



W2830782

E# 2830782 PG 1 OF 9
LEANN H KILTS, WEBER COUNTY RECORDER
07-DEC-16 4:53 PM FEE \$0.00 DEP JKC
REC FOR: WEBER COUNTY

ORDINANCE NO. 2016-16

FOURTH AMENDMENT TO ASSESSMENT ORDINANCE NO. 2013-21 FOR THE PURPOSE OF REVISING THE ZONE I ASSESSMENT LIST INCLUDED IN ASSESSMENT ORDINANCE NO. 2013-21 AS PREVIOUSLY AMENDED AND AS REVISED HEREIN; REAFFIRMING ASSESSMENT ORDINANCE NO. 2013-21; ESTABLISHING THE EFFECTIVE DATE OF THIS AMENDMENT TO ASSESSMENT ORDINANCE; AND RELATED MATTERS.

ds

WHEREAS, on August 13, 2013, the Commission adopted Assessment Ordinance No. 2013-21, as amended on September 3, 2013, June 24, 2014 and April 28, 2015 (collectively, the "Original Assessment Ordinance") wherein the Commission levied an assessment on properties within the Assessment Area benefited by the acquisition and construction of certain improvements within the Assessment Area; and

WHEREAS, since the adoption of the Original Assessment Ordinance the County has approved and subsequently revised the subdividing of a portion of Zone I of the Assessment Area ("Zone I") into separate parcels and the County allocated the original ERU assessment of Zone I to the subdivided parcels on a proportionate basis based on the ERU's allocated to such subdivided parcels; and

WHEREAS, since the time of such subdivision, the developer and owner of the majority of the property in the Assessment Area has requested that the County alter such subdivision of property in Zone I and such changes have been made by adoption of a plat for the area; and

WHEREAS, the County now desires to revise the Assessment List to correspond to the area plat; and

WHEREAS, the County has determined that the allocation of the assessments is fair and equitable and on a proportionate basis based on ERU allocated to said parcels by adopting this Fourth Amendment to Assessment Ordinance ("Amendment to Assessment Ordinance") approving such allocation and as required by the Indenture under which Bonds for the improvements made in the Assessment Area were issued (the "Indenture") the County has verified that the remaining balance of the Assessments will be sufficient for payment of the principal and interest on the Bonds (as defined in the Indenture); and

WHEREAS, while consent of the owners of property within Zone I is not required for this amendment, the County has nonetheless obtained the consent of the original developers and majority owners of the property in Zone I in connection with this Fourth Amendment to Assessment Ordinance in the form attached hereto as Exhibit B;

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

Section 1. Approval of Amended Assessment List. The County hereby amends the Zone I Assessment List as shown on Exhibit C attached to the April 28, 2015

amendment of the Original Assessment Ordinance to reallocate the assessment balance of the property within Zone I to the revised subdivided parcels on a proportionate basis based on ERU allocated to said parcels. The amended assessment list (the "Amended Zone I Assessment List"), is attached hereto as Exhibit C and incorporated herein by reference. The County hereby finds and determines that (i) the allocation is proportionate to the benefits to be received by all of the properties within Zone 1 and the overall assessment area, (ii) the allocation is fair and equitable, and (iii) the aggregate total of all of the annual assessment installments for all of the parcels within Zone I, when combined with the annual assessment installments for the property in Zone 1 that has yet to be subdivided, will equal the total annual assessment for the previously assessed property in such Zone I (except as such properties have been released by prepayment of the related assessments). As required by Section 9.1(d) of the Indenture of Trust entered into by the County with respect to the Bonds issued by the County for the Assessment Area the County hereby finds and determines that the balance of the Assessments to be collected within the Assessment Area will be sufficient to pay the principal and interest on such Bonds. As a portion of Zone 1 has yet to be fully subdivided, the County retains the right to further subdivide the area in Zone 1 and to allocate the ERU's remaining for allocation within Zone 1 as provided in the Original Assessment Ordinance.

Section 2. Levy of Assessments. The County does hereby continue the levy of assessment against the parcels within Zone I identified in the Amended Zone I Assessment List. Said assessments levied upon each parcel of property therein described shall be in the amount set forth in the Amended Zone I Assessment List.

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.

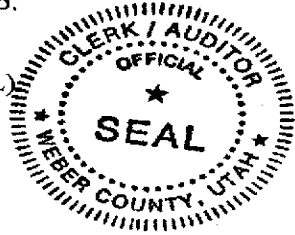
Section 4. Reaffirmation of Original Assessment Ordinance. Except as amended herein, the Original Assessment Ordinance is hereby reaffirmed and ratified. This amendment is permitted by the Indenture of Trust relating to the Bonds issued for the Assessment Area and by Section 11-42-410 of the Utah Code.

Section 5. Publication of Ordinances. Immediately after its adoption, this Amendment to Assessment Ordinance shall be signed by the 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, a newspaper published and having general circulation in the County and on the Utah Public Notice Website, and shall take effect immediately upon its passage and approval and publication as required by law.

Section 6. Notice to Property Owners. The County is hereby authorized and directed to give notice of assessment by mail to the property owners in the Assessment Area. Said notice shall, among other things, state the amount of the revised assessment and the terms of payment. A copy of the form of notice of assessment is available for examination upon request at the office of County.

PASSED AND APPROVED by the Board of County Commissioners, November 1, 2016.

(SEAL)



By: _____

Chair

ATTEST:

By: _____

County Clerk/Auditor

PROOF OF PUBLICATION

Attached to this page is the Proof of Publication, indicating by the affidavit of the publisher that said Fourth Amendment to Assessment Ordinance levying the assessments which were contained in the Fourth Amendment to Assessment Ordinance adopted by the Commission on November 1, 2016, was published one time in the Standard Examiner.

FOURTH AMENDMENT TO ASSESSMENT ORDINANCE NO. 2013-21 FOR THE PURPOSE OF REVISING THE ZONE 1 ASSESSMENT LIST INCLUDED IN ASSESSMENT ORDINANCE NO. 2013-21 AS PREVIOUSLY AMENDED AND AS REVISED HEREIN, REAFFIRMED ASSESSMENT ORDINANCE NO. 2013-21 ESTABLISHING THE EFFECTIVE DATE OF THIS AMENDMENT TO ASSESSMENT ORDINANCE, AND RELATED MATTERS. WHEREAS, on August 13, 2013, the Commission adopted Assessment Ordinance No. 2013-21, as amended on September 3, 2013, June 24, 2014 and April 28, 2015 (collectively, the "Original Assessment Ordinance") wherein the Commission levied an assessment on properties within the Assessment Area identified by the subdivision of certain improvements within the Assessment Area, and WHEREAS, since the adoption of the Original Assessment Ordinance the County has approved and subsequently revised the subdivision of a portion of Zone 1 of the Assessment Area (Zone 1) into separate parcels and the County allocated the original ERU assessment of Zone 1 to the subdivided parcels on a proportionate basis based on the ERU's allocated to such subdivided parcels; and WHEREAS, since the time of such subdivision, the developer and owner of the majority of the property in the Assessment Area has requested that the County alter such subdivision of property in Zone 1 and such changes have been made by adoption of a plat for the area; and WHEREAS, the County now desires to revise the Assessment List to correspond to the area plat; and WHEREAS, the County has determined that the allocation of the assessments is fair and equitable and on a proportionate basis based on ERU allocated to said parcels by adopting this Fourth Amendment to Assessment Ordinance (Amendment to Assessment Ordinance) approving such allocation and as required by the Indenture under which Bonds for the improvements made in the Assessment Area were issued (the Indenture). The County has verified that the remaining balance of the Assessments will be sufficient for payment of the principal and interest on the Bonds (as defined in the Indenture); and WHEREAS, while consent of the owners of property within Zone 1 is not required for this amendment, the County has nonetheless obtained the consent of the original developers and majority owners of the property in Zone 1 in connection with this Fourth Amendment to Assessment Ordinance in the form attached hereto as Exhibit B;

NOW THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSION OF WEBER COUNTY, UTAH: Section 1. Approval of Amended Assessment List. The County hereby amends the Zone 1 Assessment List, as shown on Exhibit C attached to the April 28, 2015 amendment of the Original Assessment Ordinance to reallocate the assessment balance of the property within Zone 1 to the revised subdivided parcels on a proportionate basis based on ERU allocated to said parcels. The amended assessment list (the "Amended Zone 1 Assessment List") is attached hereto as Exhibit C and is incorporated herein by reference. The County hereby finds and determines that (i) the allocation is fair and equitable, and (ii) the proportionate total of all of the annual assessment installments for all parcels within Zone 1 and the overall assessment area, (iii) the allocation is fair and equitable, and (iv) the proportionate total of all of the annual assessment installments for all parcels within Zone 1 when combined with the annual assessment installments for the property in Zone 1 that has yet to be subdivided, will equal the total amount assessed for the previously assessed property in such Zone 1 (except as such properties have been released by prepayment of the related assessments). The County further finds and determines that the balance of the Assessments to be collected within the Assessment Area will be sufficient to pay the principal and interest on such Bonds. The balance of Zone 1 has yet to be fully subdivided, the County retains the right to further subdivide the area in Zone 1 and to allocate the ERU's remaining for allocation within Zone 1 as provided in the Original Assessment Ordinance. Section 2. Levy of Assessments. The County does hereby continue the levy of assessment against the parcels within Zone 1 identified in the Amended Zone 1 Assessment List. Said assessments levied upon each parcel of property herein described shall be in the amount set forth in the Amended Zone 1 Assessment List. 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. Except as amended herein, the Original Assessment Ordinance is hereby reaffirmed and ratified. This amendment is permitted by the Indenture of Trust relating to the Bonds issued for the Assessment Area and by Section 11-42-410 of the Utah Code. Section 5. Publication of Ordinance. Immediately after its adoption, this Amendment to Assessment Ordinance shall be signed by the 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, a newspaper published and having general circulation in the County and on the Utah Public Notice Website, and shall take effect immediately upon its passage and approval and publication as required by law. Section 6. Notice to Property Owners. The County is hereby authorized and directed to give notice of assessment by mail to the property owners in the Assessment Area. Said notice shall, among other things, state the amount of the revised assessment and the terms of payment. A copy of the form of notice of assessment is available for inspection at the County Clerk's Office.

PASSED AND APPROVED BY THE Board of County Commissioners, November 1, 2016.
(SEAL)
By: Matthew Bell
Clerk
Attest:
By: Ricky Hsieh
County Clerk/Auditor

Table with columns: Zone, Parcel, Phase, Lot, Description, ERU's, Total Assessment. Includes entries for various lots and phases (IA, IB, IC) with corresponding ERU values and total assessments.

			WEBER COUNTY, UTAH		PHASE 1A AMENDMENT 2	
Zone 1	23-139-0001	Phase 1A Ridge Nests	1 ALL OF LOT 1, SUMMIT EDEN RIDGE NESTS PRUD, WEBER COUNTY, UTAH	1.0	22,098.46	
Zone 1	23-140-0001	Phase 1 Ridge Nests	2 ALL OF LOT 2, SUMMIT EDEN RIDGE NESTS PRUD, WEBER COUNTY, UTAH	0.5	11,048.23	
Zone 1	23-140-0002	Phase 1 Ridge Nests	3 ALL OF LOT 3, SUMMIT EDEN RIDGE NESTS PRUD, WEBER COUNTY, UTAH	0.5	11,048.23	
Zone 1	23-140-0003	Phase 1 Ridge Nests	4 ALL OF LOT 4, SUMMIT EDEN RIDGE NESTS PRUD, WEBER COUNTY, UTAH	0.5	11,048.23	
Zone 1	23-140-0004	Phase 1 Ridge Nests	5 ALL OF LOT 5, SUMMIT EDEN RIDGE NESTS PRUD, WEBER COUNTY, UTAH	0.5	11,048.23	
Zone 1	23-140-0005	Phase 1 Ridge Nests	6 ALL OF LOT 6, SUMMIT EDEN RIDGE NESTS PRUD, WEBER COUNTY, UTAH	0.5	11,048.23	
Zone 1	23-139-0001	Phase 1 Village Nests	1 ALL OF UNIT 1, VILLAGE NESTS AT POWDER MOUNTAIN CONDOMINIUM, WEBER COUNTY, UTAH	0.5	11,048.23	
Zone 1	23-139-0002	Phase 1 Village Nests	2 ALL OF UNIT 2, VILLAGE NESTS AT POWDER MOUNTAIN CONDOMINIUM, WEBER COUNTY, UTAH	0.5	11,048.23	
Zone 1	23-139-0003	Phase 1 Village Nests	3 ALL OF UNIT 3, VILLAGE NESTS AT POWDER MOUNTAIN CONDOMINIUM, WEBER COUNTY, UTAH	0.5	11,048.23	
Zone 1	23-139-0004	Phase 1 Village Nests	4 ALL OF UNIT 4, VILLAGE NESTS AT POWDER MOUNTAIN CONDOMINIUM, WEBER COUNTY, UTAH	0.5	11,048.23	
Zone 1	23-139-0005	Phase 1 Village Nests	5 ALL OF UNIT 5, VILLAGE NESTS AT POWDER MOUNTAIN CONDOMINIUM, WEBER COUNTY, UTAH	0.5	11,048.23	
Zone 1	23-139-0006	Phase 1 Village Nests	6 ALL OF UNIT 6, VILLAGE NESTS AT POWDER MOUNTAIN CONDOMINIUM, WEBER COUNTY, UTAH	0.5	11,048.23	
Zone 1	23-139-0007	Phase 1 Village Nests	7 ALL OF UNIT 7, VILLAGE NESTS AT POWDER MOUNTAIN CONDOMINIUM, WEBER COUNTY, UTAH	0.5	11,048.23	
Zone 1	23-139-0008	Phase 1 Village Nests	8 ALL OF UNIT 8, VILLAGE NESTS AT POWDER MOUNTAIN CONDOMINIUM, WEBER COUNTY, UTAH	0.5	11,048.23	
Zone 1	23-139-0009	Phase 1 Village Nests	9 ALL OF UNIT 9, VILLAGE NESTS AT POWDER MOUNTAIN CONDOMINIUM, WEBER COUNTY, UTAH	0.5	11,048.23	
Zone 1	23-139-0010	Phase 1 Village Nests	10 ALL OF UNIT 10, VILLAGE NESTS AT POWDER MOUNTAIN CONDOMINIUM, WEBER COUNTY, UTAH	0.5	11,048.23	
Zone 1	23-139-0011	Phase 1 Village Nests	11 ALL OF UNIT 11, VILLAGE NESTS AT POWDER MOUNTAIN CONDOMINIUM, WEBER COUNTY, UTAH	0.5	11,048.23	
Zone 1	23-139-0012	Phase 1 Village Nests	12 ALL OF UNIT 12, VILLAGE NESTS AT POWDER MOUNTAIN CONDOMINIUM, WEBER COUNTY, UTAH	0.5	11,048.23	
Zone 1	23-139-0013	Phase 1 Village Nests	13 ALL OF UNIT 13, VILLAGE NESTS AT POWDER MOUNTAIN CONDOMINIUM, WEBER COUNTY, UTAH	0.5	11,048.23	
Zone 1	23-139-0014	Phase 1 Village Nests	14 ALL OF UNIT 14, VILLAGE NESTS AT POWDER MOUNTAIN CONDOMINIUM, WEBER COUNTY, UTAH	0.5	11,048.23	
Zone 1	23-139-0015	Phase 1 Village Nests	15 ALL OF UNIT 15, VILLAGE NESTS AT POWDER MOUNTAIN CONDOMINIUM, WEBER COUNTY, UTAH	0.5	11,048.23	
Zone 1	23-139-0016	Phase 1 Village Nests	16 ALL OF UNIT 16, VILLAGE NESTS AT POWDER MOUNTAIN CONDOMINIUM, WEBER COUNTY, UTAH	0.5	11,048.23	
Zone 1	23-139-0017	Phase 1 Village Nests	17 ALL OF UNIT 17, VILLAGE NESTS AT POWDER MOUNTAIN CONDOMINIUM, WEBER COUNTY, UTAH	0.5	11,048.23	
Zone 1	23-139-0018	Phase 1 Village Nests	18 ALL OF UNIT 18, VILLAGE NESTS AT POWDER MOUNTAIN CONDOMINIUM, WEBER COUNTY, UTAH	0.5	11,048.23	
Zone 1	23-139-0019	Phase 1 Village Nests	19 ALL OF UNIT 19, VILLAGE NESTS AT POWDER MOUNTAIN CONDOMINIUM, WEBER COUNTY, UTAH	0.5	11,048.23	
Zone 1	23-139-0020	Phase 1 Village Nests	20 ALL OF UNIT 20, VILLAGE NESTS AT POWDER MOUNTAIN CONDOMINIUM, WEBER COUNTY, UTAH	0.5	11,048.23	
Total				85.5	11,048.23	
Two lots totaling 2.5 ERUs have paid the assessments in full (Phase 1A lot 15R (1 ERU), Phase 1A lot 6R (1 ERU) & Phase 1 Ridge Nests Lot 3 (.5 ERUs)).					\$1,977,632.17	

Pub. November 8, 2016

805380

EXHIBIT C

AMENDED ZONE I ASSESSMENT LIST

