

SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR

RALPH BECKER
MAYOR

RECEIVED

JUN 02 2010

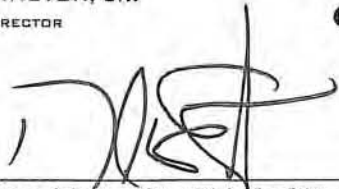
Salt Lake City Mayor

FRANK B. GRAY
DIRECTOR

MARY DE LA MARE-SCHAEFER
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.
DEPUTY DIRECTOR

CITY COUNCIL TRANSMITTAL



David Everitt, Chief of Staff

Date Received: 06/02/2010
Date sent to Council: 06/02/2010

TO: Salt Lake City Council
JT Martin, Chair

DATE: June 15, 2010

FROM: Frank Gray, Director
Community and Economic Development

SUBJECT: Notice of Intention to designate North Temple Boulevard Assessment Area No's LC-109017 and M-109018

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 adopting 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 No. LC-109015 and M-109016. 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

451 SOUTH STATE STREET, ROOM 404
P.O. BOX 145486, SALT LAKE CITY, UTAH 84114-5486
TELEPHONE: 801-535-6230 FAX: 801-535-6005

WWW.SLCGOV.COM/CEO



SCANNED TO: *WAGNER*
SCANNED BY: *DRIVEN HOLBY*
DATE: *06/02/2010*

and pedestrian light system and ongoing funding for maintenance of the lighting systems and boulevard elements. This maintenance included park strip landscaping upkeep, repairs and operation of the irrigation systems, debris removal from park strip areas, trash receptacles, lighting, and removal of snow and ice from the walkways. This work, normally a property owner responsibility, was proposed to be accomplished by the SAA. Property owners on North Temple were opposed to the assessment because of costs and filed written protests in excess of 50% of the assessable frontage. The Council subsequently cancelled its intent to create that SAA as proposed.

In discussions with property owners and the North Temple Citizen Advisory Committee, considerable concern and the resulting protest resulted from the proposed assessment for maintaining the boulevard elements and the street and pedestrian lighting system. The annual \$15.50 per foot cost assessment for boulevard maintenance and the one-time \$185 per foot assessment for lighting were difficult for the property owners to assume, considering the current economic conditions and the uncertainty of future costs. The property owners were generally not opposed to the \$2.00 per foot per year cost for maintaining the new street lighting system.

North Temple Boulevard SAA No's LC-109017 and M-109018 creates the ongoing maintenance assessment at a reduced cost and shifts most of the maintenance responsibilities for boulevard elements to the property owners. Because of the assessment cost, owners requested they be able to perform the maintenance adjacent to their property at their own cost, as is currently required by ordinance.

Landscaping of the widened park strips and median islands is a key component of the boulevard. The establishment of this landscaping ties the neighborhoods together and creates a common theme along the street. A major concern is that, if the landscaping is not properly maintained, it impacts 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. This 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 annually by the Council, for maintenance and operation of this irrigation system. The capital costs for the installation of the landscaping and irrigation system is included in the project budget.

The design of the street and pedestrian lighting system is substantially complete. With input from the advisory committee and property owners, the designer has determined the type, number and location of the lights, resulting in a reduction in the estimated cost of the system and the proposed assessment. The design reduces the cost and assessment of the lighting system installation from \$185.00 to \$140.00 per foot. This SAA proposes the property owner be assessed \$105 per foot, which is 75% of the cost of the lighting with the remaining 25% paid as a project cost shared equally between the City and UTA. If the SAA is not created the project will still incur that 25% cost to reestablish the

existing street lights on North Temple and connect them to the new underground power grid.

All properties from 500 West to 2400 West would be assessed for the street and pedestrian light system installation and maintenance, and properties from 600 West to 1980 West (I-215) would also be assessed for the boulevard maintenance.

Attached is schedule of hearings and meetings, a map of the proposed assessment area, a draft letter to property owners, and the resolution to designate the North Temple Boulevard SAA No's LC109017 and M-109018.

PUBLIC PROCESS:

Information concerning the SAA has been presented at the North Temple Citizen Advisory Committee monthly meeting. An informal meeting is scheduled for July 7, 2010 at the City Engineer's Office. A public hearing is scheduled before the City Council on July 15, 2010.

RESOLUTION

Salt Lake City, Utah

June 15, 2010

A regular meeting of the City Council of Salt Lake City, Utah, was held on Tuesday, June 15, 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 June 15, 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, July 13, 2010, at the hour of 5:00 p.m. Thereafter at 7:00 p.m. on Tuesday, July 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, June 15, 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 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 500 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 \$27,358,092, 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 approximately \$700,957 of State of Utah Funds. The remaining estimated \$2,298,135 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	\$105	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, July 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, June 15, 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 June 18, 21, 28, and July 5, 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 \$2,298,135.

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 June 15, 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 June 15, 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 Tuesday, June 15, 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 June 15, 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 June 15, 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 June 15, 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 June 15, 2010.

(SEAL)

By: _____
City Recorder

SCHEDULE 1
NOTICE OF MEETING

SCHEDULE 2

NOTICE OF 2010 ANNUAL MEETING SCHEDULE

EXHIBIT B

CERTIFICATE OF ENGINEER

SCHEDULE OF HEARINGS/MEETINGS

CALENDAR OF EVENTS
SALT LAKE CITY
SPECIAL ASSESSMENT AREA (SAA)
North Temple Boulevard SAA; Job Numbers LC-109017 & M-109018
(Downtown Intermodal Hub to SLC Airport)

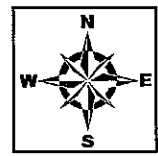
Construction Phase

Date	Event	Distribution Date 6/1/10	Responsibility
1-Jun-10	Description of improvements and areas to be improved furnished by City Engineer to Legal Counsel		Engineering
1-Jun-10	Legal Counsel transmits draft of Notice of Intention to Designate Assessment Area to the City.		Legal Counsel
1-Jun-10	Legal documents transmitted from Legal Counsel to Salt Lake City (the "City"). RE: Notice of Intention to Designate Assessment Area.		Engineering & Legal Counsel
1-Jun-10	City Council transmittal letter and the Notice of Intention to Designate Assessment Area delivered to Public Services for review.		Engineering
1-Jun-10	City Council transmittal letter and the Notice of Intention to Designate Assessment Area delivered to Mayor's Office for review.		Public Services
1-Jun-10	The Notice of Intention paperwork is due to the City Council office.		Mayors Office
15-Jun-10	City Council briefing from Engineering		Engineering
15-Jun-10	City Council adopts Notice of Intention to Designate Assessment Area to create the and sets protest hearing date for July 13, 2010.		City Council
18-Jun-10	First publication of Notice of Intention to Designate Assessment Area .		Recorders Office
21-Jun-10	Second Publication of Notice of Intention to Designate Assessment Area .		Recorders Office
21-Jun-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
28-Jun-10	Third publication of Notice of Intention to Designate Assessment Area .		Recorders Office
6-Jul-10	Fourth publication of Notice of Intention to Designate Assessment Area .		Recorders Office
7-Jul-10	Informal information meeting. (This may be scheduled earlier; it is not a statutory requirement.)		349 S 200 E 1st Floor Con. Rm CVC
13-Jul-10	Deadline for filing written protests.		

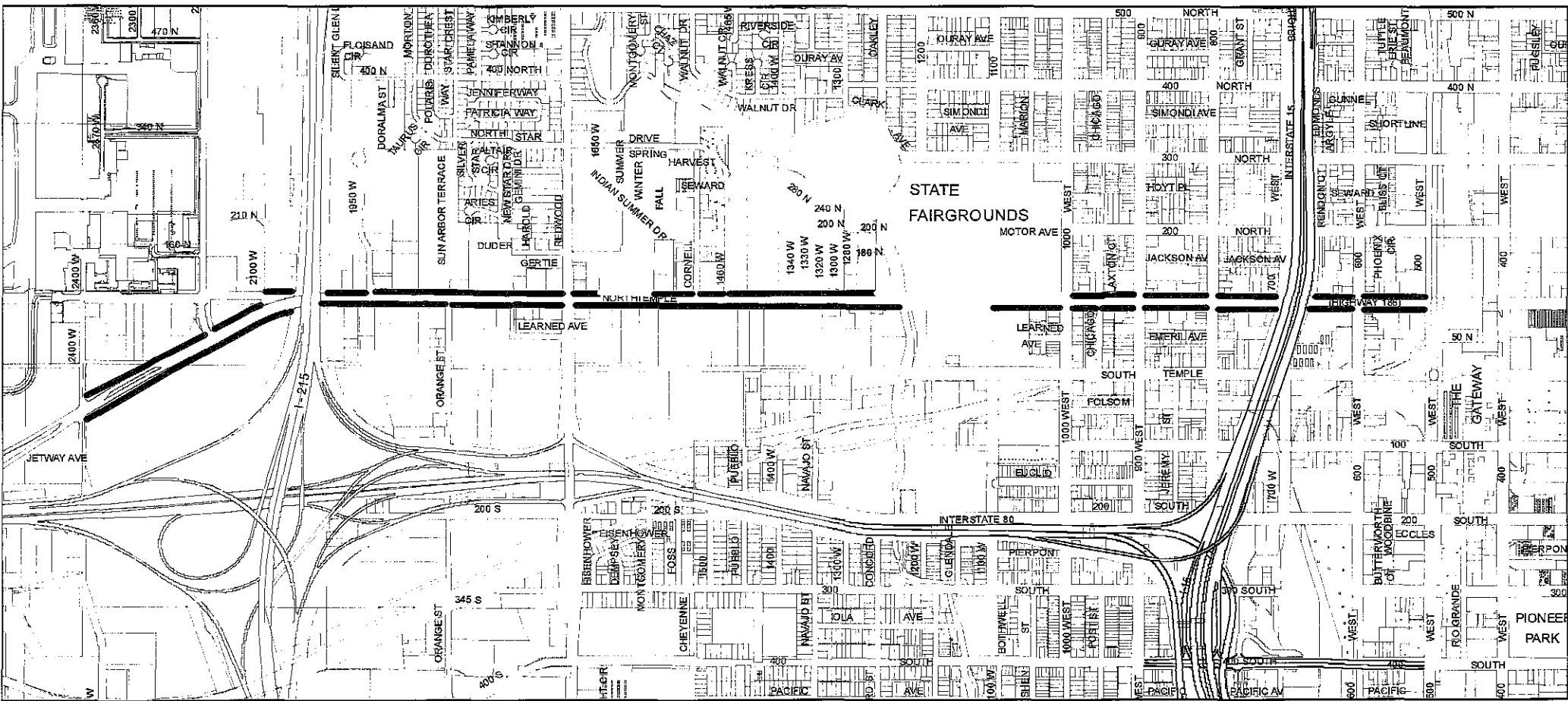
13-Jul-10	Protest Hearing.		City Council
13-Jul-10	Tabulation of protests for this SAA furnished to Legal Counsel.		Engineering
20-Jul-10	Protests and creation of the SAA transmitted from Legal Counsel to the City.		Engineering
27-Jul-10	Legal Counsel transmits draft of resolution designating the SAA .		Legal Counsel
3-Aug-10	Legal documents transmitted from Legal Counsel to City for the adoption of the resolution designating the SAA.		Engineering
10-Aug-10	City Council transmittal letter and adoption of the resolution designating the SAA delivered to Public Services for review and approval.		Engineering
17-Aug-10	City Council transmittal letter and adoption of the resolution designating the SAA delivered to Mayor's Office for review and approval.		Public Services
24-Aug-10	The resolution paperwork is due to the City Council office.		Mayors Office
7-Sep-10	City Council adopts the resolution designating the SAA.		City Council
7-Sep-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

MAP OF PROPOSED ASSESSMENT AREA

North Temple Boulevard Special Assessment Area No's LC-109017 and M-109018



June 1, 2010



Proposed Private Property Assessment
 State of Utah Properties

- Proposed Assessments**
- LC - 109017 Street and Pedestrian Lighting System Installation Assessment 500 West to 2400 West
 - M - 109018 Street Light Operation and Maintenance Assessment 400 West to 2400 West
Boulevard Irrigation Operation and Maintenance Assessment 600 West to I - 215

LETTER TO PROPERTY OWNERS

Draft

June 15, 2010

Dear Property Owner:

Reference: Notice of Intention for the North Temple Boulevard Special Assessment Area No's LC-109017 and M-109018

The City and the Utah Transit Authority (UTA) are proceeding with construction of the Airport light rail and North Temple Boulevard project to improve connectivity of surrounding neighborhoods with downtown, provide a consistent streetscape, and encourage economic development along the corridor. The project envisions enhanced landscaping, with street trees and expanded park strips, median island landscaping, five enhanced light rail stations, street and pedestrian lighting, electrical solar panels at the stations, widened walkways to provide for easier pedestrian movement and adequate space for recreational bicyclists, special walkway paving treatments at crosswalks and corners, and urban street furnishing such as benches, bollards, bike racks, and public art. Transit connections can be made from North Temple to places along the Wasatch Front through the transfer station being built as part of the new viaduct.

The City Council has approved funding for a majority of these improvements and is proposing that property owners abutting North Temple participate in the street and pedestrian lighting system and maintenance through a Special Assessment Area (SAA). The boundaries of the SAA are from 500 to 2400 West and include all private properties abutting North Temple. The purpose of this letter is to inform you that your property is within the boundaries of the North Temple Boulevard SAA.

Abutting property owners would be assessed 75% of the installation and annual maintenance cost for a new street and pedestrian lighting system and boulevard landscaping irrigation system. Cost sharing agreements between the City and UTA would pay for the remaining 25% of the lighting system and all other elements of the Boulevard.

The property owner's estimated cost for street and pedestrian lighting system and boulevard landscaping irrigation system:

Installation Assessment	Annual Maintenance Assessment	
\$105 per front foot of property	<u>Lighting:</u> \$2.00 per front foot per year	<u>Irrigation:</u> \$3.00 per front foot per year Only applies to properties between 600 West and 1980 West (I-215).
Example: a property with 100 feet of frontage on North Temple would have an estimated assessment of \$10,500. The assessment is based on the width of your property	Example: a property with 100 feet of frontage on North Temple would have an estimated annual assessment of \$500 per year.	

Installation Assessment

If property owners agree to the SAA, the City Council would levy the proposed assessment in the spring of 2013. This will be done after the construction is complete and all costs are determined. Property owners pay nothing before then and at that time can either pay the full assessment or spread the cost over a 10 year period with the first annual payment scheduled for spring 2014. At the end of the project and before the assessment is levied, each owner will receive a statement of the actual cost for their property. Property owners will be able to discuss or dispute this assessment before a Board of Equalization consisting of City and Elected officials. The City Council levies the assessment after the Board has made assessment corrections and recommendations to the Council.

Spreading the assessment of a 100 foot property over 10 years will result in an annual payment of \$1,050 plus interest on the unpaid balance. This interest would be at the Municipal Bonding rate at the time of the assessment. The balance of the assessment can be paid off at any time during the 10 years at no penalty.

Annual Maintenance Assessment

This assessment is for maintenance and operating costs of the new street lights and landscaping irrigation system. The City Council reviews this assessment each year to determine if the cost is correct and the property owner needs are being met. The life span of the maintenance assessment area is 30 years. The \$3.00 per foot assessment for the irrigation maintenance applies to only the properties between 600 West and 1980 West (I-215).

Please note, the assessment rates listed above and as established in the Notice of Intention are only estimates. Property owners would be assessed for the exact cost of construction of the lighting system and maintaining these improvements, including engineering and administrative costs. The assessments are determined when all work is complete and actual costs are known.

Included with this letter is a copy of the "Notice of Intention to Designate Assessment Area" for the SAA. This is the legal document that defines the boundaries of the assessment area, the method of assessment, and the property owner's rights and requirements. On June 15, 2010 the City Council approved this document authorizing the SAA process to go forward.

The following informational items are attached to provide you with a better understanding of the proposal:

1. Notice of Intention to Designate Assessment Area for creation of the SAA.
2. Preliminary estimates of the anticipated assessment costs for the street lighting system and boulevard maintenance for each property involved.
3. Map of the proposed SAA.

As the property owner of record, you have the right to file a written protest against the creation of the SAA or make any other objections relating thereto. Protests shall include the property owner's name and address. The protest rate will be determined by dividing the total front

footage of properties protesting the assessments by the 21,887 feet of total assessed front footage included in the SAA. If protests represent over 50% of the proposed SAA front footage, the SAA will not be created and the lighting system would not be installed. Without the property owners support, the City may remove other elements of the Boulevard from the project. Separate protests are not needed for the three different assessment rates. Protests must be filed with the City Recorder on or before 5:00 p.m. on July 13, 2010.

The City Council will hold a public hearing at on July 13, 2010 at 7:00 p.m. in Room 315 of the City and County Building at 451 South State Street. The purpose of the hearing will be to consider the protests and hear objections related to the proposed assessments.

An "Informal Public Meeting" is scheduled to review the project with interested property owners. Requirements of the SAA, proposed construction schedule, traffic routing, and assessment procedure will be discussed. The informal meeting will be held:

Wednesday, July 7, 2010 from 4:00 p.m. to 6:00 p.m.
City Engineering Office
First Floor Conference Room
349 South 200 East
Salt Lake City, Utah

Parking is available behind the building.

We appreciate your attention to this important matter. Should you have any questions concerning this special assessment or are unable to attend the meeting, please feel free to contact me at 801-535-7961 or send me an email at john.naser@slcgov.com.

Sincerely,

John J. Naser, P.E.
Deputy City Engineer

JN:jmw
Attachments

cc: File