

WHEN RECORDED, RETURN TO:

Randall M. Larsen
Gilmore & Bell, P.C.
15 West South Temple, Suite 1450
Salt Lake City, UT 84101

E 3357980 B 7714 P 1969-1984
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
03/11/2021 04:33 PM
FEE \$0.00 Pgs: 16
DEP RT REC'D FOR WOODS CROSS CITY

RETURNED
MAR 11 2021

NOTICE OF PROPOSED ASSESSMENT

Notice is hereby given that Woods Cross City, Utah (the "City"), has designated an Assessment Area to be known as the "Woods Cross City, Utah 1960 South Street Assessment Area" (the "Assessment Area") pursuant to the Assessment Area Act, Title 11, Chapter 42, Utah Code Annotated 1953, as amended, and Resolution No. 2021-727, adopted by the City Council of the City on March 2, 2021 (attached as Exhibit A) for the purpose of financing the costs of proposed improvements, which include, but are not limited to, acquiring property, constructing road improvements, along with other necessary miscellaneous improvements at approximately 1960 South 1100 West, by assessments to be levied against the properties benefited by such improvements within the Assessment Area that are identified by legal description and tax identification number on Exhibit B hereto.

For information call Gary Uresk, City Administrator at 801-292-4421.

Dated this 11 March, 2021.

- 06-084-0017
- 06-084-0047
- 06-313-0001 to 0003
- 06-313-0005
- 06-313-0011 & 0012 & 0019
- 06-373-0013
- 06-430-0101 to 0105
- 06-226-0001 to 0008


Rick Earnshaw Mayor

STATE OF UTAH)
 : ss.)
COUNTY OF DAVIS)

On March 11, 2021 personally appeared before me Rick Earnshaw, who duly acknowledged to me that he executed the foregoing instrument on behalf of Woods Cross City, Utah in his capacity as Mayor.

My Commission Expires:

11-20-23

Michelle Rowley

Notary Public

Residing at: Weber, Utah

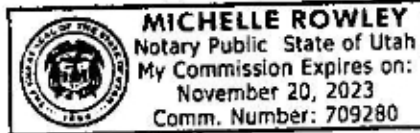


EXHIBIT A
DESIGNATION RESOLUTION

RESOLUTION NO. 2021-727

A RESOLUTION DESIGNATING THE 1960 SOUTH STREET ASSESSMENT AREA (THE "ASSESSMENT AREA") FOR THE PURPOSE OF (i) LEVYING ASSESSMENTS AGAINST PROPERTIES WITHIN THE ASSESSMENT AREA TO FINANCE THE COSTS OF ACQUIRING PROPERTY, CONSTRUCTING ROAD IMPROVEMENTS, ALONG WITH OTHER NECESSARY MISCELLANEOUS IMPROVEMENTS AT APPROXIMATELY 1960 SOUTH 1100 WEST, (ii) ESTIMATING THE AMOUNT OF THE ASSESSMENTS TO BE LEVIED AND THE METHOD OR METHODS OF ASSESSMENTS AND (iii) GENERALLY DESCRIBING THE PERIOD OVER WHICH THE ASSESSMENTS ARE TO BE PAID AND THE MANNER IN WHICH THE CITY INTENDS TO FINANCE SAID IMPROVEMENTS; AND RELATED MATTERS.

BE IT RESOLVED by the City Council (the "Council") of the Woods Cross City, Utah (the "City"), as follows:

Section 1. The Council hereby determines that it will be in the best interest of the City to designate an area to finance the costs of acquiring property, constructing road improvements, along with other necessary miscellaneous improvements at approximately 1960 South 1100 West (collectively, the "Improvements"). The Council hereby determines that it is in the best interest of the City to levy assessments against properties benefited by the Improvements to finance the costs of said Improvements. The Council hereby determines that the Improvements qualify as an "improvement" pursuant to the Act (defined below) and that the City is authorized to provide such Improvements as a publicly owned infrastructure/system.

Section 2. Pursuant to the Assessment Area Act, Title 11, Chapter 42, Utah Code Annotated 1953, as amended (the "Act"), the City Council has previously given notice of its intention to designate the Assessment Area, received and considered all protests filed, and held a public hearing.

Section 3. The City has counted the written protests and held a public meeting to announce that adequate protests have not been filed.

Section 4. The legal description and tax identification numbers and additional information of the properties to be assessed within the Assessment Area are more fully set forth in Exhibits B and C, respectively, attached hereto. The Assessments to finance the Improvements will be levied based upon a per acre methodology.

Section 5. As required by Section 11-42-205 of the Act, the City has obtained the most recent taxable value of the property from the assessor of Davis County, verifying that the taxable value of the property, after completion of the proposed improvements, is at least three (3) times the amount of the assessment proposed to be levied against the property. See Exhibit C attached hereto.

Section 6. The City hereby designates the Assessment Area, which shall be known as the "1960 South Street Assessment Area." A map showing the general location of the Assessment Area along with the location of the Improvements within the Assessment Area is attached hereto as Exhibit D.

Section 7. The Improvements are more particularly described in Exhibit E.

Section 8. Pursuant to the Act, the Council has determined to levy assessments to pay the cost of the Improvements. The assessments are assessed against properties in a manner that reflects an equitable portion of the benefit of the Improvements as required by the Act. The City has determined that the reasonable useful life of the Improvements is at least twenty (20) years and that it is in the City and the Owners' best interest for certain property owner installments to be paid for up to twenty (20) years.

Section 9. The total acquisition, construction and installation cost of the Improvements, including estimated overhead costs, administrative costs, costs of funding reserves, and debt issuance costs, is estimated at \$2,860,000, all of which it is anticipated to be paid by assessments to be levied against the properties within the Assessment Area to be benefited by such Improvements, which benefits need not actually increase the fair market value of the properties to be assessed. The City expects to finance the cost of the Improvements by issuing assessment bonds (the "Bonds"). The City currently estimates selling the Bonds at an interest rate of approximately 4.0% per annum, maturing on or before twenty (2) years from the date of issuance of the Bonds. It is anticipated that the reserve fund will be initially funded with proceeds of the Bonds. The cost of Improvements to be assessed against the benefited properties within the Assessment Area shall be assessed initially using a per acre method of assessment, as follows:

<u>Improvements</u>	<u>Assessment</u>	<u>Method of Assessment</u>
All Improvements	\$2,860,000	Per Acre

Section 10. The Council intends to levy assessments as provided in the Act on all parcels and lots of real property within the Assessment Area to be benefited by the Improvements. The purpose of the assessment and levy is to finance the cost of the Improvements, which the City will not assume or pay.

The assessments shall be levied against properties in a manner that reflects an equitable portion of the benefit of the Improvements as required by the Act. Other payment provisions and enforcement remedies shall be in accordance with the Act.

A map of the Assessment Area and the location of the Improvements and other related information are on file in the office of the City Recorder of the City who will make such information available to all interested persons.

Section 11. The City will collect the Assessment by direct billing each owner.

Section 12. A Professional Engineer has prepared a "Certificate of Project Engineer" which, among other things, identifies the Improvements to be constructed and

installed and is attached hereto as Exhibit F. The findings and determinations set forth in this Resolution are based, in part, upon said Certificate of Project Engineer.

Section 13. The provisions of the Assessment Ordinance shall govern the levy, payment and applicable provisions regarding the assessments notwithstanding anything contained herein to the contrary. As required by Section 11-42-206(3) of the Act, within 15 days of the effective date of this Resolution, the City Recorder shall (i) record an original or certified copy of this designation resolution in the office of the County Recorder; and (ii) file with the County Recorder a notice of proposed assessment that:

- (A) states that the City has designated the Assessment Area; and
- (B) lists, by legal description and tax identification number, the property proposed to be assessed.

APPROVED AND ADOPTED this March 2, 2021.

(SEAL)



By: *Rob Carlson*
Mayor

ATTEST:

By: *Annette Hanson*
City Recorder

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Annette Hanson, the undersigned City Recorder of Woods Cross, Utah (the "City"), do hereby certify that I gave written public notice of the agenda, date, time and place of the regular meeting held by the City Council (the "Council") on March 2, 2021, not less than 24 hours in advance of the meeting. The public notice was given in compliance with the requirements of the Utah Open and Public Meetings Act, Section 52-4-202, Utah Code Annotated 1953, as amended, by:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City'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;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Davis Journal at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be published on the Utah Public Notice Website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2019 Annual Meeting Schedule for the Council (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the Council to be held during the year, by causing said Notice to be (i) posted on December 9, 2020, at the principal office of the City, (ii) provided to at least one newspaper of general circulation within the geographic jurisdiction of the City on December 9, 2020 and (iii) published on the Utah Public Notice Website (<http://pmn.utah.gov>) during the current calendar year.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this March 2, 2021.

(SEAL)

By: Annette Hanson
City Recorder



EXHIBIT B

LEGAL DESCRIPTION OF
PROPERTIES TO BE ASSESSED

That certain real property located in Davis County, State of Utah, described as follows:

Woods Cross City Well Property (06-084-017).

The following subdivisions and lots: Woods Cross Industrial Park lots 1, 2, 3, 4, 5, 6, 7, 11, 12, 13, and 14; Woods Cross Industrial Park 8, 9, 10 lots 13 and 14; and Alumatek lots 1, 2, 3, 4, 5, 6, 7, and 8.

The following legal description:

A part of the Northeast Quarter of Section 35, T.2N., R.1W., S.L.B.&M. more particularly described as follows:

Beginning at a point on the westerly right of way line of 1100 west Street said point being N.90°00'00"W. 258.45 feet to the centerline of 1100 West Street as monumented and S.00°29'30"W. 436.18 feet along said center line and N.90°00'00"W. 33.00 feet from the Northeast Corner of said Section 35; thence as follows S.00°29'30"W. 320.58 feet along said westerly right of way line to the northerly boundary line of Woods Cross Industrial Park subdivision; thence N.89°42'16"W. 577.73 feet along said northerly boundary line; thence N.00°09'38"E. 315.42 feet; thence Northeasterly 47.18 feet along a 30.00 foot radius curve to the right, through a central angle of 90°06'57" (chord bears N.45°13'07"E. 42.47 feet); thence S.89°43'25"E. 524.57 feet; thence Southeasterly 39.36 feet along a 25.00 foot radius curve to the right, through a central angle of 90°12'55" (chord bears S.44°36'57"E. 35.42 feet); to the point of beginning.

Containing 199,661 square feet more or less.

EXHIBIT C
TAX IDENTIFICATION NUMBERS AND TAXABLE VALUE OF
PROPERTIES TO BE ASSESSED

That certain real property located in Utah County, State of Utah, described as follows:

#	Subdivision	Lot	Tax ID #	Owner	
✓ 1	Woods Cross Ind. Park	1	06-313-0001	Woods Cross Properties, LLC	\$227,831
- 2	Woods Cross Ind. Park	2	06-313-0002	Woods Cross Properties, LLC	\$239,679
- 3	Woods Cross Ind. Park	3	06-313-0003	Woods Cross Properties, LLC	\$386,232
- 4	Woods Cross Ind. Park	4	06-313-0019	Woods Cross Properties, LLC	\$849,966
- 5	Woods Cross Ind. Park	5	06-313-0005	Legacy Preparatory Academy	\$ -
✓ 6	Woods Cross Ind. Park	6	06-313-0006	WX Flex Holdings, LLC	\$713,621
- 7	Woods Cross Ind. Park	7	06-313-0007	WX Flex Holdings, LLC	\$669,834
✓ 8	Woods Cross Ind. Park	11	06-313-0011	Up Right Properties, LLC	\$2,915,852
- 9	Woods Cross Ind. Park	12	06-313-0012	Moffit-Thomas Holdings, LLC	\$356,039
✓ 10	Woods Cross Ind. Park	13	06-313-0013	WX Flex Holdings, LLC	\$416,106
✓ 11	Woods Cross Ind. Park	14	06-313-0014	WX Flex Holdings, LLC	\$409,843
✓ 12	(Metes and Bounds)	-	06-084-0017	City of Woods Cross	\$-
✓ 13	Woods Cross Ind. Park 8, 9, 10	13	06-373-0013	City of Woods Cross	\$-
✓ 14	Woods Cross Ind. Park 8, 9, 10	14	06-373-0014	WX Flex Holdings, LLC	\$696,437
- 15	Alumatek	1	06-226-0001	Grant S. Bailey	\$228,849
- 16	Alumatek	2	06-226-0002	Real Estate Holding LLC	\$1,926,956
- 17	Alumatek	3	06-226-0003	Real Estate Holding LLC	\$1,287,327
- 18	Alumatek	4	06-226-0004	Greg R. Bailey	\$244,397
- 19	Alumatek	5	06-226-0005	Greg R. Bailey	\$196,956
✓ 20	Alumatek	6	06-226-0006	Greg R. Bailey	\$196,956
- 21	Alumatek	7	06-226-0007	Heritage Invest. & Dev. Corp	\$197,649
✓ 22	Alumatek	8	06-226-0008	Greg R. Bailey	\$309,580
23	(Metes and Bounds)	-	06-084-0047	Holm & Green	\$650,000

TOTAL

\$13,120,110

* 1/2 value of Holm and Green property provided to account for property taken

EXHIBIT D

MAP SHOWING GENERAL LOCATION OF THE ASSESSMENT AREA AND
IMPROVEMENTS WITHIN THE ASSESSMENT AREA

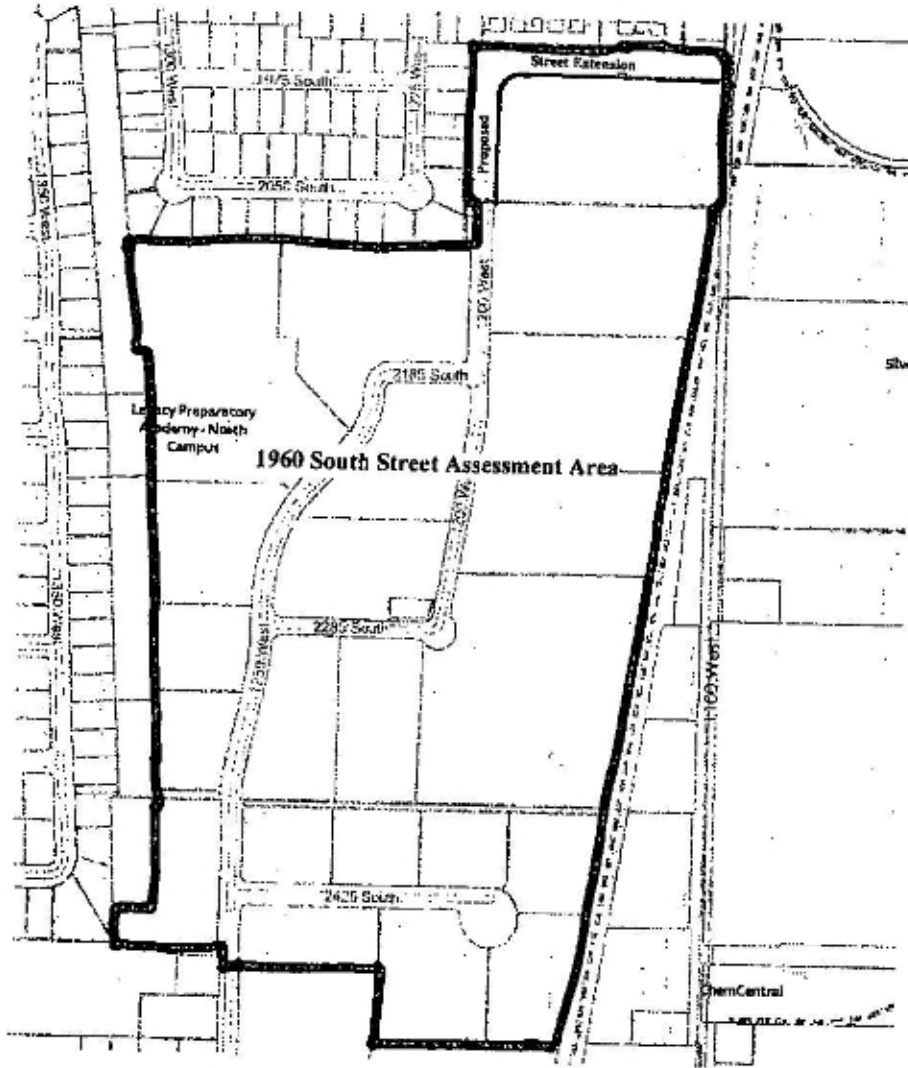


EXHIBIT E

DETAILS OF IMPROVEMENTS

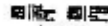
1. Purchase of Property, Perpetual Easement and Relocations Costs
2. Construction of approximately 990 linear feet of Street with sidewalk on one side
3. Installation of approximately 680 linear feet of storm drain line and appurtenances
4. Installation of approximately 980 linear feet of culinary water line and appurtenances
5. Installation of approximately 890 linear feet of sanitary sewer and appurtenances
6. Installation of approximately 930 linear feet of natural gas lines and underground power lines
7. Installation of approximately 980 linear feet of secondary water lines and appurtenances
8. Installation of approximately 1,075 linear feet of vinyl fence and 880 feet of Simtek fence
9. Installation of landscaping in landscaping area adjacent to residential neighborhood
10. Installation of Emergency Access Road

EXHIBIT F

CERTIFICATE OF PROJECT ENGINEER

Engineers Estimate of Probable Cost

Project: Alternative Access - Statewide Access
Location: 1963 S 1200 W
Client: Woods Cross City
Job # Project No: SS-18-008-014
Estimate Date: 03/01/2021



Item	Description	Quantity	Units	Unit Price	Total	Total	
PROJECT SITE COSTS							
1	Mobilization	1	LS	\$63,000.00	\$ 63,000.00	\$ 1,166,000.00	
2	Traffic Control	1	LS	\$47,000.00	\$ 47,000.00		
CULINARY WATER							
3	Install 12" PVC - Culinary	980	LF	\$ 33.00	\$ 32,340.00	\$ 78,250.00	
4	Install Fire Hydrant	2	EA	\$ 5,750.00	\$ 11,500.00		
5	Install 8" 45' Bend	2	EA	\$ 740.00	\$ 1,480.00		
6	Connect to Existing 8" PVC Waterline	1	EA	\$ 2,000.00	\$ 2,000.00		
7	Service laterals and meters	2	EA	\$ 1,200.00	\$ 2,400.00	\$ 3,000.00	
8	Connect to Existing 12" Waterline	1	EA	\$ 3,000.00	\$ 3,000.00		
PRESSURE IRRIGATION							
9	Install 8" PVC - Pressure Irrigation	980	LF	\$ 41.00	\$ 40,180.00	\$ 48,370.00	
10	Connect to Existing 8" PVC Irrigation Line	1	EA	\$ 2,090.00	\$ 2,090.00		
11	Irrigation Laterals and meters	5	EA	\$ 3,260.00	\$ 16,300.00		
12	Connect to Existing 24" DWP Irrigation Line	1	EA	\$ 3,590.00	\$ 3,590.00		
STORM DRAIN							
13	Install 18" RCP 50 Pipe	680	LF	\$ 70.00	\$ 47,600.00	\$ 183,396.00	
14	Connect to Existing Catch Basin	1	EA	\$ 1,700.00	\$ 1,700.00		
15	Curbs and Gutters	1,060	LF	\$ 17.50	\$ 18,550.00		
16	Construct Detention Pond	1,340	CF	\$ 6.00	\$ 8,040.00		
17	Install 24" Catch Basin	6	EA	\$ 2,800.00	\$ 16,800.00		
SANITARY SEWER							
18	Install 8" SORCO	890	CF	\$ 68.00	\$ 60,520.00	\$ 64,820.00	
19	Connect to Existing Sewer Manhole	1	EA	\$ 1,000.00	\$ 1,000.00		
20	Install 60" Diameter Manhole	4	EA	\$ 5,075.00	\$ 20,300.00		
21	Install Sewer Lateral	2	EA	\$ 500.00	\$ 1,000.00		
DRY UTILITIES							
22	Install Gas Line	980	LF	\$ 4.00	\$ 3,920.00	\$ 42,210.00	
23	Electrical Junction Box	2	EA	\$ 1,500.00	\$ 3,000.00		
24	Install Underground Power	930	LF	\$ 3.00	\$ 2,790.00		
25	Street Lights	3	EA	\$ 3,800.00	\$ 11,700.00		
ROADWAY							
26	Sand Bedding Material	1,471	TON	\$ 18.50	\$ 27,103.50	\$ 286,374.30	
27	Rockfill Material	1,891	TON	\$ 16.10	\$ 30,455.10		
28	Install 3" Asphalt	1,117	TON	\$ 75.00	\$ 83,775.00		
29	Install 8" UTAC reentrant	2,787	TON	\$ 21.00	\$ 58,527.00		
30	Install 12" Sub base	1,150	TON	\$ 18.00	\$ 20,700.00		
31	Install 4" Sidelwalk (only one side)	990	LF	\$ 17.00	\$ 16,830.00		
LANDSCAPE							
32	Plant Trees (every 15' oc) Along Sidelwalk	46	EA	\$ 350.00	\$ 16,100.00	\$ 238,603.00	
33	Install Grp Irrigation	900	LF	\$ 2.30	\$ 2,070.00		
34	Install Rock Mulch	654	TON	\$ 23.00	\$ 15,042.00		
35	Vinyl Fence	1,075	LF	\$ 60.00	\$ 64,500.00		
36	3" Sidelwalk Fence	680	LF	\$ 150.00	\$ 102,000.00		
						Subtotal	\$ 3,048,663.30
						Engineering (7%)	\$ 214,006.36
						Contingency (30%)	\$ 914,598.99
						TOTAL	\$ 4,177,268.65
PROPERTY							
37	Property Acquisition (70,225sf)	1	LS	\$ 632,061.00	\$ 632,061.00	\$ 907,017.00	
38	Permanant Easement (14,038sf)	1	LS	\$ 128,342.00	\$ 128,342.00		
39	Relocation	1	LS	\$ 76,000.00	\$ 76,000.00		
40	Emergency Access Road at A-1 Driv	1	LS	\$ 72,614.00	\$ 72,614.00		
						Grand Total (Construction + Property)	\$ 5,084,285.65

EXHIBIT B

ASSESSMENT AREA LEGAL DESCRIPTIONS AND TAX ID NUMBERS

1. Beg on the S Line of Grantor's property at a point on the W'ly line of a 60 ft easement, which point is S 0°09'42"E along the Section Line 1840.87 ft & N89°46'W 1,014.96 ft from the NE Cor of Sec 35-T2N-R1W, SLM, said point is also S 1,836.73 ft & W 1009.76 ft from said Sec Cor; thence N89°46'W along said South Property Line 100 ft; thence N 50 ft: thence E 107.93 ft to the W'ly Line of said 60 ft easement; thence S9°01'W 50.59 ft to POB.
(Tax ID # 06-084-0017) ✓
2. Beg in Center of a 4 Rod Street at a point 275.88 ft W & 497.10 ft S fr NE Cor of Sec 35-T2N-R1W, SLM; thence S89°58'W 673.7 ft; thence S0°04'W 258.63 ft: thence N89°58'E 673.7 ft to center of said street; thence N0°04'E 258.63 ft to POB. Also, commencing in center of street at a point 275.88 ft W & 343.20 ft S from the NE Cor of Sec 35-T2N-R1W, SLM; thence S 153.90 ft along center of said street; thence S89°58'W 673.70 ft; thence N to a point due E of the POB; thence E 673.70 ft to POB.
(Tax ID # 06-084-0047) -
3. Wood Cross Industrial Park Lot 1
(Tax ID # 06-313-0001) -
4. Wood Cross Industrial Park Lot 2
(Tax ID # 06-313-0002) -
5. Wood Cross Industrial Park Lot 3
(Tax ID # 06-313-0003) -
6. Wood Cross Industrial Park Lot 4; Except that part of said lot 4 conveyed in QC Deed recorded 08/12/2015 as E#2886549 BK 6328 pg 1044; also less and except that part of said lot 4 conveyed in QC Deed recorded 08/21/2015 as E#2888301 BK 6335 Pg 34.
(Tax ID # 06-313-0019) -
7. Wood Cross Industrial Park Lot 5
(Tax ID # 06-313-0005) -
8. Wood Cross Industrial Park Lot 11
(Tax ID # 06-313-0011) ✓
9. Wood Cross Industrial Park Lot 12
(Tax ID # 06-313-0012) -

10. Wood Cross Industrial Park Amended Lots 8,9,10; Lot 13
(Tax ID # 06-373-0013)
11. Woods Cross Industrial Park 2nd Amended Lot 101
(Tax ID # 06-430-0101) ✓
12. Woods Cross Industrial Park 2nd Amended Lot 102
(Tax ID # 06-430-0102) ✓
13. Woods Cross Industrial Park 2nd Amended Lot 103
(Tax ID # 06-430-0103) ✓
14. Woods Cross Industrial Park 2nd Amended Lot 104
(Tax ID # 06-430-0104) ✓
15. Woods Cross Industrial Park 2nd Amended Lot 105
(Tax ID # 06-430-0105) ✓
16. Alumatek Industrial Park Lot 1
(Tax ID # 06-226-0001) ✓
17. Alumatek Industrial Park Lot 2
(Tax ID # 06-226-0002) ✓
18. Alumatek Industrial Park Lot 3
(Tax ID # 06-226-0003) ✓
19. Alumatek Industrial Park Lot 4
(Tax ID # 06-226-0004) ✓
20. Alumatek Industrial Park Lot 5
(Tax ID # 06-226-0005) ✓
21. Alumatek Industrial Park Lot 6
(Tax ID # 06-226-0006) ✓
22. Alumatek Industrial Park Lot 7
(Tax ID # 06-226-0007) ✓
23. Alumatek Industrial Park Lot 8
(Tax ID # 06-226-0008) ✓