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MINA B REID UTAH CO RECORDER BY MB
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RECORDED FOR AMERICAN FORK CITY

RESOLUTION NO. 93-07-~~10X~~

A RESOLUTION TO CREATE SPECIAL IMPROVEMENT DISTRICT NO. 91-1 OF AMERICAN FORK CITY, UTAH COUNTY, UTAH, DESCRIBED IN THE NOTICE OF INTENTION CONCERNING THE DISTRICT AND AUTHORIZING THE IMPROVEMENTS AS SET FORTH IN THE NOTICE OF INTENTION TO CREATE THE DISTRICT.

WHEREAS, the City Council (the "City Council") of American Fork City, Utah County, Utah (the "City"), adopted Resolution No. 91-01-01R on January 22, 1991, proposing the creation of the American Fork City, Utah, Special Improvement District No. 91-1 (the "District") and adopting a Notice of Intention (the "Notice") describing, among other things, the boundaries of the District, the landscaping and fountain/monuments, street improvements and driveway approaches, and other related improvements (the "Improvements") proposed to be acquired and constructed in the District, the estimated costs of the Improvements and the proposed method of assessments to be levied on all parcels and lots of real property within the District benefiting from the Improvements in order to pay all or a portion of such costs; and

WHEREAS, as required by law, the City Council has provided written and public notice of its intention to create the District and of a public hearing which was held by the City Council on February 26, 1991 (the "Public Hearing") to consider any and all protests filed and to hear any and all oral protests and objections to or questions or concerns about the creation of the District; and

WHEREAS, there being no written protests filed or oral protests aired against the establishment of the District at or prior to the Public Hearing, the City Council heard each and every

person who wished to ask questions or express concerns about the creation of the District at the Public Hearing; and

WHEREAS, after consideration of such questions and concerns, the City Council determined to defer creation of the District pending further study of the issues raised by such questions and concerns; and

WHEREAS, such study having been completed, the City Council has determined it to be in the best interests of the City and the owners of property within the District to create the District and proceed with the acquisition and construction of the Improvements; and

WHEREAS, waivers have been executed by the owners of all of the property to be included within the District in the forms attached hereto as Exhibit "A," whereby the property owners, among other things, consented to the creation of the District and the inclusion of their properties therein pursuant hereto.

NOW, THEREFORE, BE IT RESOLVED by the City Council of American Fork City, Utah County, Utah:

Section 1. The terms and phrases defined in the recitals hereto shall have the same meanings when used in the body of this Resolution.

Section 2. The City Council does hereby create and establish the District, and authorize and ratify the acquisition and construction of the Improvements which have heretofore been made all as described in the Notice without deletion or change.

Section 3. The properties to be included in the District described in the Notice were approved by the City Council on January 22, 1991. The legal description of said properties is more fully set forth on Exhibit "B" attached hereto.

Section 4. As required by law, the City Recorder is hereby authorized and directed to file a copy of the Notice and this Resolution creating the District as finally approved, together with a list of properties proposed to be assessed described by tax identification number and legal description, in the Utah County Recorder's office within five days from the date hereof.

Section 5. This Resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED this 27th day of July, 1993


Mayor

ATTEST:

City Recorder



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EXHIBIT "A"
WAIVERS OF PROPERTY OWNERS

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EXHIBIT "B"

DESCRIPTION OF PROPERTIES

The properties to be included in the American Fork City, Utah, Special Improvement District No. 91-1 are as follows:

Tax Identification Number:

13-051-0016
 13-051-0027
 13-059-0002
 13-061-0002
 13-061-0023
 13-061-0024
 13-062-0004
 13-062-0008
 13-062-0010
 13-062-0011
 13-062-0012
 13-062-0020

Legal Description:

Parcel No. 1

Assessment to be levied on parcel No. 1: \$300,994

Legal Description of Parcel No. 1:

Commencing at a point located North 90.15 feet and East 106.72 feet from the North one-quarter corner of Section 25, Township 5 South, Range 1 East, Salt Lake Base and Meridian (basis of bearing South 89°39'06" East along the Section line from said Section corner); thence South 89°59'59" East 406.62 feet; thence South 0°28'28" West 44.96 feet; thence South 89°46'15" East 756.02 feet; thence North 0°0'0" East 8.81 feet; thence South 89°27'34" East 70.84 feet; thence South 0°30'38" West 642.38 feet; thence South 0°51'59" West 721.35 feet; thence South 89°56'10" East 944.21 feet; thence South 0°24'30" East 779.27 feet; thence North 89°50'30" West 1122.81 feet; thence South 2°51'37" West 143.98 feet; thence North 49°50'23" West along the Easterly boundary of State Road Commission Property 1437.00 feet; thence North 30°35'27" West 931.22 feet; thence North 1°11'00" East 635.29 feet; thence North 86°49'00" West 367.92 feet; thence North 1°00'00" East 536.65 feet along the East boundary of 500 East Street, American Fork; thence South 89°33'30" East along a fence line 886.93 feet; thence South 0°35'57" West along a fence line 589.27 feet to the point of beginning.

AREA = 94.7590 ACRES

Basis of bearing South 89°34'06" East along the Section line.

Less a road described as follows:

Commencing at a point located South 0°19'24" East along the Section line 1294.31 feet and West 405.74 feet from the Northeast corner of Section 25, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South 0°24'30" East 779.27 feet; thence North 89°50'30" West 0.29 feet; thence North 0°38'16" West 376.63 feet; thence along the arc of a 25.00 foot radius curve to the left 38.92 feet (chord bears North 45°14'23" West 35.11 feet); thence North 89°50'30" West 1046.53 feet; thence along the arc of a 433.00 foot radius curve to the right 302.31 feet (chord bears North 69°50'27" West 296.20 feet); thence North 49°50'23" West 786.89 feet; thence along the arc of a 433.00 foot radius curve to the right 388.86 feet (chord bears North 24°06'44" West 375.92 feet); thence North 1°36'54" East 364.05 feet; thence along the arc of a 367.00 foot radius curve to the left 202.51 feet (chord bears North 14°11'33" West 199.95 feet); thence North 30°00' West 55.08 feet; thence along the arc of a 433.00 foot radius curve to the right 231.25 feet (chord bears North 14°42'02" West 228.51 feet); thence North 2°50'04" West 100.18 feet; thence North 0°35'57" East 377.82 feet; thence along the arc of a 25.00 foot radius curve to the left 39.34 feet (chord bears North 44°28'47" West 35.40 feet); thence North 89°33'30" West 789.47 feet; thence North 1°00' East 87.25 feet; thence South 89°33'30" East 886.93 feet; thence South 0°41'46" West 590.34 feet; thence along the arc of a 367.00 foot radius curve to the left 196.00 feet (chord bears South 14°42'02" East 193.68 feet); thence South 30°00' East 55.08 feet; thence along the arc of a 433.00 foot radius curve to the right 238.92 feet (chord bears South 14°11'33" East 235.90 feet); thence South 1°36'54" West 364.05 feet; thence along the arc of a 367.00 foot radius curve to the left 329.59 feet (chord bears South 24°06'45" East 318.62 feet); thence South 49°50'23" East 786.89 feet; thence along the arc of a 367.00 foot radius curve to the left 256.23 feet (chord bears South 69°50'27" East 251.05 feet); thence South 89°50'30" East 1044.92 feet; thence along the arc of a 25.00 foot radius curve to the left 39.62 feet (chord bears North 44°45'37" East 35.60 feet); thence North 0°38'16" West 286.66 feet; thence South 89°56'10" East 3.41 feet to the point of beginning.

AREA = 7.724 ACRES

Less the following described parcel:

Lot 1, Plat B, Utah Valley Business Park as set forth in the official Plat recorded in the official records of the Utah County Recorder, also described as:

Beginning at a point which is South 200.83 feet and North 89 deg. 34'06" West 2017.70 feet from the Northeast corner of Section 25, Township 5 South, Range 1 East, Salt Lake Base and Meridian; and running thence South 01 deg. 36'54" West 452.00 feet; thence North 88 deg. 23'06" West 404.00 feet; thence North 01 deg. 36'54" East 271.61 feet; thence along an arc of a 433.00 foot radius curve 153.96 feet (the chord of which bears North 08 deg. 34'17" West and has a length of 153.15 feet); thence along an arc of a 22.00 foot radius curve 42.38 feet (the chord of which bears North 36 deg. 25'43" East and has length of 36.12 feet); thence South 88 deg. 23'00" East 410.45 feet to the point of beginning.

Portion of Tax Serial No. 13-62-20

AREA = 4.2398 ACRES

TOTAL NET AREA = 82.7952 Acres

Parcel No. 2

Assessment to be levied on Parcel No. 2: \$13,593

Legal Description of Parcel No. 2:

Commencing at a point located North 129.21 feet and West 416.04 feet from the North one-quarter corner of Section 25, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence South 1°11' West 634.84 feet; thence along the State Road right-of-way as follows: North 30°42' West 127.73, North 49°49" West 375.08 feet, North 76°34" West 6.63 feet, North 0°25' East 126.78 feet, North 1°00' East 175.00 feet; thence South 86°49' East 367.92 feet to the point of beginning.

AREA = 3.739 ACRES

Parcel No. 3

Assessment to be levied on Parcel No. 3: \$15,413

Legal Description of Parcel No. 3:

Lot 1, Plat B, Utah Valley Business Park as set forth in the official Plat recorded in the official records of the Utah County Recorder, also described as:

Beginning at a point which is South 200.83 feet and North 89 deg. 34'06" West 2017.70 feet from the Northeast corner of Section 25, Township 5 South, Range 1 East, Salt Lake Base and Meridian; and running thence South 01 deg. 36'54" West 452.00 feet; thence North 88 deg. 23'06" West 404.00 feet; thence North 01 deg. 36'54" East 271.61 feet; thence along an arc of a 433.00 foot radius curve 153.96 feet (the chord of which bears North 08 deg. 34'17" West and has a length of 153.15 feet); thence along an arc of a 22.00 foot radius curve 42.38 feet (the chord of which bears North 36 deg. 25'43" East and has length of 36.12 feet); thence South 88 deg. 23'00" East 410.45 feet to the point of beginning.

Portion of Tax Serial No. 13-62-20

AREA = 4.2398 ACRES

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NOTICE OF INTENTION

PUBLIC NOTICE IS HEREBY GIVEN that on the 22nd day of January, 1991, the City Council of American Fork City, Utah County, Utah (the "City"), adopted a resolution declaring its intention to create a special improvement district to be known as the American Fork City, Utah Special Improvement District No. 91-1 (the "District"). It is the intention of the City Council to make improvements within the District and to levy special assessments as provided in Part 3, Chapter 3, Title 17A, Utah Code Annotated 1953, as amended, on the real estate lying within the District for the benefit of which such assessments are to be expended in the making of such improvements.

DESCRIPTION OF DISTRICT

The District will consist of approximately 10 separate parcels in the City and will include all privately owned territory within the following described area:

COMMENCING SOUTH 89°34'06" EAST ALONG THE SECTION LINE 106.72 FEET AND NORTH 90.95 FEET FROM THE NORTH 1/4 CORNER OF SECTION 25, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN,

THENCE South 89°59'59" East 406.62 feet,
THENCE South 00°28'28" West 44.96 feet,
THENCE South 89°46'15" East 567.78 feet,
THENCE South 00°30'36" West 160.19 feet,
THENCE South 89°46'15" East 261.00 feet,
THENCE South 00°30'38" West 473.38 feet,
THENCE South 11°51'59" West 721.35 feet,
THENCE South 89°56'10" East 944.21 feet,
THENCE South 00°24'30" East 779.27 feet,
THENCE North 89°50'30" West 2,211.81 feet,
THENCE South 02°51'37" West 143.98 feet to the north right-of-way line of Interstate Highway 15,
THENCE West 370.76 feet to the South right-of-way line of Interstate Highway 15,
THENCE North 50°04'00" West 1,224.54 feet along the South right-of-way line of said Interstate Highway 15,
THENCE North 73°44'00" West 510.00 feet along the South boundary of the interchange right-of-way,
THENCE West 260 feet ± to the point of intersection with the west right-of-way line of 500 East street extended,
THENCE North 00°31'13" East 1960 feet ± along the West right-of-way line of 500 East Street to the point of intersection with the North right-of-way line of 620 South Street,
THENCE Northeasterly 120 feet ± across the right-of-way of 500 East Street to the point of intersection of the East right-of-way line of said 500 East Street and the North line

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of the North Valley Investment Group property (Utah County Tax I.D. Number 13-051-27),
THENCE South 69°45'40" East 875.56 feet along the north line of said parcel,
THENCE South 00°35'57" West 588.13 feet to the point of beginning.

INTENDED IMPROVEMENTS

The improvements to be constructed and their location within the District are as follows:

(a) To install landscaping adjacent to all public rights-of-way within Utah Valley Business Park and along Interstate-15, including the installation of a fountain/monument.

(b) To construct road and driveway approaches on 700 South Street and a fountain/monument.

ESTIMATED COST OF IMPROVEMENTS

The total cost of improvements in the District, as estimated by the City Engineer, is \$264,900, the entire amount of which shall be paid by a special tax to be levied against all privately owned properties within the District boundaries, including without limitation the property abutting along the streets to be improved and upon property which may be affected or specifically benefited by such improvements.

The estimated improvement costs do not include allowance for construction contingencies or an allowance for administrative costs, legal and other costs including the cost of issuance of Special Assessment Bonds proposed to be issued by the City to finance all or a portion of the costs of the aforementioned improvements (the "Bonds"). The total estimated cost of the improvements may be financed during the construction period by the use of interim warrants. The interest on the warrants and reasonable overhead expenses will be included in the costs to be assessed to the property owners, bringing the total estimated amount to be assessed to approximately \$295,000.

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<u>Rate No.</u>	<u>Improvement</u>	<u>Estimated Cost</u>	<u>Estimated Cost to Abutters</u>
1.	Fountains (2)	\$5,000 each	\$ 10,000.00
2.	Infrastructure/ Signs (2)	\$10,000 each	\$ 20,000.00
3.	Landscaping	2360 F @ \$40.00/LF (next to Interstate-15)	\$ 94,400.00
4.	Landscaping	5500 F @ \$25.00/LF (all other rights-of-way)	\$137,500.00
5.	Roadway and Driveways	\$3,000.00	\$ 3,000.00

All of the privately owned property within the District will be assessed in accordance with the improvements constructed. Credits for corner lot exemptions or partial exemptions will be made as provided by state statutes and City ordinances. Separate assessments will be made to each of the benefited properties in the area. The amount of such assessment will be determined in accordance with the benefit received from the improvements constructed. The assessments are to be levied according to area. In the event of subsequent division of a larger parcel, each such division shall, subject to the prior approval of the City, be allowed to assume a proportionate share of the outstanding assessment owed by the larger parcel at the time of such division.

LEVY OF ASSESSMENTS

It is the intention of the City Council to levy assessments as provided by the laws of the State of Utah on all parcels and lots of real property to be benefited by the proposed improvements within the District. The purpose of the assessment and levy is to pay those costs of the improvements which the City will not assume and pay. The method of assessment shall be by area as set forth herein.

Assessments may be paid by property owners in equal principal installments plus interest on the unpaid balance at a rate or rates fixed by the City Treasurer, not more frequently than semiannually over a period of not more than twenty (20) years, provided, however, that the Council shall first have found and determined that the proposed improvements have a reasonable useful life of at least any such period that exceeds ten (10) years. The whole or any part of the assessment may be paid without interest within fifteen (15) days after the ordinance levying the assessment becomes effective. The assessment shall be levied according to the benefits to be derived by each property owner within the District. Other payment provisions and enforcement remedies shall be in accordance with Part 3, Chapter 3, Title 17A, Utah Code Annotated 1953, as amended.

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In addition to the levy of assessments as hereinabove provided, repayment of the Bonds may be made by the City using funds reimbursed to the City by the American Fork Redevelopment Agency (the "Redevelopment Agency") from any tax increment revenues which may be generated from the North Valley Redevelopment Project Area in excess of the amount of tax increment required to pay the ongoing costs of the Redevelopment Agency and/or to fund the Special Improvement Guaranty Fund. All contributions from this source shall be made pursuant to the authorizations of Section 17A-2-1247 (formerly Section 11-19-29), Utah Code Annotated 1953, as amended, and in accordance with the provisions of the North Valley Redevelopment Plan and the assistance agreement by and between the Council and the Redevelopment Agency with respect thereto.

In the event of the receipt by the City of any such excess tax increment contribution, the City shall reduce the amount of the next scheduled installment payment to a property owner in an amount commensurate with the owner's proportionate share of such contribution.

A map of the proposed District, copies of plans, profiles and specifications 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 assessed in the District described in this Notice of Intention shall have the right to file in writing a protest against the creation of the District 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 and shall indicate the total front footage represented by said protest. Protests shall be filed with the City Recorder of American Fork City, Utah, at or before 5:00 p.m. on the 25th day of February, 1991. Thereafter at 7:30 p.m. on the 26th day of February, 1991, the City Council will meet in public meeting at the offices of the City Council to consider all protests so filed and hear all objections relating to the proposed District.

The protest rate shall be determined by totalling the areas of the property owners filing written protests and dividing it by the total area of all property owners to be assessed within the proposed District. After the written protest rate has been determined, the Council may, in its discretion, delete areas from the District. At the time of creation of the District, the written protests of property owners in any area not included in the District will not be taken into account. The Council will rescind its intention to create the District if the written objections of property owners within the modified District boundaries represent fifty percent (50%) or more of the total area of property remaining in the District and the project will not proceed.

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After such consideration and determination, the City Council shall adopt a resolution either abandoning the District or creating the District either as described in this Notice of Intention or with deletions and changes made as authorized by law.

BY ORDER OF THE CITY COUNCIL OF AMERICAN FORK CITY, UTAH

/s/ Richard Colborn
City Recorder

Published in the American Fork Citizen.

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February 20, 1991