

**CHARLESTON TOWN, WASATCH COUNTY, UTAH
CREATION OR DESIGNATION OF SPECIAL TAX ASSESSMENT
AREA No. 2019-1 (Winterton Farms Subdivision)
October 3, 2019**

RESOLUTION No. 2019-11

A RESOLUTION TO CREATE OR DESIGNATE SPECIAL TAX ASSESSMENT AREA NO. 2019-1 (WINTERTON FARMS SUBDIVISION) OF CHARLESTON TOWN, WASATCH COUNTY, UTAH, DESCRIBED IN THE NOTICE OF INTENTION CONCERNING THE SPECIAL TAX ASSESSMENT AREA AND AUTHORIZING THE TOWN OFFICIALS TO PROCEED TO MAKE IMPROVEMENTS AS SET FORTH IN THE NOTICE OF INTENTION TO CREATE THE SPECIAL TAX ASSESSMENT AREA, AS AMENDED HEREIN, AND RELATED MATTERS.

WHEREAS, in 2019, the Town Council (the "Town Council") of Charleston Town, Wasatch County, Utah (the "Town") adopted a "Notice of Intention to Create or Designate Special Tax Assessment Area No. 2019-1 (Winterton Farms Subdivision)", called a public hearing for August 1, 2019, and authorized publication and mailing of said notice in accordance with Utah law; and

WHEREAS, on August 1, 2019, after receiving protests, the Town Council held a public hearing on the creation of Special Tax Assessment Area No. 2019-1 (Winterton Farms Subdivision) and considered oral comments and received additional input from the public concerning that creation and continued the public hearing to a later date; and

WHEREAS, estimates on engineering and construction costs show that the proposed improvements may cost \$1,410,068; and

WHEREAS, the public hearing was held on August 1, 2019, and the time for filing protests has expired; and

WHEREAS, the proposed Special Tax Assessment Area No. 2019-1 (Winterton Farms Subdivision) would construct municipal improvements including road improvements and related improvements; and

WHEREAS, the Town Council has discretion to create or designate Special Tax Assessment Area No. 2019-1 (Winterton Farms Subdivision); and

WHEREAS, the Town Council desires to create or designate Special Tax Assessment Area No. 2019-1 (Winterton Farms Subdivision):

NOWHEREFORE, BE IT RESOLVED by the Town Council of Charleston Town, Wasatch County, Utah:

Section 1. The Town Council of Charleston Town, Wasatch County, Utah (the "Town"), hereby determines that it would be in the best interest of the Town to construct certain improvements within the Town. The specific description of the nature

of the improvements was set out in the Notice of Intention calling the public hearing for August 1, 2019.

Section 2. The Town Council has considered each and every protest filed and has heard each and every person who wished to be heard in protest against the creation or designation of the Special Tax Assessment Area or making of any of the improvements therein or on any other matter pertinent to the Special Tax Assessment Area.

Section 3. The improvements proposed and described in the Notice of Intention to create the Special Tax Assessment Area are authorized. The Special Tax Assessment Area as described in the Notice of Intention is hereby created and designated.

Section 4. The properties to be included and assessed in the Special Tax Assessment Area described in the Notice of Intention are hereby approved by the Town Council. The description and tax identification number of said properties to be assessed shall be attached hereto.

Section 5. As required by law, the Town Clerk is hereby authorized and directed to file a copy of the resolution creating the Special Tax Assessment Area as finally approved, including a copy of the final Notice of Intention, as attached, together with a list of properties proposed to be assessed described by tax identification number and legal description, in the Wasatch County Recorder's office within five days from the date hereof.

Section 6. In addition to the requirements of Section 5 hereof, immediately upon its adoption, this Resolution shall be placed in the records of the Town where it will be continuously available for public inspection on a reasonable basis at the office of the Town during regular business hours of the Town, from and after the date hereof through and including the last date of issuance of any related bonds or such later time as is determined by the Town.

Section 7. The Town shall not be obligated to proceed with any of the improvements described in the Notice of Intention or otherwise continue with the Special Tax Assessment Area No. 2019-1 (Winterton Farms Subdivision) hereby created and designated until the Town has obtained assurances, sufficient in the sole estimation of Town officers and officials, that the Town will be able to finance the improvements described in such consents and approved herein. The Town will use its best efforts to obtain financing for the improvements but assumes no responsibility or obligation to obtain such financing.

Section 8. The Town Clerk is directed to complete the attached Record of Proceedings.

Section 9. The Town has noticed and bid or is directed to prepare a notice to contractors for the receipt of bids for the construction of improvements. Said notice is to specify the time and place for the receipt of sealed bids and the notice is to be published at least three times, once each week for three consecutive weeks, in a newspaper having

general circulation in the Town at least fifteen (15) days before the date specified for the receipt of sealed bids. Said notice is hereby approved by the Town Council. The Town Council shall at the time specified in the notice, open, examine and publicly declare the bids and may reject any or all bids when deemed for the public good and, at a later meeting, shall reject all bids other than the lowest and best bid of a responsible bidder. The Town Council may in any case refuse to award a contract and may obtain new bids after giving a new notice to contractors or may determine to abandon the Special Tax Assessment Area or not to make some or all of the improvements proposed to be made.

ADOPTED AND APPROVED this October 3, 2019.

Bronia Kozlowski
Mayor

ATTEST:

Aulene Buehler
Town Clerk



NOTICE OF INTENTION

(See Attachment)

NOTICE OF INTENTION

PUBLIC NOTICE IS HEREBY GIVEN that the Town Council (the "Town Council") of Charleston Town, Wasatch County, Utah (the "Town"), intends to create or designate a Special Tax Assessment Area to be known as Charleston Town, Wasatch County, Utah Special Tax Assessment Area No. 2019-1 (Winterton Farms Subdivision) (the "Special Tax Assessment Area"). Accordingly, the Town Council desires to call public hearings and create or designate the Special Tax Assessment Area. It is the intention of the Town Council to make improvements within the Special Tax Assessment Area and to levy special assessments as provided in Title 11, Chapter 42, Utah Code Annotated 1953, as amended, on the real estate lying within the Special Tax Assessment Area as described herein for the benefit of which such assessments are to be assessed in the making of such improvements.

DESCRIPTION OF SPECIAL TAX ASSESSMENT AREA

The proposed Special Tax Assessment Area shall include the following real property in Charleston Town, Wasatch County, UT and is described as:

The properties in the Winterton Farms Subdivision on Winterton Road which comes off 2400 S., Charleston Town, Wasatch County, Utah. More specifically the following parcel numbers in said Winterton Farms Subdivision. Properties other than the identified parcel numbers will not be included in the proposed Special Tax Assessment Area.

- OWT-0017-0-011-044
- OWT-0005-0-011-044
- OWT-0006-0-011-044
- OWT-0008-0-011-044
- OWT-0009-0-011-044
- OWT-0010-0-011-044
- OWT-0003-0-011-044
- OWT-0007-0-011-044
- OWT-0011-0-011-044
- OWT-0013-0-011-044
- OWT-0015-0-011-044
- OWT-0014-0-011-044
- OWT-0004-0-011-044
- OWT-0019-0-011-044
- OWT-0016-0-011-044
- OWT-0018-0-011-044
- OWT-0020-0-011-044
- OWT-0012-0-011-044

INTENDED IMPROVEMENTS

The improvements to be constructed within the Special Tax Assessment Area are as follows:

Roadway Improvement: The improvement of Winterton Road extending from the pavement of 2400 S. along Winterton Road until it joins again into 2400 S. including Winterton Circle, and related improvements, and complete the whole in a proper and workman like manner with all drainage and other improvement appurtenant and useful to roadways.

ESTIMATED COST AND METHOD OF ASSESSMENT

Estimated Cost and Method of Assessment: The total cost of improvements in the Special Tax Assessment Area is currently estimated to be \$1,410,068, of which the Town will pay \$1,057,551 leaving a remainder of \$352,517 which shall be paid by special assessment on the property within the Special Tax Assessment Area.

This includes engineering costs, overhead costs and funding of a reserve fund described herein, all of which shall be paid by special tax assessment to be levied against the properties which may be directly or indirectly benefited by the improvements which benefits need not actually increase the fair market value of the property to be assessed. The property owners' portion of the total estimated cost of the improvements may be financed during the construction period by the use of interim warrants, in which case the interest on said warrants will be assessed to the property owners.

In lieu of utilizing a guaranty fund, the Town Council intends to create a special reserve fund to secure payment of the special assessment bonds (the "Bonds") anticipated to be issued by the Town to finance the proposed improvements. The reserve fund will be either initially funded with proceeds of the Bonds in an amount equal to approximately ten percent (10%) of the total principal amount of the Bonds to be issued, or by building up a reserve fund over a period of six years until an amount equal to approximately ten percent (10%) of the total principal amount of Bonds to be issued is placed in the reserve fund. The Town Council anticipates applying any moneys remaining in the reserve fund to the final payment on the Bonds which, in turn, would offset the final assessment payments to be made by the owners of property benefited by such improvements, all of which will be further described in the assessment ordinance to be adopted by the Town. Any money in the reserve fund upon full payment of the Bonds is to be disbursed ratably to each assessed lot owner as of the date of disbursement. In addition, estimated costs of assessment include estimated overhead costs which the Town projects to incur in the creation and administration of the Special Tax Assessment Area. If Bonds are issued, the current estimated interest rate is no more than two and one-half percent (2.50%) per annum, and the estimated discount is no more than 2.00% per annum, subject to market rates at time of issuance and the current estimated term of financing is 15 years.

The estimated cost and method of assessment against the properties for the improvements are as follows:

| <u>Improvement</u> | <u>Estimated Assessment</u> | <u>Method of Assessment</u> |
|---------------------|---|-----------------------------|
| Roadway Improvement | \$352,517 total cost or \$19,585 per lot. | Per lot. |

For assessment purposes, if applicable, an owner of a lot is defined herein to be the owner of a platted lot within Charleston Town, Wasatch County, Utah, according to the official records of Charleston Town, upon which a residential, commercial, or other structure to be used for human occupancy is now or may be located consistent with the "lot size" requirements of the applicable Charleston Town development ordinances in place as of the date this is adopted.

LEVY OF ASSESSMENTS

It is the intention of the Town Council to levy assessments as provided by the laws of Utah on all property, parcels and lots of real property to be benefited by the proposed improvements within the Special Tax Assessment Area. The purpose of the assessment and levy is to pay those costs of the improvements which the Town will not assume and pay. The method of assessment shall be per lot., as set forth herein.

The assessments may be paid by property owners in not more than fifteen (15) annual installments with interest on the unpaid balance at a rate or rates fixed by the Town, or the whole or any part of the assessment may be paid without interest within twenty-five (25) days after the ordinance levying the assessment becomes effective. The assessments shall be levied according to the benefits to be derived by each property within the Special Tax Assessment Area. Other payment provisions and enforcement remedies shall be in accordance with Title 11, Chapter 42, Utah Code Annotated 1953, as amended. The assessment method will be by inclusion on a property tax notice issued in accordance with Section 59-2-1317 and in compliance with Section 11-42-401 of the Utah Code.

A map of the proposed Special Tax Assessment Area is on file in the office of the Town which will make such information available to all interested persons. Copies of plans, profiles and specifications of the proposed improvements shall be made available by the Town as soon as they have been prepared.

TIME FOR FILING PROTESTS

Any person who is the owner of record of property to be assessed in the Special Tax Assessment Area described in this Notice of Intention shall have the right to file in writing a protest against the creation of the Special Tax Assessment Area or to make any other objections relating thereto. Protests shall describe or otherwise identify the property owner of record by the person or persons making the protest and shall indicate the total number of lots represented by said protest. Protests shall be filed with the Town Clerk of Charleston Town, Utah, on or before sixty (60) days after the public hearing to be held on August 1, 2019. The Town Council will meet in public meeting at 7:00 p.m., or as soon thereafter as feasible, at the regular meeting place of the Town Council at 3454 W. 3400 S. in Charleston Town, Utah 84032 to consider all protests so filed and hear all objections relating to the proposed improvements. Each protest must be filed in writing and describe or otherwise identify the property owned by the person filing the protest and include the signature of the property owner. **A PROPERTY OWNER MUST PROTEST THE DESIGNATION OF THE ASSESSMENT AREA IN WRITING IF THE OWNER OBJECTS TO THE AREA DESIGNATION OR BEING ASSESSED FOR THE PROPOSED IMPROVEMENTS.** Failure of an owner of property to file a timely written protest can constitute a waiver.

After such consideration and determination, the Town Council shall adopt a resolution either abandoning the Special Tax Assessment Area or creating and designating the Special Tax Assessment Area either as described in this Notice of Intention or with deletions and changes made as authorized by law; but the Town Council shall abandon the Special Tax Assessment Area and not create the same if the necessary number of protests as provided herein have been filed on or before the time specified in this Notice of Intention for the filing of protests after eliminating from such filed protests: (i) protests relating to property or relating to a type of improvement which has been deleted from the Special Tax Assessment Area and (ii) protests which have been withdrawn in writing prior to sixty (60) days after the public hearing. The necessary number of protests shall mean the aggregate of the protests representing forty percent (40%) of the owners proposed to be assessed, according to the same assessment method by which the assessment is proposed to be levied.

BY ORDER OF THE TOWN COUNCIL OF CHARLESTON TOWN,
WASATCH COUNTY, UTAH

/s/ Arlene Buehler
Town Clerk

Published in the Wasatch Wave.

Publication dates: July 10, July 17, July 24 & July 31, 2019.

RECORD OF PROCEEDINGS

A public meeting of the Town Council of Charleston Town, Wasatch County, Utah was held on October 3, 2019, at 7:00 p.m., or as soon thereafter as feasible, at the regular meeting place of said Town Council at 3454 W. 3400 S., Charleston Town, Utah at which meeting there were present and answering roll call the following members who constituted a quorum:

| | |
|------------------|---------------|
| Brenda Kozlowski | Mayor |
| Brent Broadhead | Councilmember |
| Vaughn Rasband | Councilmember |
| Darrel Nish | Councilmember |
| Mike Smith | Councilmember |

Also present:

| | |
|----------------|------------|
| Arlene Buehler | Town Clerk |
|----------------|------------|

Absent:

After the meeting had been duly called to order and other matters not pertinent to this resolution had been discussed, the Town Clerk presented to the Town Council a Certificate of Compliance with Open Meeting Law with respect to this October 3, 2019 meeting, a copy of which is attached hereto.

Councilmember M. Smith introduced the foregoing resolution in writing and moved its adoption. Councilmember V. Rasband seconded the motion to adopt the foregoing resolution. The motion and resolution were adopted on the following recorded vote:

Those voting AYE: Kozlowski, Broadhead
Rasband, Nish, Smith

Those voting NAY: None

Those abstaining: None

After the conduct of other business not pertinent to the above, the meeting was, on motion duly made and seconded, adjourned.

STATE OF UTAH)
 : ss.
CHARLESTON TOWN)

I, Arlene Buehler, the duly chosen, qualified and acting Town Clerk of Charleston Town, Wasatch County, Utah, do hereby certify as follows:

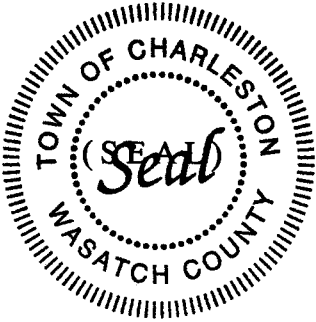
1. That the foregoing typewritten pages constitute a full, true and correct copy of the record of proceedings of the Town Council taken at a regular meeting thereof held in said Town on October 3, 2019, at the hour of 7:00 p.m., or as soon thereafter as feasible, insofar as said proceedings relate to the consideration and adoption of a resolution creating the Special Tax Assessment Area No. 2019-1 (Winterton Farms Subdivision) and make certain improvements therein described as the same appears of record in my office; that I personally attended said meeting, and that the proceedings were in fact held as in said minutes specified.

2. That due, legal and timely notice of said meeting was served upon all members as required by law and the rules and ordinances of said Town.

3. That the above resolution was deposited in my office on October 3, 2019, has been recorded by me, and is a part of the permanent records of Charleston Town, Wasatch County, Utah.

4. IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of said Town this October 3, 2019.

Arlene Buehler
Town Clerk



| | | |
|-----------------|-------|---------------------|
| STATE OF UTAH |) | AFFIDAVIT OF FILING |
| | : ss. | |
| CHARLESTON TOWN |) | |

I, Arlene Buehler, the duly chosen, qualified and acting Town Clerk of Charleston Town, Wasatch County, Utah, do hereby certify that on Oct 7th, 2019 (not later than 5 days after adoption) I filed the foregoing Resolution Creating or Designating Special Tax Assessment Area No. 2019-1 (Winterton Farms Subdivision) of Charleston Town, Wasatch County, Utah along with the Notice of Intention approved and adopted on June 6, 2019, as amended by the creation resolution.

I further certify that a certified copy of said creation resolution together with profiles of the improvements and a map of the proposed Special Tax Assessment Area, was on file in my office for inspection by any interested parties.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Charleston Town, Wasatch County, Utah this October 3, 2019.

Arlene Buehler
Town Clerk



CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Arlene Buehler, the undersigned Town Clerk of Charleston Town, Wasatch County, Utah (the "Town"), do hereby certify, according to the records of the Town in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the October 3, 2019, public meeting held by the Town as follows:

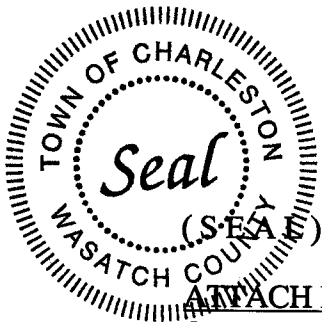
(a) By causing a Notice in the form attached hereto as Schedule "1", to be posted at the Town's principal offices at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule "1", to be delivered to a newspaper of general circulation in the Town at least twenty-four (24) hours prior to the convening of the meeting.

(c) By causing a copy of such Notice to be posted on the Utah Public Notice Website at least 24 hours prior to the meeting.

In addition, the Notice of 2019 Annual Meeting Schedule for the Issuer, attached hereto, specifying the date, time and place of the regular meetings of the governing body of the Issuer to be held during the calendar year 2019 was (1) posted on January 4, 2019, at the principal offices of the Issuer; (2) provided to a newspaper of general circulation within the geographic jurisdiction of the Town on February 28, 2019; and (3) published on the Utah Public Notice Website on February 28, 2019.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this October 3, 2019.



Arlene Buehler
Town Clerk

ATTACH MEETING AGENDA AND NOTICE OF ANNUAL MEETING SCHEDULE WITH PROOF OF PUBLICATION AND POSTING ON PUBLIC NOTICE WEBSITE

| <u>Serial #</u> | <u>Address</u> | <u>Legal Description</u> |
|--------------------|------------------------|---|
| 0WT-0004-0-011-044 | 2966 W. Winterton Rd. | Lot 4 Winterton Farms at Charleston. Area: 4.467 acres |
| 0WT-0019-0-011-044 | 2893 W. Winterton Rd. | Lot 19 Winterton Farms at Charleston. Area: 3.856 acres |
| 0WT-0016-0-011-044 | 2759 W. Winterton Rd. | Lot 16 Winterton Farms at Charleston. Area: 4.058 acres |
| 0WT-0018-0-011-044 | 2835 W. Winterton Rd. | Lot 18 Winterton Farms at Charleston. Area: 4.120 acres |
| 0WT-0020-0-011-044 | 2957 W. Winterton Rd. | Lot 20 Winterton Farms at Charleston. Area: 3.999 acres |
| 0WT-0012-0-011-044 | 2021 S. Winterton Cir. | Lot 12 Winterton Farms at Charleston. Area: 4.515 acres |

| <u>Serial #</u> | <u>Address</u> | <u>Legal Description</u> |
|--------------------|------------------------|---|
| 0WT-0017-0-011-044 | 2805 W. Winterton Rd. | Lot 17 Winterton Farms at Charleston. Area: 4.032 acres |
| 0WT-0005-0-011-044 | 2944 W. Winterton Rd. | Lot 5 Winterton Farms at Charleston. Area: 4.593 acres |
| 0WT-0006-0-011-044 | 2918 W. Winterton Rd. | Lot 6 Winterton Farms at Charleston. Area: 4.527 acres |
| 0WT-0008-0-011-044 | 2030 S. Winterton Cir. | Lot 8 Winterton Farms at Charleston. Area: 6.208 acres |
| 0WT-0009-0-011-044 | 2114 S. Winterton Cir. | Lot 9 Winterton Farms at Charleston. Area: 6.174 acres |
| 0WT-0010-0-011-044 | 2117 S. Winterton Cir. | Lot 10 Winterton Farms at Charleston. Area: 6.354 acres |
| 0WT-0003-0-011-044 | 2984 W. Winterton Rd. | Lot 3 Winterton Farms at Charleston. Area: 4.490 acres |
| 0WT-0007-0-011-044 | 2890 W. Winterton Rd. | Lot 7 Winterton Farms at Charleston. Area: 4.746 acres |
| 0WT-0011-0-011-044 | 2071 S. Winterton Cir. | Lot 11 Winterton Farms at Charleston. Area: 4.491 acres |
| 0WT-0013-0-011-044 | 2794 W. Winterton Rd. | Lot 13 Winterton Farms at Charleston. Area: 4.399 acres |
| 0WT-0015-0-011-044 | 2736 W. Winterton Rd. | Lot 15 Winterton Farms at Charleston. Area: 5.490 acres |
| 0WT-0014-0-011-044 | 2768 W. Winterton Rd. | Lot 14 Winterton Farms at Charleston. Area: 6.014 acres |

4825-2096-8344/CH001-001