



"W2804453"

EN 2804453 PG 1 OF 132
LEANN H KILTS, WEBER COUNTY RECORDER
20-JUL-16 1002 AM FEE \$.00 DEP JKC
REC FOR: OGDEN CITY

**OGDEN CITY NOTICE OF ADOPTION OF ORDINANCE NO. 2016-37
AND NOTICE OF ASSESSMENT INTEREST**

BY THE OGDEN CITY COUNCIL


Pursuant to Utah Code Ann. §11-42-404(4)(a) (2010) of the Assessment Area Act, the Ogden City Council (the "Council") hereby provides notice that the Council adopted Ordinance No. 2016-37 on **July 5, 2016** (the "Ordinance," a copy of which is attached hereto as **Exhibit A** and by this reference is made a part hereof) and therein levied an assessment against the assessed properties described below, which are located within the Ogden Central Business Assessment Area No. 3 (the "CBAA"), and directed that this Notice of Assessment Interest be recorded in the Weber County Recorder's Office as required by law.

The Council further gives notice that:


1. A general description of the boundaries of the assessment area is provided in Ordinance No. 2016-36, the original of which was recorded on July 20, 2016 as Entry No. 280 4447 in the Weber County Recorder's Office;
2. Ogden City has an assessment interest in the assessed properties described herein;
3. The assessment is to pay for economic promotion activities within the assessment area and will be payable as a line item amount in the annual property tax notice. Payments will be due by November 30th of each year over a three-year period, commencing in November of 2016 and continuing through and including November of 2018; and
4. The tax identification numbers and legal descriptions of the assessed properties are listed in Exhibits B & C, respectively, which are attached hereto and by this reference made a part hereof.

Dated: July 19, 2016

OGDEN CITY,
a municipality and political subdivision
of the State of Utah

By: 
Michael H. Caldwell
Mayor

ATTEST:


City Recorder



APPROVED AS TO FORM:


Office of City Attorney

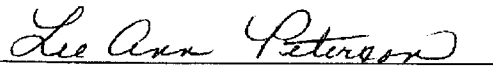
ACKNOWLEDGMENT

STATE OF UTAH)

: ss

COUNTY OF WEBER)

On this 19th day of July, 2016, personally appeared before me Mike P. Caldwell and Tracy Hansen, who duly acknowledged that they are respectively the Mayor and City Recorder of Ogden City Corporation, a Utah municipal corporation, and that the foregoing instrument was signed on behalf of said corporation, and that said corporation executed the same.



Notary

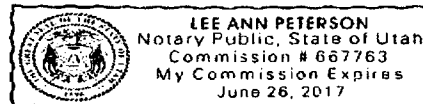


EXHIBIT A – Ordinance 2016-37
to
Notice of Assessment Interest

ORDINANCE NO. 2016-37

AN ORDINANCE OF OGDEN CITY APPROVING THE BOARD OF EQUALIZATION'S REPORT; PROVIDING FOR THE LEVY OF NEW ASSESSMENTS ON ALL NONEXEMPT COMMERCIAL AND INDUSTRIAL PROPERTIES WITHIN THE OGDEN CITY, UTAH, CENTRAL BUSINESS ASSESSMENT AREA NO. 3; PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT ON THE DATE OF PUBLICATION OF NOTICE OF ADOPTION OF THIS ORDINANCE; AND DIRECTING THE CITY RECORDER TO FILE A NOTICE OF ASSESSMENT INTEREST WITH THE WEBER COUNTY RECORDER'S OFFICE

WHEREAS, The Ogden City Council has determined that the City of Ogden has benefitted from the multiple economic promotion activities held in the downtown area and that said activities have benefitted the city as a whole in branding and promoting the assets and the offerings of the city to people who live outside city boundaries as well as to companies and other economic investment groups outside the local region and nationwide who are interested in bringing their business to the city; and

WHEREAS, the Ogden City Council has created the Ogden City Central Business Assessment Area No. 3, (the "CBAA") as required by statute, and conducted all legally required Board of Equalization review hearings as specified in Utah Code Ann. 11-42-402 and 11-42-403 and that assessments on all nonexempt commercial and industrial properties within the CBAA should be levied in accordance with state law; and

WHEREAS, the Ogden City Board of Equalization and Review, after holding public hearings and making its findings, recommendations and decision as required by state law, has reported its findings, recommendations and decision to the City Council.

The Council of Ogden City hereby ordains:

SECTION 1. History and Purpose:

A. Title 11, Chapter 42 of the Utah Code Ann. (the "Act") authorizes municipalities to create special assessment areas for "economic promotion activities".

B. The Ogden City Council has previously created various special improvement districts within Ogden's downtown central business area in the past in order to promote economic activities in downtown Ogden City; the last ordinance creating a new three-year special assessment area in downtown Ogden passed on June 19, 2012.

C. It is the purpose and intent of this ordinance to now levy an assessment against all nonexempt commercial and industrial properties located within the boundaries of the CBAA as designated on July 5, 2016.

SECTION 2. Approval of Report of Board of Equalization and of Assessment List:

Findings:

The City Council of Ogden City, Utah (the “Council”), hereby accepts and adopts the findings and recommendations of the Board of Equalization and Review as described in Exhibit B, attached and made part hereof by reference. The Council confirms and adopts the assessment list for the CBAA, a copy of which is attached hereto as Exhibit A and incorporated herein by reference (the “Assessment List”). The Council has determined that the Assessment List, as adjusted and equalized by the Board of Equalization for the CBAA, is just and equitable, that each piece of property to be assessed within the CBAA will be benefitted in an amount not less than the assessment to be levied against said property, and that no piece of property listed in the assessment list will bear more than its proportionate share of the cost of economic promotion activities financed by the assessments.

SECTION 3. Levy of Assessments:

The council hereby levies a tax as an assessment upon the real property identified in the CBAA to provide for economic promotion activities over a three-year period. The assessments levied upon each parcel of property therein described shall be in the amount set forth in the Assessment List. The assessments hereby levied are for the purpose of paying a portion of the costs of economic promotion activities within Ogden City Central Business Assessment Area No. 3. Economic promotion activities mean promotion and developmental activities such as sponsoring festivals, markets, and other events in the downtown area, promoting business investment in the

downtown area and developing and issuing publications on the downtown area designed to improve the economic well-being of the downtown area (the “**Economic Promotion Activities**”). The assessments are hereby levied at equal and uniform rates upon each of the parcels of real property described in the Assessment List in accordance with the Act.

SECTION 4. Cost of Economic Promotion Activities; Amount of Total Assessments

The total annual cost of the Economic Promotion Activities in the CBAA is approximately \$684,000, including allowable related expenses. Of this total cost, the City’s portion is \$523,000. The City’s portion for the CBAA includes that part of the overhead costs for which an assessment cannot be levied, if any, and the cost of making the Economic Promotion Activities for the benefit of property against which an assessment may not be levied, if any. The annual amount to be assessed against nonexempt commercial and industrial property affected or benefited by the Economic Promotion Activities in the CBAA is \$161,000.

SECTION 5. Method:

The assessment has two components: (i) a three-year assessment based on the 2015 taxable property value as determined by Weber County (“**Base Assessment**”), plus (ii) an assessment on certain properties that are located with immediate proximity to the majority of downtown promotional events and activities (“**Enhanced Area Assessment**”).

SECTION 6. Payment of Assessment:

The assessment tax will be paid as a line item amount in the annual property tax notice received by each property owner from Weber County. Payment will be due by November 30 of each year of the assessment and shall be paid to the Weber County Treasurer’s Office, which shall make a distribution of collected amounts to Ogden City. The assessment will become a lien against the property and will remain such until the assessment is paid in full. If any payment is not paid by

the due date, the unpaid amounts will accumulate delinquent interest and/or charges in accordance with Weber County ordinance and State law.

SECTION 7. Notice to Property Owners:

The City Recorder is hereby authorized and directed to give additional notice of assessment by mail to the property owners in the CBAA as required in the Act. 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 8. 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 Ordinance.

SECTION 9. Repeal of Conflicting Provisions. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed.

SECTION 10. Publication of Ordinance. Immediately after its adoption, this Ordinance shall be properly signed and shall be recorded in the ordinance book kept for that purpose. This Ordinance shall be published once in the Standard Examiner, a newspaper of general circulation in the City, and in accordance with Section 45-1-101, Utah Code Annotated 1953, as amended, and shall take effect on the date of publication in the Standard Examiner.

SECTION 13. Notice of Assessment Interest. The City Recorder is hereby authorized and directed to file a Notice of Assessment Interest with the Weber County Recorder within five days after the day on which the 25-day prepayment period under Section 11-42-411(6) has passed. Such Notice shall (1) state that the City has an assessment interest in the assessed property, (2) state the maximum number of years over which the assessment will be payable, and (3) describe the property assessed by legal description and tax identification number.

PASSED, ADOPTED AND ORDERED POSTED by the Council of Ogden City, Utah,
this 5th day of July, 2016.



CHAIR


ATTEST:


CITY RECORDER



TRANSMITTED TO THE MAYOR ON: 07-06-2016

MAYOR'S ACTION: Approved Vetoed


MAYOR

ATTEST:


CITY RECORDER



POSTING DATE: 07-08-2016

EFFECTIVE DATE: 07-10-2016

APPROVED AS TO FORM: ms (12/2016)
Legal Date

135	01-020-0010	\$534.49	\$178.16
136	01-020-0011	\$462.34	\$154.11
137	01-020-0012	\$622.11	\$207.37
138	01-020-0015	\$577.70	\$192.57
139	01-020-0016	\$455.08	\$151.69
140	01-020-0017	\$624.58	\$208.19
141	01-020-0018	\$518.08	\$172.69
142	01-020-0020	\$358.77	\$119.59
143	01-020-0027	\$141.43	\$47.14
144	01-020-0028	\$310.72	\$103.57
145	01-020-0029	\$624.29	\$208.10
146	01-020-0030	\$1,107.59	\$369.20
147	01-020-0032	\$341.15	\$113.72
148	01-020-0043	\$1,298.17	\$432.72
149	01-020-0066	\$201.19	\$67.06
150	01-020-0078	\$445.23	\$148.41
151	01-021-0001	\$4,695.62	\$1,565.21
152	01-021-0004	\$524.26	\$174.75
153	01-021-0036	\$324.30	\$108.10
154	01-021-0037	\$548.77	\$182.92
155	01-021-0038	\$141.42	\$47.14
156	01-021-0041	\$495.11	\$165.04
157	01-021-0056	\$5,155.40	\$1,718.47
158	01-021-0070	\$4,264.34	\$1,421.45
159	01-021-0078	\$13,482.92	\$4,494.31
160	01-021-0082	\$2,050.49	\$683.50
161	01-021-0085	\$420.48	\$140.16
162	01-021-0094	\$661.47	\$220.49
163	01-022-0013	\$460.19	\$153.40
164	01-022-0014	\$96.12	\$32.04
165	01-022-0016	\$269.88	\$89.96
166	01-022-0017	\$299.20	\$99.73
167	01-022-0018	\$331.80	\$110.60
168	01-022-0019	\$915.79	\$305.26
169	01-022-0021	\$436.49	\$145.50
170	01-022-0022	\$327.35	\$109.12
171	01-022-0023	\$1,012.64	\$337.55
172	01-022-0024	\$152.24	\$50.75
173	01-022-0025	\$179.08	\$59.69
174	01-022-0028	\$153.44	\$51.15
175	01-022-0032	\$954.53	\$318.18
176	01-022-0046	\$219.90	\$73.30
177	01-022-0047	\$1,054.83	\$351.61
178	01-022-0049	\$199.76	\$66.59
179	01-023-0005	\$337.67	\$112.56
180	01-026-0033	\$92.00	\$30.67
181	01-027-0002	\$202.83	\$67.61

APN
01-021-0041

LEGAL DESCRIPTION

NORTH OF THE SOUTHWEST CORNER OF LOT 5; THENCE NORTH 99 FEET TO A POINT 155.5 FEET SOUTH OF THE NORTHWEST CORNER OF BLOCK 25, THENCE EAST 110 FEET, THENCE SOUTH 99 FEET, THENCE WEST 110 FEET TO BEGINNING.

TOGETHER WITH A RIGHT-OF-WAY OVER AND UPON THE RIGHTS-OF-WAY ADJOINING SAID PREMISES ON THE SOUTH AND EAST.

01-021-0056

PART OF LOT 7, BLOCK 25, PLAT A, OGDEN CITY SURVEY, WEBER COUNTY, UTAH; MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 7, BLOCK AND PLAT AFORESAID, AND RUNNING THENCE SOUTH 101 FEET, THENCE WEST 122 FEET, THENCE NORTH 101 FEET, THENCE EAST 122 FEET TO THE PLACE OF BEGINNING.

TOGETHER WITH A RIGHT-OF-WAY OVER THE FOLLOWING DESCRIBED TRACT OF LAND: BEGINNING AT A POINT 101 FEET SOUTH AND 122 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 7, BLOCK AND PLAT AFORESAID, AND RUNNING THENCE WEST 43 FEET, THENCE NORTH 12 FEET, THENCE EAST 43 FEET, THENCE SOUTH 12 FEET TO THE PLACE OF BEGINNING.

01-021-0070

PART OF LOT 9 AND 10, BLOCK 25, PLAT A, OGDEN CITY SURVEY, WEBER COUNTY, UTAH: BEGINNING AT A POINT 30 FEET EAST AND 85.5 FEET SOUTH FROM THE NORTHWEST CORNER OF SAID LOT 10, RUNNING THENCE EAST 128 FEET, MORE OR LESS, TO THE CENTER OF MERCHANTS ALLEY, THENCE NORTH 58 FEET, MORE OR LESS, THENCE NORTH 89D04'22" WEST 26 FEET, MORE OR LESS, THENCE NORTH 0D57'44" EAST 95 FEET, MORE OR LESS, TO THE WEST LINE OF VACATED MERCHANTS ALLEY; THENCE NORTHERLY ALONG SAID WEST SIDE TO THE NORTH LINE OF LOT 9, THENCE WEST TO THE EAST SIDE OF KIESEL AVENUE, THENCE SOUTH ALONG SAID EAST LINE 217.5 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

TOGETHER WITH THAT PORTION OF VACATED MERCHANTS ALLEY ABUTTING SAID PROPERTY ON THE EAST. (1746-2882).

01-021-0078

PART OF LOTS 1 AND 10, BLOCK 25, PLAT A, OGDEN CITY SURVEY: BEGINNING AT A POINT ON THE WEST LINE OF WASHINGTON BOULEVARD, SAID POINT BEING 66.06 FEET NORTH 0D58' EAST ALONG SAID WEST LINE FROM THE SOUTHEAST CORNER OF SAID LOT 1; RUNNING THENCE NORTH 89D06'42 WALL TO A BUILDING CORNER; THENCE NORTH 1D56'53