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# SALT LAKE CITY COUNCIL MEMORANDUM

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**DATE:** October 13, 2010  
**TO:** City Council Members  
**FROM:** Jan Aramaki  
**SUBJECT:** Annual Assessment for Special Lighting District No. L01  
**COUNCIL DIST.:** 4, 5, & 6  
**CC:** David Everitt, Cindy Gust-Jenson, Frank Gray, Mary DeLaMare-Schaefer, Dan Mulé, Marina Scott, Ed Rutan, Boyd Ferguson, Tim Harpst, Michael Barry, Garth Limburg, Karen Carruthers, Susan Finlayson, Blaine Carlton, Nick Tarbet, Quin Card, Shawn McDonough, & Joyce Valdez  
**FILE LOCATIONS:** CED/Special Lighting District L01/SID

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## POTENTIAL MOTIONS:

1. **["I move that the Council"] consider adopting an ordinance for the 2010 annual assessment for Lighting District L01** (*approving an assessment list and levying an annual assessment upon property in Salt Lake City, Utah Lighting District No. 1 (the "District L01"); establishing the effective date of the 2010 assessment ordinance; providing for a procedure to contest an assessment; and related matters*).

## REQUESTED ACTION:

The Administration requests that the City Council adopt an ordinance to approve the annual assessment on the properties incorporated within Lighting District L01. This action will renew the annual assessment levied upon each parcel of property described in the assessment list for the purpose of operation, maintenance, and electrical energy costs of street lights within the District.

The Office of the City Engineer has determined that the total estimated annual costs for street lights in Lighting District No. L01 will be \$108,344. The City's portion is \$27,086 leaving an assessment of \$81,258 upon the 419 property owners in the lighting district. The Administration has provided the City Council a map illustrating the extensions within the district and a spreadsheet showing the costs and the number of properties within each extension. Assessments shall be payable by the due date of December 15, 2010 after which time interest accrual will occur.

In past years, the City Council adopted annually an ordinance to approve the annual assessment on the properties incorporated within Lighting District L01 with a

payable due date of July 30. However, due to a recent change to Utah State Code, Assessment Area Act, Title 11 Chapter 42, every five years prior to adopting an annual assessment ordinance, the City is now required to hold a Board of Equalization and Review hearing. In compliance with this recent change, the City held a hearing on three separate days, August 3, 4 and 5, 2010 which caused a delay in the regularly scheduled L01 annual assessment due date of July 30 to December 15, 2010. The Board of Equalization and Review notice sent to all property owners informed them that invoices would be mailed to them at a later date. However, there is the potential that some property owners who were more than likely expecting an annual assessment due date in July may be caught off-guard receiving their annual assessment due date in December 2010. Additionally, since no Board of Equalization hearing is required until another five years for District L01, property owners' 2011 annual assessment will come back on regular schedule with an annual due date of July 30, seven months after paying their December 2010 annual assessment. This also may have the potential to cause some confusion for property owners participating in Lighting District L01.

The Administration reported that there is a provision for maintenance and power increases within the calculated original formula Notice of Intention (when the District was created) back in 1996; therefore a public hearing is not required.

A property owner who wishes to dispute the assessment may commence civil action against the City no later than thirty (30) days after the effective date of this assessment. After the 30 day expiration, a property owner no longer can contest.

## **BACKGROUND:**

Due to Salt Lake City budget reductions for fiscal year 2010-11, as of July 1, 2010, many street lights illuminating the public right-of-way in Salt Lake City are no longer being maintained. However, City street lights in **Special Improvement Districts** (such as Lighting District L01 also referred as Special Assessment Areas), city parks, Central Business District and at intersections will be maintained. Some newer street lights will also be maintained under manufacturers' warranties. Lights not being maintained will function until something occurs, such as a bulb burnout, wiring problem, etc. When that occurs, the affected light(s) will remain out indefinitely until budget is restored.

Salt Lake City currently provides four lighting program options for City lighting; however, a comprehensive study of the City's street lighting program has been conducted and will be presented to the Council in the future. At this time, the current lighting programs are as follows:

1. Traffic Safety Lighting is the standard base level of lighting provided on local streets for pedestrian and traffic safety at intersections as well as mid-block lighting (approximate spacing of 300 feet) at property owners' option. Mid-block lighting is an option as long as a majority of the property owners within 150 feet of the light location request are in support and a light is lacking within the 300 foot spacing. Lights typically consist of either standard cobra head lighting fixtures on wooden poles or a decorative light and pole with underground wiring. 100 percent of lighting costs (purchase cost, installation, maintenance, and operation cost) are paid by the City out of the General Fund.

2. Continuous street lighting along collector and arterial streets (that handle higher levels of traffic volume, speed limits, and pedestrians) receive a brighter level of lighting and more uniform dispersion of lighting which consists of 6-8 lights per block face. Lights typically consist of either cobra head lights on wooden poles or decorative fixtures and poles. 100 percent of lighting costs (purchase cost, installation, maintenance, and operation cost) are paid by the City out of the General Fund. However, when new developments fronting on major streets need new or replacement continuous lighting, they are required to cover the costs.
  
3. Since 1995, private lighting has provided residential neighborhoods the option to purchase and install privately owned, decorative lights in the park strip public right of way. There are approximately 2,849 property owners who have lights wired directly to the electric service of their homes. Each resident who owns a light is responsible to maintain and operate the light and is required to sign a revocable permit recorded with the property. Neighborhood groups have the option to identify the style of light pole and fixture they desire.

Individual property owners pay for the costs to purchase, install, maintain, and operate the lights; however, the residents have the option to apply and participate in the City's Matching Grant Program which pays up to 50 percent of the capital cost to purchase and install the poles, lights, and underground wiring.

4. When property owners within a specific neighborhood desire special or more lighting than the City's standard level of lighting and are willing to be assessed for the additional costs of the lighting, they may petition the City for the creation of a special assessment street lighting district. Creating this kind of a district is a legal process whereby property owners can arrange for funding of a public improvement that will benefit their properties. Special assessment districts are formed by ordinance upon agreement of a majority of the area property owners.

Street lighting districts require the abutting property owners to pay 100% of the capital costs of the lighting and 75% of the ongoing operating and maintenance cost of the lights. The City pays the remaining 25% as the equivalent of lighting that would be provided by the City. The property owners' costs are levied and billed annually in the form of special assessments.

There are 42 existing street lighting extensions (neighborhoods) within three super districts to simplify the annual assessment process. These extensions were combined into the three super districts based on assessment due dates, not on geographical location. On an annual basis, each district is renewed by assessment ordinance.

FRANK B. GRAY  
DIRECTOR

MARY DE LA MARE-SCHAEFER  
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.  
DEPUTY DIRECTOR

**SALT LAKE CITY CORPORATION**

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT  
OFFICE OF THE DIRECTOR

**RECEIVED**

OCT 07 2010  
RALPH BECKER  
MAYOR

Salt Lake City Mayor  
**SCANNED TO:** Mayor  
**SCANNED BY:** JT  
**DATE:** 10/7/10

**CITY COUNCIL TRANSMITTAL**



David Everitt, Chief of Staff

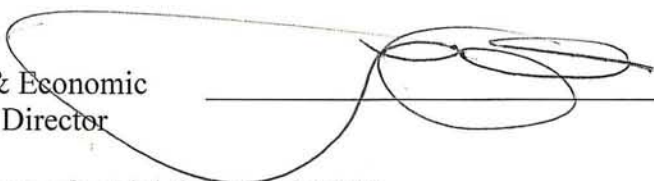
Date Received: \_\_\_\_\_

Date Sent to City Council: 10/8/2010

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

**DATE:** October 7, 2010

**FROM:** Frank Gray, Community & Economic  
Development Department Director



**RE:** Annual Assessment Ordinance for Lighting District L01

**STAFF CONTACT:** Tim Harpst, Transportation Director, at 801-535-6630 or  
tim.harpst@slcgov.com

Mike Barry, Transportation Engineer, at 801-535-7147  
michael.barry@slcgov.com

**RECOMMENDATION:** That the City Council adopts the resolution

**DOCUMENT TYPE:** Resolution

**BUDGET IMPACT:** N/A

**DISCUSSION:**

**Issue Origin:** This is a request for adoption of an ordinance authorizing the Mayor to approve the annual assessment ordinance for Special Lighting District L01 (see Attachment 4). The proposed ordinance sets the rate for this District (see Attachment 3). The Calendar of Events for the assessment is provided in Attachment 1.

**Analysis:** The annual operating, maintenance and electrical energy costs for the District is estimated at \$108,344.01. The City pays 25% of the annual expenses (\$27,086.01) and the residents in the District pay the remaining 75% (\$81,258.00). The City's portion is included in the City's non-departmental operating budget.



The attached assessment L01 authorizes the Mayor to approve the annual assessment for the Special Lighting District L01 to be levied upon each parcel of property in the lighting district for the purpose of paying the residents' share of operating, maintenance and electrical energy costs of the District. There are 419 properties in the lighting district, which is comprised of numerous extension sites throughout the City. The costs and the number of properties within each extension are shown in Attachment 2. A map of the extensions within the District is shown in Attachment 4.

***Master Plan Considerations:*** The proposed ordinance is consistent with the City's Street Light Master Plan and Policy.

**PUBLIC PROCESS:**

Residents had the opportunity to file protests with the Board of Equalization which held hearings on August 3, 4, and 5 of 2010.

**RELEVANT ORDINANCES:**

None.

**Attachment 1**  
**Calendar for Street Lighting District L01**

LO1 2010

**Calendar for Street Lighting District L01**

<u>Date</u>	<u>Event</u>	<u>Responsibility</u>
	<b>Distribution Date 5-20-10</b>	
20-May-10	Information for Board of Equalization hearing delivered to Ballard Spahr ("Bond Counsel").	Engineering
25-May-10	Transmittal of draft resolution designating Board of Equalization to Salt Lake City (the City).	Bond Counsel
1-Jun-10	Final legal documents from Ballard Spahr. RE: Appointment of Board of Equalization	Bond Counsel & Engineering
8-Jun-10	Council transmittal letter and resolution designating Board of Equalization delivered to Transportation for review.	Engineering
15-Jun-10	Council transmittal letter and resolution designating Board of Equalization delivered to Mayors Office for review.	Transportation
22-Jun-10	The resolution paperwork to the Council office.	Transportation / Engineering
6-Jul-10	Council adopts a resolution appointing a Board of Equalization and Review.	Council
9-Jul-10	Publication (one time) of the time and place of the three consecutive hearings of the Board of Equalization.	Recorder's Office
12-Jul-10	Mailing of the preliminary assessments to (1) each property within the Special Improvement District and (2) each street address, post office box, rural route or other mailing address to "Owner".	Recorder's Office
3-Aug-10	Board of Equalization hearings - 9:00 - 10:00 a.m.	Transportation / Engineering
4-Aug-10	Board of Equalization hearings - 5:00 - 6:00 p.m.	Transportation / Engineering
5-Aug-10	Board of Equalization hearings - 6:00 - 7:00 p.m.	Transportation / Engineering
19-Aug-10	RE: The Engineering Report of the Board of Equalization objections and decision sent to the property owner. The mailing begins a 15 day appeal period.	Engineering & Bond Counsel
3-Sep-10	Deadline for appeals to City Council (appeals received by Engineering).	Engineering

6-Sep-10	Council transmittal letter and the Engineering Report of the Board of Equalization resolution delivered to Transportation for approval.	Engineering
7-Sep-10	Council transmittal letter and resolution designating the Engineering Report of the Board of Equalization delivered to Mayors Office for review.	Transportation
14-Sep-10	The resolution paperwork to the Council office (spoke w/ Jan Aramaki)	Engineering
21-Sep-10	Council to adopt the resolution accepting or modifying the recommendation of the Engineering Report of the Board of Equalization.	Council
22-Sep-10	Preliminary tax rolls are being prepared.	Engineering
22-Sep-10	Assessment costs to City Treasurer for approval.	Engineering
23-Sep-10	Transmittal of draft the Assessment Ordinance to Salt Lake City (the City).	Bond Counsel
24-Sep-10	The City Council transmittal letter and Assessment Ordinance to the CED's office for review.	Transportation
28-Sep-10	Copies of the Assessment Ordinance and City Council letter sent to Engineering.	Transportation
5-Oct-10	The City Council transmittal letter and Assessment Ordinance delivered to Mayors Office for review.	CED's Office
12-Oct-10	The City Council transmittal letter and Assessment Ordinance to the City Council office and added to City Council Agenda. (6/1/10)	Mayor's Office & City Council
19-Oct-10	Assessment Ordinance approved by the City Council, and to Recorder's Office for publication.	City Council
19-Oct-10	District transferred from set-up to billing.	Treasurer's Office
25-Oct-10	Assessment Ordinance Published.	Recorder's Office
1-Nov-10	Billings mailed to property owners.	Treasurer's Office



**Attachment 2**  
**Costs for Street Lighting District L01**

**LO1 - 2010****Salt Lake City  
Lighting District L01**

<b>EXTENSION</b>	<b>ABUTTERS</b>	<b>CITY</b>	<b>TOTAL</b>	<b>Prop</b>
13-10	\$ 24,965.00	\$ 8,321.67	\$ 33,286.67	100
16-10	\$ 9,653.00	\$ 3,217.67	\$ 12,870.67	105
17-10	\$ 5,738.00	\$ 1,912.67	\$ 7,650.67	84
30-10	\$ 3,465.00	\$ 1,155.00	\$ 4,620.00	52
49-10	\$ 12,750.00	\$ 4,250.00	\$ 17,000.00	20
61-10	\$ 7,773.00	\$ 2,591.00	\$ 10,364.00	13
62-10	\$ 2,336.00	\$ 778.67	\$ 3,114.67	10
63-10	\$ 1,660.00	\$ 553.33	\$ 2,213.33	2
64-10	\$ 8,663.00	\$ 2,887.67	\$ 11,550.67	23
65-10	\$ 1,255.00	\$ 418.33	\$ 1,673.33	3
78-10	\$ 3,000.00	\$ 1,000.00	\$ 4,000.00	7
<b>TOTAL COSTS</b>	<b>\$ 81,258.00</b>	<b>\$ 27,086.01</b>	<b>\$ 108,344.01</b>	<b>419</b>

**Attachment 3**  
**Assessment Ordinance for**  
**Street Lighting District L01**

Salt Lake City, Utah

October 19, 2010

A regular meeting of the City Council of Salt Lake City, Utah, was held on Tuesday, October 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 meeting had been duly called to order and after other matters not pertinent to this ordinance had been discussed, the City Recorder presented to the City Council a Certificate of Compliance with Open Meeting Law with respect to this October 19, 2010, meeting, a copy of which is attached hereto as Exhibit A.

The Board of Equalization and Review (the "Board of Equalization") for Salt Lake City, Utah Lighting District No. 1 (now known as "District L01") presented to the City Council its report and stated that it had reviewed statements, comments, and complaints with respect to properties in District L01 and considered all facts and arguments as listed in the minutes of the hearings of the Board of Equalization held on August 3, 4, and 5, 2010.

The following Findings and Recommendations were then presented to the Council by the Board of Equalization:

#### FINDINGS

It is the finding of the Board of Equalization that each parcel of property appearing on the final assessment list provided to the Council (the "Assessment List")

will be directly or indirectly benefited by the Improvements (as defined in the Notice of Intention for District L01 adopted on April 15, 1996) in an amount not less than the assessment to be levied against said parcel. No parcel listed in the Assessment List will bear more than its proportionate share of the costs of such Improvements. The Assessment List is just and equitable and the Improvements constitute a benefit to the properties to be assessed.

#### RECOMMENDATIONS

Therefore, the Board of Equalization recommends the adjustments to the proposed Assessment List; and recommends that the Council approve and confirm the Assessment List, as equalized, and adopt an ordinance levying the assessments as set out in the Assessment List.

The Board of Equalization on or about \_\_\_\_\_, 2010, mailed a copy of the Board's final report to each property owner, if any, who objected to the proposed assessment at the Board of Equalization hearings at the property owner's mailing address.

#### MOTION

Motion was then made by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ that the Council accept the Findings and Recommendation of the Board of Equalization regarding the proposed assessments to be levied within District L01. The motion carried unanimously.

It was noted that District L01 was duly created pursuant to notice and public hearing, on April 15, 1996. District L01 was created with notice to all property owners within District L01 that assessments were to be paid annually when assessed. Thereafter, in 1996, the City Council adopted an assessment ordinance (the "Original Assessment Ordinance") and additional annual assessment ordinances in 1996 through 2009. The 1998 assessment ordinance modified District L01 by adding an extension to District L01 that was previously part of another special improvement district.

The Chair then noted that the Council is now convened in this meeting for the purpose, among other things, of adopting an ordinance levying assessments (the "Ordinance") for District L01. The following Ordinance was then introduced in writing, was fully discussed, and pursuant to motion duly made by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ adopted by the following vote:

AYE:

NAY:

The 2010 Assessment Ordinance was then signed by the Chair, presented to and approved by the Mayor, and recorded by the City Recorder in the official records of Salt Lake City, Utah. The 2010 Assessment Ordinance is as follows:

ORDINANCE NO. \_\_\_\_\_ of 2010

An ordinance (the "2010 Assessment Ordinance") approving an assessment list and levying an annual assessment upon property in Salt Lake City, Utah Lighting District No. 1 (the "District L01"); establishing the effective date of the 2010 Assessment Ordinance; providing for a procedure to contest an assessment; and related matters.

BE IT ORDAINED BY THE CITY COUNCIL (THE "COUNCIL") OF SALT LAKE CITY (THE "CITY"), UTAH:

Section 1. Determination of Costs. The estimated operation and maintenance costs of District L01 to provide for street lighting within District L01 have been determined.

Section 2. Approval of Assessment List; Findings. The Council confirms and approves the District L01 assessment list, a copy of which is attached hereto as Exhibit B and incorporated herein by reference (the "Assessment List"). The Assessment List has been adjusted to comport with the previous year's operating experience for District L01 and it includes estimated operation and maintenance costs for the twelve-month period beginning July 1, 2010, and ending June 30, 2011 (the "O&M Period"). The Council has determined that the Assessment List is just and equitable; that each piece of property to be assessed within District L01 will be benefited in an amount not less than the assessment to be levied against said property; and that no piece of property listed in the assessment list will bear more than its proportionate share of the cost of the estimated operation and maintenance costs within District L01.

Section 3. Levy of Assessments. The Council hereby levies an assessment upon the real property identified in the Assessment List. The assessments levied upon each parcel of property therein described shall be in the amount set forth in the Assessment List as adjusted.

The assessments hereby levied are for the purpose of paying the estimated operation and maintenance costs to provide street lighting and electrical energy for street lighting within District L01 for the O&M Period. It is hereby determined and established that the property being assessed will be specifically benefited to the full amount of the assessment hereby levied to cover said estimated operation and maintenance costs. All property benefited is within the boundaries of District L01. Unless future modifications revise the purposes and plans of District L01, future assessments will continue to be levied annually for the reasonable useful life of the facilities to be maintained by the assessment levy based upon applicable rates established by the energy contract with the City. Future non-energy costs of operation and maintenance relating to the providing of lighting benefits will also be a factor in determining future rates. The City Treasurer is hereby authorized and directed to notify property owners of this assessment and to collect assessments in accordance with the provisions of this 2010 Assessment Ordinance for the purposes herein provided.

Section 4. Operation and Maintenance Costs. As determined by the office of the City Engineer, the total estimated operation and maintenance costs for District L01 for the O&M Period are \$108,344, of which the City's portion is approximately \$27,086. The remaining \$81,258 is to be paid from assessments levied upon property within District L01 as set forth in the Assessment List.

Section 5. Method, Rate, and Payment of Assessment. The total assessment for District L01 is levied in accordance with the method set out in the Notice of Intention pertaining to District L01 adopted by the City Council on April 15, 1996. The applicable rate for each property was determined based on the operation and maintenance costs of providing street lighting services and furnishing electrical energy for street lighting purposes, together with other related factors, the totals of which are set out in the preceding Section. Future annual assessments may include adjustments to reflect changes in operation and maintenance costs and any balance or deficits resulting from the previous year's operations.

Assessments shall be payable on December 15, 2010 (the "Due Date"). Interest on assessments shall accrue only after passage of the Due Date as set out in the Special Assessment Notice to be mailed by the City Treasurer to property owners. The rate of interest accruing on any delinquent assessment shall be the rate allowed by Utah statute (the "Delinquent Rate"). The whole or any part of the assessment may be paid without interest on or prior to the Due Date.

Section 6. Default in Payment. An assessment payment shall be delinquent if it remains unpaid after the Due Date. Any delinquency shall constitute a default in the payment of the assessment. If an assessment payment is not paid when due, the City may file for recording a notice (the "Notice of Delinquency") with the Salt Lake County Recorder. The resulting recording fees for any filing and any release shall be added to the assessment together with accrued interest due and owing. In addition, costs of collection as determined by the City Treasurer or required by law may be charged and paid on all delinquent amounts.

If the delinquency continues after the filing of the Notice of Delinquency, the City Treasurer may determine what additional enforcement action may be appropriate. Prior to commencement of such enforcement action, the City shall give an additional notice (the "Notice of Default"), in writing, of the default to the owner of the property in default. Notice of Default shall be effective upon deposit of the notice in the U.S. Mail, postage prepaid, and addressed to the owner as shown on the last equalized assessment rolls for the City or on the official ownership records of Salt Lake City. The Notice of Default may provide for a period of thirty (30) days in which the owner shall pay the assessment balance then due and owing together with accrued interest at the Delinquent Rate plus recording costs and other costs as determined by the City Treasurer. The Notice of Default may also declare that after the thirty (30) day period the City may bring suit for the total amount due plus costs of the enforcement action remedy, or the City may elect to commence foreclosure proceedings in the manner provided for actions to foreclose mortgage liens or trust deeds. In the event the City elects to foreclose using trust deed procedures, a trustee shall be designated by the City to serve as a trust fund



trustee for purposes of the enforcement action. If at the sale no person or entity shall bid and pay the City the amount due on the assessment plus interest and costs, the property shall be deemed sold to the City for these amounts. The City shall be permitted to bid at the sale.

The election by the City to use or not to use a Notice of Delinquency and a Notice of Default shall have no effect on the perfecting of the lien resulting from a delinquency in the payment of any assessment after publication of this Assessment Ordinance. The remedies provided herein for the collection of assessments and the enforcement of liens shall be deemed and construed to be cumulative and the use of any one method or means of collection or enforcement shall not deprive the City of the use of any other method or means. The amounts of accrued interest and all costs of collection shall be added to the amount of the assessment up to the date of judgment or, in the case of foreclosure action, the date of the foreclosure sale.

Section 7. Remedy of Default. If prior to the final date that payment may be legally made under a final sale or foreclosure of property to collect delinquent assessment installments, the property owner pays the full amount of the unpaid assessment balance with interest at the Delinquent Rate, plus all approved or required costs, the owner will have the right to make payment in full and receive a release of the assessment lien. The Owner shall then be restored to the right to paying installments in the same manner as if default had not occurred.

Section 8. Lien of Assessment. An assessment levied by this 2010 Assessment Ordinance or any unpaid portion of an earlier assessment, any interest accruing, and the costs of recording and collection shall constitute a lien against the property upon which the assessment is levied as of December 1, 2010, the effective date of this 2010 Assessment Ordinance (the "Effective Date"), or for any unpaid portion of an earlier assessment, as of the effective date of any earlier applicable assessment ordinance. Unless the assessment becomes delinquent, no notice of lien may be recorded and no release of lien will be recorded at the time of payment. When a delinquency occurs, a notice of lien setting out the assessment balance due may be incorporated into a Notice of Delinquency that will be recorded. The assessment lien based on this 2010 Assessment Ordinance, or on an earlier assessment ordinance, if the delinquency predates the effective date of this 2010 Assessment Ordinance, shall be superior to the lien of any trust deed, mortgage, mechanic's or materialman's lien, or other encumbrance and shall be equal to and on a parity with the lien for general property taxes. The lien shall continue until the assessment and any interest, penalties, and costs on it are paid, notwithstanding any sale of the property for or on account of a delinquent general property tax, special tax, or other assessment or the issuance of a tax deed, an assignment of interest by the governing entity, or a sheriff's certificate of sale or deed.

Section 9. Contestability. No assessment shall be declared void or set aside in whole or in part in consequence of any error or irregularity which does not go to the equity or justice of the assessment or proceeding. Any party who has not waived his or her objections to the assessment may commence a civil action against the City to enjoin

the levy or collection of the assessment or to set aside and declare unlawful this 2010 Assessment Ordinance.

Such action must be commenced and summons must be served on the City not later than thirty (30) days after the Effective Date of this 2010 Assessment Ordinance. This action shall be the exclusive remedy of any aggrieved party. No court shall entertain any complaint which the party was authorized to make by statute but did not timely make or any complaint that does not go to the equity or justice of the assessment or proceeding.

After the expiration of the thirty (30) day period provided in this section, the assessments levied in District L01 shall become incontestable as to all persons who have not commenced the action provided for in this section; and no suit to enjoin the levy, collection, or enforcement of the assessments, or in any other manner attacking or questioning the legality of the assessments may be instituted in this state, and no court shall have authority to inquire into these matters.

Section 10. Notice to Property Owners. The City Treasurer is hereby authorized and directed to give notice of assessment by mail to the property owners in District L01. Said notice shall, among other things, state the amount of the assessment and the date for payment. A copy of the form of notice of assessment is available for examination upon request at the office of the City Recorder.

Section 11. All Necessary Action Approved. The officials of the City are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this 2010 Assessment Ordinance.

Section 12. Repeal of Conflicting Provisions. All ordinances or parts thereof in conflict with this 2010 Assessment Ordinance are hereby repealed.

Section 13. Publication of Ordinance. Immediately after its adoption, this 2010 Assessment Ordinance shall be signed by the Mayor and City Recorder and shall be recorded in the ordinance book kept for that purpose. This 2010 Assessment Ordinance shall be published once in the Salt Lake Tribune, a newspaper published and having general circulation in the City, and shall take effect immediately upon its Effective Date.

Section 14. Notice of Assessment Interest. The City Treasurer is hereby authorized and directed to file a Notice of Assessment Interest with the Salt Lake County Recorder within five (5) days after the Due Date provided in Section 5. Such Notice shall (a) state that the City has an assessment interest in the assessment property, (b) describe the property assessed by legal description and tax identification number, and (c) state the maximum number of years over which the assessment for operation and maintenance activities will be payable (which number may be included in an attached copy of the District L01 Assessment Ordinance).

PASSED AND APPROVED by the City Council of the City, this October 19, 2010.

(SEAL)

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

ATTEST:

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

PRESENTATION TO THE MAYOR

The foregoing ordinance was presented to the Mayor for his approval or disapproval on this October \_\_\_\_, 2010.

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

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this October \_\_\_\_, 2010.

\_\_\_\_\_  
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 October 19, 2010, insofar as the same relates to or concerns Salt Lake City, Utah Lighting District L01 as the same appears of record in my office.

I further certify that the 2010 Assessment Ordinance levying the special assessments was recorded by me in the official records of Salt Lake City on October 19, 2010.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Salt Lake City this October 19, 2010.

(SEAL)

By: \_\_\_\_\_  
  City Recorder

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

CERTIFICATE OF MAILING  
NOTICE OF ASSESSMENT

I, Daniel Mulé, the duly appointed, qualified, and acting City Treasurer of Salt Lake City, Utah, do hereby certify that on November \_\_\_\_, 2010, I caused to be mailed a Notice of Assessment to each property owner in Salt Lake City, Utah Lighting District L01 by United States Mail, postage prepaid, at the last known address of such owner.

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

By: \_\_\_\_\_  
                                  City Treasurer

## PROOF OF PUBLICATION

Attached to this page is the Proof of Publication, indicating by the affidavit of the publisher that the said 2010 Assessment Ordinance levying the special assessments adopted by the City Council on October 19, 2010, was published one time in the Deseret News.

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 October 19, 2010, public meeting held by the City Council as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City's offices at 451 South State Street, Salt Lake City, Utah, on October 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 1, to be delivered to the Salt Lake Tribune on October 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 January 5, 2010, at the principal office of the City Council, (b) provided to at least one newspaper of general circulation within Salt Lake City on January 9, 2010, 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 October 19, 2010.

(SEAL)

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



SCHEDULE A  
NOTICE OF MEETING

EXHIBIT B

ASSESSMENT LIST

(Available for review at the offices of the  
City Recorder and the City Engineer)

SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE

**Attachment 4**  
**Map for Street Lighting District L01**



# Frontage Map 2010 Annual Assessment For Lighting District L01 Special Assessment Areas

SALT LAKE CITY CORPORATION  
TRANSPORTATION DIVISION

DRAWN BY: K. BELL  
10/04/2010

