

RESOLUTION NO. R07-10 (2-27-07)

**ADDENDUM TO RESOLUTION OF THE CITY OF
SARATOGA SPRINGS CREATING STREET
LIGHTING SPECIAL IMPROVEMENT DISTRICT
TO INCLUDE ADDITIONAL CONDOMINIUM
UNITS. (Hillcrest Condominium Phase 2)**

WHEREAS, on May 10, 2001, the City Council adopted Resolution No. 01-0510-01 creating a street lighting special improvement district (the "Lighting SID") consisting of all units and parcels included within the Subdivisions set out in said Resolution for the maintenance of street lighting within the 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 Lighting SID are the maintenance of street lighting in the Lighting SID, said improvements are not completed so additional properties may be added to the Lighting SID pursuant to said § 17A-3-307.

WHEREAS, the City Council has given final plat approval to Hillcrest Condominiums Phase 2, (the "Condominiums") conditioned upon all units in the Condominiums being included in the Lighting SID.

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

WHEREAS, the owner of the property covered by the Condominiums has given written consent: (i) to have all units and parcels covered by that Condominiums included within the 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 Lighting SID, and (iv) waiving any right to protest the Lighting SID and/or assessments currently being assessed for all units in the 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 units and parcels in the Condominiums be added to and included in the 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. 01-0510-01 creating the Lighting SID, as required by *Utah Code Ann.* § 17A-3-307.
3. Assessments will be hereafter levied against owners of all units within the Condominiums on the same basis as assessments are being levied against other units included in the Lighting SID.



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

Passed this 27th day of FEBRUARY, 2007 on motion by

Councilor Kahn, seconded by Councilor Kelly.

CITY OF SARATOGA SPRINGS
A UTAH MUNICIPAL CORPORATION

Signed: T. J. Kahn 3/2/07
Mayor Date

Attest: Jeri Yates 3/2/07
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 "Lighting SID") to pay for maintenance of street lighting within the Condominiums covered by the Lighting SID.

WHEREAS the undersigned ("Developer") is the developer of Hillcrest Condominiums Phase 2 (the "Condominiums") 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 Lighting SID are the maintenance of street lighting in the Lighting SID, said improvements are not completed so additional properties may be added to the Lighting SID pursuant to said § 17A-3-307.

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

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

NOW THEREFORE, Developer hereby consents to including the units and parcels within the Condominiums in the 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 Condominiums and all units and parcels created by the Condominiums included within the Lighting SID. The legal description and the tax identification number(s) of the property covered by the Condominiums are set out in Exhibit A attached to this Consent.

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

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


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

Dated this 27th day of February, 2007.

DEVELOPER:

Name: George Smith/Hillcrest LLC

Authorized

Signature: 

Its: manager