salt Lake City – Utah Transit Authority Airport Interlocal Agreement, an allocation from affected State properties, and property owner assessments through the SAA.

### BACKGROUND/DISCUSSION:

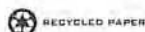
On February 16, 2010 the City Council adopted a resolution to designate the Notice of Intent for the North Temple Boulevard SAA. This action established the Administration and Council's intent to have the property owners abutting North Temple participate in a portion of the funding of improvements and to provide annual funding for maintenance of these improvements through the SAA. The resolution set April 12, 2010 for a public hearing to receive comments and protests of the SAA. The proposed property owner assessment involved payment for the installation of a street and pedestrian light system from 400 West to 2400 West and ongoing funding for maintenance of the lighting

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.SLCGOV.COM



systems and boulevard elements such as the enhanced park strip landscaping, median landscaping, wide pedestrian walkway, corner treatments, site furnishings, and other items necessary to maintain the appearance of North Temple from 600 West to I-215. This maintenance included park strip landscaping upkeep, repairs and operation of the irrigation systems, urban design elements, debris removal from park strip areas, trash receptacles, lighting, cleaning, and removal of snow and ice from the walkways. This work, which normally is a property owner responsibility, was proposed to be done by the SAA.

In discussions with property owners and the North Temple Citizen Advisory Committee, considerable concern was raised about the proposed assessment for maintaining the boulevard elements; the \$15.50 per foot cost per year is difficult for the property owners to assume considering the current economic conditions and the uncertainty of future costs. The amended SAA creates the ongoing maintenance assessment but at a reduced cost and shifts most of the maintenance responsibilities for boulevard elements to the property owners. They have expressed a general approval of the project and agree with what the City is trying to accomplish. Because of the cost, owners are requesting they be able to perform the maintenance adjacent to their property at their cost as is currently required by ordinance. If in the future property owners request this maintenance be provided by the SAA the assessment rate can be adjusted on an annual basis to include any or all the above mentioned items. The assessment can be structured so that individual owners can have different levels of maintenance performed by the SAA. The property owners are generally not opposed to the \$2.00 per foot per year cost for maintaining the new street lighting system.

Landscaping of the widened park strips and median islands is a key component of the boulevard. The establishment of this landscaping ties the neighborhoods and creates a common theme along the street. The Council approved landscaping as an important part of the project. If the landscaping is not properly maintained, it will impact what the City is trying to accomplish on North Temple. The majority of the landscaping involves trees, shrubs and low water use ground covers that require consistent irrigation to become established and to grow properly. The amended SAA proposes the property owner be assessed for the cost associated with a City owned and operated irrigation system installed in all park strips and median islands. The SAA establishes an estimated \$3.00 per foot assessment which is adjusted annual by the Council for maintenance and operation of this irrigation system. The capital costs for the installation of the boulevard elements, landscaping and irrigation system is included in the project budget.

Since the original notice to designate the SAA was prepared the design of the street and pedestrian lighting system has been completed. With input from the advisory committee and property owners the design has determined the type, number and locations of the lights resulting in a reduction of the proposed assessment. The amended resolution reduces the estimated assessment for the lighting system installation from \$185.00 to \$140.00 per foot.

Attached is schedule of hearings and meetings, a map of the proposed assessment area and the Amended and Restated Notice of Intention.

**PUBLIC PROCESS:**

Information concerning the amended SAA has been presented at the North Temple Citizen Advisory Committee monthly meeting and a letter sent to the property owners explaining the City proposal for revising the boulevard maintenance responsibilities. An informal meeting is scheduled for May 5, 2010 at the City Engineer's Office. A public hearing is scheduled before the City Council on May 18, 2010.

**CALENDAR OF EVENTS**  
**SALT LAKE CITY**  
**Amended and Restated**  
**SPECIAL ASSESSMENT AREA (SAA)**  
**North Temple Boulevard SAA; Job Numbers LC-109015 & M-109016**  
**(Downtown Intermodal Hub to SLC Airport)**

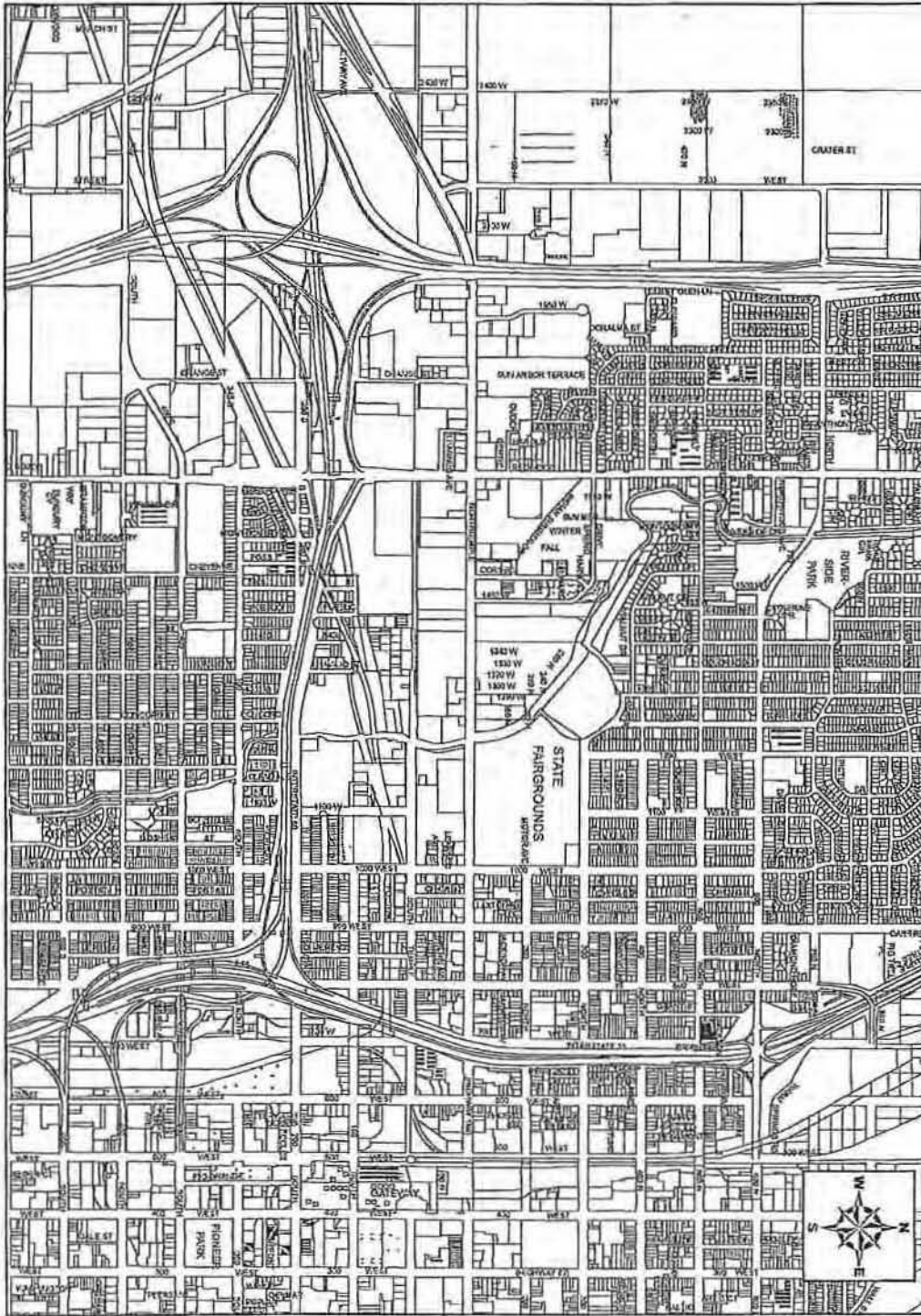
**Construction Phase**

<b>Date</b>	<b>Event</b>	<b>Distribution Date 3/24/10</b>	<b>Responsibility</b>
25-Mar-10	Description of improvements and areas to be improved furnished by City Engineer to Legal Counsel		Engineering
26-Mar-10	Legal Counsel transmits draft of Notice of Intention to Designate Assessment Area to the City.		Legal Counsel
26-Mar-10	Legal documents transmitted from Legal Counsel to Salt Lake City (the "City"). RE: Notice of Intention to Designate Assessment Area.		Engineering & Legal Counsel
29-Mar-10	City Council transmittal letter and the Notice of Intention to Designate Assessment Area delivered to Public Services for review.		Engineering
30-Mar-10	City Council transmittal letter and the Notice of Intention to Designate Assessment Area delivered to Mayor's Office for review.		Public Services
6-Apr-10	The Notice of Intention paperwork is due to the City Council office.		Mayors Office
13-Apr-10	City Council briefing from Engineering		Engineering
20-Apr-10	City Council adopts Notice of Intention to Designate Assessment Area to create the and sets protest hearing date for May 18, 2010.		City Council
24-Apr-10	First publication of Notice of Intention to Designate Assessment Area .		Recorders Office
26-Apr-10	Second Publication of Notice of Intention to Designate Assessment Area .		Recorders Office
26-Apr-10	Mailing (within 10 days from the first publication) of the Notice of Intention to Designate Assessment Area 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
3-May-10	Third publication of Notice of Intention to Designate Assessment Area .		Recorders Office
10-May-10	Fourth publication of Notice of Intention to Designate Assessment Area .		Recorders Office
To Be Determined	Informal information meeting. (This may be scheduled earlier; it is not a statutory requirement.) City Council office.		
18-May-10	Deadline for filing written protests.		
18-May-10	Protest Hearing.		City Council

18-May-10	Tabulation of protests for this SAA furnished to Legal Counsel.	Engineering
21-May-10	Protests and creation of the SAA transmitted from Legal Counsel to the City.	Engineering
25-May-10	Legal Counsel transmits draft of resolution designating the SAA .	Legal Counsel
25-May-10	Legal Counsel transmits draft of resolution awarding the construction contract.	Legal Counsel
1-Jun-10	Legal documents transmitted from Legal Counsel to City for the adoption of the resolution designating the SAA.	Engineering
1-Jun-10	Legal documents transmitted from Legal Counsel to City for the award of the construction contract and approval of interim financing.	Engineering
8-Jun-10	City Council transmittal letter and adoption of the resolution designating the SAA delivered to Public Services for review and approval.	Engineering
8-Jun-10	City Council transmittal letter and the award of the construction contract and approval of interim financing delivered to Public Services for review and approval.	Engineering
15-Jun-10	City Council transmittal letter and adoption of the resolution designating the SAA delivered to Mayor's Office for review and approval.	Public Services
15-Jun-10	City Council transmittal letter and the award of the construction contract and approval of interim financing delivered to Mayor's Office for review and approval.	Public Services
22-Jun-10	The resolution paperwork is due to the City Council office.	Mayors Office
22-Jun-10	The award paperwork is due to the City Council office.	Mayors Office
6-Jul-10	City Council adopts the resolution designating the SAA.	City Council
6-Jul-10	City Council award of the construction contract and approval of interim financing.	City Council
6-Jul-10	File a copy of the Notice of Intention to Designate Assessment Area and the resolution designating the SAA and proposed Assessment List with the County Recorder.	Recorder's Office

ATTACHMENT A

MAP OF PROPOSED NORTH TEMPLE BOULEVARD ASSESSMENT AREA  
North Temple Boulevard SAA; Job Numbers LC-109015 & M-109016



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# SALT LAKE CITY COUNCIL STAFF REPORT

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DATE: April 13, 2010

SUBJECT: North Temple Boulevard  
Special Assessment Area  
#LC-109015, M-109016  
Notice of Intention and set protest  
hearing date of April 13, 2010

AFFECTED COUNCIL DISTRICTS: 1, 2, and 3

STAFF REPORT BY: Jennifer Bruno, Deputy Director

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

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## **NEW SAA PROPOSAL FROM ADMINISTRATION:**

On February 16<sup>th</sup>, the Council adopted a Notice of Intention and Public Hearing date for April 13<sup>th</sup>, for an SAA as described starting on Page 2 of this staff report (Lighting, Lighting Maintenance, Sidewalk Maintenance, Landscaping Maintenance). The total per foot cost for the lighting part would have been \$185 per year, and the total maintenance cost per foot would have been \$17.50 per year.

Since that time the Administration has developed a **new proposal** (through a resolution to amend the current SAA), and as such, did not mail the notice for the April 13<sup>th</sup> hearing to property owners. Some property owners may have planned to attend the April 13<sup>th</sup> meeting. Council Staff is recommending the Council hold the hearing, but not act on the original SAA.

**Council Staff is proposing that the Council adopt a new notice of intention on April 20<sup>th</sup>, to set a new protest hearing date of May 18, 2010.**

- A. Changes to the Lighting Component - The Administration has progressed further in the design of the lighting along the boulevard. As a result costs are now more finalized, and the amended resolution proposes reducing the lighting installation assessment from \$185 per foot to \$140 per foot.
- B. Changes to the Maintenance District Component - The Administration has prepared a resolution for Council consideration that would amend the SAA - it would reduction the scope of the "maintenance district" component of the SAA to only involve the irrigation and maintenance of the landscaping along the boulevard, for a potential cost of \$3.00 per foot per year.
  1. Snow removal and sidewalk maintenance are no longer included.
  2. The Administration indicates that the SAA can be structured so that in the future different levels of maintenance can be paid for by the SAA for different property owners. *The Council may wish to consider how this may complicate the Administration of the SAA, as well as how this may affect the overall look of the boulevard.*



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## POTENTIAL MOTION (for April 13<sup>th</sup>):

1. ["I move that the Council"] Close the public hearing and refer action to a future Council Meeting date.

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## INFORMATION FOR FEBRUARY 16<sup>TH</sup> MEETING:

Based on the Council's Straw poll on February 16<sup>th</sup>, the Administration has asked Bond Counsel to change the rates that will be included in the Notice of Intention, in order to include trash service along North Temple Boulevard. The following chart shows the rates that will now be included in the Notice of Intention (the Council may not receive revised documents in time for packets):

Name	Rate (per foot)	Description
Capital Projects (One-time Charge)- Street and Pedestrian Lighting	\$ 185	Construction of Street and Pedestrian Lighting
Operating and Maintenance (On-going Charges)- Rate 1- Lighting Maintenance	\$ 2	Maintenance of Street and Pedestrian Lighting.
Rate 2- Other Blvd Elements Maintenance & Trash Service	\$ 15.50	Maintenance of other Boulevard Improvements (landscaping, sidewalk repair/replacement, irrigation, median islands, street furniture, debris and snow removal, snow removal).
<b>Total Per Foot (Year 1 Only) - Capital and O&amp;M</b>	\$ 202.50	
<b>Total Per Foot (Years 2-30) - O&amp;M only</b>	\$ 17.50	<i>Note: This is the total per foot only if the property owner chooses not to finance the Capital portion of the assessment. If they choose to finance that portion, they will have payments for years 1-10.</i>

## KEY ELEMENTS:

- A. As has been discussed in previous Council Meetings, the Administration is proposing to fund a portion of North Temple Boulevard improvements and maintenance through a Special Assessment Area (SAA), in order to collect funds from property owners.
  1. As the first step in the process to establish the Special Assessment Area (SAA), the Administration is requesting that the Council adopt a resolution declaring the Notice of Intention and set the protest hearing date for April 13, 2010.
  2. The Assessment Area has two components – Capital Projects (primarily lighting), and on-going Maintenance (maintenance of the lighting as well as maintenance of landscaping and sidewalks, snow removal, but not trash pickup – see item B.2.). The assessment for capital projects will be a one-time assessment, while the maintenance assessment will be an on-going assessment in order to take care of these improvements. (See **item B** for more detailed information on the breakdown of assessments).
  3. The Assessment area for Capital Assessments includes properties fronting North Temple, from 400 West to 2400 West. The Assessment area for O&M includes properties fronting North Temple from 600 West to I-215.
- B. The following is a breakdown of components proposed to be included in this SAA:
  1. **The Capital Projects Assessment rate** will be a single assessment for the purposes of financing the Street and Pedestrian Lighting system from 400 West to 2400 West. The total amount needed is **\$4,495,000**. Property owners will be assessed **\$185 per foot**, which they can choose to pay up front or finance over 10 years, at a rate set by the

City Council (whatever our borrowing rate is at the time of issuance). In addition, the State of Utah (3,192 feet of frontage) will be contributing a one-time payment of \$591,000 to pay for lighting on their property. Rocky Mountain Power (2,743 feet of frontage) will be participating in the SAA in the same way as all other property owners, with the \$185 per foot assessment.

2. **The Operating and Maintenance (O&M) Assessment rate** is a yearly maintenance fund that property owners will pay into in order to maintain all improvements on the boulevard, including landscaping, lighting, sidewalks, and snow removal. This is a new strategy that the City is pursuing in order to offset maintenance costs of “enhanced” infrastructure. It is likely that the City would be contracted to provide this service. The total amount needed for this fund has been calculated by the City to be **\$295,600** for the first year. The cost assessed to property owners would be **\$14.50 per foot**. In the years after that, assessments will be calculated as follows: actual costs for the prior year, less any surplus, plus any deficit, plus a cost escalator, plus any extraordinary costs for the coming year. *The Council will be required to adjust each annual O&M assessment to reflect the calculation described above.* The Notice of intention indicates that this will be assessed every year for 30 Years.

- **Trash Pickup** - *The Council should note that the O&M Rate does not include trash pickup. The Administration indicates that this could be added for another \$3.00 per foot. The Council would need to make this motion specifically in order to amend the documentation to include it in the Notice of Intention. The Council could also choose to adopt it at a later date, since the district rate will need to be set new each year.*
- *The Council may wish to ask the Administration if there is a mechanism by which the assessment rate could be automatically adjusted (instead of requiring yearly Council action).*
- *The Council may wish to ask the administration how the City will account for “fronting” the money in years where there may be a maintenance deficit.*
- *The State of Utah is not required to participate in the SAA (either capital or maintenance) for their property frontage. The City is in negotiations with them to participate in the maintenance district voluntarily. They have agreed to participate in the capital projects by providing an up front payment. The Administration indicates that other property owners will not be paying for maintenance of improvements on State land. The Administration indicates that if a final agreement cannot be reached for maintenance, improvements will not be installed on State property. The Council may wish to discuss this further with the Administration.*
- *The Council may wish to ask the Administration if the City is limited by statute in terms of the number of years that the assessment may be levied (currently 30 years), as the City rarely replaces infrastructure after 30 years.*

3. The following chart summarizes the different assessment rates that are proposed as a part of this Notice of Intention, and calculates the total amount that property owners will be assessed in Year 1 and beyond:

<b>Name</b>	<b>Rate (per foot)</b>	<b>Description</b>
Capital Projects – Street and Pedestrian Lighting	\$ 185	Construction of Street and Pedestrian Lighting
Operating and Maintenance - Rate 1- Lighting Maintenance	\$ 2	Maintenance of Street and Pedestrian Lighting.
Rate 2- Other Blvd Elements Maintenance	\$ 12.50	Maintenance of other Boulevard Improvements (landscaping, sidewalk repair/replacement,

		irrigation, median islands, street furniture, debris and snow removal, snow removal).
<b>Total Per Foot (Year 1) – Capital and O&amp;M</b>	<b>\$ 199.50</b>	
<b>Total Per Foot (Years 2-30) – O&amp;M only</b>	<b>\$ 14.50</b>	<i>Note: This is the total per foot only if the property owner chooses not to finance the Capital portion of the assessment. If they choose to finance that portion, they will have payments for years 1-10.</i>

*Note: These assessment rates do not include trash pickup. The Administration indicates this could be added for an additional \$3 per foot.*

- C. By way of comparison (although the project was smaller in scope), the Council may wish to note that the final assessment for the 9<sup>th</sup> and 9<sup>th</sup> project was approximately \$245 per foot.
- D. The construction of boulevard improvements is proposed to coincide with construction of the light rail line to the airport.
- E. The Council has authorized a total of \$3,560,387 in formal budget authority for this project so far. However, it has communicated to the Administration (via resolutions 18 and 55 of 2009) that it supports elements totaling \$11,545,000. *The Council may wish to ask the Administration when they will be forwarding a budget amendment for this project in order to match budgeting authority with expressed support, and finalize elements that can be built with available funds.* The Council may also wish to consider Sales Tax Bond timing, as the City will be fronting the money until bonds are issued.
- F. Assessments for the proposed improvements will be based upon the feet of property fronting North Temple for each property owner.
- G. Property owners have the option of paying their capital projects assessment over 10 years at a rate to be set by the City Council (*the City Treasurer can provide the Council with the interest rate to offset the upfront cost of borrowing*). For the Operating and Maintenance assessment, property owners will receive a bill each year for 30 years.
  - The current expected timeline for assessments (if the Council adopts the district) would mean that property owners would be levied an assessment in 2013.
  - The Capital Projects assessment will come in one bill, and the Maintenance assessments will be combined into a separate bill.
- H. The City has frequently established lighting maintenance districts (as proposed in O&M Rate #1), but has never before established a general maintenance district (as proposed in O&M Rate #2). North Temple will be the first street in the City to have a street/landscaping maintenance SAA district applied. State Statute allows the City to pursue this option for the “estimated useful life of the Improvements.” The Notice of Intention establishes this as 30 Years. *The Council may wish to ask the Administration if this time period can be extended, since it is not likely the City will replace these improvements sooner than 50 Years, and since the City will have to absorb the maintenance costs once the Maintenance District expires.*
  - Although Downtown businesses are charged an additional property tax assessment, this money is used to fund the Downtown Alliance activities. The City funds all maintenance activities (in addition to trash collection) in the Downtown as well as Sugar House, and does not levy a separate tax.
  - *The Council may wish to consider the equity issues this may raise.*

**PUBLIC PROCESS:**

- A. The Administration has been working on this proposal with the North Temple Citizen Advisory Committee, in monthly meetings. The Specifics of the proposal will be presented at a special meeting with property owners held on February 4, 2010.
- B. In addition to these meetings, following Council's approval of the attached resolution, a letter will be sent to property owners within the boundary areas of the proposed SAA notifying property owners that the City is considering a proposed SAA for this project.

**KEY DATES:**

Written protests against the proposed improvements, assessments or against the creation of the District must be presented and filed in the Office of the City Recorder on or before 5:00 pm on April 13, 2010, followed by a Council protest hearing on the same night at 7:00pm.

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# SALT LAKE CITY COUNCIL STAFF REPORT

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DATE: February 16, 2010

SUBJECT: North Temple Boulevard  
Special Assessment Area  
#LC-109015, M-109016  
Notice of Intention and set protest  
hearing date of April 13, 2010

AFFECTED COUNCIL DISTRICTS: 1,2, and 3

STAFF REPORT BY: Jennifer Bruno, Deputy Director

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

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## POTENTIAL MOTIONS (for February 16<sup>th</sup>):

1. ["I move that the Council"] Adopt a resolution declaring the Notice of Intention and set the protest hearing date for April 13, 2010 for the North Temple Boulevard Special Assessment Area - Numbers LC-109015 and M-109016
  2. ["I move that the Council"] Not adopt the resolution.
- 

## NEW INFORMATION:

Based on the Council's Straw poll on February 16<sup>th</sup>, the Administration has asked Bond Counsel to change the rates that will be included in the Notice of Intention, in order to include trash service along North Temple Boulevard. The following chart shows the rates that will now be included in the Notice of Intention (the Council may not receive revised documents in time for packets):

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<b>Total Per Foot (Year 1 Only) - Capital and O&amp;M</b>	<b>\$ 202.50</b>	
<b>Total Per Foot (Years 2-30) - O&amp;M only</b>	<b>\$ 17.50</b>	<i>Note: This is the total per foot only if the property owner chooses not to finance the Capital portion of the assessment. If they choose to finance that portion, they will have payments for years 1-10.</i>

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## KEY ELEMENTS:

- A. As has been discussed in previous Council Meetings, the Administration is proposing to fund a portion of North Temple Boulevard improvements and maintenance through a Special Assessment Area (SAA), in order to collect funds from property owners.
1. As the first step in the process to establish the Special Assessment Area (SAA), the Administration is requesting that the Council adopt a resolution declaring the Notice of Intention and set the protest hearing date for April 13, 2010.
  2. The Assessment Area has two components – Capital Projects (primarily lighting), and on-going Maintenance (maintenance of the lighting as well as maintenance of landscaping and sidewalks, snow removal, but not trash pickup – see item B.2.). The assessment for capital projects will be a one-time assessment, while the maintenance assessment will be an on-going assessment in order to take care of these improvements. (See **item B** for more detailed information on the breakdown of assessments).
  3. The Assessment area for Capital Assessments includes properties fronting North Temple, from 400 West to 2400 West. The Assessment area for O&M includes properties fronting North Temple from 600 West to I-215.
- B. The following is a breakdown of components proposed to be included in this SAA:
1. **The Capital Projects Assessment rate** will be a single assessment for the purposes of financing the Street and Pedestrian Lighting system from 400 West to 2400 West. The total amount needed is **\$4,495,000**. Property owners will be assessed **\$185 per foot**, which they can choose to pay up front or finance over 10 years, at a rate set by the City Council (whatever our borrowing rate is at the time of issuance). In addition, the State of Utah (3,192 feet of frontage) will be contributing a one-time payment of \$591,000 to pay for lighting on their property. Rocky Mountain Power (2,743 feet of frontage) will be participating in the SAA in the same way as all other property owners, with the \$185 per foot assessment.
  2. **The Operating and Maintenance (O&M) Assessment rate** is a yearly maintenance fund that property owners will pay into in order to maintain all improvements on the boulevard, including landscaping, lighting, sidewalks, and snow removal. This is a new strategy that the City is pursuing in order to offset maintenance costs of “enhanced” infrastructure. It is likely that the City would be contracted to provide this service. The total amount needed for this fund has been calculated by the City to be **\$295,600** for the first year. The cost assessed to property owners would be **\$14.50 per foot**. In the years after that, assessments will be calculated as follows: actual costs for the prior year, less any surplus, plus any deficit, plus a cost escalator, plus any extraordinary costs for the coming year. *The Council will be required to adjust each annual O&M assessment to reflect the calculation described above.* The Notice of intention indicates that this will be assessed every year for 30 Years.
    - **Trash Pickup** - *The Council should note that the O&M Rate does not include trash pickup. The Administration indicates that this could be added for another **\$3.00 per foot**. The Council would need to make this motion specifically in order to amend the documentation to include it in the Notice of Intention. The Council could also choose to adopt it at a later date, since the district rate will need to be set new each year.*
    - *The Council may wish to ask the Administration if there is a mechanism by which the assessment rate could be automatically adjusted (instead of requiring yearly Council action).*
    - *The Council may wish to ask the administration how the City will account for “fronting” the money in years where there may be a maintenance deficit.*

- *The State of Utah is not required to participate in the SAA (either capital or maintenance) for their property frontage. The City is in negotiations with them to participate in the maintenance district voluntarily. They have agreed to participate in the capital projects by providing an up front payment. The Administration indicates that other property owners will not be paying for maintenance of improvements on State land. The Administration indicates that if a final agreement cannot be reached for maintenance, improvements will not be installed on State property. The Council may wish to discuss this further with the Administration.*
- *The Council may wish to ask the Administration if the City is limited by statute in terms of the number of years that the assessment may be levied (currently 30 years), as the City rarely replaces infrastructure after 30 years.*

3. The following chart summarizes the different assessment rates that are proposed as a part of this Notice of Intention, and calculates the total amount that property owners will be assessed in Year 1 and beyond:

<b>Name</b>	<b>Rate (per foot)</b>	<b>Description</b>
Capital Projects – Street and Pedestrian Lighting	\$ 185	Construction of Street and Pedestrian Lighting
Operating and Maintenance - Rate 1- Lighting Maintenance	\$ 2	Maintenance of Street and Pedestrian Lighting.
Rate 2- Other Blvd Elements Maintenance	\$ 12.50	Maintenance of other Boulevard Improvements (landscaping, sidewalk repair/replacement, irrigation, median islands, street furniture, debris and snow removal, snow removal).
<b>Total Per Foot (Year 1) – Capital and O&amp;M</b>	<b>\$ 199.50</b>	
<b>Total Per Foot (Years 2-30) – O&amp;M only</b>	<b>\$ 14.50</b>	<i>Note: This is the total per foot only if the property owner chooses not to finance the Capital portion of the assessment. If they choose to finance that portion, they will have payments for years 1-10.</i>

*Note: These assessment rates do not include trash pickup. The Administration indicates this could be added for an additional \$3 per foot.*

- C. By way of comparison (although the project was smaller in scope), the Council may wish to note that the final assessment for the 9<sup>th</sup> and 9<sup>th</sup> project was approximately \$245 per foot.
- D. The construction of boulevard improvements is proposed to coincide with construction of the light rail line to the airport.
- E. The Council has authorized a total of \$3,560,387 in formal budget authority for this project so far. However, it has communicated to the Administration (via resolutions 18 and 55 of 2009) that it supports elements totaling \$11,545,000. *The Council may wish to ask the Administration when they will be forwarding a budget amendment for this project in order to match budgeting authority with expressed support, and finalize elements that can be built with available funds.* The Council may also wish to consider Sales Tax Bond timing, as the City will be fronting the money until bonds are issued.
- F. Assessments for the proposed improvements will be based upon the feet of property fronting North Temple for each property owner.

- G. Property owners have the option of paying their capital projects assessment over 10 years at a rate to be set by the City Council (*the City Treasurer can provide the Council with the interest rate to offset the upfront cost of borrowing*). For the Operating and Maintenance assessment, property owners will receive a bill each year for 30 years.
- The current expected timeline for assessments (if the Council adopts the district) would mean that property owners would be levied an assessment in 2013.
  - The Capital Projects assessment will come in one bill, and the Maintenance assessments will be combined into a separate bill.
- H. The City has frequently established lighting maintenance districts (as proposed in O&M Rate #1), but has never before established a general maintenance district (as proposed in O&M Rate #2). North Temple will be the first street in the City to have a street/landscaping maintenance SAA district applied. State Statute allows the City to pursue this option for the “estimated useful life of the Improvements.” The Notice of Intention establishes this as 30 Years. *The Council may wish to ask the Administration if this time period can be extended, since it is not likely the City will replace these improvements sooner than 50 Years, and since the City will have to absorb the maintenance costs once the Maintenance District expires.*
- Although Downtown businesses are charged an additional property tax assessment, this money is used to fund the Downtown Alliance activities. The City funds all maintenance activities (in addition to trash collection) in the Downtown as well as Sugar House, and does not levy a separate tax.
  - *The Council may wish to consider the equity issues this may raise.*

## **PUBLIC PROCESS:**

- A. The Administration has been working on this proposal with the North Temple Citizen Advisory Committee, in monthly meetings. The Specifics of the proposal will be presented at a special meeting with property owners held on February 4, 2010.
- B. In addition to these meetings, following Council’s approval of the attached resolution, a letter will be sent to property owners within the boundary areas of the proposed SAA notifying property owners that the City is considering a proposed SAA for this project.

## **KEY DATES:**

Written protests against the proposed improvements, assessments or against the creation of the District must be presented and filed in the Office of the City Recorder on or before 5:00 pm on April 13, 2010, followed by a Council protest hearing on the same night at 7:00pm.

### Upcoming action before the Council will include:

- April 13 - City Council protest hearing.
- June 1 – City Council adopts the resolution designating the SAA.
- June 1 – City Council award of the construction contract (may not be necessary as UTA is managing contracts) and approval of interim financing (if property owners choose to pay over time).



**CITY COUNCIL TRANSMITTAL**

*Ralph Becker*  
\_\_\_\_\_  
David Everitt, Chief of Staff  
*Ralph Becker, Mayor*

Date Received: 01/26/2010  
Date sent to Council: 01/26/2010

**TO:** Salt Lake City Council  
JT Martin, Chair

**DATE:** January 22, 2010

**FROM:** Rich Graham, Director *RG*  
Public Services Department

**SUBJECT:** Notice of Intention to designate North Temple Boulevard Assessment  
Area No LC-109015 and M-109016

**STAFF CONTACT:** John Naser, P.E., Deputy City Engineer – 801-535-6240 *JN*  
(john.naser@slcgov.com)

**DOCUMENT TYPE:** Resolution

**RECOMMENDATION:**

It is recommended the City Council approve a resolution adopting the Notice of Intent to designate the subject Assessment Area (SAA).

**BUDGET IMPACT:**

Funds are provided from the Salt Lake City capital improvement budget, North Temple Alliance funds established in the Salt Lake City – Utah Transit Airport Interlocal Agreement, an allocation from affected State properties, and property owner assessments through the SAA.

**BACKGROUND/DISCUSSION:**

On December 1, 2009, the City Council adopted Resolution 68 of 2009, which approved funding for the design and engineering of the North Temple boulevard enhancement elements based on preliminary construction estimates of \$16,506,000. These elements include enhanced park strip landscaping, median landscaping, wide pedestrian walkway, corner treatments, enhanced crosswalks, enhanced light rail station platforms, site furnishings, street and pedestrian lighting upgrades, and other items necessary to complete the overall appearance of North Temple.

**SCANNED TO:** *David*  
**SCANNED BY:** *Harley*  
**DATE:** *1-26-10*

LOCATION: 349 SOUTH 200 EAST, SUITE 100, SALT LAKE CITY, UTAH 84111-2836  
MAILING ADDRESS: P.O. BOX 145506, SALT LAKE CITY, UTAH 84114-5506  
TELEPHONE: 801-535-7961 FAX: 801-535-6093  
WWW.SLCGOV.COM

**RECEIVED**  
JAN 26 2010  
*W. Taylor*

As part of prior actions the City Council adopted Resolution 18 of 2009 which gave approval for embedding the light rail tracks in colored concrete from 400 West to 2200 West along with establishing budgets for business impact mitigation and public art based on preliminary estimates of \$7,915,000. The City Council approved Resolution 55 of 2009 giving budget approval of \$3,630,000 for the burying of the existing power lines and upgrades to the Redwood Road intersections in conjunction with the boulevard.

In previous discussions the City Administration and City Council have expressed their intent for the North Temple property owners to participate in funding a portion of the boulevard improvements and assisting in the maintenance of these elements. The North Temple Boulevard SAA proposes property owners be assessed for the installation and maintenance of the new street and pedestrian lighting system from 400 to 2400 West and for the maintenance of the boulevard elements from 600 West to I-215. This maintenance includes park strip and median landscaping, site furnishings, urban design elements, walkways, special corner treatments, lighting, cleaning, and snow and ice removal.

Attached is an information sheet, schedule of hearings and meetings, and draft of the Notice of Intention.

**PUBLIC PROCESS:**

Information concerning the SAA has been presented at the North Temple Citizen Advisory Committee monthly meetings, an informational meeting with property owners will be held on February 4, 2010, and an informal meeting is scheduled for April 7, 2010 at the City Engineer's Office. A public hearing is scheduled before the City Council on April 13, 2010.

Salt Lake City, Utah

February 16, 2010

A regular meeting of the City Council of Salt Lake City, Utah, was held on Tuesday, February 16, 2010, 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:

JT Martin	Chair
Jill Remington-Love	Vice Chair
Søren Dahl Simonsen	Councilmember
Stan Penfold	Councilmember
Van Blair Turner	Councilmember
Luke Garrott	Councilmember
Carlton Christensen	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 February 16, 2010, 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 and recorded by the City Recorder in the official records of Salt Lake City, Utah. The resolution is as follows:

RESOLUTION NO \_\_\_\_\_ of 2010

A Resolution to (a) finance the cost of certain infrastructure improvements consisting of the reconstruction of the roadway pavement, and the construction and installation of the Jordan River bridge, curbs, multipurpose walkways, driveway approaches, walkway access ramps, bicycle and pedestrian paths, pedestrian crosswalks, decorative walkway pavements and treatments, street corner treatments, park strip landscaping, irrigation systems, landscaped median islands, site acquisitions, storm drainage facilities, street and pedestrian lighting system, traffic signals, and public art, together with all other miscellaneous work necessary to complete the improvements in a proper and workmanlike manner; (b) pay a portion of the cost of said improvements by assessments to be levied against properties benefited by such improvements; (c) pay certain operation and maintenance costs with respect to street and pedestrian lighting and landscaping, irrigation systems, and pedestrian walkways by assessments to be levied against properties benefited by such improvements; (d) 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; to declare the City's official intention to reimburse itself for expenditures paid by it prior to the issuance of tax-exempt bonds; 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 reconstruction of the roadway pavement, and the construction and installation of the Jordan River bridge, curbs, multi-purpose walkways, driveway approaches, walkway access ramps, bicycle and pedestrian paths, pedestrian crosswalks, decorative walkway pavements and treatments, street corner treatments, park strip landscaping, irrigation systems, landscaped median islands, site acquisitions, storm drainage facilities, street and pedestrian lighting system, traffic signals and public art in conjunction with the Utah Transit Authority and City downtown to Airport light rail line project, together with all other miscellaneous work necessary to complete said improvements in a proper and workmanlike manner (collectively, the "Improvements") according to plans on file in the office of the City Engineer in Salt Lake City, Utah. To finance a portion of the cost of the Improvements and to pay certain operation and maintenance costs with respect to street and pedestrian lighting and landscaping, irrigation systems, and pedestrian walkways by assessments to be levied against properties benefited by such 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 is 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 North Temple Boulevard Assessment Area No. LC-109015 and No. M-109016 (the "North Temple Boulevard Assessment Area"). A description of the proposed North Temple Boulevard Assessment Area is more particularly described in the Notice of Intention to Designate Assessment Area hereinafter set forth.

Section 3. Written protests against the proposed Improvements or against the designation of the North Temple Boulevard Assessment Area must be presented and filed in the Office of the City Recorder on or before Tuesday, April 13, 2010, at the hour of 5:00 p.m. Thereafter at 7:00 p.m. on Tuesday, April 13, 2010, 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 intention to designate the North Temple Boulevard Assessment Area, to make the proposed Improvements and to assess a portion of the costs thereof, as well as certain operation and maintenance expenses, and of the time within which protests against the proposed Improvements, the proposed assessments, or the designation of the North Temple Boulevard Assessment Area may be filed and the date when such protests will be heard and considered. The notice shall be given 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 North Temple Boulevard 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, February 16, 2010, the City Council (the "Council") of Salt Lake City, Utah (the "City"), adopted a resolution declaring its intention to designate an assessment area to be known as the Salt Lake City, Utah North Temple Boulevard Assessment Area No. LC-109015 and M-109016 (the "North Temple Boulevard Assessment Area"). It is the proposal of the Council to provide Improvements herein described to property within the proposed North Temple Boulevard Assessment Area, to finance a portion of the cost of the proposed Improvements within the North Temple Boulevard Assessment Area as well as operation and maintenance costs with respect to certain of said Improvements, and to levy assessments as provided in Title 11, Chapter 42, Utah Code Annotated 1953, as amended, (the "Act") on the properties lying within the North Temple Boulevard Assessment Area for the benefit of which such assessments are to be expended to pay for such Improvements as well as certain operation and maintenance costs.

### DESCRIPTION OF ASSESSMENT AREA

The proposed North Temple Boulevard Assessment Area shall include the following properties fronting North Temple Street as follows:

**From 400 West to 500 West:**

**North Side:**

Beginning at the west right of way line of 400 West thence west to the east right of way line of 500 West.

**South Side:**

Beginning at the west right of way line of 400 West thence west to the east right of way line of 500 West.

**From 500 West to 600 West:**

**North Side:**

Beginning at the east right of way line of 600 West thence east to the west right of way line of 500 West.

**South Side:**

Beginning at the east right of way line of 600 West thence east 701.25 feet to the west boundary line of the Union Pacific Railroad corridor.

**From 600 West to I-15:**

**North Side:**

Beginning at the west right of way line of 600 West thence west to the east right of way line of I-15.

**South Side:**

Beginning at the west right of way line of 600 West thence west to the east right of way line of I-15.

**From I-15 to 800 West:**

**North Side:**

Beginning at the west right of way line of 700 West thence west to the east right of way line of 800 West.

**South Side:**

Beginning at the west right of way line of I-15 thence west to the east right of way line of 800 West.

**From 800 West to 900 West:**

**North Side:**

Beginning at the west right of way line of 800 West thence west to the east right of way line of 900 West.

**South Side:**

Beginning at the west right of way line of 800 West thence west to the east right of way line of 900 West.

**From 900 West to 1000 West:**

**North Side:**

Beginning at the west right of way line of 900 West thence west to the east right of way line of 1000 West.

**South Side:**

Beginning at the west right of way line of 900 West thence west to the east right of way line of Chicago Street, then

Beginning at the west right of way line of Chicago Street thence west to the east right of way line of 1000 West.

**From 1000 West to the Jordan River:**

**North Side:**

Beginning at the west right of way line of 1000 West thence west to the east boundary line of the Jordan River.

**South Side:**

Beginning at the west right of way line of 1000 West thence west to the east boundary line of the Jordan River.

**From the Jordan River to Redwood Road.**

**North Side:**

Beginning at the west boundary line of the Jordan River thence west to the east right of way line of 1460 West Street, then

Beginning at the west right of way line of 1460 West thence west to the east right of way line of Cornell Street, then

Beginning at the west right of way line of Cornell Street thence west to the east right of way line of Redwood Road.

**South Side:**

Beginning at the west boundary line of the Jordan River thence west to east right of way line of Redwood Road.

**From Redwood Road to I-215 (1980 West).**

**North Side:**

Beginning at the west right of way line of Redwood Road thence west to the east right of way line of 1950 West, then.

Beginning at the west right of way line of 1950 West thence west to the east right of way line of I-215.

**South Side:**

Beginning at the west right of way line of Redwood Road thence west to the east right of way line of Lawrence Street, then

Beginning at the west right of way line of the Lawrence Street thence west to the east right of way line of Winnifred Street, then

Beginning at the west right of way line of Winnifred Street thence west to the east right of way line of I-215.

**From I-215 to 2400 West.**

**North Side:**

Beginning at the west right of way line of I-215 thence west 342.70 feet, then

Beginning at the southwest corner of parcel no. 8-22-42-478 thence southwest along old Utah State Route 186 to the northeast right of way line of 2200 West, then

Beginning at the southwest corner of 2200 West thence southwest along old Utah State Route 186 to the northeast right of way line of 2400 West.

**South Side:**

Beginning at the west right of way line of I-215 thence southwest along old Utah State Route 186 to the northeast right of way line of 2400 West.

A map of the proposed North Temple Boulevard Assessment Area is attached hereto as Attachment A.

**PROPOSED IMPROVEMENTS AND LOCATION**

The proposed Improvements consist of the reconstruction of the roadway pavement, and the construction and installation of the Jordan River Bridge, concrete curbs, multi-purpose walkways, driveway approaches, walkway access ramps, bicycle and pedestrian paths, enhanced pedestrian crosswalks, decorative walkway pavements and treatments, street corner treatments, park strip landscaping, irrigation systems, landscaped median islands, site furnishings, storm drainage facilities, street and pedestrian lighting system, traffic signals and public art in conjunction with the Utah Transit Authority and City downtown to Airport light rail line project, and related improvements together with all other miscellaneous work necessary to complete said improvements in a proper and workmanlike manner (collectively, the "Improvements"). The Improvements are generally located on North Temple Street from 400 West Street to 2400 West Street.



PROPOSED ASSESSMENTS, ESTIMATED COST OF IMPROVEMENTS,  
AND METHOD OF ASSESSMENT

Pursuant to the Act, the Council has determined to levy assessments to pay a portion of the cost of the Improvements (the “Capital Assessments”) and to pay certain operation and maintenance costs with respect to the street and pedestrian lighting system from 400 West to 2400 West and the landscaped park strip, irrigation systems, pedestrian walkways, and urban element improvements within the public right of way from 600 West to 1980 West (the “O&M Assessments”).

The total cost of the Improvements including overhead costs is estimated to be \$29,232,499, approximately \$25,059,957 of which will be paid by the City and by other funding sources, including approximately \$14,359,000 in City Funds, \$10,000,000 of Airport Light Rail Alliance Funds, and \$700,957 of State of Utah Funds. The remaining estimated \$4,172,542 will be paid by the Capital Assessments to be levied against the properties that may be directly or indirectly benefited by such Improvements, which benefits need not actually increase the fair market value of the properties to be assessed.

The Council intends to levy O&M Assessments, as provided in the Act, on those properties within the North Temple Boulevard Assessment Area to be benefited by the maintenance of portions of the Improvements to pay certain operation and maintenance costs incurred by the City within the North Temple Boulevard Assessment Area. The initial estimated aggregate annual O&M Assessment is \$283,000 for the first year. Each subsequent annual O&M Assessment shall be determined as follows: actual O&M costs for the prior year, less any surplus or plus any deficits for the prior year, plus a cost of living adjustment, plus any extraordinary O&M costs to be incurred for the coming year. The Council will adjust each annual O&M Assessment annually to reflect the current operation and maintenance costs anticipated to be incurred by the City using the determination method described above.

All properties described under DESCRIPTION OF ASSESSMENT AREA above, with the exception of those properties fronting North Temple Street from 400 West to 500 West, will be assessed a Capital Assessment as follows:

CAPITAL ASSESSMENTS

<u>Improvements</u>	<u>Estimated Assessment</u>	<u>Method of Assessment</u>
All above described Improvements	\$185	Per front foot

All properties described under DESCRIPTION OF ASSESSMENT AREA above will be assessed a Rate 1 O&M Assessment as follows:

#### RATE 1 O&M ASSESSMENTS

<u>Rate</u>	<u>Improvements</u>	<u>Estimated Annual Assessment</u>	<u>Method of Assessment</u>
1	Operation and maintenance costs of the North Temple street and pedestrian lighting system including general maintenance, light pole and fixture replacements, and electrical power costs.	\$2.00	Per front foot

The following properties fronting North Temple Street from 400 West to 500 West, 600 West to I-15, from I-15 to 800 West, from 800 West to 900 West, from 900 West to 1000 West, from 1000 West to the Jordan River, from the Jordan River to Redwood Road, and from Redwood Road to I-215 will also be assessed the Rate 2 O&M Assessment as follows:

#### RATE 2 O&M ASSESSMENTS

<u>Rate</u>	<u>Improvements</u>	<u>Estimated Annual Assessment</u>	<u>Method of Assessment</u>
2	Operation and maintenance of landscaped park strips and median islands, landscaping irrigation system including repair and replacement, irrigation water and electrical power costs, replacement on an as needed basis of all street furnishing (benches, bike racks, way finding signs etc.), maintenance of all public walkway within the right of way including replacement on an as needed basis, trash and debris removal from the public right-of-way and from trash containers placed along the street, and removal of snow and ice during winter months.	\$15.50	Per front foot

The proposed Capital Assessments and O&M Assessments will be equal and uniform based on benefits received. The City Engineer has prepared a "Certificate of Project Engineer" that, among other things, identifies the costs of the proposed Improvements and operation and maintenance costs. 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 Council proposes to levy the Capital Assessments as provided in the Act on all parcels and lots of real property within the North Temple Boulevard Assessment Area fronting on North Temple Street as described herein. The purpose of the Capital Assessment and levy is to pay a portion of the costs of the proposed Improvements. The method of assessment will be by front footage as described above. The Capital Assessments may be paid by property owners in ten (10) annual principal installments

with interest on the unpaid balance at a rate or rates fixed by the Council, or 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 O&M Assessments will be paid by property owners by annual installments throughout the useful life of the Improvements. The useful life of said Improvements is estimated to be not less than thirty (30) years. The first O&M Assessment payment shall be due and payable 15 days after the effective date of the first Assessment Ordinance to be adopted by the Council to levy said O&M Assessment and on each anniversary date thereafter for so long as the Council determines to levy the O&M Assessment; but in no event longer than thirty (30) years, the estimated useful life of the Improvements. The Council may elect to charge interest at a rate determined by the Council on unpaid O&M Assessments from the date the O&M Assessment comes due. The assessments shall be levied according to the benefits to be derived by each property within the North Temple Boulevard Assessment Area. Other payment provisions and enforcement remedies shall be in accordance with the Act.

A map of the proposed Assessment Area and a more detailed description of the proposed Improvements and other related information are on file in the office of the City Engineer who will make such information available to all interested persons.

#### TIME FOR FILING PROTESTS

Any person who is the owner of record of property to be included within the North Temple Boulevard Assessment Area shall have the right to file in writing a protest against the designation of the North Temple Boulevard Assessment Area or to make any other objections relating thereto. Protests shall describe or otherwise identify the property owned of record by the person or persons making the protest. Protests shall be filed in writing with the City Recorder of Salt Lake City, Utah, either in person during regular business hours Monday through Friday, or by mail on or before the date of the hearing at 5:00 p.m. on Tuesday, April 13, 2010, at the offices of the City Recorder located in Room 415, City and County Building, 451 South State Street, P.O. Box 145515, Salt Lake City, Utah 84114-5515. Thereafter, at 7:00 p.m. on Tuesday, April 13, 2010, the Council will meet in public meeting at the City Council offices in Salt Lake City, Utah, to consider all protests so filed and hear all objections relating to the proposed North Temple Boulevard Assessment Area, the proposed assessments, and the proposed Improvements. After such consideration and determination, the Council shall adopt a resolution either abandoning the North Temple Boulevard Assessment Area or designating the North Temple Boulevard Assessment Area either as described in this Notice of Intention to Designate Assessment Area or with deletions and changes made as authorized by the Act; but the Council shall abandon the designation of the North Temple Boulevard Assessment Area if the necessary number of protests as provided herein have been filed on or before the time specified in this Notice of Intention to Designate Assessment Area for the filing of protests after eliminating from such filed protests: (a) protests relating to property or relating to a type of Improvement that has been deleted from the North Temple Boulevard Assessment Area, and (b) protests that have been

withdrawn in writing prior to the conclusion of the hearing. The necessary number of protests shall mean the following: Protests representing at least one-half of the total front footage of all properties to be assessed where an assessment is proposed to be made according to front footage.

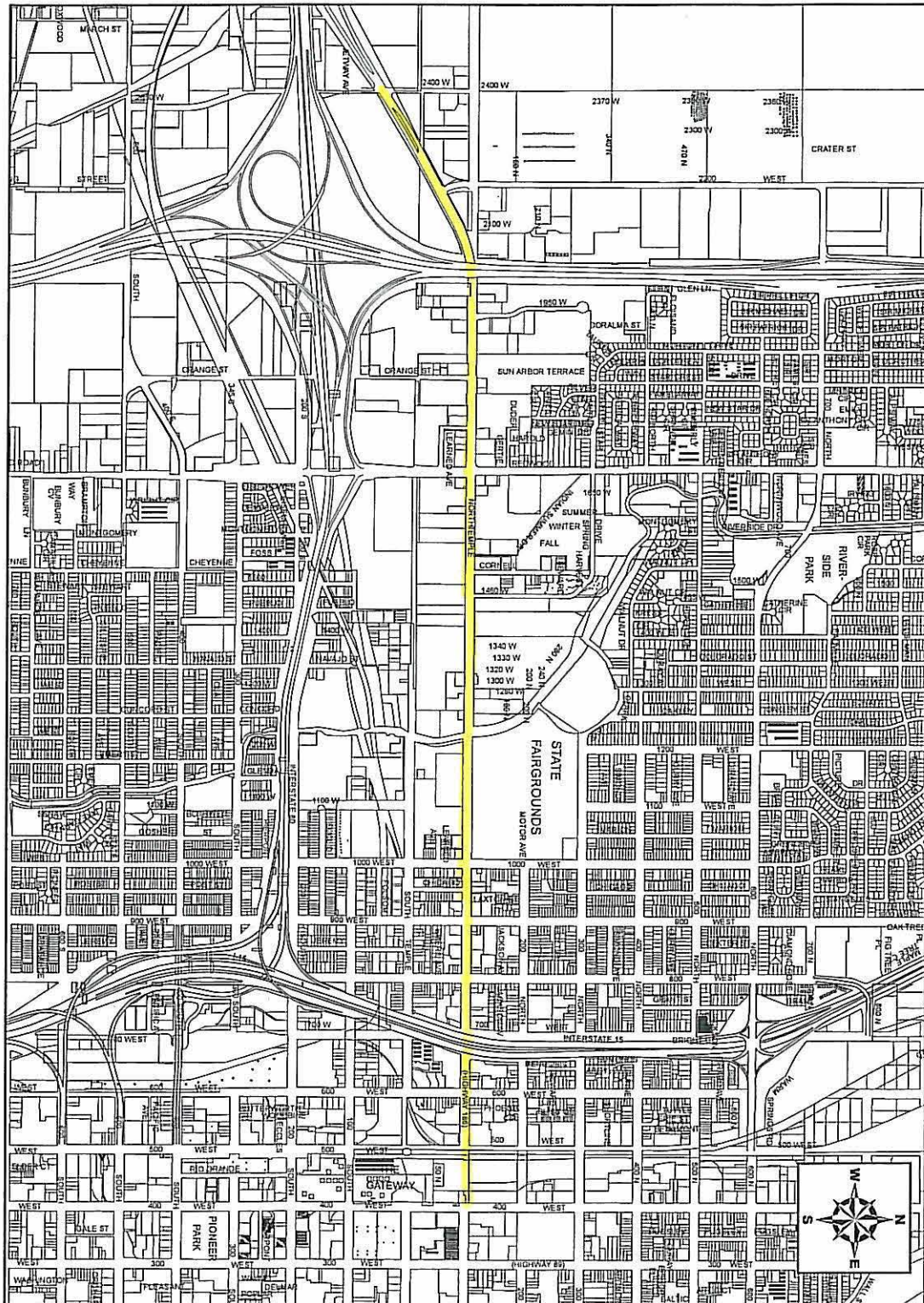
ADOPTED BY THE CITY COUNCIL OF SALT LAKE CITY, UTAH

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

Published in the Deseret News on \_\_\_\_\_, 2010.

ATTACHMENT A

MAP OF PROPOSED NORTH TEMPLE BOULEVARD ASSESSMENT AREA  
North Temple Boulevard SAA; Job Numbers LC-109015 & M-109016



Section 4. 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 5. The Council reasonably expects, and hereby confirms its prior expressions of intent, to reimburse the City from proceeds of tax-exempt bonds for the cost of the proposed Improvements paid by the City.

Section 6. This declaration is intended to be a declaration of official intent under Treasury Regulation § 1.103-18(1).

Section 7. The maximum principal amount of debt expected to be issued for reimbursement purposes is \$4,172,542.

Section 8. This declaration of official intent is consistent with the City's budgetary and financial circumstances. No funds from sources other than the tax-exempt 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 9. [The City Engineer is hereby authorized to prepare notices to call for bids for the furnishing of materials and the acquisition and installation of 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 February 16, 2010.

(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 February 16, 2010.

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

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing resolution is hereby approved this \_\_\_\_\_, 2010.

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 Thursday, February 16, 2010, insofar as the same relates to or concerns Salt Lake City, Utah North Temple Boulevard Assessment Area No. LC-109015 and M-109016 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, Utah, this February 16, 2010.

(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 February 16, 2010.

I further certify that on \_\_\_\_\_, 2010 (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 North Temple Boulevard Assessment Area No. LC-109015 and M-109016 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 \_\_\_\_\_, 2010.

(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 February 16, 2010, public meeting held by the City Council of the City as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City Council's principal offices at 451 South State Street, Salt Lake City, Utah, on February 12, 2010, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Deseret News on February 12, 2010, 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 2010 Annual Meeting Schedule (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 City 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 February 16, 2010.

(SEAL)

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

SCHEDULE 1

NOTICE OF MEETING

SCHEDULE 2

NOTICE OF 2010 ANNUAL MEETING SCHEDULE

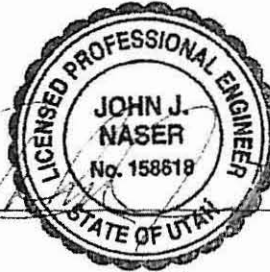
EXHIBIT B

CERTIFICATE OF PROJECT ENGINEER

The undersigned project engineer for the Salt Lake City, Utah North Temple Boulevard Assessment Area NO. LC-109015 and M-109016 (the "North Temple Boulevard 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, installed, and maintained with the Area.
2. The estimated costs of the proposed improvements to be acquired, constructed, installed, and maintained with the 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: \_\_\_\_\_

1/22/10



BALLARD SPAHR ANDREWS & INGERSOLL, LLP - SALT LAKE OFFICE

Document Information Form

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PLEASE KEEP THIS SHEET WITH YOUR DOCUMENT.

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**DOCUMENT DATA**

DOCUMENT NO.: 7449152  
ATTORNEY NAME: Carlton

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**PROFILE INFORMATION**

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**TITLE:** Notice of Proposed Assessment

**AUTHOR** Blaine L. Carlton

**FILE #** 108162

**CLIENT/MATTER** Salt Lake City Utah North Temple Boulevard Assessment Area  
2010

**D&R** 7334789

**DATE** 2/10/10

**NOTES:**