

WHEN RECORDED, RETURN TO:

Randall M. Larsen
Ballard Spahr LLP
201 South Main Street, Suite 800
Salt Lake City, UT 84111

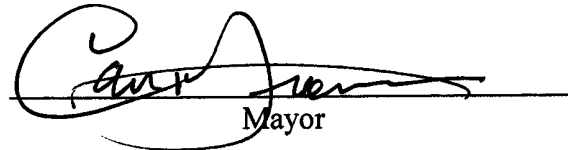
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10/7/2016 10:49:00 AM \$228.00
Book - 10485 Pg - 5282-5319
Gary W. Ott
Recorder, Salt Lake County, UT
COTTONWOOD TITLE
BY: eCASH, DEPUTY - EF 38 P.

NOTICE OF ASSESSMENT INTEREST

Notice is hereby given that Herriman City, Utah (the "City"), claims an assessment interest in the property described on Exhibit A arising out of the requirements of the Herriman City, Utah Voluntary Assessment Area (Towne Center) (the "Assessment Area") and the terms and provisions of Ordinance 2016-25, attached hereto as Exhibit B, adopted by the City Council on July 13, 2016, levying an assessment against certain properties in the Assessment Area.

For information call Alan Rae, Finance Director at (801) 446-5323.

Dated this September 26th, 2016.


Mayor

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

On September 26 2016 personally appeared before me, Carmen Freeman, who duly acknowledged to me that he executed the foregoing instrument on behalf of Herriman City in his capacity as Mayor.

My Commission Expires:

Cindy C. Arnold
Notary Public
Residing at: *Salt Lake* Utah

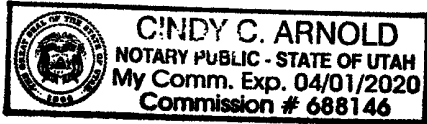


EXHIBIT A

LEGAL DESCRIPTION AND TAX ID NUMBERS

Tax Id Nos.: 26-36-156-049, 26-36-176-015 through 26-36-176-024, 26-36-176-026 through 26-36-176-045, 26-36-176-049 through 26-36-176-074, 26-36-176-014, 26-36-176-048, 26-36-176-025, 26-36-176-046, 26-36-451-005, 26-36-451-003, 26-36-456-010, 26-36-453-005, 26-36-453-004, 26-36-455-034, 26-36-400-074, 26-36-401-001, 26-36-401-002, 26-36-401-004, 26-36-401-005, 26-36-429-012, 26-36-402-001 through 26-36-402-071, 26-36-300-027 and 26-36-252-001

The Assessment area is more particularly described as follows:

PARCEL 1:

Lot 1, HERRIMAN TOWNE CENTER MAIN STREET COMMERCIAL SUBDIVISION, according to the official plat thereof, as recorded in the office of the Salt Lake County Recorder, State of Utah.

PARCEL 2A:

All of Lots SCE-TH12A-49, SCE-TH12B-48, SCE-TH12C-47, SCE-TH13A-53, SCE-TH13B-52, SCE-TH13C-51, SCE-TH13D-50, SCE-TH14A-56, SCE-TH14B-55, SCE-TH14C-54, SCE-TH16A-65, SCE-TH16B-64, SCE-TH16C-63, SCE-TH16D-62, SCE-TH16E-61, SILVER CREST EAST TOWNHOMES PHASE 1, according to the official plat thereof, filed in the office of the Salt Lake County Recorder in Plat Book 2016P at Page 191 of official records.

All of Lots SCE-TH17A-70, SCE-TH17B-69, SCE-TH17C-68, SCE-TH17D-67, SCE-TH17E-66, SCE-TH18A-75, SCE-TH18B-74, SCE-TH18C-73, SCE-TH18D-72, SCE-TH18E-71, SCE-TH19A-78, SCE-TH19B-77, SCE-TH19C-76, SILVER CREST EAST TOWNHOMES PHASE 2, according to the official plat thereof, filed in the office of the Salt Lake County Recorder in Plat Book 2016P at Page 192 of official records.

TOGETHER WITH a right and easement of use and enjoyment in and to the Common Areas described, and as provided for, in said Declaration (as said Declaration may have heretofore been amended or supplemented).

PARCEL 2B:

All H.O.A. Private Streets, all H.O.A. Common Area and all H.O.A. Limited Common Area as shown on the SILVER CREST EAST TOWNHOMES PHASE 1 Plat, recorded August 11, 2016 as Entry Number 12340113 in Book 2016P at Page 191 in the office of the Salt Lake County Recorder, State of Utah.

AND

All H.O.A. Private Streets, all H.O.A. Common Area and all H.O.A. Limited Common Area as shown on the SILVER CREST EAST TOWNHOMES PHASE 2 Plat, recorded August 11, 2016 as Entry Number 12340117 in Book 2016P at Page 192 in the office of the Salt Lake County Recorder, State of Utah.

PARCEL 2C:

Lot "A", SILVER CREST EAST TOWNHOMES PHASE 1, according to the official plat thereof, as recorded in the office of the Salt Lake County Recorder, State of Utah.

PARCEL 2D:

Lot "B", SILVER CREST EAST TOWNHOMES PHASE 1, according to the official plat thereof, as recorded in the office of the Salt Lake County Recorder, State of Utah.

PARCEL 3:

Lot W-2, HERRIMAN TOWNE CENTER PLAT "W", according to the official plat thereof, as recorded in the office of the Salt Lake County Recorder, State of Utah.

TOGETHER WITH non-exclusive easements for vehicular and pedestrian access and for public utilities as more particularly defined in that certain instrument recorded June 12, 2014 as Entry No. 11864952 of official records.

PARCEL 4:

Lot W-3, HERRIMAN TOWNE CENTER PLAT "W", according to the official plat thereof, as recorded in the office of the Salt Lake County Recorder, State of Utah.

TOGETHER WITH non-exclusive easements for vehicular and pedestrian access and for public utilities as more particularly defined in that certain instrument recorded June 12, 2014 as Entry No. 11864952 of official records.

PARCEL 5:

Lot "C", HERRIMAN TOWNE CENTER PLAT "F" - PHASE 2 SUBDIVISION, according to the official plat thereof, as recorded in the office of the Salt Lake County Recorder, State of Utah.

LESS AND EXCEPTING THEREFROM any portion lying within the bounds of Greenwood Village Subdivision Phase 1 and Greenwood Village Subdivision Phase 2.

The above property being more particularly described as follows:

Beginning at the Southwest corner of Lot 26, Greenwood Village Phase 1; thence Northwesterly 249.66 feet along a 504.99 foot radius curve to the left (long chord North 79°33'58" West 247.12 feet); thence North 11°48'17" West 175.05 feet; thence Northeasterly to the Northwest corner of Lot D, Herriman Towne Center Plat F Phase 2; thence Southeasterly to the North line of Birkwood Lane; thence Southwesterly 10.56 feet along a 15 foot radius curve to the right; thence South 52°47'41" West 64.38 feet; thence Northwesterly 23.56 feet along a 15 foot radius curve to the right (long chord North 82°12'19" West 21.21 feet); thence North 37°12'19" West 15 feet; thence South 52°47'41" West 50 feet; thence South 37°12'19" East 19.98 feet; thence South 52°49'19" West 110.62 feet; thence South 52°49'19" West 115 feet; thence South 33°17'20" West 85.50 feet; thence South 20°41'31" West 69.77 feet to the point of beginning.

PARCEL 6:

Beginning at the Northwest corner of Parcel A, HERRIMAN TOWNE CENTER MARKET PLACE LOT 1; thence South 00°22'31" West 27.34 feet; thence South 89°33'03" West 292.16 feet; thence South 00°22'31" West 1.16 feet, more or less; thence North 89°33'03" West 249.86 feet, more or less; thence North 00°11'38" East 284.34 feet; thence Northeasterly 31.42 feet along a 20 foot radius curve to the right (long chord North 45°11'38" East 28.28 feet); thence South 89°48'22" East 157.49 feet; thence Northeasterly 358.58 feet, more or less, along a 798 foot radius curve to the left; thence South 26°37'52" East 21.61 feet; thence Southeasterly 40.06 feet along an 85 foot radius curve to the right; thence South 00°22'31" East 293.87 feet to the point of beginning.

TOGETHER WITH non-exclusive easements for vehicular and pedestrian ingress and egress as more particularly defined in that certain Shopping Center Easement Agreement recorded November 18, 2010 as Entry No. 11078250 of official records.

PARCEL 7:

Beginning at the Southwest corner of Lot 5, HERRIMAN TOWNE CENTER MARKET PLACE LOT 5 & 6; thence North 89°38'29" West 18.04 feet, more or less; thence North 00°11'38" East 162.08 feet; thence North 89°48'22" West 231 feet; thence North 00°11'38" East 106.17 feet; thence South 89°48'22" East 249.86 feet, more or less; thence South 00°23'31" West 269.13 feet, more or less, to the point of beginning.

TOGETHER WITH non-exclusive easements for vehicular and pedestrian ingress and egress as more particularly defined in that certain Shopping Center Easement Agreement recorded November 18, 2010 as Entry No. 11078250 in that certain Declaration of Cross Easements recorded August 27, 2013 as Entry No. 11713476 of official records.

PARCEL 8:

Lot "B", HERRIMAN TOWNE CENTER PLAT "F" - PHASE 2 SUBDIVISION, according to the official plat thereof, as recorded in the office of the Salt Lake County Recorder, State of Utah.

LESS AND EXCEPTING THEREFROM any portion lying within the bounds of Parkview Townhomes Phase 1 and Parkview Townhomes Phase 2.

PARCEL 9A:

Beginning from the most Northerly corner of Lot D, HERRIMAN TOWNE CENTER PLAT "F" - PHASE 2 SUBDIVISION; thence South 52°49'19" West 601.11 feet; thence North 11°48'17" West 75.67 feet, more or less; thence North 44°18'14" West 285.72 feet; thence North 53°04'02" East 710.53 feet; thence North 36°55'58" West 425.24 feet, more or less; thence Northerly 476.25 feet along a 328.50 foot radius curve to the left (long chord North 03°27'28" East 437.05 feet); thence North 37°04'35" West 680.99 feet; thence Westerly 23.59 feet along a 15 foot radius curve to the left (long chord North 82°07'38" West 21.23 feet); thence North 52°49'19" East 153.89 feet, more or less; thence South 89°37'18" East 669.39 feet, more or less; thence Southerly along a 1010 foot radius curve to the right 313.72 feet, more or less (long chord South 27°42'24" East); thence North 71°46'26" East 60 feet; thence South 89°37'27" East 472.60 feet; thence North 00°18'11" East 256.77 feet, more or less; thence South 89°37'60" East 44.05 feet, more or less; thence South 00°24'38" West 561.65 feet; thence South 89°40'34" East 457.11 feet; thence South 00°24'33" West 296.37 feet; thence North 89°37'15" West 2.24 feet; thence South 00°32'24" West 1263.01 feet; thence South 89°38'26" East 1035.01 feet; thence South 00°32'24" West 1.64 feet; thence South 03°10'57" East 131.64 feet; thence North 89°28'25" West 73.46 feet; thence North 86°59'03" West 494.97 feet; thence North 89°28'25" West 477.26 feet; thence Southwesterly 481.70 feet along a 732 foot radius curve the left (long chord South 71°40'27" West 473.06 feet); thence South 52°49'19" West 51.54 feet, more or less; thence North 37°13'04" West 66 feet; thence Northwesterly 23.55 feet along a 15 foot radius curve to the right (long chord North 82°11'30" West); thence South 52°49'45" West 114 feet; thence North 37°12'19" West 849.78 feet to the point of beginning.

LESS AND EXCEPTING THEREFROM the following:

(Proposed Horizon Heights Pod 27 Phase 3 Boundary Description)

A parcel of land located in the Southeast quarter of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian described as follows:

Beginning at a point on the North line of Horizon Heights Subdivision Phase 2, said point being North 00°32'22" East 1775.33 feet along the section line and North 89°27'38" West 1506.32 feet from the Southeast corner of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 85°41'55" West 15.17 feet along the North line of said subdivision and continuing along said line the following three courses: thence 174.01 feet along the arc of a 303.00 foot radius curve to the left through a central angle of 32°54'14" (long chord bears South 69°14'48" West 171.63 feet); thence South 52°47'41" West 256.00 feet to a point of curvature;

thence 23.56 feet along the arc of a 15.00 foot radius curve to the left through a central angle of 90°00'00" (long chord bears South 07°47'41" West 21.21 feet); thence North 37°12'19" West 155.00 feet; thence North 52°47'41" East 305.96 feet; thence North 66°18'03" East 89.65 feet; thence North 88°19'58" East 50.00 feet; thence North 82°10'42" East 91.45 feet; thence South 04°18'42" East 61.02 feet to a point of curvature; thence 60.09 feet along the arc of a 329.11 foot radius curve to the left through a central angle of 10°27'38" (long chord bears South 04°57'07" East 60.00 feet) to the point of beginning.

ALSO LESS AND EXCEPTING THEREFROM the following:

(Proposed Horizon Heights Pod 27 Phase 2 Boundary Description)

A parcel of land located in the Southeast quarter of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian described as follows:

Beginning at a point on the North line of Horizon Heights Subdivision Phase 2, said point being North 00°32'22" East 1615.38 feet along the section line and North 89°27'38" West 1429.27 feet from the Southeast corner of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 52°47'41" West 186.26 feet along the North line of said subdivision and continuing along said line the following four courses: thence North 37°33'30" West 3.32 feet; thence South 52°40'16" West 108.62 feet; thence North 37°12'19" West 53.27 feet; thence South 52°47'41" West 116.46 feet; thence North 37°12'19" West 159.13 feet to a point of curvature; thence 23.56 feet along the arc of a 15.00 foot radius curve to the right through a central angle of 90°00'00" (long chord bears North 07°47'41" East 21.21 feet); thence North 52°47'41" East 256.00 feet to a point of curvature; thence 174.01 feet along the arc of a 303.00 foot radius curve to the right through a central angle of 32°54'14" (long chord bears North 69°14'48" East 171.63 feet); thence North 85°41'55" East 15.17 feet to a point of curvature; thence 143.66 feet along the arc of a 329.11 foot radius curve to the left though a central angle of 25°00'36" (long chord bears South 22°41'15" East 142.52 feet); thence South 35°11'33" East 35.69 feet to the point of beginning.

ALSO LESS AND EXCEPTING THEREFROM the following:

A parcel of land located in the Southeast quarter of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian described as follows:

Beginning at a point North 89°37'15" West 1035.03 feet along the section line to the West line of the Towers Subdivision, Phase 1 and South 00°32'17" West 448.33 feet along said West line from the East quarter corner of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 00°32'17" West 601.66 feet along the said West line of the Towers Subdivision, Phase 1; thence North 89°37'03" West 327.93 feet; thence North 35°11'33" West 89.52 feet to a point of curvature; thence 150.35 feet along the arc of a 279.00 foot radius curve to the right through a central angle of 30°52'36" (long chord bears North 19°44'23" West 148.54 feet); thence North 04°18'05" West 265.20 feet; thence North 00°24'37" East 76.22 feet; thence South 89°35'23" East 77.07 feet; thence North 00°28'19" West 17.71 feet; thence North 00°35'14" East 53.15 feet; thence South 89°24'56" East 224.00 feet; thence South 00°35'04" West 20.65 feet; thence South 89°24'56" East 153.44 feet to the point of beginning.

ALSO LESS AND EXCEPTING any portion of the above described property lying within the bounds of Horizon Heights Building 1A, 1B, 1C, 1F, 1G, 1H and 1K Condominiums.

PARCEL 9B:

(Proposed Horizon Heights Pod 27 Phase 3 Boundary Description)

A parcel of land located in the Southeast quarter of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian described as follows:

Beginning at a point on the North line of Horizon Heights Subdivision Phase 2, said point being North 00°32'22" East 1775.33 feet along the section line and North 89°27'38" West 1506.32 feet from the Southeast corner of

Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 85°41'55" West 15.17 feet along the North line of said subdivision and continuing along said line the following three courses: thence 174.01 feet along the arc of a 303.00 foot radius curve to the left through a central angle of 32°54'14" (long chord bears South 69°14'48" West 171.63 feet); thence South 52°47'41" West 256.00 feet to a point of curvature; thence 23.56 feet along the arc of a 15.00 foot radius curve to the left through a central angle of 90°00'00" (long chord bears South 07°47'41" West 21.21 feet); thence North 37°12'19" West 155.00 feet; thence North 52°47'41" East 305.96 feet; thence North 66°18'03" East 89.65 feet; thence North 88°19'58" East 50.00 feet; thence North 82°10'42" East 91.45 feet; thence South 04°18'42" East 61.02 feet to a point of curvature; thence 60.09 feet along the arc of a 329.11 foot radius curve to the left through a central angle of 10°27'38" (long chord bears South 04°57'07" East 60.00 feet) to the point of beginning.

PARCEL 9C:

(Proposed Horizon Heights Pod 27 Phase 2 Boundary Description)

A parcel of land located in the Southeast quarter of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian described as follows:

Beginning at a point on the North line of Horizon Heights Subdivision Phase 2, said point being North 00°32'22" East 1615.38 feet along the section line and North 89°27'38" West 1429.27 feet from the Southeast corner of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 52°47'41" West 186.26 feet along the North line of said subdivision and continuing along said line the following four courses: thence North 37°33'30" West 3.32 feet; thence South 52°40'16" West 108.62 feet; thence North 37°12'19" West 53.27 feet; thence South 52°47'41" West 116.46 feet; thence North 37°12'19" West 159.13 feet to a point of curvature; thence 23.56 feet along the arc of a 15.00 foot radius curve to the right through a central angle of 90°00'00" (long chord bears North 07°47'41" East 21.21 feet); thence North 52°47'41" East 256.00 feet to a point of curvature; thence 174.01 feet along the arc of a 303.00 foot radius curve to the right through a central angle of 32°54'14" (long chord bears North 69°14'48" East 171.63 feet); thence North 85°41'55" East 15.17 feet to a point of curvature; thence 143.66 feet along the arc of a 329.11 foot radius curve to the left through a central angle of 25°00'36" (long chord bears South 22°41'15" East 142.52 feet); thence South 35°11'33" East 35.69 feet to the point of beginning.

PARCEL 9D:

A parcel of land located in the Southeast quarter of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian described as follows:

Beginning at a point North 89°37'15" West 1035.03 feet along the section line to the West line of the Towers Subdivision, Phase 1 and South 00°32'17" West 448.33 feet along said West line from the East quarter corner of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence South 00°32'17" West 601.66 feet along the said West line of the Towers Subdivision, Phase 1; thence North 89°37'03" West 327.93 feet; thence North 35°11'33" West 89.52 feet to a point of curvature; thence 150.35 feet along the arc of a 279.00 foot radius curve to the right through a central angle of 30°52'36" (long chord bears North 19°44'23" West 148.54 feet); thence North 04°18'05" West 265.20 feet; thence North 00°24'37" East 76.22 feet; thence South 89°35'23" East 77.07 feet; thence North 00°28'19" West 17.71 feet; thence North 00°35'14" East 53.15 feet; thence South 89°24'56" East 224.00 feet; thence South 00°35'04" West 20.65 feet; thence South 89°24'56" East 153.44 feet to the point of beginning.

TOGETHER WITH easements and rights of way for ingress and egress and utility access to and from the Mountain View Corridor frontage road as disclosed in that certain Agreement for Easements and Rights of Way recorded March 3, 2016 as Entry No. 12233442 in Book 10408 at Page 1750 of official records.

PARCEL 9E:

(Proposed Horizon Heights Pod 27 Phase 1 Boundary Description)

A parcel of land located in the Southeast quarter of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian described as follows:

Beginning at a point of curvature, said point being North 00°32'22" East 1360.86 feet along the section line and North 89°27'38" West 1193.76 feet from the Southeast corner of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian and running thence 283.88 feet along the arc of a 712.50 foot radius curve to the left through a central angle of 22°49'42" (long chord bears South 64°14'10" West 282.01 feet); thence South 52°49'19" West 150.39 feet; thence North 82°11'30" West 21.21 feet; thence North 37°12'19" West 330.77 feet; thence North 52°47'41" East 116.46 feet; thence South 37°12'19" East 53.27 feet; thence North 52°40'16" East 108.62 feet; thence South 37°33'30" East 3.32 feet; thence North 52°47'41" East 182.26 feet; thence South 35°11'33" East 162.00 feet to a point of curvature; thence 188.86 feet along the arc of a 392.52 foot radius curve to the left through a central angle of 27°34'07" (long chord bears South 48°20'20" East 187.05 feet to the point of beginning.

The above being all of Horizon Heights Building 1A, 1B, 1C, 1F, 1G, 1H and 1K Condominiums, an expandable Utah condominium project.

PARCEL 10:

Beginning South 89°37'15" East 1483.73 feet and North 151.02 feet from the West quarter corner of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian; thence Northeasterly 207.19 feet along an 822 foot radius curve to the left (long chord North 60°02'34" East 206.64 feet); thence North 52°49'19" East 67.99 feet; thence Southeasterly 23.59 feet along a 15 foot radius curve to the right (long chord South 82°07'38" East 21.23 feet); thence South 37°04'35" East 26.27 feet; thence North 52°27'10" East 93 feet; thence South 37°04'35" East 654.12 feet; thence Southeasterly 580.90 feet along a 336.50 foot radius curve to the left; thence South 36°55'58" East 425.24 feet, more or less; thence South 53°04'02" West 710.53 feet; thence North 44°18'14" West 61.34 feet; thence South 65°20'42" West 295.77 feet; thence North 21°46'41" East 100.01 feet; thence North 20°57'40" East 60 feet; thence Northwesterly 409.50 feet along a 735 foot radius curve to the right (long chord North 53°04'40" West 404.23 feet); thence North 37°07'01" West 222.41 feet; thence North 37°05'03" West 207.38 feet; thence North 22°45'42" West 260.66 feet to the point of beginning.

PARCEL 11:

Beginning South 89°37'15" East 1827.54 feet and North 330.37 feet and North 37°04'35" East 42.35 feet more or less and North 52°49'19" East 812 feet, more or less, from the West quarter corner of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian; thence North 52°57'25" East 515.64 feet, more or less; thence Southeasterly along a 15 foot radius curve to the right 23.56 feet (long chord South 82°10'41" East); thence South 37°10'41" East 391.83 feet, more or less; thence North 89°37'06" West 669.39 feet, more or less, to the point of beginning.

EXHIBIT B

AMENDED AND RESTATED ASSESSMENT ORDINANCE

Herriman, Utah

July 13, 2016

The City Council (the "Council") of Herriman City, Utah (the "City"), met in regular public session at the regular meeting place of the Council in Herriman City, Utah on July 13, 2016, at the hour of 7:00 p.m., with the following members of the Council being present:

Carmen Freeman	Mayor
Jared Henderson	Councilmember
Nicole Martin	Councilmember
Craig B. Tischner	Councilmember
Coralee Wessman-Moser	Councilmember

Also present:

Brett Wood	City Manager
Jackie Nostrom	City Recorder
John Brems	City Attorney
Alan W. Rae	Finance Director

Absent:

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 Council a Certificate of Compliance with Open Meeting Law with respect to this July 13, 2016, meeting, a copy of which is attached hereto as Exhibit A.

The Mayor then noted that the Council is now convened in this meeting for the purpose, among other things, to adopt an amended and restated assessment ordinance (the "Ordinance") amending and restating the Assessment Ordinance adopted on April 22, 2010 for the Herriman City, Utah Voluntary Assessment Area (Towne Center). The following Ordinance was then introduced in writing, was fully discussed, and pursuant to a motion duly made by Councilmember Jared Henderson and seconded by Councilmember Craig B. Tischner, adopted by the following vote:

AYE: Mayor Carmen Freeman, Councilmember Jared Henderson, Councilmember Nicole Martin, Councilmember Craig B. Tischner, and Councilmember Coralee Wessman-Moser

NAY: None.

The Ordinance was then signed by the Mayor in open meeting and recorded in the official records of Herriman City, Utah. The Ordinance is as follows:

ORDINANCE NO. 2016-25

AN AMENDED AND RESTATED ASSESSMENT ORDINANCE CONFIRMING THE ASSESSMENT LIST AND LEVYING AN ASSESSMENT AGAINST CERTAIN PROPERTIES IN THE HERRIMAN CITY, UTAH VOLUNTARY ASSESSMENT AREA (TOWNE CENTER) (THE "ASSESSMENT AREA") TO REFINANCE THE COSTS OF ACQUIRING, CONSTRUCTING AND INSTALLING NEW ROADS, CULINARY AND SECONDARY WATER IMPROVEMENTS, SEWER AND STORM DRAINAGE IMPROVEMENTS, PARKS AND TRAIL IMPROVEMENTS, AND ACQUIRING AND DEMOLISHING A MICROWAVE TOWER AND OTHER MISCELLANEOUS WORK WHICH WAS NECESSARY TO COMPLETE SAID IMPROVEMENTS (COLLECTIVELY, THE "IMPROVEMENTS"); ESTABLISHING A RESERVE FUND; PROVIDING FOR CERTAIN REMEDIES UPON DEFAULT IN THE PAYMENT OF ASSESSMENTS; ESTABLISHING THE EFFECTIVE DATE OF THIS ORDINANCE; AND RELATED MATTERS.

WHEREAS, the City Council (the "Council") of Herriman City, Utah (the "City"), pursuant to the Assessment Area Act, Title 11 Chapter 42, Utah Code Annotated 1953, as amended (the "Act"), and pursuant to a resolution adopted on September 3, 2009 (the "Designation Resolution"), designated the Herriman City, Utah Voluntary Assessment Area (Towne Center) (the "Assessment Area") after having obtained from the owner of all the property to be assessed within the Assessment Area an executed Acknowledgement, Waiver and Consent in the form attached to the Designation Resolution; and

WHEREAS, on April 22, 2010, the Council adopted Ordinance No. 10-21 (the "Original Assessment Ordinance") wherein the Council authorized the levy of an assessment on properties within the Assessment Area for the acquisition, construction and installation of new roads, culinary and secondary water improvements, sewer and storm drainage improvements, parks and trail improvements, and acquiring and demolishing a microwave tower and other miscellaneous work necessary to complete the improvements (collectively, the "Improvements"); and

WHEREAS, the Council desires to authorize the issuance of its not to exceed \$15,000,000 Federally Taxable/Convertible to Tax-Exempt Special Assessment Refunding Bonds (Towne Center Assessment Area), Series 2016 (the "Assessment Bonds") to provide moneys sufficient to purchase and retire the City's outstanding Special Assessment Bonds (Towne Center Assessment Area), Series 2010 (the "Refunded Bonds") and thereby refinance the Improvements; and

WHEREAS, pursuant to and in compliance with the provisions of Sections 11-42-410 and 11-42-608 of the Act, the Council desires to adopt this Ordinance to reduce the interest amount of the assessments levied to finance the cost of the Improvements (the "Assessments"), to confirm the assessment list, to levy the Assessment in accordance with this Ordinance and to correct certain deficiencies and omissions in the Original Assessment Ordinance resulting from the issuance of the Refunded Bonds; and

WHEREAS, the Council desires to levy the Assessment in a not to exceed amount and upon the issuance of the Assessment Bonds, permit the Finance Director to adjust the assessment list in accordance with the final terms of the Assessment Bonds; and

WHEREAS, the Redevelopment Agency of the City of Herriman, Utah anticipates issuing its Taxable/Convertible to Tax-Exempt Tax Increment Revenue Bonds, Series 2016, a portion of which (the "Available Moneys") will finance certain road improvements within the Assessment Area; and

WHEREAS, the Council hereby finds and determines that under Section 11-42-205 of the Act, the Available Moneys (in the principal amount of at least \$6,000,000) are an acceptable form of financing and may be included in the market value of the property to be assessed for the purpose of appraising such property; and

WHEREAS, this Ordinance shall be effective upon its passage and approval and publication, provided however, that such amendments herein shall become applicable and implemented only from and after the earlier of the date on which the Refunded Bonds are (a) fully paid or (b) legally considered to be paid (the "Implementation Date"):

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HERRIMAN CITY, UTAH:

Section 1. Determination of Costs of the Improvements. Capitalized terms used herein but not otherwise defined shall have the meanings ascribed to such terms in the Designation Resolution. The Council has determined that the costs to refinance the acquisition, construction and demolition of the Improvements within the Assessment Area, including overhead costs and capitalized interest are not to exceed \$11,851,000, which shall be levied as set forth herein against the properties benefited within the Assessment Area. Pursuant to the Act, the owners (the "Owners") of all properties to be assessed within the Assessment Area have voluntarily waived, among other things, all notice and hearing requirements, the right to contest or protest, and the right to have a board of equalization appointed as set forth in the Act, and has consented to (a) the levy of an assessment against its property for the benefits to be received from the Improvements, (b) the refinancing of the Improvements by the City through the issuance of the Assessment Bonds, (c) the method and amount of Assessment as set forth herein and (d) any increase in total Assessment on its properties from those originally levied in the Original Assessment Ordinance in accordance with the Acknowledgment, Waiver, and Consent attached hereto as Exhibit C. The properties to be assessed are identified by legal description and tax identification number in Exhibit B attached hereto.

Section 2. Approval of Assessment List; Findings. The Council confirms and adopts the assessment list for the Assessment Area, a copy of which is attached hereto as Exhibit B and incorporated herein by reference (the "Assessment List"). Upon the issuance of the Assessment Bonds, the Finance Director shall be permitted to adjust the Assessment List in accordance with the final terms of the Assessment Bonds. The Council has determined that the Assessments are levied according to the benefits to be derived by each property within the Assessment Area and in any case the Owners have consented to such methodology as provided in Section 11-42-409(5).

Section 3. Levy of Assessments. The Council does hereby levy an Assessment against each parcel of property identified in the Assessment List (as may be adjusted by the Finance Director pursuant to Section 2 herein). Said Assessments levied upon each parcel of property therein described shall be in the amount set forth in the Assessment List. The Assessments are levied upon each parcel of property in the Assessment Area in accordance with the benefit received from the Improvements and in any case the Owners have consented to such methodology as provided in Section 11-42-409(5).

Section 4. Amount of Total Assessments. The Assessments do not exceed in the aggregate the sum of: (a) the contract price of the Improvements; (b) the acquisition price of the Improvements; (c) the reasonable cost of (i) utility services, maintenance, and operation to the extent permitted by the Act and (ii) labor, materials, or equipment supplied by the City, if any; (d) the price of purchasing property; (e) overhead costs not to exceed fifteen percent (15%) of the sum of (a), (b), and (c); (f) an amount for contingencies of not more than ten percent (10%) of the sum of (a) and (c); (g) interest on interim warrants and bond anticipation notes issued to finance the Improvements; and (h) an amount sufficient to fund a reserve fund.

Section 5. Appraisal. As required by Section 11-42-205 of the Act, the City has obtained an appraisal of the property to be assessed from an appraiser who is a member of the Appraisal Institute, addressed to the City and verifying that the market value of the property is at least three (3) times the amount of the Assessment. The City hereby opts under Section 11-42-205 of the Act to allow the principal amount of the Owners' construction loan or other equivalent availability of funds (in the principal amount of at least \$6,000,000) to be included in the market value of the property to be assessed. See Exhibit D attached hereto.

Section 6. Method and Rate. Each of the benefited properties will be assessed within the Assessment Area under a per developable acre type method of assessment as follows:

<u>Improvements</u>	<u>Assessment</u>	<u>Method of Assessment</u>	<u>Assessment Per Developable Acre</u>
All above-described Improvements	Not to exceed \$11,851,000	Per Developable Acre ⁽¹⁾	Not to exceed \$120,498.22

The Assessment shall be effective on the Implementation Date and may be payable in installments as provided herein. Notwithstanding the levy of the Assessments, in order to provide additional security for the payment of Assessments, the City shall require that all Assessments of all properties owned by the same owner within the Assessment Area (or an affiliate of the same owner) be aggregated as a single unified Assessment against all properties owned by the same owner within the Assessment Area (or an affiliate of the same owner).

Section 7. Payment of Assessments; Transfer of Property.

(a) The Council hereby determines that the Improvements have a useful life of not less than twenty (20) years from their date of completion, and has elected to have the Assessments paid over a period of not more than twenty (20) years from the effective date of the Original Assessment Ordinance. Assessment payments shall be payable as to interest annually on each June 1, beginning June 1, 2017, such that the aggregate annual Assessment payments shall be in substantially equal amounts, subject, however, to adjustment as a result of prepayment of Assessments or an increase or decrease in overhead costs. Prior to any transfer, whether by purchase or foreclosure or otherwise, of property within the Assessment Area, the Assessment related to such property must be paid in full. If, however, a subsequent property owner shall execute a consent to the application of non-judicial foreclosure and waiver of any ability to contest the application of any non-judicial foreclosure remedy with regard to such property in accordance with the Act and in form satisfactory to the City, the Assessment may remain outstanding on such property and be paid in installments as set forth herein. If title to property within the Assessment Area is transferred without the payment in full of the Assessment or the execution of the applicable consent and waiver, irrespective of property owner knowledge or intent with regard thereto, the City shall be entitled to commence foreclosure proceedings on such property within 30 days of providing notice of the same to the property owner. Interest on

(1) "Developable Acre" means an acre of property that can be developed for sale. A Developable Acre does not include rights of way for streets, properties currently owned by a governmental entity, or other properties planned to be dedicated for public purposes. The assessment will be assessed against both developable and nondevelopable acreage, but will be calculated only by the total developable acreage of each parcel to be assessed.

the unpaid balance of the Assessments shall accrue at the same rate or rates as shall be borne by the Assessment Bonds, plus an annual administration cost incurred by the City of \$35,000 per year plus any direct out of pocket costs of the City. The City may outsource all or a portion of the administration services.

(b) The City Council will collect the Assessments by directly billing each property owner, rather than inclusion on a property tax notice. The bill for each Assessment payment shall be sent prior to April 15 of each year, commencing April 15, 2017. However, failure to send any such bill by the scheduled date shall not impact the requirement of property owners to timely pay their Assessments on the due date thereof.

(c) All unpaid installments of an Assessment levied against any piece of property 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 which would accrue on the Assessment to the next succeeding date on which interest is payable on the Assessment Bonds plus such additional amount as, in the opinion of the Finance Director of the City (the "Finance Director") (with assistance from the administrator of the Assessments, if any), is necessary to assure the availability of money to pay interest on the Assessment Bonds as interest becomes due and payable, plus any premiums required to redeem the Assessment Bonds on their first available call date, plus any reasonable administrative costs.

(d) The property assessed has yet to be fully subdivided as anticipated for development. At such time as all or any portion of the property assessed hereunder is subdivided into smaller parcels as evidenced by a subdivision plat, approved at the sole discretion of the Council and recorded in the City Recorder's office, the Council may elect, appropriately at its sole discretion, to allocate the Assessment balance of the previously undivided property to said smaller parcels on a proportionate basis (based on developable acres allocated to said smaller parcels) by adopting an amendment to this Ordinance approving such allocation. The required annual Assessment payments for each smaller parcel shall be based on developable acres allocated by the City to said smaller parcel, so that the aggregate total of all of the annual Assessment installments for all of the smaller parcels will equal the total annual Assessment for the previously undivided property. When an Assessment lien is perfected for each of the smaller 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 smaller parcels. A release of the Assessment lien for any subdivided parcel will be delivered by the City at the time the Assessment balance for such subdivided parcel is paid in full.

(e) Following subdivision of the assessed property and allocation of the Assessments, if prepayment of an Assessment prior to the Assessment payment date, or any part thereof, arises out of a need of the property owner to clear the Assessment lien from a portion (the "Release Parcel") of an assessed

parcel (the "Assessed Parcel"), the Assessment lien on the Release Parcel may be released by the City, as follows:

(i) The property owner shall submit the legal description of the Release Parcel which shall include the total developable acres allocated by the City to the Release Parcel.

(ii) The property owner shall prepay an Assessment applicable to the Release Parcel calculated by the Finance Director (with assistance from the administrator of the Assessments, if any) as follows: the amount of the prepayment calculated pursuant to Section 7(c) herein for the entire Assessed Parcel less any previously paid regularly scheduled Assessment payments multiplied by the percentage calculated by dividing the Developable Acres of the Release Parcel by the total Developable Acres of the entire Assessed Parcel.

(iii) The partial release of lien upon payment of the prepayment amount determined under subparagraph (ii) above shall not be permitted, except as otherwise provided in this paragraph, if the fair market value of the Developable Acres of the Assessed Parcel, after release of the Release Parcel, is less than three times the sum of (A) the remaining unpaid Assessment on such Assessed Parcel, plus (B) any other unpaid Assessment liens or property tax liens on such Assessed Parcel. In determining the value of the Developable Acres of the Assessed Parcel, the Finance Director (with assistance from the administrator of the Assessments, if any) is entitled to, but need not rely on, credible evidence or documentation presented by the owner of said parcel. If the Finance Director (with assistance from the administrator of the Assessments, if any) determines that the proposed partial release does not comply with the requirements of this paragraph, such partial release may still be permitted if the owner prepays a larger portion of the Assessment in order to clear the Assessment lien from the Release Parcel, all as determined by said Finance Director (with assistance from the administrator of the Assessments, if any).

(iv) Prepayments of Assessments shall be applied as provided in the indenture of trust under which the Assessment Bonds are issued (the "Indenture"). As prepayments are paid and applied against the payment of the Assessment applicable to the Release Parcel, the Release Parcel may be released from the lien of the Assessment in accordance with this subparagraph (e), and the original Assessments levied against the remaining Assessed Parcel shall remain unpaid.

(f) At the time of subdivision of the assessed property, the City may amend this ordinance, including to revise the boundaries, in order to permit the development of the assessed property and to enhance the security provided to the holders of the Assessment Bonds.

Section 8. Default in Payment. If a default occurs in the payment of any Assessment when due, the Finance Director, on behalf of the Council, may declare the unpaid amount to be immediately due and payable and subject to collection as provided herein. In addition, the Finance Director, on behalf of the Council, may accelerate payment of the total unpaid balance of the Assessment and declare the whole of the unpaid principal and interest then due to be immediately due and payable. Interest shall accrue and be paid on all amounts declared to be delinquent or accelerated and immediately due and payable at the rate of twelve percent (12%) per annum (the "Delinquent Rate"). In addition to interest charges at the Delinquent Rate, costs of collection, as approved by the Finance Director on behalf of the Council, including, without limitation, attorneys' fees, trustee's fees, and court costs, incurred by the City or required by law shall be charged and paid on all amounts declared to be delinquent or accelerated and immediately due and payable.

Upon any default, the Finance Director shall give notice in writing of the default to the owner of the property in default as shown by the last available completed real property assessment rolls of Salt Lake County, Utah (the "County"). Notice shall be effective upon deposit of the notice in the U.S. Mail, postage prepaid, and addressed to the owner as shown on the last completed real property assessment rolls of the County. The notice shall provide for a period of thirty (30) days in which the owner shall pay the installments then due and owing, after which the Finance Director, on behalf of the City, may immediately initiate a sale of the property as provided in Title 59, Chapter 2, Part 13, Utah Code Annotated 1953, as amended or sell the property pursuant to Section 11-42-502(1)(c) and related pertinent provisions of the Act, in the manner provided for actions to foreclose trust deeds, or utilize any other remedy permitted by law. In accordance with Section 11-42-502.1 of the Act, the Council shall designate a qualified trustee to carry out such foreclosure, and said trustee shall be deemed to have a power of sale and all other rights, power, and authority necessary to legally and lawfully foreclose the lien for delinquent Assessments. If for any reason the trustee cannot perform the powers and responsibilities herein provided, it may appoint, with the consent of the City, a qualified trustee to serve as trustee. If at the sale no person or entity shall bid and pay the City the amount due on the Assessment plus interest and costs, the property shall be deemed sold to the City for these amounts. The City shall be permitted to bid at the sale. So long as the City retains ownership of the property, it shall pay all delinquent Assessment installments and all Assessment installments that become due, including the interest on them and shall be entitled to use amounts on deposit in the various accounts of the Reserve Fund (as defined herein) for such purpose.

The remedies provided herein for the collection of Assessments and the enforcement of liens shall be deemed and construed to be cumulative and the use of any one method or means or remedy of collection or enforcement available at law or in equity shall not deprive the City or the trustee on behalf of the City, of the use of any other method or means. The amounts of accrued interest and all costs of collection, trustee's fees, attorneys' fees, and costs, shall be added to the amount of the Assessment up to, and including, the date of foreclosure sale.

Section 9. Remedy of Default. If prior to the final date payment may be legally made under a final sale or foreclosure of property to collect delinquent Assessments, or prior to the end of the three-month reinstatement period provided by Section 57-1-31 of the Utah Code in the event the collection is enforced through the method of foreclosing trust deeds, the property owner pays the full amount of all unpaid installments of principal and interest which are past due and delinquent with interest on such installments at the rate or rates set forth in Section 7 herein to the payment date, plus all trustee's fees, attorneys' fees, and other costs of collection, plus interest incurred by virtue of the City making a payment into the Reserve Fund as described in Section 10 herein, the Assessment of said owner shall be restored and the default removed, and thereafter the owner shall have the right to make the payments in installments as if the default had not occurred. Any payment made to cure a default shall be applied first, to the payment of attorneys' fees and other costs incurred as a result of such default, including interest incurred by virtue of the City making a payment into the Reserve Fund; second, to interest charged on past due installments, as set forth above; third, to the interest portion of all past due Assessments; and last, to the payment of outstanding principal.

Section 10. Lien of Assessment. An Assessment or any part or installment of it, any interest accruing thereon and the penalties, trustee's fees, attorneys' fees, and other costs of collection therewith shall constitute a lien against the property upon which the Assessment is levied on the effective date of this Ordinance. Said lien shall be superior to the lien of any trust deed, mortgage, mechanic's, or materialman's lien, or other encumbrance and shall be equal to and on a parity with the lien for general property taxes. The lien shall apply without interruption, change in priority, or alteration in any manner to any reduced payment obligations and shall continue until the Assessment, reduced payment obligations, and any interest, penalties, and costs on it are paid, notwithstanding any sale of the property for or on account of a delinquent general property tax, special tax, or other Assessment or the issuance of a tax deed, an assignment of interest by the City or a sheriff's certificate of sale or deed.

Section 11. Reserve Fund. (a) The City does hereby establish a reserve fund (the "Reserve Fund") in lieu of funding a special improvement guaranty fund, as additional security for the Assessment Bonds.

(b) The Reserve Fund shall be initially funded from proceeds of the Assessment Bonds in an amount not to exceed the least of (i) ten percent (10%) of the proceeds of the Assessment Bonds determined on the basis of its initial purchase price to the public, (ii) the maximum aggregate annual debt service requirement during any bond fund year for the Assessment Bonds, and (iii) 125% of the average aggregate annual debt service requirement for the Assessment Bonds (the "Reserve Requirement"). The cost of initially funding the Reserve Fund is included in the Assessments of the property in the Assessment Area.

(c) The Reserve Requirement shall be adjusted as property owners prepay their Assessments in full as provided in the Indenture.

(d) The moneys on deposit in the Reserve Fund, if any, shall, upon the final payment of the Assessment Bonds, be applied to the final Assessment payment obligation of the assessed properties. If the amounts on deposit in the Reserve Fund exceed the final Assessment obligation, any excess amounts shall be paid by the City to the owners whose properties were subject to the final Assessment payment obligation, as an excess Assessment payment.

(e) In the event insufficient Assessments are collected by the City to make the debt service payments on the Assessment Bonds, the City shall draw on the Reserve Fund to make up such deficiency.

(f) Amounts recovered by exercise of any of the remedies provided herein or otherwise from delinquent Assessments (and not needed to pay amounts coming due on the Assessment Bonds) shall be used to replenish amounts drawn from the Reserve Fund.

(g) In the event the amount on deposit in the Reserve Fund is less than the Reserve Requirement, adjusted from time to time, the City shall replenish the Reserve Fund as provided in the Indenture, including by any of the methods provided in Section 11-42-701(2) of the Act. Any amounts advanced by the City as provided above for the replenishment of the Reserve Fund may be reimbursed, with interest at a rate of twelve percent (12%) per annum, from moneys received from foreclosure or otherwise from delinquent properties. If the City has made such an advancement to replenish the Reserve Fund, during such time as the advancement remains unpaid, any property owners that prepay their Assessments in full shall not be entitled to receive as a credit toward any prepayment, a pro rata share of the amounts advanced by the City on deposit in the Reserve Fund, as further described in the Indenture.

(h) In the event the Assessment Bonds are refunded, the Reserve Requirement may be adjusted by the City and amounts in the Reserve Fund may be applied to assist in such refunding. Any refunding of the Assessment Bonds shall not increase the total cost of the Assessments in any one year.

Section 12. Investment Earnings. Except as otherwise provided in the Indenture, all investment earnings on the Reserve Fund shall be maintained in said Fund and applied in the same manner as the other moneys on deposit therein as provided in the Indenture.

Section 13. Contestability. No Assessment shall be declared invalid or set aside, in whole or in part, in consequence of any error or irregularity which does not go to the equity or justice of the Assessment or proceeding. The Owners and any succeeding property owner (whether by sale, foreclosure, or any other property transfer of title) have waived any rights to contest this Assessment Ordinance. Any party who has not waived his objections to the same as provided by statute may commence a civil action in the district court with jurisdiction in the County against the City to enjoin the levy or collection of the Assessment or to set aside and declare unlawful this Ordinance.

Such action must be commenced and summons must be served on the City not later than sixty (60) days after the effective date of this Ordinance. This action shall be the exclusive remedy of any aggrieved party. No court shall entertain any complaint which the party was authorized to make by statute but did not timely make or any complaint that does not go to the equity or justice of the Assessment or proceeding.

After the expiration of the sixty (60) day period provided in this section:

(a) The Assessment Bonds and any refunding bonds to be issued with respect to the Assessment Area and the Assessments levied in the Assessment Area shall become incontestable as to all persons who have not commenced the action and served a summons as provided for in this section; and

(b) No suit to enjoin the issuance or payment of the Assessment Bonds or refunding assessment bonds, the levy, collection, or enforcement of the Assessments, or in any other manner attacking or questioning the legality of the Assessment Bonds or refunding assessment bonds or Assessments may be commenced, and no court shall have authority to inquire into these matters.


Section 14. Notice to Property Owners. The Owners are hereby deemed to have received notice of assessment and have waived any notice and hearing requirements under the Act.

Section 15. All Necessary Action Approved; Recording of and Effect of Notice. The officials of the City are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance, including the filing of a Notice of Deletion and a Notice of Assessment Interest with the County Recorder. The amendments made herein shall also, to the extent applicable, amend the provisions of the Designation Resolution and any notices required to be made in connection therewith are hereby approved.

Section 16. Repeal of Conflicting Provisions. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed.

Section 17. Publication of Ordinance. As soon as practicable after its adoption, this Ordinance shall be signed by the Mayor and City Recorder and shall be recorded in the ordinance book kept for that purpose. This Ordinance, or a summary thereof, shall be published once in the Deseret News, a newspaper published and having general circulation in the City. A copy of this Ordinance shall also be posted on the Utah Public Notice Website (<http://pmn.utah.gov>).

PASSED AND APPROVED by the City Council of Herriman City, Utah, this July 13, 2016.

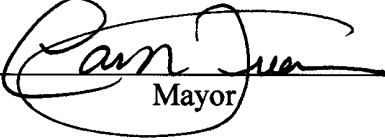
By:  _____
Mayor

ATTEST:

By:  _____
City Recorder



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

By: 
Mayor

ATTEST:

By: 
City Recorder



PROOF OF PUBLICATION

Attached to this page is the Proof of Publication, indicating by the affidavit of the publisher that a summary of the Ordinance adopted by the City Council on July 13, 2016, was published one time in the Deseret News.

A summary of the Ordinance was also posted on the Utah Public Notice Website (<http://pmn.utah.gov>) maintained in accordance with Utah Code Section 45-1-101 and will remain so posted for at least 21 days as required by Section 11-42-404(2)(ii) of the Act.

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Jackie Nostrom, the undersigned City Recorder of Herriman City, 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 52-4-202, 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 July 13, 2016, 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 July 7, 2016, 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 Deseret News on July 7, 2016, 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 posted on the Utah Public Notice Website (<http://pmn.utah.gov>).

In addition, the Notice of 2016 Annual Meeting Schedule for the City (attached hereto as Schedule 2) was given specifying the date, time, and place of the regular meetings of the City to be held during the year, by causing said Notice to be (i) posted on December 10, 2015 at the principal office of the City, (ii) provided to at least one newspaper of general circulation within the City on December 10, 2015, 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 by official signature this July 13, 2016.



By: _____

Jackie Nostrom
City Recorder

SCHEDULE 1
NOTICE OF MEETING



CITY COUNCIL AGENDA Wednesday, July 13, 2016

NOTICE IS HEREBY GIVEN that the Herriman City Council shall assemble for a meeting in the Herriman City Council Chambers, located at 13011 South Pioneer Street (6000 West), Herriman, Utah.

5:00 PM - WORK MEETING: (Front Conference Room)

COUNCIL BUSINESS

- A. Review of this evening's agenda
- B. Administrative Reports
 - 1. Wasatch Front Waste and Recycling District Report – Pam Roberts, Executive Director
 - 2. History Committee Report – Lynn Crane, History Committee Chair
 - 3. Discussion relating to the proposed Technology/Manufacturing (TM) Zone – Gordon Haight, Assistant City Manager
 - 4. Additional Items
 - 5. Agenda items for future consideration
- C. Adjournment

7:00 PM - GENERAL MEETING:

- 1. **CALL TO ORDER**
 - A. Invocation and Pledge
 - B. Council Recognitions
 - C. Mayor's Comments
- 2. **PUBLIC COMMENT:** *Audience members may bring any item to the Mayor and Council's attention. Comments will be limited to two or three minutes. State Law prohibits the Council from acting on items that do not appear on the agenda.*
- 3. **MAYOR AND COUNCIL COMMENTS**
 - A. City Council Board and Committee Reports
- 4. **REPORTS, PRESENTATIONS AND APPOINTMENTS**
 - A. Presentation seeking support of a proposed ATV route and the future OHV trail system – Brett Stewart, Utah ATV Association
- 5. **DISCUSSION AND ACTION ITEMS**
 - A. Discussion and consideration of a proposed rezone located at 5430 West Herriman Parkway from R-1-21 to C-2 (File No. 11Z16) – Gordon Haight, Assistant City Manager
 - B. Discussion and consideration of a proposed rezone located at 5101 West 11800 South from A-1 to C-1 (File No. 12Z16) – Gordon Haight, Assistant City Manager
 - C. Discussion and consideration of a proposed rezone located at 4874 West 12600 South from A-1 to R-2-10 (File No. 13Z16) – Gordon Haight, Assistant City Manager
 - D. Discussion and consideration of a resolution approving a development agreement for Mittelstaedt located at 7083 West Gina Road – John Brems, City Attorney

BK 10485 PG 5309

- E. Discussion and consideration of a proposed one lot subdivision for Mittelstaedt located at 7083 West Gina Road (08S16) – Gordon Haight, Assistant City Manager
- F. Discussion and consideration of a resolution approving an Interlocal Cooperative Agreement between Herriman City and Salt Lake County regarding prisoner labor services – Travis Dunn, Human Resources Manager
- G. Discussion and consideration of a resolution pledging certain pledged revenues under a pledge and loan agreement toward the payment of the Redevelopment Agency of Herriman City, Utah’s taxable/convertible to Tax-Exempt tax increment revenue bonds, series 2016 to be issued in the aggregate principal amount of not to exceed \$11,900,000; setting a public hearing date; and related matters – Alan Rae, Finance Director
- H. Discussion and consideration of a resolution authorizing the issuance and sale of not more than \$15,000,000 aggregate principal amount of federally taxable/convertible to tax-exempt special assessment refunding bonds (Towne Center Assessment Area), series 2016 and related matters – Alan Rae, Finance Director
- I. Discussion and consideration of an amended and restated assessment ordinance confirming the assessment list and levying an assessment against certain properties in Herriman City, Utah voluntary assessment area (Towne Center) to refinance the costs of acquiring, constructing and installing new roads, culinary and secondary water improvements, sewer and storm drain improvements, parks and train improvements, and acquiring and demolishing a microwave tower and other miscellaneous work which was necessary to complete said improvements and related matters – Alan Rae, Finance Director
- J. Discussion and consideration of an ordinance declaring intent to adjust the common municipal boundaries between Herriman City and Riverton City at approximately 13400 South from Mountain View Corridor to 5600 West and 12600 South from approximately 4500 West to Western Hills Drive – Blake Thomas, City Engineer
- K. Discussion and consideration of a resolution approving a development agreement between Herriman City and Shirley Butterfield, Ltd. – Gordon Haight, Assistant City Manager
- L. Discussion and consideration of a modification application to the Amended Master Development Agreement for Rosecrest regarding the width of Juniper Crest Road – Gordon Haight, Assistant City Manager

6. CALENDAR

A. Meetings

- July 21 – Planning Commission meeting 7:00 p.m.
- ~~July 27 – City Council work meeting 5:00 p.m.; City Council meeting 7:00 p.m.~~ Cancelled

B. Events

- July 8-19– Summer Theatre Production *Mary Poppins*; Butterfield Park 7:30 p.m.

7. CLOSED SESSION (IF NEEDED)

A. *The Herriman City Council may temporarily recess the City Council meeting to convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonable imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205*

8. ADJOURNMENT

9. RECOMMENCE TO WORK MEETING (IF NEEDED)

BK 10485 PG 5310

In accordance with the Americans with Disabilities Act, Herriman City will make reasonable accommodation for participation in the meeting. To request assistance, contact Herriman City at (801) 446-5323. Please provide at least 48 hours advance notice of the meeting

ELECTRONIC PARTICIPATION

Members of the City Council may participate electronically via telephone, Skype, or other electronic means during this meeting.

CITIZEN COMMENT POLICY AND PROCEDURE

During each regular Council meeting there will be a citizen comment time. The purpose of this time is to allow citizens access to the Council. Citizens requesting to address the Council will be asked to complete a written comment form and present it to Jackie Nostrom, City Recorder. In general, the chair will allow an individual two minutes to address the Council. A spokesperson, recognized as representing a group in attendance, may be allowed up to five minutes. At the conclusion of the citizen comment time, the chair may direct staff to assist the citizen on the issue presented; direct the citizen to the proper administrative department(s); or take no action. This policy also applies to all public hearings. Citizens may also submit written requests (outlining their issue) for an item to be considered at a future council meeting. The chair may place the item on the agenda under citizen comments; direct staff to assist the citizen; direct the citizen to the proper administrative departments; or take no action.

Certificate of Posting

I, Cindy Quick, the duly appointed, qualified, and acting Deputy Recorder of Herriman City, Utah, do hereby certify that the above and foregoing is a full, true and correct copy of the agenda; it was emailed to at least one newspaper of general circulation within the geographic jurisdiction of the public body. The agenda was also posted at the principal office of the public body. Also posted on the Utah State Public Notice Website <http://www.utah.gov/pmn/index.html> and on Herriman City's website at www.herriman.org

Posted and Dated this 7th day of July 2016

*Cindy Quick, CMC
Deputy Recorder*

SCHEDULE 2

NOTICE OF ANNUAL MEETING

HERRIMAN CITY ANNUAL MEETING SCHEDULE FOR 2016

ANNUAL MEETING SCHEDULE FOR THE CITY COUNCIL

PUBLIC NOTICE is hereby given that the 2016 Annual Meeting Schedule of the City Council of Herriman, Utah is as follows:

REGULAR MEETING	DATE
January.....	13 – 27
February.....	10 – 24
March.....	9 – 23 – 31*
April.....	13 – 27
May.....	11 – 25
June.....	8 – 22 – 30*
July.....	13 – 27
August.....	10 – 24
September.....	14 – 28 – 29*
October.....	12 – 26
November.....	9
December.....	14

Regular meetings of the City Council are held in the Council Chambers of the Community Center, 13011 South Pioneer Street (6000 West) Herriman, Utah commencing at 7:00 p.m. on the second and fourth Wednesday of each month. Work Meetings begin at 5:00 p.m. in the Blue Conference Room and are held on the second and fourth Wednesday of each month. Call the City Offices at 801-446-5323 or check www.herriman.org for more information.

* Joint Meetings with the City Council and the Planning Commission will be held in the Council Chambers of the Community Center, 13011 South Pioneer Street (6000 West) Herriman, Utah commencing at 6:00 p.m. on the fifth Thursday of each month. Meetings may be cancelled due to holidays or lack of agenda items.

ANNUAL MEETING SCHEDULE FOR THE COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

PUBLIC NOTICE is hereby given that the 2016 Annual Meeting Schedule for the Community Development and Renewal Agency of Herriman, Utah is as follows:

REGULAR MEETING	DATE
May	11 – 25
June.....	8

Regular meetings will convene in the Community Center Council Chambers, 13011 South Pioneer Street (6000 West) Herriman, Utah. Other meetings may be held as necessary at the call of the chairman and will be posted as required with a minimum of 24-hours' notice. Call the City Offices at 801-446-5324 or check www.herriman.org for more information.

ANNUAL MEETING SCHEDULE FOR THE PLANNING COMMISSION

PUBLIC NOTICE is hereby given that the 2016 Annual Meeting Schedule for the Planning Commission is as follows:

REGULAR MEETING	DATE
January.....	7 – 21
February.....	4 – 18
March.....	3 – 17 – 31*
April.....	7 – 21
May.....	5 – 19
June.....	2 – 16 – 30*
July.....	7 – 21
August.....	4 – 18
September.....	1 – 15 – 29*
October.....	6 – 20
November.....	3 – 17
December.....	1 – 15

Meetings may be cancelled due to holidays or lack of agenda items. Regular meetings begin at 7:00 p.m. and convene in the Community Center Council Chambers, 13011 South Pioneer Street, as posted. Study sessions before the meetings begin at 6:00 p.m. in the Council Chambers. The City Council may periodically attend the work sessions. Call Community Development at 801-446-5323 or check www.herriman.org for more information.

* Joint Meetings with the City Council and the Planning Commission will be held in the Council Chambers of the Community Center, 13011 South Pioneer Street (6000 West) Herriman, Utah commencing at 6:00 p.m. on the fifth Thursday of each month. Meetings may be cancelled due to holidays or lack of agenda items.

EXHIBIT B

ASSESSMENT LIST

Property Tax IDs: 26-36-156-049, 26-36-252-001, 26-36-453-005, 26-36-453-004, 26-36-451-005, 26-36-451-003, 26-36-300-027, 26-36-456-010, 26-36-455-034, 26-36-176-013 and 26-36-400-073

The Assessment Area is more particularly described as follows:

Parcels of land located in Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian, Salt Lake County, Utah, described as follows:

26-36-156-049

Lot 1 of the HERRIMAN TOWNE CENTER MAIN STREET COMMERCIAL subdivision plat, as recorded in the office of the Salt Lake County Recorder, State of Utah on July 7th, 2015 as Entry #12085797, Book 2015P Page 148

26-36-176-013

Lot 4 of the HERRIMAN TOWNE CENTER PLAT A subdivision plat, as recorded in the office of the Salt Lake County Recorder, State of Utah on August 26th, 2010 as Entry #11018441, Book 2010P Page 134

26-36-451-005

Lots W-2 of the HERRIMAN TOWNE CENTER PLAT W subdivision plat, as recorded in the office of the Salt Lake County Recorder, State of Utah on March 31st, 2014 as Entry #11826373, Book 2014P Page 61

26-36-451-003

Lot W-3 of the HERRIMAN TOWNE CENTER PLAT W subdivision plat, as recorded in the office of the Salt Lake County Recorder, State of Utah on March 31st, 2014 as Entry #11826373, Book 2014P Page 61

26-36-453-005

BEGINNING at the Northwest corner of Parcel A, HERRIMAN TOWNE CENTER MARKET PLACE LOT 1, thence South 0°22'31" West 27.34 feet; thence South 89°33'03" West 292.16 feet; thence South 0°22'31" West 1.16 feet more or less; North 89°33'03" West 249.86 feet more or less; North 0°11'38" East 284.34 feet; Northeasterly 31.42 feet along a 20 foot radius curve to the right (Long Chord North 45°11'38" East

28.28 feet); thence South 89°48'22" East 157.49 feet; Northeasterly 358.58 feet more or less along a 798 foot radius curve to the left; thence South 26°37'52" East 21.61 feet; Southeasterly 40.06 feet along a 85 foot radius curve to the right; thence South 0°22'31" East 293.87 feet to the POINT OF BEGINNING.

26-36-453-004

BEGINNING at the Southwest Corner of Lot 5, HERRIMAN TOWNE CENTER MARKET PLACE LOT 5 & 6; thence North 89°38'29" West 18.04 feet more or less; thence North 0°11'38" East 162.08 feet; thence North 89°48'22" West 231 feet; North 0°11'38" East 106.17 feet; South 89°48'22" East 249.86 feet more or less; South 0°23'31" West 269.13 feet more ore less to the POINT OF BEGINNING.

26-36-455-034

Lot B, HERRIMAN TOWNE CENTER PL F PH 2. (less & excepting all lots in Parkview Townhomes Phase 1 & Phase 2).

26-36-400-073

BEGINNING from the most Northerly corner of Lot D, HERRIMAN TOWNE CENTER PL F PH 2; thence South 52°49'19" West 601.11 feet; thence North 11°48'17" West 75.67 feet more or less; thence North 44°18'14" West 285.72 feet; thence North 53°04'02" East 710.53 feet; thence North 36°55'58" West 425.24 feet more or less; Northerly 476.25 feet along a 328.50 foot radius curve to the left (Long Chord North 3°27'28" East 437.05 feet); thence North 37°04'35" West 680.99 feet; thence Westerly 23.59 feet along a 15 foot radius curve to the left (Long Chord North 82°07'38" West 21.23 feet); thence North 52°49'19" East 153.89 feet more or less; thence South 89°37'18" East 669.39 feet more or less; thence Southerly along a 1010 foot radius curve to the right 313.72 feet more or less (Long Chord South 27°42'24" East); thence North 71°46'26"E 60 feet; thence South 89°37'27" East 472.60 feet; thence North 00°18'11" East 256.77 feet more or less; thence South 89°37'60" East 44.05 feet more or less; thence South 0°24'38" West 561.65 feet; thence South 89°40'34" East 457.11 feet; thence South 0°24'33" West 296.37 feet; thence North 89°37'15" West 2.24 feet; thence South 0°32'24" West 1263.01 feet; thence South 89°38'26" East 1035.01 feet; thence South 0°32'24" West 1.64 feet; thence South 3°10'57" East 131.64 feet; thence North 89°28'25" West 73.46 feet; thence North 86°59'03" West 494.97 feet; thence North 89°28'25" West 477.26 feet; Southwesterly 481.70 feet along a 732 foot radius curve to the left (Long Chord South 71°40'27" West 473.06 feet); thence South 52°49'19" West 51.54 feet more or less; thence North 37°13'04" West 66 feet; Northwesterly 23.55 feet along a 15 foot radius curve to the right (Long Chord North 82°11'30" West); thence South 52°49'45" West 114 feet; thence North 37°12'19" West 849.78 feet to the POINT OF BEGINNING.

26-36-300-027

BEGINNING South 89°37'15" East 1483.73 feet and North 151.02 feet from the West Quarter Corner of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian; thence Northeasterly 207.19 feet along a 822 foot radius curve to the left (Long Chord North 60°02'34" East 206.64 feet); thence North 52°49'19" East 67.99 feet; thence

Southeasterly 23.59 feet along a 15 foot radius curve to the right (Long Chord South 82°07'38" East 21.23 feet); thence South 37°04'35" East 26.27 feet; thence North 52°27'10" East 93 feet; thence South 37°04'35" East 654.12 feet; thence Southeasterly 580.90 feet along a 336.50 foot radius curve to the left; thence South 36°55'58" East 425.24 feet more or less; thence South 53°04'02" West 710.53 feet; thence North 44°18'14" West 61.34 feet; thence South 65°20'42" West 295.77 feet; thence North 21°46'41" East 100.01 feet; thence North 20°57'40" East 60 feet; thence Northwesterly 409.50 feet along a 735 foot radius curve to the right (Long Chord North 53°04'40" West 404.23 feet); thence North 37°07'01" West 222.41 feet; thence North 37°05'03" West 207.38 feet; thence North 22°45'42" West 260.66 feet to the POINT OF BEGINNING.

26-36-252-001

BEGINNING South 89°37'15" East 1827.54 feet and North 330.37 feet and North 37°04'35" East 42.35 feet more or less and North 52°49'19" East 812 feet more or less from the West Quarter Corner of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian; thence North 52°57'25" East 515.64 feet more or less; thence Southeasterly along a 15 foot radius curve to the right 23.56 feet (Long Chord South 82°10'41" East); thence South 37°10'41" East 391.83 feet more or less; thence North 89°37'06" West 669.39 feet more or less to the POINT OF BEGINNING.

26-36-456-010

BEGINNING at the Southwest Corner of Lot 26, GREENWOOD VILLAGE PHASE 1; thence Northwesterly 249.66 feet along a 504.99 foot radius curve to the left (Long Chord North 79°33'58" West 247.12 feet); thence North 11°48'17" West 175.05 feet; thence Northeasterly to the Northwest corner of Lot D, HERRIMAN TOWNE CENTER PLAT F PHASE 2; thence Southeasterly to the North line of Birkinwood Lane; thence Southwesterly 10.56 feet along a 15 foot radius curve to the right; thence South 52°47'41" West 64.38 feet; thence Northwesterly 23.56 feet along a 15 foot radius curve to the right (Long Chord North 82°12'19" West 21.21 feet); thence North 37°12'19" West 15 feet; thence South 52°47'41" West 50 feet; thence South 37°12'19" East 19.98 feet; thence South 52°49'19" West 110.62 feet; thence South 52°49'19" West 115 feet; thence South 33°17'20" West 85.50 feet; thence South 20°41'31" West 69.77 feet to the POINT OF BEGINNING.

HERRIMAN TOWNE CENTER ASSESSMENT LIST

Developable Acres 98.35
 Assessment per Developable Acre \$120,498.22

<u>Parcel</u>	<u>Owner</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	<u>Average</u>	<u>Developable Acreage</u>	<u>Assessment (2)</u>
26-36-156-049	HTC COMMUNITIES LLC	5566 W HERRIMAN MAIN ST	Herriman	Utah	84096	1.60	1.60	\$192,797
26-36-176-013	ROSECREST COMMUNITIES LLC	5226 W HERRIMAN MAIN ST	Herriman	Utah	84096	7.73	7.73	\$931,451
26-36-451-005	HTC COMMUNITIES LLC	5098 W 13400 S	Herriman	Utah	84096	0.64	0.64	\$77,119
26-36-451-003	HTC COMMUNITIES LLC	5073 W HERRIMAN ROSE BLVD	Herriman	Utah	84096	3.37	3.37	\$406,079
26-36-456-010	HTC COMMUNITIES LLC	5192 W HERRIMAN ROSE BLVD	Herriman	Utah	84096	4.04	4.04	\$486,813
26-36-453-005	HTC COMMUNITIES LLC	5143 W HERRIMAN ROSE BLVD	Herriman	Utah	84096	4.00	4.00	\$481,993
26-36-453-004	HTC COMMUNITIES LLC	5102 W 13400 S	Herriman	Utah	84096	0.68	0.68	\$81,939
26-36-455-034	HTC COMMUNITIES LLC	5142 W HERRIMAN ROSE BLVD	Herriman	Utah	84096	4.85	4.85	\$584,416
26-36-400-073	HTC COMMUNITIES LLC	13295 HERRIMAN ROSE BLVD	Herriman	Utah	84096	72.02	55.59	\$6,698,496
26-36-300-027	HTC COMMUNITIES LLC	5375 W HERRIMAN MAIN ST	Herriman	Utah	84096	18.10	13.37	\$1,611,061
26-36-252-001	ROSECREST COMMUNITIES LLC	5115 W HERRIMAN MAIN ST	Herriman	Utah	84096	2.48	2.48	\$298,836
TOTAL						<u>119.51</u>	<u>98.35</u>	<u>\$11,851,000</u>

(2) The Assessment is a not to exceed amount that may be adjusted as set forth in the Assessment Ordinance.

EXHIBIT C

ACKNOWLEDGMENT, WAIVER AND CONSENT

On File with the City Recorder

EXHIBIT D

APPRAISAL

On file with the City Recorder