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Ordinance No. 13-98

AN ORDINANCE CONFIRMING THE EQUALIZED ASSESSMENT ROLLS AND LEVYING A TAX IN THE AGGREGATE AMOUNT OF \$816,204.88; AND PROVIDING FOR THE ASSESSMENT OF PROPERTY IN SPRINGVILLE SPECIAL IMPROVEMENT DISTRICT NO. 25 FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING CURB AND GUTTER, UTILITY EXTENSIONS, DRAINAGE FACILITIES, AND STREET IMPROVEMENTS ON CERTAIN STREETS WITHIN SPRINGVILLE CITY AND OTHER MISCELLANEOUS WORK NECESSARY TO COMPLETE THE IMPROVEMENTS IN A PROPER AND WORKMANLIKE MANNER.

Be it ordained by the City Council of Springville, Utah:

Section 1: The City Council hereby confirms the assessment rolls modified, equalized and approved by the Board of Equalization and Review for Springville City Special Improvement District No. 25 (the "District") and by the City Council, and hereby confirms the findings of the Board of Equalization and Review and the City Council that the proposed list of assessments as equalized by the Board of Equalization and Review and the City Council is just and equitable, that each parcel of land within the District will be benefitted in an amount not less than the assessment to be levied against said property, and that no parcel of land listed in the assessment will bear more than its proportionate share of the cost of such improvements.

Section 2: The City Council of Springville, Utah, hereby levies a tax to be assessed upon the real property described in the assessment list for the District. The assessment levied upon each block, lot, part of block or lot, tract or parcel of real property therein described shall be in the amount set forth in the following assessment list:

Parcel No. 1
Description:

ENT 81572 BK 4737 PG 898
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
1998 Aug 14 9:32 am FEE 38.00 BY SS
RECORDED FOR SPRINGVILLE CITY

Commencing 1137.54 chains West and 883.74 chains North and 330 North 88°15' West and 20' North 20 feet East of the Southeast corner of the Southwest quarter of Section 31, Township 7 South, Range 3 East of the Salt Lake Base and Meridian; thence Easterly 270 feet along the Northerly line of the highway; thence Northeasterly 220 feet more or less along the Westerly line of said highway to the East line of this property; thence North 20' East 407 feet more or less to the Northeast corner of this land; thence North 88°45' West 330 feet; thence South 20' West 640 feet more or less to the place of beginning.

Amount: \$19,087.08

Parcel No. 2

Description:

ENT 81572 BK 4737 PG 899

Commencing 1111.44 chains South and 464.64 chains West and 286 feet North $88^{\circ}45'$ West of the Northeast corner of the Southwest quarter of Section 31, Township 7 South, Range 3 East of the Salt Lake Base and Meridian; thence North $88\frac{1}{2}^{\circ}$ West 374 feet more or less; thence South $20'$ West 406 feet more or less; thence along the arc of a 348.31-foot radius curve to the right (tan. bears North $34^{\circ}56'$ East) 45 feet more or less; thence North $43^{\circ}01'41''$ East 447.13 feet; thence along the arc of a 1115.91-foot radius curve to the left 62 feet more or less to beginning.

Amount: \$32,874.19

Parcel No. 3

Description:

Commencing 442.20 chains South and 458.70 chains West and North $88^{\circ}45'$ West 30.00 feet, more or less, from the Northeast corner of the Southwest quarter of Section 31, Township 7 South, Range 3 East, Salt Lake Base and Meridian; said point being 30.00 feet perpendicular distance Westerly from the line of survey of a Westerly frontage road; said point also being the West line of the State Road Commission property; thence South $05^{\circ}01'41''$ West 45.00 feet, more or less, along the West line of State Road property, to a point of tangency with a 1115.91-foot radius curve to the right; thence along said State Road property line Southwesterly 680.00 feet, more or less, along the arc of said curve to the South boundary line of property; thence North $88^{\circ}45'$ West 385.00 feet, more or less; thence North $20'$ East 660.00 chains, more or less; thence South $88^{\circ}45'$ East 660.00 chains, more or less, to the point of beginning.

Also:

Beginning at a point in the West fence line of an entire tract said point being South 899.55 feet and East 1525.06 feet, according to Utah coordinate bearings Central Zone from the West quarter corner of Section 31, Township 7 South, Range 3 East, Salt Lake Base and Meridian; thence along a fence on all of the following courses: South $00^{\circ}51'26''$ West 190.00 feet; thence South $88^{\circ}51'08''$ East 391.90 feet to the West right-of-way fence line of I-15 frontage road, thence along said fence chord of which bears North $34^{\circ}21'33''$ East 227.15 feet; thence departing from said fence lines North $88^{\circ}51'31''$ West 517.28 feet to the point of beginning. Less the South 38.00 feet, more or less, within the property conveyed to Robert E. Averett by

Deed recorded in Book 1476, at Page 323 of official records, and within the property conveyed to Wayne J. Self and Lila K. Self by deed recorded in Book 1318, at Page 170 of official records.

Amount: \$55,208.14

Parcel No. 4

Description:

Commencing at a point which is East 2035.398 feet and South 438.812 feet from the West quarter corner of Section 31, Township 7 South, Range 3 East, Salt Lake Base and Meridian; thence North 00°20'00" East 320.00 feet; thence East 168.38 feet, more or less, to the State Road property; thence along the State Road property South 3°03'33" West 12.21 feet; thence continuing along Sate Road property South 5°17'00" West 311.21 feet; thence North 89°08'46" West 141.60 feet to the point of beginning.

Less and excepting:

Beginning at a point which is South 193.81 and East 2036.81 feet from the West quarter corner of Section 31, Township 7 South, Range 3 East, Salt Lake Base and Meridian; thence North 00°20'00" East 75 feet; thence 168.38 feet; thence South 03°03'33" West 12.21 feet; thence South 05°17'00" West 63.00 feet; thence South 89°58'26" West 162.36 feet to the point of beginning.

Amount: \$28,059.74

Parcel No. 5

Description:

Commencing North 89°03'39" East 2038.4 feet and North 00°20' East 222.21 feet from the West quarter corner of Section 31, Township 7 South, Range 3 East, Salt Lake Base and Meridian; thence South 88°45' East 167.4 feet; South 00°20' West 11.77 feet; South 89°00'51" East 11.83 feet; South 02°03'33" West 238.97 feet; West 171.99 feet; North 00°20' East 253.64 feet to beginning. Area 1.02 acres.

Amount: \$20,938.82

Parcel No. 6

Description:

Lot 1, Phase 1, Dial Development Revised Subdivision, Springville, Utah, according to the official plat thereof on file in the office of the Utah County Recorder.

Amount: \$12,311.71

Parcel No. 7

Description:

Lot 2, Phase 1, Dial Development Revised Subdivision, Springville, Utah, according to the official plat thereof on file in the office of the Utah County Recorder.

Amount: \$34,503.70

Parcel No. 8

Description:

Beginning at a point in the Southwesterly line of the I-15 west frontage road which point is South $89^{\circ}15'58''$ West along the section line 836.406 feet and North 215.70 feet from the North quarter corner of Section 6, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence along the arc of a 40.00-foot radius curve to the left 62.83 feet, through a central angle of $90^{\circ}00'00''$, the chord of which bears North $86^{\circ}41'56''$ West 56.57 feet; thence South $48^{\circ}18'04''$ West 322.24 feet; thence North $41^{\circ}41'56''$ West 195.23 feet; thence North $88^{\circ}31'43''$ West 550.68 feet to the Southeast corner of the Five-Star Development Condominium Project; thence North $00^{\circ}20'00''$ East along the East line of said Condominium Project 656.73 feet to the South line of 400 South Street; thence South $89^{\circ}29'54''$ East along said South line 609.52 feet to the Southwesterly line of said frontage road; thence South $00^{\circ}15'56''$ East along said Southwesterly line 26.36 feet; thence along said line and along the arc of a 439.26-foot radius curve to the left 317.65 feet, through a central angle of $41^{\circ}25'58''$, the chord of which bears South $20^{\circ}58'56''$ East 310.77 feet; thence South $41^{\circ}41'56''$ East along said line 379.92 feet to the point of beginning.

Less and excepting therefrom Lots 1 and 2, Phase 1, Dial Development Revised Subdivision, Springville, Utah, according to the official plat thereof on file in the office of the Utah County Recorder.

Amount: \$92,515.20

Parcel No. 9

Description:

Beginning at a point in the Southwesterly line of the I-15 West Frontage Road which point is South $89^{\circ}15'58''$ West along the section line 836.41 feet and North 215.70 feet from the North quarter corner of Section 6, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence along the arc of a 40.00-foot radius curve to the left 62.83 feet, through a central angle of $90^{\circ}00'00''$ (chord bears North $86^{\circ}41'56''$ West 56.57 feet; South $48^{\circ}18'04''$ West 92.06 feet; South $89^{\circ}31'37''$ East 178.20 feet; North $41^{\circ}42'07''$ West 79.63 feet to the point of beginning.

Amount: \$8,705.95

Parcel No. 10

Description:

Beginning at the Southwest corner as fenced of a certain parcel of land previously owned and occupied by Harward Farms, a partnership, which beginning point is at the Southwest fenced corner of said parcel, being further described as South $89^{\circ}15'58''$ West along the section line 1812.18 feet and South 490.61 feet from the North quarter corner of Section 6, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence North $0^{\circ}11'51''$ East along a long-standing boundary fence line, 667.83 feet to a fence corner; thence South $89^{\circ}31'37''$ East along a long-standing boundary fence line 1026.40 feet, more or less, to the Westerly right-of-way fence line of the West frontage road of Interstate Highway I-15; thence South $41^{\circ}41'56''$ East along the Westerly right-of-way fence line of said frontage road 15.12 feet to the apparent point of curvature of an 1120.91-foot radius curve to the right; thence continuing along said Westerly right-of-way fence line 720.61 feet along said 1120.91-foot radius curve to the right, the long chord of which curve bears South $22^{\circ}07'25''$ East 708.27 feet to the Southeast fenced corner of said Harward Farms property; thence North $89^{\circ}38'47''$ West along a long-standing boundary fence line 1305.49 feet to the point of beginning.

Less and excepting therefrom the land which is described in Parcel No. 8 above.

Amount: \$200,468.95

Parcel No. 11

Description:

Beginning at a point in a fence line which point is North $00^{\circ}21'27''$ West along the section line 192.90 feet and East 175.56 feet from the Southeast corner of Section 36, Township 7 South, Range 2 East, Salt Lake Base and Meridian; thence North $89^{\circ}19'45''$ West along said fence line 661.46 feet to a fence corner and a point on the Easterly right-of-way line of Spanish Fork City Main street; thence North $00^{\circ}02'55''$ East along said right-of-way line 655.53 feet to the intersection with the Southerly right-of-way line of U.S. Highway 77 (U.C. 3900 South Street); thence South $89^{\circ}29'54''$ East along said right-of-way line 1331.23 feet; thence leaving said right-of-way line South $00^{\circ}20'00''$ West 656.73 feet; thence North $89^{\circ}33'45''$ West mostly along a fence line 666.52 feet to the point of beginning.

Amount: \$311,531.40

Assessments hereby levied are for the purpose of paying the cost of constructing curb and gutter, utility extensions, drainage facilities, and street improvements on certain streets within the district and miscellaneous work necessary to complete the improvements in a proper and workmanlike manner. The assessments are hereby levied and assessed upon each of the blocks, lots, parts of blocks and lots, tracts or parcels of real property described above according to the extent that they are especially benefitted by the improvements thereon. Said assessments are levied upon the land and lots in the district at equal and uniform rates. The total cost of the improvements in the district is \$881,578.08 of which total cost the City's portion is \$65,373.20. The balance to be assessed to the owners of property affected or benefitted by the improvements in the district is \$816,204.88 which is the total amount of the assessments hereby levied for the district and which does not exceed the aggregate sum of: (a) the total contract price for the improvements under any contracts duly let to the lowest and best responsible bidders therefor; (b) the reasonable cost of utility services, maintenance, labor, materials or equipment, if any; (c) the property price, if any, for property acquired as the site of the improvements; (d) connection fees, if any; (e) the interest on any interim warrants issued by the district; and (f) overhead costs not to exceed 15 percent of the sum of (a), (b), (c), and (d).

Section 3: The assessment list is made by the City Engineer for the property in the District as approved, equalized and completed by the Board of Equalization and Review as hereby confirmed except that the amount of the assessment for Parcel No. 3 was adjusted by the City Council upon appeal from the decision of the Board of Equalization and Review. Except for the assessment on Parcel No. 3, the assessments made and returned in said completed assessment list and the report, recommendation and decision of the Board of Equalization and

Review to the Mayor and City Council of Springville City are hereby ratified, approved and confirmed.

Section 4: This tax is levied and assessed at equal and uniform rates on such property.

Section 5: The whole or any part of the assessments for the District may be paid without interest within 15 days after the effective date of this ordinance. Any part of the assessment which is not paid within such 15-day period shall be payable over a period not to exceed ten years from the effective date of this ordinance in ten substantially equal installments with interest on the unpaid balance of the assessment at the rate of six percent (6%) per annum. Interest from the effective date of this ordinance shall be paid in addition to the amount of each such installment annually at the time each installment becomes due. After said 15-day period, all unpaid installments of any assessment levied against any piece of property (but only in their entirety) may be paid prior to the dates on which they become due, but any such prepayment must include an additional amount equal to the interest accrued on the entire balance of the special assessment due to that date. Default in the payment of any installment of principal or interest when due shall cause the whole of the unpaid principal and interest to become due and payable immediately, and the whole amount of the unpaid principal shall thereafter draw interest at the rate of eighteen percent (18%) per annum until paid. But, at any time prior to the date of sale or foreclosure, the owner may pay the amount of all unpaid installments past due, with interest at the rate of eighteen percent (18%) per annum to the date of payment on the delinquent installments, and all approved costs, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not occurred.

Section 6: City Recorder and City Treasurer, and all other officers of Springville City, are hereby authorized and directed to take all action necessary and appropriate to carry out the provisions of this ordinance.

Section 7: This ordinance shall become effective one day after publication hereof in the manner required by law.

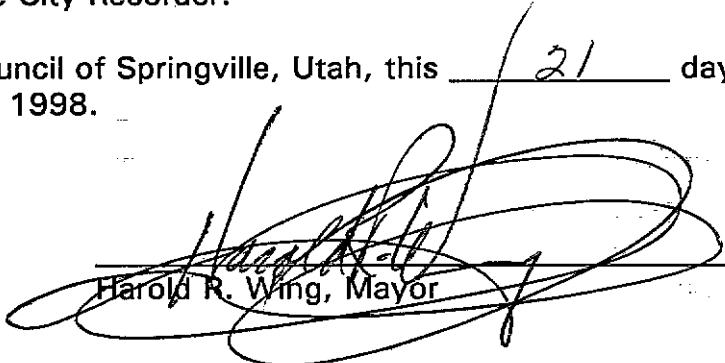
Section 8: The City Recorder shall cause this ordinance to be published in full in the *Springville Herald*, a newspaper published and of general circulation in the city.


Section 9: The City Recorder is hereby authorized and directed to file a copy of this assessment ordinance within five days of the date hereof in the office of the Utah County Recorder.

Section 10: The City Treasurer is hereby authorized and directed to give notice of assessment by mail to the property owners in 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.

ADOPTED by the City Council of Springville, Utah, this 21 day of July, 1998.

Attest:


Harold R. Wing, Mayor


City Recorder

