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EH 2655522 PG 1 OF 15
ERNEST D ROWLEY, WEBER COUNTY RECORDER
13-SEP-13 3:21 PM FEE \$1.00 DEP SGC
REC FOR: WEBER COUNTY CLERK/AUDITOR
Ogden, Utah

Ordinance 2013-24

September 3, 2013

The Board of County Commissioners (the "Commission") of Weber County, Utah (the "County"), met in regular session on September 3, 2013, at the regular meeting place of the Commission in Ogden City, Utah, at 10:00 a.m., with the following members of the Commission present:

Kerry W. Gibson	Chair
Jan M. Zogmaister	Commissioner
Matthew G. Bell	Commissioner

Also present:

Ricky D. Hatch	County Clerk/Auditor
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Absent: _____

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the County Clerk/Auditor presented to the Commission a Certificate of Compliance with Open Meeting Law with respect to this September 3, 2013, meeting, a copy of which is attached hereto as Exhibit A.

The Chair then noted that the Commission is now convened in this meeting for the purpose, among other things, to adopt an amendment to Assessment Ordinance No. 2013-21 adopted on August 13, 2013 (the "Original Assessment Ordinance"), which levied assessments with respect to the "Summit Mountain Assessment Area" (the "Assessment Area"). The following Amendment to Assessment Ordinance was then introduced in writing, was fully discussed, and pursuant to motion duly made by Commissioner Bell and seconded by Commissioner Zogmaister adopted by the following vote:

AYE: Commissioner Bell
 Commissioner Zogmaister
 Commissioner Gibson

NAY: _____

The Amendment to Assessment Ordinance was then signed by the Chair in open meeting and recorded in the official records of Weber County, Utah. The Amendment to Assessment Ordinance is as follows:

DMWEST #10147671 v1

23-012-0030, 0054, 0052, 0029, 0032, 0118, 0069

ORDINANCE NO. 2013-24

AN AMENDMENT TO ASSESSMENT ORDINANCE NO. 2013-21 TO, AMONG OTHER THINGS, REDUCE THE AMOUNT OF THE TOTAL ASSESSMENT; MAKE PROVISION FOR A UNIFIED ASSESSMENT; AND RELATED MATTERS.

WHEREAS, on August 13, 2013, the Commission adopted Assessment Ordinance No. 2013-21 (the "Original Assessment Ordinance") wherein the Commission authorized the levy of an assessment on properties within the Summit Mountain Assessment Area (the "Assessment Area") benefited by the acquisition and construction of certain improvements within the Assessment Area; and

WHEREAS, the Commission desires to amend the Original Assessment Ordinance to reduce the amount of the total assessment to be assessed against the property and make provisions for the unified assessment; and

WHEREAS, in connection with this Amendment to Assessment Ordinance, the County has obtained from the owner of all properties (collectively, the "Owner") to be assessed within the Assessment Area an executed Consent (the "Consent") in the form attached hereto as Exhibit B;

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF WEBER COUNTY, UTAH:

Section 1. The Commission hereby amends Section 1 of the Original Assessment Ordinance to change the amount of the assessment amount to \$17,670,000.

Section 2. The Commission hereby amends Section 5 of the Original Assessment Ordinance to read as follows:

Section 5. Method and Rate. Inasmuch as the assessed property has yet to be subdivided as contemplated for development, the Assessment is levied by zones and against all of the area in each of the zones of the Assessment Area. Each of the benefited properties will be assessed within the Assessment Area under an equivalent residential unit ("ERU") type method of assessment as follows:

<u>Zone</u>	<u>Improvements</u>	<u>Assessment</u>	<u>Minimum ERU</u>	<u>Assessment Per ERU</u>
1	Road, Water and Sewer	\$3,027,214.38	137	\$22,096.46
2	Road, Water and Sewer	1,767,716.43	80	22,096.46
3	Road, Water and Sewer	2,320,127.81	105	22,096.46
4	Road, Water and Sewer	3,424,950.57	155	22,096.46
5	Road, Water and Sewer	1,149,015.68	52	22,096.46
6	Road	2,539,692.20	200	12,698.46
7	Road	2,539,692.20	200	12,698.46
8	Road	901,590.73	71	12,698.46

Notwithstanding the levy of the assessments by Zones, in order to provide additional security for the payment of assessments, the County shall require that all assessments of all properties owned by the same owner (or an affiliate of the same owner) be aggregated as a single unified assessment against all properties owned by the same owner (or an affiliate of the same owner).

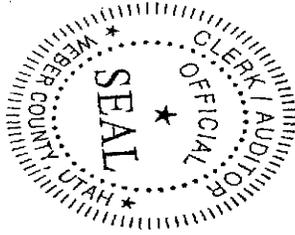
Section 3. All Necessary Action Approved. The officials of the County are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Amendment to Assessment Ordinance.

Section 4. Reaffirmation of Original Assessment Ordinance; Repeal of Conflicting Provisions. Except as amended herein, the Original Assessment Ordinance is hereby reaffirmed and ratified. All ordinances or parts thereof in conflict with this Amendment to Assessment Ordinance are hereby repealed.

Section 5. Publication of Ordinances. Immediately after its adoption, this Amendment to Assessment Ordinance shall be signed by Chair and Clerk/Auditor and shall be recorded in the ordinance book kept for that purpose. This Amendment to Assessment Ordinance shall be published once in the Standard Examiner, newspapers published and having general circulation in the County, and shall take effect immediately upon its passage and approval and publication as required by law.

PASSED AND APPROVED by the Commission, this September 3, 2013.

(SEAL)



By: *[Signature]*
Chair

ATTEST:

By: *[Signature]*
Clerk/Auditor

After the transaction of other business not pertinent to the foregoing matter, the meeting was on motion duly made, seconded, and carried, adjourned.

(SEAL)



By: *[Signature]*
Chair

ATTEST:

By: *[Signature]*
Clerk/Auditor

STATE OF UTAH)

: ss.)

COUNTY OF WEBER)

I, Ricky D. Hatch, the duly appointed, qualified, and acting Clerk/Auditor of Weber County, Utah, do hereby certify that the above and foregoing is a full, true, and correct copy of the record of proceedings had by the County Commission of Weber County, Utah, at its meeting held on September 3, 2013, insofar as the same relates to or concerns the Summit Mountain Assessment Area as the same appears of record in my office.

I further certify that the Ordinance levying the assessments was recorded by me in the official records of Weber County, Utah, on September 3, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Weber County, Utah, this September 3, 2013.

(SEAL)



By: Ricky Hatch
Clerk/Auditor

PROOF OF PUBLICATION

Attached to this page is the Proof of Publication, indicating by the affidavit of the publisher that said Amendment to Assessment Ordinance levying the assessments which were contained in the Amendment to Assessment Ordinance adopted by the Commission on September 3, 2013, was published one time in the Standard Examiner.

ORDER CONFIRMATION (CONTINUED)

Salesperson: LEGALS

Printed at 09/13/13 15:16 by kdatko

Acct #: 100344

Ad #: 531493

Status: E

ORDINANCE NO. 2013-24

AN AMENDMENT TO ASSESSMENT ORDINANCE NO. 2013-21 TO, AMONG OTHER THINGS, REDUCE THE AMOUNT OF THE TOTAL ASSESSMENT; MAKE PROVISION FOR A UNIFIED ASSESSMENT; AND RELATED MATTERS.

WHEREAS, on August 13, 2013, the Commission adopted Assessment Ordinance No. 2013-21 (the "Original Assessment Ordinance") wherein the Commission authorized the levy of an assessment on properties within the Summit Mountain Assessment Area (the "Assessment Area") benefited by the acquisition and construction of certain improvements within the Assessment Area; and

WHEREAS, the Commission desires to amend the Original Assessment Ordinance to reduce the amount of the total assessment to be assessed against the property and make provisions for the unified assessment; and

WHEREAS, in connection with this Amendment to Assessment Ordinance, the County has obtained from the owner of all properties (collectively, the "Owner") to be assessed within the Assessment Area an Executed Consent (the "Consent") in the form attached hereto as Exhibit B;

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF WEBER COUNTY, UTAH:

Section 1. The Commission hereby amends Section 1 of the Original Assessment Ordinance to change the amount of the assessment amount to \$17,670,000.

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PASSED AND APPROVED by the Commission, this September 3, 2013.

(SEAL)

By: /s/ Kerry W. Gibson
Chair

ATTEST:

By: /s/ Ricky O. Hatch
Clerk/Auditor

Pub.: September 9, 2013.

531493

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Ricky D. Hatch, the undersigned Clerk/Auditor of Weber County, Utah (the "Issuer"), do hereby certify that I gave written public notice of the agenda, date, time and place of the regular meeting held by the Issuer's Board of County Commissioners (the "Board") on September 3, 2013, not less than 24 hours in advance of the meeting. The public notice was given in compliance with the requirements of the Utah Open and Public Meetings Act, Section 52-4-202, Utah Code Annotated 1953, as amended, by:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the County's principal offices 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 Standard Examiner at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be published 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 2013 Annual Meeting Schedule for the Board of County Commissioners (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the Board of County Commissioners of the Issuer to be held during the year, by causing said Notice to be (i) posted on 12/28/2012, at the principal office of the Issuer, (ii) provided to at least one newspaper of general circulation within the geographic jurisdiction of the Issuer on 1/3/2013 and (iii) 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 3, 2013.

(SEAL)



By: Ricky Hatch
Clerk/Auditor

SCHEDULE 1
NOTICE OF MEETING

**NOTICE OF A REGULAR COMMISSION MEETING OF THE
BOARD OF COUNTY COMMISSIONERS OF WEBER COUNTY, UTAH**

PUBLIC NOTICE is hereby given that the Board of Commissioners of Weber County, Utah will hold a regular commission meeting in the Commission Chambers of the Weber Center, 2380 Washington Boulevard, Ogden, Utah, commencing at 10:00 a.m. on Tuesday, the 3rd day of September 2013.

The agenda for the meeting consists of the following:

- A. **Welcome** - Commissioner Gibson
- B. **Pledge of Allegiance** - Jared Anderson
- C. **Thought of the Day** - Commissioner Zogmaister
- D. **Consent Items**
1. Request for approval of Purchase Orders in the amount \$455,062.71.
 2. Request for approval of Warrants #301189-#301463 in the amount of \$2,241,449.09.
 3. Request for approval of minutes for the meeting held on August 27, 2013.
 4. Request for approval of ACH payment to US Bank in the amount of \$ 67,902.27 for purchasing card transactions made through the billing cycle ending August 15, 2013.
- E. **Action**
1. CONSIDERATION FOR ADOPTION OF AN AMENDMENT TO ASSESSMENT ORDINANCE NO. 2013-21 TO, AMONG OTHER THINGS, REDUCE THE AMOUNT OF THE TOTAL ASSESSMENT; MAKE PROVISION FOR A UNIFIED ASSESSMENT; AND RELATED MATTERS.
Presenter: Dan Olsen
 2. Request for approval of a contract by and between Weber County and Natural Resource Conservation Service to incorporate two damage survey reports into the Weber County EWP Project.
Presenter: Jared Andersen
 3. Request for approval of an amendment to the 1987 Inter-local Agreement between Ogden City and Weber County for land lease for the Golden Spike Event Center.
Presenter: Jim Harvey
 4. Request to approve a first reading of the County Fee Ordinance amending certain fees relating to county parks, recreation and Golden Spike Facilities.
Presenter: Jennifer Graham
 5. Request for approval of the final reading of an Ordinance amending the Weber County Library Code by changing the number of directors serving on the Weber County Library Board of Directors from seven to nine.
Presenter: Commissioner Bell
- F. **Assign Pledge of Allegiance and Thought of the Day for Tuesday, September 10, 2013 at 10:00 a.m.**
- G. **Public Comments**
- H. **Adjourn**

CERTIFICATE OF POSTING

The undersigned, duly appointed Administrative Coordinator in the County Commission Office does hereby certify that the above Notice and Agenda were posted as required by law this 30th day of August 2013.

Shelly Halacy

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Commission Office at 399-8406 at least 24 hours prior to the meeting.

EXHIBIT B

ACKNOWLEDGMENT, WAIVER, AND CONSENT

CONSENT TO AMENDMENT OF ASSESSMENT ORDINANCE

This CONSENT (this "Agreement") is entered into August 22, 2013, by and between Weber County, Utah (the "County"), and Summit Mountain Holding Group, L.L.C (the "Owner").

1. As of the date hereof the Owner owns the real property described in Exhibit A attached hereto (the "Subject Property") which constitutes all property within the "Summit Mountain Assessment Area" (the "Assessment Area") designated by the County pursuant to the Assessment Area Act, Title 11, Chapter 42, Utah Code Annotated 1953, as amended (the "Act"), for purposes of financing the costs of construction and installation of road improvements, culinary water improvements, sewer improvements and related improvements and assessed by the County under an Assessment Ordinance (the "Original Assessment Ordinance") adopted on August 13, 2013.

2. The Owner and the County desire that the Board of County Commissioners of the County (the "Board of County Commissioners") amend the Original Assessment Ordinance as provided in the attached Amendment to Assessment Ordinance (the "Amendment to Assessment Ordinance").

3. In order to induce the County to adopt the Amendment to Assessment Ordinance, the Owner hereby consents to the Amendment to Assessment Ordinance and waives all requirements of the Act for the adoption of such Amendment.

IN WITNESS WHEREOF, the Chair of the Board of County Commissioners has hereunto set his hand and has caused the official seal of the County to be hereunto affixed, and the County Clerk/Auditor has attested the same, and the undersigned, on behalf of Summit Mountain Holding Group, L.L.C have hereunto executed this Agreement all as on the date first hereinabove set forth.

Dated: August 20, 2013.

OWNER: SUMMIT MOUNTAIN HOLDING GROUP, L.L.C., a Utah limited liability company

By: SUMMIT REVOLUTION LLC, a Delaware limited liability company
Its: Managing Member

By: [Signature]
Name: Elliott Bisnow
Title: Manager

By: [Signature]
Name: Gregory Vincent Mauro
Title: Manager



WEBER COUNTY, UTAH

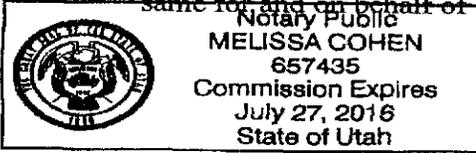
By: [Signature]
Chair

ATTEST:

By: [Signature]
Clerk/Auditor

STATE OF UTAH)
 : ss.
COUNTY OF WEBER)

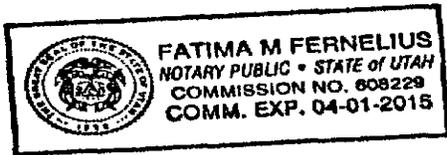
The foregoing instrument was acknowledged before me this 3rd day of September, 2013 by Elliott Bisnow and Gregory Vincent Mauro, as Managers of Summit Mountain Holding Group, L.L.C who represented and acknowledged that they signed the same for and on behalf of Summit Mountain Holding Group, L.L.C.



Melissa Cohen
NOTARY PUBLIC

STATE OF UTAH)
 : ss.
COUNTY OF WEBER)

The foregoing instrument was acknowledged before me this 3rd day of September, 2013, by Kerry Gibson and Ricky Hatch, as Chair and Clerk/Auditor of Weber County, Utah, who represented and acknowledged that they signed the same for and on behalf of Weber County, Utah.



Fatima M Fernelius
NOTARY PUBLIC