

Salt Lake City, Utah

September 7, 2010

A regular meeting of the City Council of Salt Lake City, Utah, was held on Tuesday, September 7, 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 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:

David Everitt	Deputy Mayor
Edwin P. Rutan, II	City Attorney
Chris Meeker	City Recorder

Absent:

Ralph Becker	Mayor
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Thereupon the following proceedings, among others, were duly had and taken:

John Naser, City Engineer, reported to the City Council that, pursuant to published notice concerning the intent of the City to designate the Salt Lake City, Utah North Temple Boulevard Assessment Area No. LC-109017 and No. M-109018 (the 'North Temple Boulevard Assessment Area'), the City Council held a public hearing on July 13, 2010, at which interested persons were heard concerning comments or protests relating to the North Temple Boulevard Assessment Area. The City also received and reviewed written protests submitted to the City.

After considering all protests received, the City Council determined to revise the proposed North Temple Boulevard Assessment Area to delete certain properties within said Assessment Area and thereby eliminate certain improvements to be constructed therein as described in the Notice of Intention to Designate Assessment Area adopted on June 15, 2010 (the "Original Notice of Intention"). The amendments and revisions to the Original Notice of Intention are set forth in Exhibit A attached hereto and incorporated herein.

The City Council then concluded that the public interest will best be served by designating the North Temple Boulevard Assessment Area as herein revised.

Councilmember Turner then moved and Councilmember Penfold seconded the adoption of the following resolution. The resolution was adopted by the following vote:

AYE: Unanimous

NAY: None

RESOLUTION NO. 42 OF 2010

A resolution designating 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') as described in the Notice of Intention to Designate Assessment Area adopted on June 15, 2010, as amended; authorizing the City officials to proceed with the acquisition and construction of the improvements and the levying of assessments to finance a portion of the costs of said improvements as well as certain operation and maintenance expenses, all as described in said Notice of Intention, as amended; and related matters.

BE IT RESOLVED BY THE City Council (the "Council") of Salt Lake City, Utah, as follows:

WHEREAS, pursuant to the Assessment Area Act, Title 11, Chapter 42, Utah Code Annotated 1953, as amended (the "Act"), on June 15, 2010, the Council adopted a Notice of Intention to Designate Assessment Area (the "Original Notice of Intention") to be known as the "Salt Lake City, Utah Special Assessment Area (North Temple Boulevard Assessment Area No. LC-109017 and No. M-109018) (the "North Temple Boulevard Assessment Area"), and after giving notice as required by the Act, held a public hearing on July 13, 2010, at which interested persons were given an opportunity to provide comments or protests relating to said Assessment Area; and

WHEREAS, after considering all written protests received by the Council as well as public comments at the public hearing, the Council has determined to amend the Original Notice of Intention to revise the description of said Assessment Area and to eliminate certain improvements described in the Original Notice of Intention; and

WHEREAS, after eliminating all protests relating to property that will be deleted from the North Temple Boulevard Assessment Area, the City Council has determined that property owners representing less than fifty percent (50%) of the total front footage of property to be assessed have submitted written protests to the City protesting the designation of the Assessment Area, the inclusion of the property owner's property within the Assessment Area, and/or the Improvements proposed to be acquired or constructed; and

WHEREAS, pursuant to Section 11-42-206 of the Act, and consistent with the Original Notice of Intention, as amended, the Council now desires to designate the Assessment Area.

BE IT RESOLVED by the City Council of Salt Lake City, Utah, as follows:

Section 1. The Council has determined that it will be in the best interest of Salt Lake City (the "City") to finance the costs of certain improvements consisting of 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, 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 and median island, including electrical costs and water service costs.

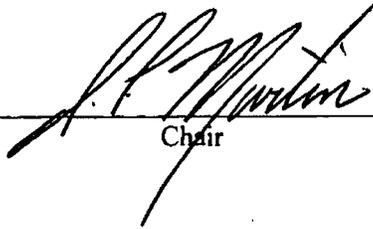
Section 2. The Improvements and operation and maintenance expenses described in the Original Notice of Intention as modified by the amendments and revisions described in Exhibit A attached hereto are hereby authorized and the North Temple Boulevard Assessment Area as described in the Original Notice of Intention as modified by the amendments and revisions described in Exhibit A attached hereto is hereby designated to acquire and construct said Improvements, to pay certain operation and maintenance costs incurred by the City and to levy assessments to finance the costs of the Improvements and said operation and maintenance costs.

Section 3. The legal description and tax identification numbers of the properties to be assessed within the Assessment Area are more fully set forth in Exhibit B attached hereto. Assessments to finance the costs of the Improvements and to pay certain operation and maintenance costs will be levied based upon the front footage of the properties to be assessed within the Assessment Area.

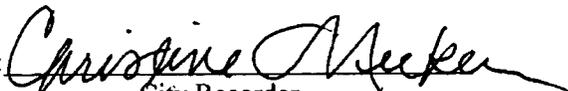
Section 4. As required by law, the City Recorder is hereby authorized and directed to file in the Salt Lake County Recorder's office within fifteen (15) days from the date hereof (a) a copy of the Notice of Intention, as amended, and an original or certified copy of this Resolution designating the North Temple Boulevard Assessment Area, and (b) a Notice of Encumbrance and Assessment Area Designation in substantially the form of Exhibit C hereof which states that the Council has designated said Assessment Area and which lists the properties proposed to be assessed, described by tax identification number and legal description.

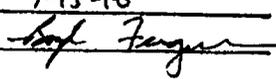
ADOPTED AND APPROVED this September 7, 2010.

(SEAL)

By: 
Chair

ATTEST:

By: 
City Recorder

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 9-15-10
By 

PRESENTATION TO THE MAYOR

The foregoing resolution was presented to the Mayor for his approval or disapproval this September 07, 2010.

By:  _____
Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing resolution is hereby approved this September 16, 2010.

By:  _____
Mayor

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Chris Meeker, the undersigned City Recorder of Salt Lake City, Utah (the "Issuer"), do hereby certify, according to the records of the City Council of Salt Lake City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the September 7, 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 principal offices at the City and County Building, Salt Lake City, Utah, on September 3, 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 September 3, 2010, at least twenty-four (24) hours prior to the convening of the meeting.

(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 September 7, 2010.



By: Christina Meeker
City Recorder

SCHEDULE 1

NOTICE OF MEETING

SCHEDULE 2

2010 ANNUAL MEETING SCHEDULE

EXHIBIT A

AMENDMENTS AND REVISIONS TO ORIGINAL NOTICE OF INTENTION
APPROVED BY THE CITY COUNCIL ON SEPTEMBER 7, 2010

Because certain properties will be deleted from the North Temple Boulevard Assessment Area and will therefore not be improved, the following sections of the Original Notice of Intention are hereby amended to read as follows:

DESCRIPTION OF ASSESSMENT AREA

All properties fronting North Temple Street (1) from 500 West to 600 West, (2) from Redwood Road to I-215 (1980 West), and (3) from I-215 to 2400 West are deleted from the North Temple Boulevard Assessment Area. The revised North Temple Boulevard Assessment Area shall include the following properties fronting North Temple Street:

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.

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 600 West Street to Redwood Road.

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 600 West to Redwood Road, and an irrigation system for the North Temple Boulevard park strip and median island, within the public right of way from 600 West to Redwood Road (the "O&M Assessments").

The total cost of the Improvements including overhead costs is estimated to be \$24,173,100, approximately \$22,991,300 of which will be paid by the City and by other funding sources, including approximately \$12,605,100 in City Funds, \$10,000,000 of Airport Light Rail Alliance Funds, and approximately \$386,200 of State of Utah Funds. The remaining estimated \$1,181,800 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 \$52,885 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, 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

RATE 2 O&M ASSESSMENTS

The following properties fronting North Temple Street from 600 West to Redwood Road will also be assessed the Rate 2 O&M Assessment as follows:

<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

All other provisions of the Original Notice of Intention shall remain unchanged.

EXHIBIT B

TAX IDENTIFICATION NUMBERS AND LEGAL
DESCRIPTIONS OF PROPERTIES TO BE ASSESSED

(A complete list of Tax I.D. numbers and property descriptions is available for inspection
at the Salt Lake City Recorder's Office and the City Engineer's Office.)



SALT LAKE CITY CORPORATION SPECIAL ASSESSMENT AREA
RECORDER TAX ROLL REPORT FOR DISTRICT LC, EXTENSION 109017, SAA 851 -
WITH ASSESSMENT

Exhibit 1

Date Run: 9/24/2010 10:57:01 AM

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Prop. ID 08 34 401 015 0000 Prop. Addr. 1452 W NORTH TEMPLE ST Account # 851-6675
 Owner: CAMPET CORP Assess Value \$5,300.00
 Addr. 1023 N 1400 W SALT LAKE CITY UT 84116-3603

1 0000
 BEG 804.24 FT N & 1103.9 FT E FR SW COR OF SE 1/4 SEC 34 T
 1N R 1W SL MER N 587.55 FT W 19.31 FT S'LY 587.55 FT M OR L
 TO PT S 89°58'28" W 13.58 FT FR BEG N 89°58'28" E 13.58 FT
 TO BEG 0.16 AC. 3570-33. 5303-370

Prop. ID 08 34 401 021 0000 Prop. Addr. 1550 W NORTH TEMPLE ST Account # 851-6678
 Owner: MOUNTAIN STATES TELEPHONE & TELEGRAPH CO Assess Value \$471,200.00
 Addr. 1801 CALIFORNIA ST 2500 DENVER CO 80202-2658

2 1009
 BEG 804.24 FT N & 879.7 FT E FR SW COR OF SE 1/4 OF SEC 34,
 T 1N, R 1W, S L M; N 0°30' E 207.45 FT; N 89°58'38" E 208.81
 FT; S 207.56 FT; S 89°58'28" W 210.62 FT TO BEG. 1.0 AC M OR
 L.

Prop. ID 08 34 428 006 0000 Prop. Addr. 1350 W NORTH TEMPLE ST Account # 851-6709
 Owner: J-J BAKD LC Assess Value \$5,589,080.00
 Addr. 1370 W NORTHTEMPLE ST SALT LAKE CITY UT 84116-3221

3 0829
 COM S 89°58'30" W 457.26 FT FR SE COR LOT 1 BLK 1 JORDAN
 PLAT A S 89°58'38" W 63 FT N 0°00'55" W 52.03 FT N 89°54'22"
 W 110 FT S 0°00'55" E 17.17 FT N 89°54'22" W 40 FT S 0°00'
 55" E 35.17 FT S 89°58'38" W 507 FT N 0°00'55" W 1381 FT M
 OR L TO JORDAN RIVER SE'LY ALG SD RIVER 875.34 FT S 0°00'
 55" E 919.36 FT TO BEG. 19.79 AC. 5947-2870

Prop. ID 08 34 428 010 0000 Prop. Addr. 1400 W NORTH TEMPLE ST Account # 851-6712
 Owner: J-J BAKD LC Assess Value \$2,205,380.00
 Addr. 1370 W NORTHTEMPLE ST SALT LAKE CITY UT 84116-3221

4 0829
 BEG N 89°58'38" E 200 FT FR SW COR OF LOT 3, BLK 1, JORDAN
 PLAT A; N 89°58'38" E 345 FT; N 0°00'55" W 1365.26 FT; N
 76°00'51" W 80.54 FT; N 61°29'37" W 224.11 FT; S 28°08'21" W
 148.938 FT; S 0°00'55" W 1360.46 FT TO BEG. 11.28 AC.
 5587-2107

3



SALT LAKE CITY CORPORATION SPECIAL ASSESSMENT AREA
RECORDER TAX ROLL REPORT FOR DISTRICT LC, EXTENSION 109017, SAA 851 -
WITH ASSESSMENT

Date Run: 9/24/2010 10:57:01 AM

Page 2 of 16

Prop. ID 08 34 428 012 0000 Prop. Addr. 1458 W NORTH TEMPLE ST Account # 851-6713
 Owner: J-J BAKD LC Assess Value \$894,290.00
 Addr. 1370 W NORTHTEMPLE ST SALT LAKE CITY UT 84116-3221

5 0829
 BEG 804.86 FT N & 1694.85 FT E FR S 1/4 COR OF SEC 34, T 1N,
 R 1W, S L M; N 1028.92 FT; E 188.325 FT; S 1028.92 FT; S
 89°57'38" W 188.5 FT TO BEG. 4.45 AC M OR L. 5700-2318

Prop. ID 08 34 451 014 0000 Prop. Addr. 1692 W NORTH TEMPLE ST Account # 851-6717
 Owner: FIRST INTERSTATE BANK OF UTAH;NA; TR ET AL Assess Value \$534,200.00
 Addr. 880 W CENTER ST NORTH SALT LAKE UT 84054-

6 0705
 ALL OF LOTS 3 THRU 7 & THE E'LY 16.6 FT OF LOT 8, BLK 2,
 BUNNELL'S SUB. 6085-2506
 *** FIRST INTERSTATE BANK OF UTAH NA; TR 2/3 INT
 *** CARLSON, GEORGIA E C; AKA
 *** CARLSON, ELAINE C; 1/3 INT

Prop. ID 08 34 451 015 0000 Prop. Addr. 1660 W NORTH TEMPLE ST Account # 851-6718
 Owner: FIRST INTERSTATE BANK OF UTAH;NA; TR ET AL Assess Value \$452,300.00
 Addr. 299 S MAIN ST 800 SALT LAKE CITY UT 84111-0477

7 0705
 BEG SW COR OF LOT2, BLK 2, BUNNELL'S SUB; N 0°03'50" E 165
 FT; N 89°58'38" E 141 FT; S 0°03'50" W 165 FT; S 89°58'38" W
 141 FT TO BEG. 6085-2596, 5973-1500
 *** FIRST INTERSTATE BANK OF UTAH NA; TR 2/3 INT
 *** CARLSON, GEORGIA E C; AKA
 *** CARLSON, ELAINE C; 1/3 INT

Prop. ID 08 34 452 011 0000 Prop. Addr. 1528 W NORTH TEMPLE ST Account # 851-70305
 Owner: PERFECT PASTA INC Assess Value \$918,400.00
 Addr. 9916 S 2270 E SANDY UT 84092-4136

8 0505
 ALL OF LOTS 1 THRU 22, INCLUSIVE BLK 2, AGRICULTURAL PARK
 PLAT B. 8862-2420

88