

RESOLUTION NO. R06-27 (6-13-06)

**ADDENDUM TO RESOLUTION OF THE CITY OF
SARATOGA SPRINGS CREATING STREET
LIGHTING SPECIAL IMPROVEMENT DISTRICT
TO INCLUDE ADDITIONAL SUBDIVISION
LOTS. (Saratoga Springs Plat 18)**

WHEREAS, on April 13, 2004, the City Council adopted Resolution No. R04-14 (04-13-04) creating a street lighting special improvement district (the "SSD Lighting SID") consisting of all lots and parcels included within the Subdivisions set out in said Resolution for the maintenance of street lighting within the SSD Lighting SID.

WHEREAS, *Utah Code Ann.* § 17A-3-307 provides that before the completion of the improvements covered by a special improvement district, additional properties may be added to the special improvement district and assessed upon the conditions set out therein. Since the improvements covered by the SSD Lighting SID are the maintenance of street lighting in the SSD Lighting SID, said improvements are not completed so additional properties may be added to the SSD Lighting SID pursuant to said § 17A-3-307.

WHEREAS, the City Council has given final plat approval to Saratoga Springs Plat 18, (the "Subdivision") conditioned upon all lots in the Subdivision being included in the SSD Lighting SID.

WHEREAS, the City Council finds that the inclusion of all of the lots covered by the Subdivision in the SSD Lighting SID will not adversely affect the owners of the lots already included within the SSD Lighting SID.

WHEREAS, the owner of the property covered by the Subdivision has given written consent: (i) to have all lots and parcels covered by that Subdivision included within the SSD Lighting SID, (ii) to the improvements to that property (maintenance of the street lighting), (iii) to payment of the assessments for the maintenance of street lighting within the SSD Lighting SID, and (iv) waiving any right to protest the SSD Lighting SID and/or assessments currently being assessed for all lots in the SSD Lighting SID (which consent is or shall be attached as Exhibit 1 to this Resolution).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SARATOGA SPRINGS THAT:

1. All lots and parcels in the Subdivision be added to and included in the SSD Lighting SID based upon the above findings and the written consent attached as Exhibit 1 to this Resolution.
2. City staff is directed to file a copy of this Resolution, as an Addendum to Resolution No. R04-14 (04-13-04) creating the SSD Lighting SID, as required by *Utah Code Ann.* § 17A-3-307.
3. Assessments will be hereafter levied against owners of all lots within the Subdivision on the same basis as assessments are being levied against other lots included in the SSD Lighting SID.

ENT 123806:2006 PG 1 of 4
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2006 Sep 20 9:34 am FEE 0.00 BY KH
RECORDED FOR SARATOGA SPRINGS CITY

4. The provisions of this Resolution shall take effect upon the passage and publication of this Resolution as required by law.

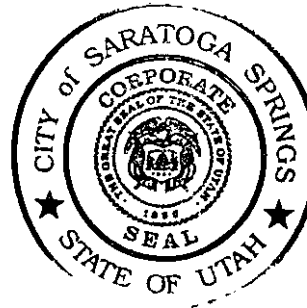
Passed this 17th day of June, 2006 on motion by

Councilor Kahn, seconded by Councilor MKS.

CITY OF SARATOGA SPRINGS
A UTAH MUNICIPAL CORPORATION

Signed: J. Scott Kahn 9/18/06
Mayor pro-tempore Date

Attest: Dore Yates 9/18/06
Recorder Date



**CONSENT OF OWNER OF PROPERTY
TO BE INCLUDED IN STREET LIGHTING SPECIAL IMPROVEMENT DISTRICT**

WHEREAS the City of Saratoga Springs (the "City"), by and through its City Council, has created a Street Lighting Special Improvement District (the "SSD Lighting SID") to pay for maintenance of street lighting within the subdivisions covered by the SSD Lighting SID.

WHEREAS the undersigned ("Developer") is the developer of Saratoga Springs Development Plat 18 Subdivision (the "Subdivision") located within the City for which the City Council has given or is expected to give final plat approval.

WHEREAS, *Utah Code Ann.* § 17A-3-307 provides that before the completion of the improvements covered by a special improvement district, additional properties may be added to the special improvement district and assessed upon the conditions set out therein. Since the improvements covered by the SSD Lighting SID are the maintenance of street lighting in the SSD Lighting SID, said improvements are not completed so additional properties may be added to the SSD Lighting SID pursuant to said § 17A-3-307.

WHEREAS, the City is requiring that the Subdivision be included within the SSD Lighting SID in order to provide for the maintenance of street lighting within the Subdivision as a condition of final approval of the Subdivision.

WHEREAS, Developer, as the owner of the property covered by the Subdivision, is required by *Utah Code Ann.* § 17A-3-307 to give written consent to having the property covered by that Subdivision included within the SSD Lighting SID and to consent to the proposed improvements to the property covered by the Subdivision and to waive any right to protest the SSD Lighting SID.

NOW THEREFORE, Developer hereby consents to including the lots and parcels within the Subdivision in the SSD Lighting SID. On behalf of itself and all lot purchasers and/or successors in interests, Developer consents and agrees as follows:

1. Consents to have all property covered by the Subdivision and all lots and parcels created by the Subdivision included within the SSD Lighting SID. The legal description and the tax identification number(s) of the property covered by the Subdivision are set out in Exhibit A attached to this Consent.

2. Consents to the improvements with respect to the property covered by the Subdivision -- that is the maintenance of street lighting within the Subdivision. The street lighting within the Subdivision will be installed by Developer as part of the "Subdivision Improvements."

3. Agrees to the assessments by the SSD Lighting SID for the maintenance of street lighting within the SSD Lighting SID.

4. Waives any right to protest against the SSD Lighting SID and/or the assessments currently being assessed for all lots in the SSD Lighting SID.

Dated this 7 day of July, 2006.

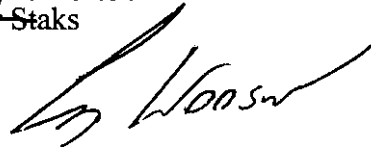
DEVELOPER:

^{Cory WOODSON}
Name: ~~Peter~~ Staks

Authorized

Signature:

Its:

A handwritten signature in black ink, appearing to read "Cory Woodson", written over the printed name "Peter Staks".