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JON FRESTON
WEBER COUNTY RECORDER
DEPUTY *Margaret R. Cottle*

MAY 12 10 34 AM '82

FILED AND RECORDED FOR

Ogden City

PLATTED VERIFIED
ENTERED MICROFILMED

ORDINANCE NO. 17-82 BY: DORMAN H. BAIRD

AN ORDINANCE confirming the assessment rolls and levying a tax providing for the assessment of property in Ogden City, Utah Paving District No. 187, for the purpose of paying the costs of constructing improvements on certain streets within said Municipality consisting of the construction of curb, gutter and sidewalk, strip paving, and storm sewer improvements, the installation of water and sewer laterals, the acquisition and installation of street lighting and beautification improvements including trees, irrigated tree pits, grates, guards, benches, drinking fountains, trash receptacles, etc., the demolition and removal of

existing sidewalk, street paving and lighting fixtures, the filling of basements, the condemnation or acquisition of any property necessary to make such improvements, and the completion of any other miscellaneous work, necessary to complete the improvements in a proper and workmanlike manner; reaffirming the establishment of a special improvement guaranty fund; and establishing the effective date of this ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF OGDEN CITY, WEBER COUNTY, UTAH:

Section 1. The City Council of Ogden City, Utah, hereby confirms the assessment roll as corrected and adjusted by the Board of Equalization and Review for Ogden City, Utah Paving District No. 187, and hereby confirms the findings of the Board of Equalization and Review that the proposed list of assessments as equalized by the Board of Equalization and Review for said District is just and equitable; that each piece of property within said District will be benefited in an amount not less than the assessment to be levied against said property; and that no piece of property listed in the assessment list will bear more than its proportionate share of the cost of such improvements.

Section 2. The City Council of Ogden City, Utah does hereby levy a tax to be assessed upon the real property described in the assessment list for Paving District No. 187. The assessments levied upon each block, lot, part of block or lot, tract or parcel of property therein described shall be in the amount set forth in the assessment list, which is hereby incorporated by reference and made a part of this ordinance. The property to be assessed in accordance with

the assessment list for Ogden City, Utah Paving District No. 187, is bounded by the following lines:

Beginning at the intersection of the centerlines of 25th Street and Wall Avenue in Ogden City, Weber County, Utah, and running thence North $0^{\circ}58'$ East 380 ft; thence South $89^{\circ}02'$ East 1,531 ft to the centerline of Grant Avenue; thence South $0^{\circ}58'$ West 760 ft; thence North $89^{\circ}02'$ West 1,531 ft to the centerline of Wall Avenue; thence North $0^{\circ}58'$ East 380 ft to the point of beginning.

The assessments hereby levied are for the purpose of paying the cost of constructing improvements on certain streets within said Municipality consisting of the construction of curb, gutter and sidewalk, strip paving, and storm sewer improvements, the installation of water and sewer laterals, the acquisition and installation of street lighting and beautification improvements including trees, irrigated tree pits, grates, guards, benches, drinking fountains, trash receptacles, etc., the demolition and removal of existing sidewalk, street paving and lighting fixtures, the filling of basements, the condemnation or acquisition of any property necessary to make such improvements, and the completion of any other miscellaneous work necessary to complete the improvements in a proper and workmanlike manner. Said improvements are more particularly described in the assessment list for said District which list has been incorporated herein by reference and made a part of this ordinance.

Said assessments are hereby levied and assessed upon each of the blocks, lots, parts of block and lots, tracts or

parcels of real property described in the assessment list according to the extent that they front or abut on or are adjacent to the street mentioned in said assessment list and are specially benefited by the improvements thereon. Said assessments are levied upon the land and lots in said District which abut or are adjacent (one lot only in subdivided areas) to the street or streets which have been improved in said District, and at equal and uniform rates. An allowance on said assessments has been made for corner lots so that they are not assessed at full rate on both streets.

The total cost of the improvements in Ogden City, Utah Paving District No. 187 is \$1,094,360.05, of which total cost, the City's portion is \$541,624.50. The City's portion for said District includes that part of the overhead costs for which an assessment cannot be levied, if any, and the cost of making improvements for the benefit of property against which an assessment may not be levied, if any. If any adjustments become necessary as quantities of materials are determined, downward adjustments will result in a reduction of the total to be assessed to the property owner affected and upward adjustments will be added to the City's portion. The balance to be assessed to the owners of property affected or benefited by the improvements in Paving District No. 187 is \$552,735.55, less the possible adjustments set out above, which is the total amount of the assessment hereby levied for said District and which does

not exceed in the aggregate the sum of: (a) the total contract price for the improvements under contract 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; (d) the interest on any interim warrants issued against the District; (e) overhead costs not to exceed fifteen percent (15%) of the sum of (a), (b), and (c); and (f) an amount for contingencies of not to exceed 10% of the sum of (a) and (b).

Section 3. The assessment list made by the City Engineer for the property in Ogden City, Utah Paving District No. 187 as corrected, approved, equalized and completed by the Board of Equalization and Review, is hereby confirmed and the assessments made and returned in said completed list and the report, recommendations and decision of the Board of Equalization and Review to the City Council of Ogden City, Utah, are hereby ratified, approved and confirmed.

Section 4. This tax is levied and assessed at equal and uniform rates on such property. Land and lots which abut upon the streets identified in the Notice of Intention, or are adjacent thereto shall be assessed to a depth of twelve (12) rods back from the property line of the street or streets upon which they abut or to which they are adjacent (one lot only in subdivided areas).

Section 5. The whole or any part of the assessments for said Special Improvement District may be paid without interest within fifteen (15) days after this ordinance

becomes effective. Any part of the assessment not paid within such fifteen (15) day period shall be payable over a period not to exceed ten (10) years from the effective date of this Ordinance in ten (10) substantially equal annual installments with interest on the unpaid balance of the assessment at the rate of thirteen percent (13%) per annum from the effective date of this Ordinance until due, provided, however, that the interest rate on assessments shall be adjusted to the net effective rate of the assessment bonds to be issued as of the date of said Bonds. Interest shall be paid in addition to the amount of each such installment annually at the time each installment becomes due. After said fifteen (15) day period, all unpaid installments of an 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 which would accrue on the assessment to the next succeeding date on which interest is payable on any special assessment bonds issued in anticipation of the collection of the assessments plus such additional amount as, in the opinion of the City Treasurer, is necessary to assure the availability of money to pay interest on the special assessment bonds as interest becomes due and any premiums which may become payable on redeemable bonds which may be called in order to utilize the assessments thus paid in advance.

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 15% 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 15% per annum to 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. The City Council of Ogden City, Utah, does hereby reaffirm the creation of a special improvement guaranty fund and shall at the time of each annual appropriation ordinance, so long as any special assessment bonds of Ogden City remain outstanding, transfer to said fund each year such amount as a tax levy of one mill will produce, either through a levy of a tax of not to exceed one mill in any one year or by the issuance of general obligation bonds or by appropriation from other available sources, for the purpose of guaranteeing to the extent of such fund the payment of special assessment bonds and interest thereon issued against local improvement districts for the payment of local improvements therein, all in the manner and to the extent provided by the laws of the State of Utah.

Section 7. The officials of Ogden City, Utah, are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this ordinance.

Section 8. All ordinances or parts thereof in conflict with this ordinance are hereby repealed.

Section 9. An emergency is hereby declared, the preservation of peace, health and safety of Ogden City and the inhabitants thereof so requiring. Immediately 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. Said ordinance shall be published once in the Ogden Standard-Examiner, a newspaper published and having general circulation in Ogden City, Utah, and shall take effect immediately upon its passage and approval and publication as required by law.

Section 10. The City Recorder is hereby authorized and directed to file a copy of the assessment ordinance within five days from the date hereof in the Weber County Recorder's office. If the assessment ordinance incorporates the assessment list by reference, the City Recorder is further directed to file a copy of the final assessment list with the Weber County Recorder.

PASSED AND APPROVED BY THE CITY COUNCIL OF OGDEN CITY,
UTAH, this ^{29th} ~~26th~~ day of April, 1982.

R. A. Madsen
Mayor

ATTEST:

Donna Adams
City Recorder
(SEAL)

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