

West Valley City, Utah

June 19, 1997

The City Council of West Valley City, Salt Lake County, Utah met in regular session on Thursday, the 19th day of June, 1997, at its regular meeting place. The following members of the City Council were present:

<del>Gerald L. Wright</del>	Mayor <i>Absent</i>
Duane R. Moss	Councilmember <i>Mayor Pro Tem</i>
Russel K. Brooks	Councilmember
Leland L. DeLange	Councilmember
Janice Fisher	Councilmember
Margaret K. Peterson	Councilmember
Barbara Thomas	Councilmember

Also present:

John C. Patterson	City Manager
Sheri McKendrick	City Recorder

Absent:

*Gerald L. Wright*

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the City Recorder presented to the City Council a Certificate of Compliance With Open Meeting Law with respect to this June 19, 1997 meeting, a copy of which is attached hereto as Exhibit "A".

The following Amendment to Assessment Ordinance (the "Amendment to Assessment Ordinance") was then introduced in writing, was fully discussed, and pursuant to motion duly made by Councilmember Thomas, and seconded by Councilmember Brooks, adopted by the following vote:

6689555  
 07/14/97 12:26 PM \*\*\*NO FEE\*\*  
 NANCY WORKMAN  
 RECORDER, SALT LAKE COUNTY, UTAH  
 WEST VALLEY CITY  
 3600 CONSTITUTION BLVD  
 WVC, UT 84119-3720  
 REC BY:V ASHBY      ,DEPUTY - WI

3K7710P60169

6689555

YEA: *all present*

NAY:

The Amendment to Assessment Ordinance was then signed by the Mayor in open meeting and recorded by the City Recorder in the official records of West Valley City, Utah. The Amendment to Assessment Ordinance is as follows:

ORDINANCE NO. 97 - 36

AN AMENDMENT TO ASSESSMENT ORDINANCE NO. 95-55 ADOPTED ON NOVEMBER 16, 1995 AS PREVIOUSLY AMENDED BY ORDINANCE NO. 96-67; PROVIDING FOR THE ALLOCATION OF ASSESSMENTS OF PROPERTY TO SUBDIVIDED PARCELS; ESTABLISHING THE EFFECTIVE DATE OF THIS AMENDMENT TO ASSESSMENT ORDINANCE; AND RELATED MATTERS.

WHEREAS, on November 16, 1995 the City Council of West Valley City, Utah (the "City") adopted Assessment Ordinance No. 95-55 (the "Original Ordinance") confirming the assessment list and levying an assessment against certain properties in West Valley City, Utah Special Improvement District No. 94-1 for the purpose of paying the costs of acquiring land and constructing and/or installing pavement, sidewalk, a traffic signal, storm drainage improvements, water and sewer lines, landscaping, the relocation of existing electrical transmission lines within the boundaries of the District, and completing any miscellaneous work necessary to complete the improvements in a proper and workmanlike manner, and related matters; and

WHEREAS, the Original Ordinance was amended by an Amendment to Assessment Ordinance No. 96-67 on October 10, 1996 (the Original Ordinance and the Amendment to Assessment Ordinance No. 96-67 are collectively referred to herein as the "Assessment Ordinance"); and

WHEREAS, Section 6(c) of the Original Ordinance provides that in the event all or any portion of the property assessed is subdivided into smaller parcels, the City may elect, at its discretion, to allocate the assessment on the previously undivided property on a proportionate basis based on square footage to the subdivided parcels; and

WHEREAS, one or more parcels assessed under the Assessment Ordinance have now been subdivided and a subdivision plat approved and recorded at the Salt Lake County Recorder's office; and

WHEREAS, the City now desires to amend the Assessment Ordinance to allocate the assessment on said original parcels to the subdivided parcels based on square footage as provided in Section 6(c) of the Original Ordinance and to provide notice by publication and mail as required by law:

NOW THEREFORE, Be It Ordained by the City Council of West Valley City, Salt Lake County, Utah as follows:

Section 1. The Assessment Ordinance is hereby amended by deleting the Assessment List attached thereto as Exhibit "B" and replacing said Assessment List with the amended Assessment List attached hereto as Exhibit "B". The City Council hereby affirms that (i) one or more of the original properties assessed under the Assessment Ordinance have been subdivided into smaller parcels as evidenced by a survey approved by the City and filed at the County Surveyor's office of Salt Lake County, Utah (for purposes of this requirement, the City has approved the subdivision of said parcels by metes and bounds as provided in City Ordinance No. 7-19-701), and (ii) the amended Assessment List provides for the allocation of the assessment of the previously undivided properties on a proportionate basis based on square footage. The Original Ordinance provides that no such reallocations may occur subsequent to the issuance of assessment bonds in order to protect the underlying security of the holders of the assessment bonds. The City has obtained a Waiver and Consent from Zions First National Bank, the sole holder of the assessment bonds, waiving this requirement and consenting to the adoption of this Amendment to Assessment Ordinance. Said Waiver and Consent is attached hereto as Exhibit "C". When the assessment lien is perfected for each of the subdivided parcels, the total assessment levied against the previously undivided property will be released having been replaced by the aggregate of the assessments allocated to each of the subdivided parcels. A release of the new assessment lien for a given subdivided parcel will be delivered by the City at the time the assessment balance for that subdivided parcel is paid in full.

Section 2. Notice to Property Owners. The City Treasurer is hereby authorized and directed to give notice of the amended Assessment List by mail to the property owners of property assessed within the District. Said notice shall, among other things, state the amount of the 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 the City Recorder.

Section 3. All Necessary Action Approved. The officials of the City are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Amendment to Assessment Ordinance, including notification of the County Recorder's office of Salt Lake County of the amended Assessment List and

preparation of the necessary releases of the assessment of the previously undivided property which has now been subdivided, provided, however, that no such releases shall be recorded until the City receives confirmation from the County Recorder's office of Salt Lake County that the liens set forth in the amended Assessment List have been perfected.

Section 4. Repeal of Conflicting Provisions. All ordinances or parts thereof in conflict with this Amendment to Assessment Ordinance are hereby repealed.

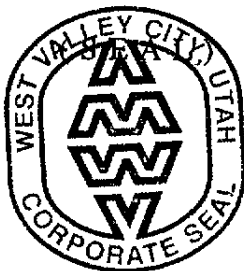
Section 5. Publication of Ordinances. Immediately after its adoption, this Amendment to Assessment Ordinance shall be signed by the Mayor and City Recorder and shall be recorded in the ordinance book kept for that purpose. This Amendment to Assessment Ordinance shall be published once in the Salt Lake Tribune, a newspaper published and having general circulation in the City, and shall take effect immediately upon its passage and approval and publication as required by law.

PASSED AND APPROVED by the City Council of the City, this 19th day of June, 1997.

  
\_\_\_\_\_  
Mayor Pro Tem

ATTEST AND COUNTERSIGNED:

  
\_\_\_\_\_  
City Recorder



Thereupon Councilmember Thomas moved that the City Treasurer be authorized and directed to give notice of assessment by mail to the affected property owners of property within the subdivided property of the District, which notice shall be in substantially the following form:

(Attach copy of Notice)



**WEST VALLEY CITY**  
Unity · Pride · Progress

July 14, 1997

HAND DELIVERED TO ROBERT  
COMSTOCK ON JULY 14, 1997  
AT 7-14-97 11:30 AM  
(Time)

Midvalley Partners Limited Partnership  
% George C. Lang/St. Paul Prop.  
321 12th Street #200  
Manhattan Beach, CA 90266

Re: Special Improvement District No. 94-1

Dear Mr. Lang:

On June 19, 1997, the West Valley City Council approved Ordinance No. 97-36 amending the assessments for Special Improvement District No. 94-1. This action was taken at the request of Midvalley Partners to facilitate re-allocation of the assessment obligations on Parcel B containing 19.07 acres. This letter and the attached Exhibit "B" provide notice to you that the assessment for Parcel B is now re-allocated to Midvalley Metes and Bounds Subdivision Parcel 1 of 13.00 acres, Parcel 2 of 4.00 acres, and Parcel 3 of 2.07 acres.

Please let me know if you have any questions regarding this matter.

Sincerely,

Sheri McKendrick  
City Recorder

Enclosure

Thereupon Councilmember Brooks seconded the adoption of the foregoing motion, and the same upon being put to a vote was unanimously adopted, and signed by the Mayor in open meeting and recorded by the City Recorder in the official records of the City.

The Treasurer was thereupon authorized to mail the foregoing notice of special assessment as hereinbefore provided.

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

Deanne R. Mann  
Mayor Pro Tem

ATTEST AND COUNTERSIGNED:

Sheri McKendrick  
City Recorder



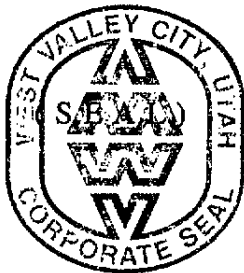
STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

I, Sheri McKendrick, the duly appointed, qualified and acting City Recorder of West Valley City, Salt Lake 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 City Council of West Valley City, Salt Lake County, Utah at its meeting held on the 19<sup>th</sup> day of June, 1997 insofar as the same relates to or concerns West Valley City, Utah Special Improvement District No. 94-1 as the same appears of record in my office.

I further certify that the Amendment to Assessment Ordinance levying the special assessments was recorded by me in the official records of West Valley City on the 19<sup>th</sup> day of June, 1997.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of West Valley City this 19<sup>th</sup> day of June, 1997.

Sheri McKendrick  
City Recorder





STATE OF UTAH )  
 )  
 ) : ss.  
 )  
COUNTY OF SALT LAKE )

AFFIDAVIT OF MAILING  
NOTICE OF ASSESSMENT

I, Kendall D. Olson, the duly appointed, qualified and acting Treasurer of West Valley City, Salt Lake County, Utah, do hereby certify that on the 14<sup>th</sup> day of July, 1997, I caused to be mailed a Notice of Assessment to each property owner of property within the subdivided property of the West Valley City, Utah Special Improvement District No. 94-1 by United States Mail, postage prepaid, at the last known address of such owner.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of West Valley City, Salt Lake County, Utah this 14<sup>th</sup> day of July, 1997.

Kendall D. Olson  
Treasurer



**PROOF OF PUBLICATION**

Attached to this page is the Proof of Publication, indicating by the affidavit of the publisher that the said Amendment to Assessment Ordinance levying the special assessments which was contained in the Amendment to Assessment Ordinance adopted by the City Council on the 19th day of June, 1997, was published one time in the Salt Lake Tribune.

EXHIBIT "A"

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

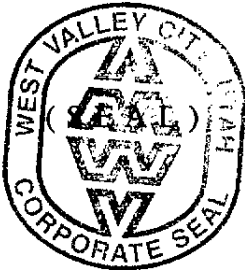
I, Sheri McKendrick, the undersigned City Recorder of West Valley City, Salt Lake County, Utah (the "City"), do hereby certify, according to the records of the City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the June 19, 1997 public meeting held by the City as follows:

(a) By causing a Notice, in the form attached hereto as Schedule "1", to be posted at the City's principal offices on June 18<sup>th</sup>, 1997, 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 the Salt Lake Tribune on June 18<sup>th</sup>, 1997, at least twenty-four (24) hours prior to the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed by official signature this 19th day of June, 1997.

Sheri McKendrick  
City Recorder



SCHEDULE "1"  
NOTICE OF MEETING



**WEST VALLEY CITY**  
Unity · Pride · Progress

The **STUDY MEETING** of the West Valley City Council will be held on June 19, 1997, at 5:00 P.M., in the Multi-Purpose Room, and the **REGULAR MEETING** at 7:00 P.M. in the Council Chambers, West Valley City Hall, 3600 Constitution Boulevard, West Valley City, Utah. Members of the Press and Public are invited to attend.

Posted June 18, 1997, 3:30 P.M.

#### A G E N D A

(CITIZENS MAY BE RECOGNIZED THROUGHOUT THE MEETING BY ADVISING THE CITY RECORDER, IN WRITING, OF YOUR NAME AND THE AGENDA ITEM TO BE ADDRESSED)

Scheduled For 5:00 P.M.:

1. Call to Order
2. Roll Call
3. Review Agenda Items
4. Communications:
  - A. City Council Inspection Of New Fire Department Equipment
  - B. Other
5. Adjourn

West Valley City does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

If you are planning to attend this public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City eight or more hours in advance of the meeting and we will try to provide whatever assistance may be required. The person to contact for assistance is Sheri McKendrick.

Scheduled For 7:00 P.M.:

1. Call To Order
2. Opening Ceremony: Leland DeLange
3. Roll Call
4. Special Recognitions
5. Approval of Minutes:
  - A. June 5, 1997 (Study & Regular Meeting)
6. Awards, Ceremonies and Proclamations:
  - A. Utah Outstanding Public Works Employee Award, Trace Robinson, Public Works Department
7. Public Hearings:
  - A. Application No. GPZ-3-97, Lex Watterson, Amend General Plan From Very Low Density Residential To Rural Residential Land Uses, Ordinance No. 97-34; Amend Zoning Map From Zone A-1 To Zone A, Ordinance No. 97-35, Approximately 2871 South 6400 West
8. Ordinances:
  - A. 97-34: Application No. GPZ-3-97, Lex Watterson, Amend General Plan From Very Low Density Residential To Rural Residential Land Uses, Approximately 2871 South 6400 West
  - B. 97-35: Application No. GPZ-3-97, Lex Watterson, Amend Zoning Map From Zone A-1 To Zone A, Approximately 2871 South 6400 West
  - C. 97-30: Adopt Title 8, "Impact Fees," And Amend Title 1, 18 And 20, West Valley City Code (Tabled From June 5, 1997)
  - D. 97-36: Amendment To Assessment Ordinance No. 95-55 Adopted On November 16, 1995 As Previously Amended By Ordinance No. 96-67; Providing For The Allocation Of Assessments Of Property To Subdivided Parcels; Establishing The Effective Date Of This Amendment To Assessment Ordinance; And Related Matters
9. Resolutions:
  - A. 97-172: Professional Services Agreement, The Tetris Group, L.L.C.
  - B. 97-173: Purchase Asphalt Paving Machine, Cate Equipment Company, Public Works Department
  - C. 97-174: Purchase Self-Propelled Articulated-Frame Asphalt Compactor, Cate Equipment Company, Public Works Department
  - D. 97-175: Approve Payment To Utah Department Of Transportation, Project Costs Incurred On The Decker Lake Restoration Project

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- E. 97-176: Agreement, City Of Berkeley, California, Reciprocal Emergency Messaging Service
- F. 97-177: Interlocal Cooperation Agreement, Salt Lake County, Share Certain Tax Revenues To Assist In The Financing Of The West Valley Community Theater
- G. 97-178: Purchase Ten Twinhead Laptop Computers, Modems And Software, Uinta Business Systems And Micro Supply Company, Police Department
- H. 97-179: Agreement, Hexel Corporation, Provide Water For Irrigation Of West Ridge Golf Course and West Ridge Commerce Park
- I. 97-180: Change Order No. 1, 2700 West Widening Project
- J. 97-181: Consolidated Fuel Network And Site Management Agreement, State Of Utah
- \* K. 97-182: Agreement And Pledge To Pay, West Valley City Redevelopment Agency
- L. 97-183: Appointment Of Acting City Manager, Wayne T. Pyle
- M. 97-184: Authorize Police Chief To Donate Unclaimed Bicycles In Evidence To Local Charities
- N. 97-185: Amend Resolution No. 97-81 Adopted March 27, 1997, By Modifying The Authorized Maturity Of Interim Warrants To Be Issued In Connection With West Valley City, Utah, Special Improvement District No. 95-2; Authorize Execution And Delivery Of Such Warrants By The Mayor And City Recorder, Including Interim Warrant Nos. 17 And 18, The Proceeds Of Which Will Be Used To Redeem All Currently Outstanding Warrants; And Related Matters
- O. 97-186: Award Bid/Contract, Sonntag And Associates, Children's Play Structure, Ironwood Park
- P. 97-187: Award Bid/Contract, Alpine Recreation, Pavilion Roof, Ironwood Park
- Q. 97-188: Award Bid/Contract, Mountain Valley Seed, Automatic Irrigation System, Ironwood Park
- R. 97-189: Award Bid/Contract, Sonntag And Associates, Children's Play Structure, Hunter Ridge Park
- S. 97-190: Award Bid/Contract, Alpine Recreation, Pavilion Roof, Hunter Ridge Park
- T. 97-191: Award Bid/Contract, Mountain Valley Seed, Automatic Irrigation System, Hunter Ridge Park
- U. 97-192: Award Bid/Contract, United Construction, Hard-Scape Work, Hunter Ridge Park
- V. 97-193: Award Bid/Contract, S & L Construction, Excavation And Rough Grading, Hunter Ridge Park
- W. 97-194: Change Order, Glenn Weaver Park And Parkway Park Lighting Project
- \* X. 97-195: Purchase Lawn Mower, Parks & Recreation Department

- Y. 97-196: Ratify City Manager's Re-Appointment, Margene Conde', Arts Council, Term: July 1, 1997 - July 1, 1999
- Z. 97-197: Ratify City Manager's Re-Appointment, Christine Mickelsen, Arts Council, Term: July 1, 1997 - July 1, 1999
- AA. 97-198: Ratify City Manager's Appointment, Wendy Simmons, Arts Council, Term: July 1, 1997 - July 1, 1999
- BB. 97-199: Ratify City Manager's Appointment, Clifford "Rip" Rippetoe, Arts Council Chair FY97-98
- CC. 97-200: Ratify City Manager's Appointment, Trina West, Parks & Recreation Advisory Committee, Term: July 1, 1997 - July 1, 2000
- DD. 97-201: Ratify City Manager's Appointment, Steve Jensen, Parks & Recreation Advisory Committee, Term: July 1, 1997 - July 1, 2000
- EE. 97-202: Ratify City Manager's Appointment, Chris Taylor, Parks & Recreation Advisory Committee, Term: July 1, 1997 - July 1, 2000
- FF. 97-203: Ratify City Manager's Re-Appointment, Delmas Anderson, Parks & Recreation Advisory Committee, Term: July 1, 1997 - July 1, 2000
- GG. 97-204: Ratify City Manager's Re-Appointment, Valorie Kemp, Parks & Recreation Advisory Committee, Term: July 1, 1997 - July 1, 2000
- HH. 97-205: Ratify City Manager's Appointment, Dale Smith, Parks & Recreation Advisory Committee Chair FY97-98
- II. 97-206: Ratify City Manager's Appointment, Wayne Pyle, License Hearing Board, Term: July 1, 1997 - July 1, 2000
- JJ. 97-207: Ratify City Manager's Appointment, Don Johnson, License Hearing Board, Term: July 1, 1997 - July 1, 2000
- KK. 97-208: Ratify City Manager's Appointment, Wayne Pyle, License Hearing Board Chair FY97-98
- LL. 97-209: Ratify City Manager's Re-Appointment, Don Christensen, Civic Committee, Term: July 1, 1997 - July 1, 2001
- MM. 97-210: Ratify City Manager's Re-Appointment, Willard Harbrecht, Civic Committee, Term: July 1, 1997 - July 1, 2001
- NN. 97-211: Ratify City Manager's Re-Appointment, Larry Meyer, Civic Committee, Term: July 1, 1997 - July 1, 2001
- OO. 97-212: Ratify City Manager's Appointment, Leah McCracken, Civic Committee, Term: July 1, 1997 - July 1, 2001
- PP. 97-213: Ratify City Manager's Appointment, Sue Evans, Civic Committee, Term: July 1, 1997 - July 1, 2001
- QQ. 97-214: Ratify City Manager's Appointment, Dan Park, Civic Committee, Term: July 1, 1997 - July 1, 2001
- RR. 97-215: Ratify City Manager's Re-Appointment, Ken Allen, Professional Standards Review Board, Term: July 1, 1997 - July 1, 1999
- SS. 97-216: Ratify City Manager's Re-Appointment, Bill Rappleye, Planning Commission, Term: July 1, 1997 - July 1, 2001
- TT. 97-217: Ratify City Manager's Re-Appointment, Sheldon Eskelson, Board Of Adjustment, Term: July 1, 1997 - July 1, 2002



- UU. 97-218: Ratify City Manager's Re-Appointment, Darlene Hutchison, Board Of Adjustment, Term: July 1, 1997 - July 1, 2002
  - VV. 97-219: Ratify City Manager's Re-Appointment, Daryl Warby, Clean & Beautiful Committee, Term: July 1, 1997 - July 1, 2001
  - \* WW. 97-220: Ratify City Manager's (Re-)Appointment, \_\_\_\_\_, Clean & Beautiful Committee, Term: July 1, 1997 - July 1, 2001
  - \* XX. 97-221: Ratify City Manager's (Re-)Appointment, \_\_\_\_\_, Clean & Beautiful Committee, Term: July 1, 1997 - July 1, 2001
  - \* YY. 97-222: Ratify City Manager's (Re-)Appointment, \_\_\_\_\_, Clean & Beautiful Committee, Term: July 1, 1997 - July 1, 2001
  - ZZ. 97-231: Agreement, AT&T, Telephone Hardware And Software For West Valley City And West Valley Event Center
  - AAA. 97-232: Adopt Capital Facilities Plan
  - BBB. 97-233: Professional Services Contract, Hale Centre Theatre
10. Consent Agenda:
- A. 97-223: Right-Of-Way Agreement, Corporation Of The Presiding Bishop Of The Church Of Jesus Christ Of Latter-Day Saints, 2101 West 3100 South; Accept Special Warranty Deed And Grant Of Temporary Easement, 3100 South Widening Project
  - B. 97-224: Right-Of-Way Agreement, First Security Bank Of Utah, N.A., Trustee, 1907 West 3100 South; Accept Warranty Deed And Grant Of Temporary Easement, 3100 South Widening Project
  - C. 97-225: Right-Of-Way Agreement, William L. Kone, 1753 West 3100 South; Accept Warranty Deed, 3100 South Widening Project
  - D. 97-226: Warranty Deed, Big O Development, 3557 South 5600 West
  - E. 97-227: Right-Of-Way Agreement, Eugene S. Smith And Ada LaRae Smith, 5324 West 4100 South; Accept Warranty Deed, 4100 South Widening Project
  - F. 97-228: Right-Of-Way Agreement, LaRae Smith, 5318 West 4100 South; Accept Warranty Deed, 4100 South Widening Project
  - G. 97-229: Right-Of-Way Agreement, John H. Jones And Shauna M. Jones, 5109 West 4100 South; Accept Warranty Deed And Grant Of Temporary Easement, 4100 South Widening Project
  - H. 97-230: Right-Of-Way Agreement, John H. Jones And Shauna M. Jones, 5120 West 4100 South; Accept Warranty Deed And Grant Of Temporary Easement, 4100 South Widening Project
11. New Business:
- A. Application No. S-18-96, John Boggs, Westview Cove Subdivision, Final Plat Approval, Zone R-1-8, 3.4 Acres/9 Lots, 3500 South 6400 West
  - B. Application No. S-24-96, Redrock Builders (Mark Snow), Cody Subdivision, Final Plat Approval, Zone R-1-8, 1.23 Acres/4 Lots, 5275 West 3990 South
  - C. Application No. S-12-94, NuTeam, Inc., Settler's Point Subdivision - Phase 6, Final Plat Approval, Zone R-1-10, 11.8 Acres/37 Lots, 3200 South 6000 West

12. Motion for Executive Session

13. Adjourn

\* Papers not submitted at time of Packet preparation and/or Agenda posting.

● Items added to the Agenda after 6/12/97 Study Meeting.

3K7710P60186

EXHIBIT "B"  
ASSESSMENT LIST

**EXHIBIT "B"**

**Name of Property Owner(s)** **Amount of Assessment**

**Description of Property**

**Divisions of Parcel A**

**West Valley Event Center** \$940,542.28

West Valley City Corporation  
3600 South Constitution Boulevard  
West Valley City, UT 84119

**Description of Property**

Beginning at the Southwest Corner of the intersection of Decker Lake Drive and 3100 South Street, said point of beginning being 0°03'56" East 40.00 feet and South 89°56' West 80.00 feet from the East Quarter Corner of Section 28, Township 1 South, Range 1 West, Salt Lake Base and Meridian; and running thence South 0°02'00" East along the West right-of-way line of Decker Lake Drive 858.40 feet to a point of curvature on an 840.00 foot radius curve to the left; thence Southeasterly along the arc of said curve and West line and through a central angle of 23° 13'26", 340.48 feet to a point on a curve to the right, the radius point of which is North 33°50'46" West 906.00 feet; thence Westerly along the arc of said curve and through a central angle of 33° 48'50", 534.69 feet to a point of tangency; thence South 89°58'35" West 498.61 feet to a point on the East right-of-way line of Interstate 215, thence North 8°48'06" West along said East line, 56.65 feet; thence North 1°26'25" West along said East line, 405.14 feet; thence North 4°26'45" West along said East line, 803.46 feet to the South right-of-way line of 3100 South Street; thence North 84°04'32" East along said South line 685.84 feet; thence North 0°04' West along said South line 10.12 feet; thence North 89°56' East along said South line 332.92 feet to the point of beginning. Contains 29.133 acres.

**West Valley Commerce Center Subdivision Lot #1** 58,837.97

Midvalley Partners Limited Partnership  
% George C. Lang/St. Paul Prop.  
321 12th Street #200  
Manhattan Beach, CA 90266

**West Valley Commerce Center Subdivision Lot #2** 70,230.62

Midvalley Partners Limited Partnership  
% George C. Lang/St. Paul Prop.  
321 12th Street #200  
Manhattan Beach, CA 90266

West Valley Commerce Center Subdivision Lot #3 70,807.46

Midvalley Partners Limited Partnership  
% George C. Lang/St. Paul Prop.  
321 12th Street #200  
Manhattan Beach, CA 90266

West Valley Commerce Center Subdivision Lot #4 97,630.65

Midvalley Partners Limited Partnership  
% George C. Lang/St. Paul Prop.  
321 12th Street #200  
Manhattan Beach, CA 90266

West Valley Commerce Center Subdivision Lot #5 97,630.65

Midvalley Partners Limited Partnership  
% George C. Lang/St. Paul Prop.  
321 12th Street #200  
Manhattan Beach, CA 90266

West Valley Commerce Center Subdivision Lot #6 106,427.51

Midvalley Partners Limited Partnership  
% George C. Lang/St. Paul Prop.  
321 12th Street #200  
Manhattan Beach, CA 90266

**Divisions of Parcel B**

Midvalley Metes and Bounds Subdivision Parcel 1 423,382.85

Beginning at a point on the South right-of-way line of 3100 South Street and on the East right-of-way line of Decker Lake Drive (2210 West) said point being South 0°03'56" East 40.00 feet from the West Quarter corner of Section 27, Township 1 South, Range 1 West, Salt Lake Base and Meridian; thence North 89°55'00" East along said South line 33.00 feet; thence South 0°02'20" West 396.47 feet; thence North 89°55'00" East 302.00 feet; thence North 0°02'20" East 163.52 feet; thence North 89°55'00" East 25.00 feet; thence South 0°02'20" West 163.52 feet; thence North 89°55'00" East 308.35 feet to a point on the West line of Redwood Village Subdivision; thence South along said West line and West line of Hector Park and Granger Park Subdivisions, 841.33 feet; thence South 89°55'00" West 565.96 feet to the East right-of-way line of Decker Lake Drive and at a point on a 760.00 foot radius curve to the right the center of which is North 60°01'52" East; thence Northwesterly along the arc of said curve and East line and through a central angle of 29°56'08", 397.08 feet to a point of tangency; thence North 0°02'20" West along said East line 858.45 feet to the point of beginning. Contains 13.00 acres.

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Midvalley Partners Limited Partnership  
% George C. Lang/St. Paul Prop.  
321 12th Street #200  
Manhattan Beach, CA 90266

Midvalley Metes and Bounds Subdivision Parcel 2

130,271.65

Beginning at a point which is South 04°34'19" East 1281.73 feet from the West Quarter corner of Section 27, Township 1 South, Range 1 West, Salt Lake Base and Meridian said point also being on the East right-of-way line of Decker Lake Drive (2210 West); thence North 89°55'00" East 565.96 feet to a point on the West line of Granger Park Subdivision; thence South along said West line and West line of Granger Park No. 3 Subdivision, 385.37 feet; thence South 89°55'00" West 345.93 feet to a point on the East right-of-way line of Decker Lake Drive and on a 840.00 foot radius curve to the left the center of which bears South 67°10'17" West; thence Northwesterly along the arc of said curve and East right-of-way line and through a central angle of 7°58'37" 116.95 feet to a point of tangency; thence North 30°48'20" West 315.74 feet to a point of a 760.00 foot radius curve to the right the center of which bears North 59°11'40" East; thence Northwesterly along the arc of said curve and East right-of-way line and through a central angle of 0°50'12" 11.10 feet to the point of beginning. Contains 4.00 acres.

Midvalley Partners Limited Partnership  
% George C. Lang/St. Paul Prop.  
321 12th Street #200  
Manhattan Beach, CA 90266

Midvalley Metes and Bounds Subdivision Parcel 3

67,415.58

Beginning at a point which is 510°58'00" East 1693.64 feet from the West Quarter Corner of Section 27, Township 1 South, Range 1 West, Salt Lake Base and Meridian. Said point being on the East right-of-way line of Decker Lake Drive (2210 West); thence North 89°55'00" East 345.93 feet to a point which is on the West line of Granger Park No. 3 Subdivision; thence South along the said West line 297.11 feet; thence South 89°55'30" West 280.63 feet; thence Northwesterly along the arc of a 840 foot radius to the left 305.75 feet through a central angle of 20°48'17" to the point of beginning. Contains 2.07 acres.

Midvalley Partners Limited Partnership  
% George C. Lang/St. Paul Prop.  
321 12th Street #200  
Manhattan Beach, CA 90266

**TOTAL**

**\$2,063,177.22**

3K7710PG0190

EXHIBIT "C"

WAIVER AND CONSENT

399407.001(PF)

WAIVER AND CONSENT OF HOLDER OF WEST VALLEY CITY, UTAH  
SPECIAL ASSESSMENT BONDS, SERIES 1996  
(SPECIAL IMPROVEMENT DISTRICT NO. 94-1)

The undersigned authorized representative of Zions First National Bank, the sole owner of 100% of the above-referenced bonds (the "Series 1996 Bonds") issued by West Valley City, Salt Lake County, Utah (the "Issuer") in the original aggregate principal amount of \$2,063,177.22 pursuant to a Bond Resolution adopted by the Issuer on October 10, 1996 (the "Bond Resolution"), hereby:

1. Waives the prohibition set forth in Section 6(c) of Assessment Ordinance No. 95-55 adopted on November 16, 1995 to the effect that assessments on parcels originally assessed may not be allocated to smaller subdivided parcels after the issuance of assessment bonds;
2. Waives the requirement set forth in Section 6(c) of Assessment Ordinance No. 95-55 adopted on November 16, 1995 to the effect that a subdivision plat must be approved by the Issuer and recorded at the County Recorder's office;
3. Consents to the subdivision of parcels within Special Improvement District 94-1 by metes and bounds as provided in City Ordinance No. 7-19-701; and
4. Consents to the adoption by the Issuer on June 19, 1997 of an Amendment to Assessment Ordinance (the "Amendment to Assessment Ordinance") which amends and supplements Assessment Ordinance No. 95-55, as amended, which allocates the assessments of certain parcels of property within Special Improvement District No. 94-1 to subdivided parcels.

DATED this 17th day of June, 1997.

ZIONS FIRST NATIONAL BANK

By *[Signature]*  
Its *[Signature]*

-POOR COPY-  
CO. RECORDER

3K7710PG0192