

# SALT LAKE CITY CORPORATION

FRANK B. GRAY  
DIRECTOR

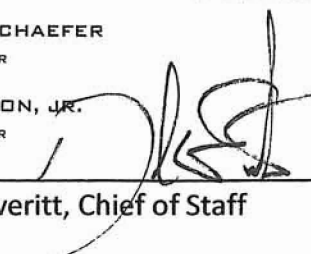
DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT  
OFFICE OF THE DIRECTOR

RALPH BECKER  
MAYOR

MARY DE LA MARE-SCHAEFER  
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.  
DEPUTY DIRECTOR

## City Council Transmittal

  
\_\_\_\_\_  
David Everitt, Chief of Staff

Date Received JAN 7, 2010

Date Sent to City Council JAN 7, 2010

Date: January 6, 2009

**TO:** Salt Lake City Council  
J.T. Martin, Council Chair

**FR:** Frank Gray, CED Director *FG*

**RE:** Resolution to appoint Board of Equalization and Review to hear and consider objections and corrections to any proposed assessments for the Central Business Improvement Area (CBID-10)

**Staff Contact:** Bob Farrington, Economic Development Director, 801-535-7945

**Recommendation:** The City Council adopts the Resolution to create the Board of Equalization and Review for the Central Business Improvement Area (CBIA-10)

**Document Type:** Resolution

**Budget Impact:** None

**Discussion:**

The current Central Business Improvement Area (CBIA -06) expires March 31, 2010. On November 17, 2009 the City Council adopted the Notice of Intention to create the new area (CBIA -10). The Board of equalization and Review will hear and consider objections and corrections to any proposed assessments for property owners included in the Central Business Improvement Area. The tax roll for the Area indicates there are approximately 716 properties in the Area with an assessed valuation of \$2,019,921,835.

**A map of the proposed Area is attached.**

The Board of Equalization and Review will consist of one member of the City Council, a representative of the City Treasurer's office and a representative of the City Engineer's office. The hearings are proposed to be held on:

- . February 16, 2010 from 9:00 am to 10:00 am
- . February 17, 2010, from 4:00 pm and 6:00 pm
- . February 18, 2010 from 5:00 pm and 6:00 pm

### **Public Process**

City Council adopted the Notice of Intent November 17, 2009 and copies were mailed December 8, 2009 to all property owners with the boundaries of the proposed CBIA -10. Written protests are accepted until January 12, 2010. And a protest hearing is scheduled to be held by the City Council on January 12, 2010.

On November 17, 2009 City Council adopted a resolution to create the Central Business Improvement Area 10.

Since the Council has adopted the Resolution to create the CBIA 10, it is subsequently considering a resolution to create a Board of Equalization and Review and set hearing dates. Should the resolution be adopted, property owners would then receive a preliminary assessment, and notice of the Board of Equalization and Review hearings. After the hearings are held, the Board of Equalization will forward objections, decisions, and recommendations to the City Council and objecting property owners, beginning a 15 day appeal period, Council will then accept or modify the Board of Equalizations recommendations, and consider adopting the assessment ordinance.

### **Relevant Ordinances**

#### **3.12.010 Work Authorized by State Statues-Assessments**

The City may, from time to time, proceed to make improvements within area of the city, make assessments therefore, and issue interim warrants and bonds, pursuant to the Utah municipal improvement district act (section 11-42-101 et seq, Utah Code Annotated, 1953) or its successor, the Utah underground conversion of utilities law (section 54-8-1 et seq., Utah Code Annotated, 1953) or its successor, and other appropriate provisions of state and local law.



Salt Lake City, Utah

January 19, 2010

A regular meeting of the City Council of Salt Lake City, Utah, was held on Tuesday, January 19, 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 conduct of other business not pertinent to the following, the Chair stated that the City Engineer had prepared the assessment list for the Salt Lake City, Utah Central Business Improvement Assessment Area No. CBIA-10 (the "CBIA-10 Assessment Area"), for action and consideration by the Board of Equalization and Review and by the City Council, which assessment list is on file in the office of the City Recorder and available for inspection by any interested property owner.

Thereupon, the following resolution was read in full:

RESOLUTION NO. \_\_ OF 2009

A Resolution of the City Council of Salt Lake City, Utah, appointing a Board of Equalization and Review for Salt Lake City, Utah Central Business Improvement Assessment Area No. CBIA-10 (the "CBIA-10 Assessment Area"); setting the dates for the Board of Equalization to hear and consider objections and corrections to any proposed assessments; authorizing the City Recorder to publish and mail a Notice of Meetings of the Board of Equalization and Review; and related matters.

WHEREAS, the City Council of Salt Lake City, Utah (the "City Council"), adopted a Notice of Intention on November 17, 2009 (the "Notice of Intention"), to designate the Salt Lake City, Utah Central Business Improvement Assessment Area No. CBIA-10 (the "CBIA-10 Assessment Area"), and published said Notice beginning November 30, 2009, and continuing for three consecutive weeks thereafter, ending on December 21, 2009; and

WHEREAS, in accordance with the Notice of Intention and as required by statute, a hearing was held before the City Council on January 12, 2010 (the "2010 Hearing"); and

WHEREAS, prior to and at the 2010 Hearing, persons having an interest in the CBIA-10 Assessment Area were allowed to protest the proposed improvements and/or the designation of the CBIA-10 Assessment Area; and

WHEREAS, after protests against the designation of the CBIA-10 Assessment Area were heard and considered, the City Council designated the CBIA-10 Assessment Area by resolution adopted on January 19, 2010; and

WHEREAS, the City Engineer has prepared the proposed assessment list that pertains to all of the properties within the CBIA-10 Assessment Area; and

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

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

Section 1. As required by law, a Board of Equalization and Review for the CBIA-10 Assessment Area is hereby appointed, consisting of one member of the City Council, a representative of the City Treasurer's office, and a representative of the City Engineer's office (the "Board") as follows:

Member of City Council

Member of City Council

Member of City Council

Representative of City Treasurer's office

Representative of City Engineer's office

Section 2. The Board shall sit as the Board of Equalization and Review on the special assessments proposed to be levied and assessed on the property within the CBIA-10 Assessment Area and will meet in the first floor conference room at 349 South 200 East, Salt Lake City, Utah, on February 16, 2010, between the hours of 9:00 a.m. to 10:00 a.m.; on February 17, 2010, between the hours of 4:00 p.m. and 5:00 p.m.; and on February 18, 2010, between the hours of 5:00 p.m. and 6:00 p.m. to hear and consider any objections to and make corrections of any proposed assessments that the Board may deem unequal, inequitable, or unjust.

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

NOTICE OF MEETINGS OF BOARD OF EQUALIZATION AND REVIEW

NOTICE IS HEREBY GIVEN that the assessment list for Salt Lake City, Utah Central Business Improvement Assessment Area No. CBIA-10 (the "CBIA-10 Assessment Area"), has now been completed and is available for examination at the office of the City Engineer, 349 South 200 East, Suite 100, Salt Lake City Utah 84111. The City Council has appointed a Board of Equalization and Review to hear and consider objections to the proposed assessments to be levied within the CBIA-10 Assessment Area.

(a) The total estimated cost over a three year period for economic promotion activities to be financed within the CBIA-10 Assessment Area is \$2,850,922, all of which shall be levied against benefitted property within the CBIA-10 Assessment Area. The City will not pay any of these estimated costs.

(b) Benefitted properties shall be assessed based upon taxable value at the following proposed assessment rate: .001411402.

As required by law, three persons have been duly appointed to act as the Board of Equalization and Review on the assessments proposed to be levied on the property benefitted within the CBIA-10 Assessment Area. The Board of Equalization and Review for assessments proposed to be levied on the affected property within the CBIA-10 Assessment Area will meet in the first floor conference room at 349 South 200 East, Salt Lake City, Utah, on February 16, 2010, between the hours of 9:00 a.m. and 10:00 a.m.; on February 17, 2010, between the hours of 4:00 p.m. and 5:00 p.m.; and on February 18, 2010, between the hours of 5:00 p.m. and 6:00 p.m. to hear and consider any objections to and make any corrections of any proposed assessments that the Board may deem unequal, inequitable, or unjust.

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

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

By resolution of the City Council of Salt Lake City, Utah, this January 19, 2010.

(SEAL)

\_\_\_\_\_  
/s/  
City Recorder

Section 4. The City Recorder is hereby directed to enter the foregoing proceedings upon the records of the City, and to cause the notice set forth in Section 3 to be published (i) in one issue of the Deseret News, a newspaper published in the City and having general circulation therein, the publication to be at least twenty (20) and not more than thirty-five (35) days prior to the date on which the Board of Equalization and Review will begin hearings, and (ii) on a website established by the collective efforts of Utah's newspapers in accordance with Section 45-1-101 at least 35 days prior to the date on which the Board of Equalization and Review will begin hearings.

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

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

AYE:

NAY:



ADOPTED AND APPROVED this January 19, 2010.

(SEAL)

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

ATTEST:

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

PRESENTATION TO THE MAYOR

The foregoing resolution was presented to the Mayor for his approval or disapproval on January \_\_\_\_, 2010.

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

MAYOR'S APPROVAL OR DISAPPROVAL

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

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



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

MAILING CERTIFICATE

I, \_\_\_\_\_, the duly appointed, qualified, and acting City Recorder of Salt Lake City, Utah, do hereby certify that I mailed a copy of the Notice of Meetings of the Board of Equalization and Review, postage prepaid, to each owner of property to be assessed within Salt Lake City, Utah Central Business Improvement Assessment Area No. CBIA-10, at the last known address of such owner, using for such purpose the names and addresses appearing on the last completed real property assessment rolls of the county in which the property is located, and, in addition, I mailed, postage prepaid, a copy of such Notice addressed to "Owner" at the street number of each piece of improved property to be assessed. Said Notices were mailed by me on January \_\_, 2010, that being not later than ten (10) days after the first publication of the Notice in the Deseret News as above certified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Salt Lake City, Utah, this January \_\_, 2010.

(SEAL)

By: \_\_\_\_\_  
  City Recorder

## PROOF OF PUBLICATION

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

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, \_\_\_\_\_, the undersigned 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 January 19, 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 A, to be posted at the City Council's principal offices at the City and County Building, Salt Lake City, Utah, on January 15, 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;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule A, to be delivered to the Deseret News on January 15, 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 for the City Council (attached hereto as Schedule 2) was given specifying the date, time, and place of the regular meetings of the City Council to be held during the year, by causing said Notice to be (a) posted on \_\_\_\_\_, at the principal office of the City Council, (b) provided to at least one newspaper of general circulation within the Issuer on \_\_\_\_\_, and (c) published on the Utah Public Notice Website (<http://pmn.utah.gov>) during the current calendar year.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this January 19, 2010.

(SEAL)

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

SCHEDULE A

NOTICE OF MEETING