

WHEN RECORDED, RETURN TO:

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



ENT 104876:2016 PG 1 of 36
JEFFERY SMITH
UTAH COUNTY RECORDER
2016 Oct 19 3:00 PM FEE 0.00 BY SS
RECORDED FOR SARATOGA SPRINGS CITY

NOTICE OF ORDINANCE

Notice is hereby given that the City of Saratoga Springs, Utah (the "City"), claims an assessment interest in the property described on Exhibit A arising out of the requirements of the Mt. Saratoga Assessment Area (the "Assessment Area") and the terms and provisions of Ordinance R-16-24(10-4-16), attached hereto as Exhibit B, adopted by the City Council on October 4, 2016 (the "Assessment Ordinance"), levying an assessment against certain properties in the Assessment Area.

The City designated the Assessment Area to finance the costs of acquiring, constructing and installing water system improvements including culinary water distribution lines, a concrete storage tank, booster station, and secondary water lines; sanitary sewer collection lines; storm drain improvements; and road construction improvements along with other necessary miscellaneous improvements, and to complete said improvements in a proper and workmanlike manner (collectively, the "Improvements") and has prepared an assessment list of the assessments to be levied to finance the cost of the Improvements. 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 the Ordinance (October 16, 2016). 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.

For information call Mark Christensen, City Manager at (801) 766-9793.

Dated this October 18, 2016.

Mayor

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

On October 18, 2016 personally appeared before me, Jim Miller, who duly acknowledged to me that he executed the foregoing instrument on behalf of the City of Saratoga Springs in his capacity as City Manager.

My Commission Expires:
4-12-2020

Lucinda Jean Lopiccolo
Notary Public
Residing at: Utah Co., Utah

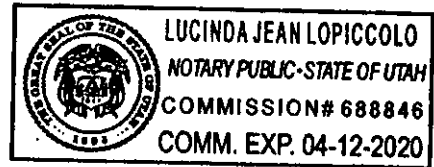


EXHIBIT A

LEGAL DESCRIPTION AND TAX ID NUMBERS

The Assessment Area is more particularly described as follows:

Assessment List			
Parcel Number	ERUs	Est. Assessment	Owner
58-033-0243	696	\$ 2,661,704.69	DCP Saratoga LLC
58-033-0208	84	321,240.36	DCP Saratoga LLC
58-034-0230	275	1,051,679.75	DCP Saratoga LLC
58-034-0289	8	30,594.32	DCP Saratoga LLC
58-034-0290	12	45,891.48	DCP Saratoga LLC
58-034-0312	15	57,364.35	DCP Saratoga LLC
58-034-0313	57	217,984.53	DCP Saratoga LLC
58-033-0328	68	260,051.72	DCP Saratoga LLC
58-033-0329	108	413,023.32	DCP Saratoga LLC
58-034-0333	100	382,429.00	DCP Saratoga LLC
58-034-0340	66	252,403.14	DCP Saratoga LLC
58-034-0341	11	42,067.19	DCP Saratoga LLC
58-034-0347	15	57,364.35	DCP Saratoga LLC
58-034-0355	76	290,646.04	DCP Saratoga LLC
58-034-0357	125	478,036.25	DCP Saratoga LLC
58-034-0359	31	118,552.99	DCP Saratoga LLC
58-034-0360	161	615,710.69	DCP Saratoga LLC

PARCEL A

A portion of Sections 16 and 21, Township 5 South, Range 1 West, Salt Lake Base & Meridian, located in Saratoga Springs, Utah, more particularly described as follows:

Beginning at a point located N0°21'55"W along the Section Line 303.86 feet from the Northeast Corner of Section 21, Township 5 South, Range 1 West, Salt Lake Base & Meridian; thence N85°12'00"W 319.37 feet; thence N56°49'03"W 63.65 feet; thence N85°12'00"W 200.00 feet; thence N75°26'38"W 56.82 feet; thence N85°12'00"W 72.34 feet; thence N83°28'38"W 70.23 feet; thence N75°18'58"W 77.46 feet; thence N72°27'08"W 33.47 feet; thence N30°13'02"W 53.80 feet; thence S29°26'00"W 76.45 feet; thence N60°34'00"W 256.00 feet; thence S29°26'00"W 812.50 feet; thence S53°01'32"E 96.70 feet; thence southwesterly along the arc of a 572.00 foot radius non-tangent curve to the right (radius bears: N53°40'24"W) 123.56 feet through a central angle of 12°22'38" (chord: S42°30'55"W 123.32 feet); thence S48°42'14"W 70.34 feet; thence along the arc of a 15.00 foot radius curve to the right 22.42 feet

through a central angle of 85°39'04" (chord: N88°28'14"W 20.39 feet); thence N45°38'43"W 152.41 feet; thence N49°28'04"W 91.14 feet; thence N45°36'37"W 150.74 feet; thence N43°49'44"W 41.77 feet; thence S40°45'14"W 141.82 feet; thence along the arc of a 108.00 foot radius non-tangent curve to the right (radius bears: N60°30'10"W) 42.44 feet through a central angle of 22°30'47" (chord: S40°45'14"W 42.16 feet); thence S52°00'37"W 35.14 feet; thence S49°13'44"W 16.21 feet; thence along the arc of a 1958.50 foot radius non-tangent curve to the right (radius bears: N43°33'10"W) 572.53 feet through a central angle of 16°44'57" (chord: S54°49'18"W 570.49 feet); thence along the arc of a 796.50 foot radius curve to the left 322.56 feet through a central angle of 23°12'13" (chord: S51°35'41"W 320.36 feet); thence S50°00'26"E 83.00 feet; thence along the arc of a 15.00 foot radius non-tangent curve to the right (radius bears: S50°00'26"E) 24.40 feet through a central angle of 93°12'03" (chord: N86°35'36"E 21.80 feet); thence S46°48'23"E 38.61 feet; thence along the arc of a 576.00 foot radius curve to the right 159.63 feet through a central angle of 15°52'42" (chord: S38°52'02"E 159.11 feet); thence N59°04'19"E 48.00 feet; thence N61°04'23"E 197.74 feet; thence N74°24'02"E 49.33 feet; thence N58°11'47"E 479.82 feet; thence N44°21'17"E 25.73 feet; thence S45°38'43"E 371.82 feet; thence S89°30'17"E 109.40 feet; thence N44°21'17"E 72.20 feet; thence S45°38'43"E 61.05 feet; thence along the arc of a 174.00 foot radius curve to the right 63.92 feet through a central angle of 21°02'57" (chord: S35°07'14"E 63.56 feet); thence along the arc of a 31.50 foot radius curve to the left 19.29 feet through a central angle of 35°04'53" (chord: S42°08'12"E 18.99 feet); thence N46°01'36"E 80.84 feet; thence S43°58'24"E 151.35 feet; thence South 91.52 feet; thence S5°47'53"E 62.30 feet; thence S67°06'26"E 106.71 feet; thence S61°19'15"E 104.89 feet; thence S53°52'03"E 103.61 feet; thence S34°11'12"W 95.86 feet; thence southeasterly along the arc of a 704.50 foot radius non-tangent curve to the right (radius bears: S34°11'12"W) 374.67 feet through a central angle of 30°28'16" (chord: S40°34'40"E 370.27 feet); thence N64°39'28"E 120.00 feet; thence S46°34'23"E 109.23 feet; thence S45°08'11"E 92.87 feet; thence S39°59'35"E 84.64 feet; thence S89°59'56"W 882.90 feet; thence S0°00'04"E 891.46 feet to the Quarter Section Line; thence N89°11'06"W along the Quarter Section Line 35.96 feet to the west line of that real property described in Deed Entry No. 25092:2013 in the Official Records of the Utah County Recorder; thence along said real property the following two (2) courses: S0°25'08"W 881.29 feet; thence S89°34'01"E 842.75 feet to the westerly line of the Utah Power & Light Company property as defined by survey; thence S5°03'00"W along said westerly line 929.06 feet to the south line of the Utah Power & Light Company property as defined by survey; thence along said south line northeasterly along the arc of a 544.00 foot radius non-tangent curve to the left (radius bears: N25°29'07"W) 8.46 feet through a central angle of 0°53'29" (chord: N64°04'08"E 8.46 feet) to the east line of that real property described in Deed Entry No. 4952:2006; thence S0°00'18"E along said real property 253.32 feet to the centerline of Fairfield Road; thence S52°38'12"W along said centerline 988.76 feet to the south line of said Section 21; thence N89°50'39"W along the Section Line 815.95 feet; thence N0°18'01"E 66.00 feet; thence N89°50'39"W 24.36 feet; thence North 36.34 feet; thence N46°27'15"W 133.07 feet; thence N36°34'11"E 103.90 feet; thence N74°28'29"E 76.45 feet; thence N51°17'58"E 110.22 feet; thence East 39.04 feet; thence North 31.27 feet; thence East 45.00 feet; thence South 39.18 feet; thence East 45.00 feet; thence S89°35'07"E 45.00 feet; thence S89°30'46"E 45.00 feet; thence North

95.25 feet; thence N3°27'08"E 56.10 feet; thence North 100.00 feet; thence East 46.59 feet; thence N45°59'47"E 129.55 feet; thence North 52.89 feet; thence N76°13'02"W 98.66 feet; thence N32°49'14"W 61.22 feet; thence N57°17'52"W 94.50 feet; thence N30°57'20"E 60.11 feet; thence N33°17'32"E 56.19 feet; thence N28°36'20"E 100.00 feet; thence N23°37'16"E 108.88 feet; thence N66°22'44"W 124.38 feet; thence N60°57'05"W 210.00 feet; thence N51°10'02"W 252.71 feet; thence N44°00'44"W 80.55 feet; thence N58°00'56"W 20.18 feet; thence N58°00'56"W 63.96 feet; thence N51°10'02"W 63.40 feet; thence N46°20'45"W 74.25 feet; thence N27°55'10"W 84.62 feet; thence N48°54'54"E 203.00 feet; thence southeasterly along the arc of a 571.00 foot radius non-tangent curve to the left (radius bears: N49°26'30"E) 79.78 feet through a central angle of 8°00'19" (chord: S44°33'39"E 79.71 feet); thence N38°49'58"E 357.60 feet; thence North 903.18 feet; thence East 574.80 feet; thence North 459.56 feet; thence West 659.17 feet; thence South 518.29 feet; thence West 160.08 feet; thence S23°39'00"E 310.85 feet; thence S53°30'58"W 103.38 feet; thence South 320.91 feet; thence S50°22'43"W 277.89 feet; thence S30°23'08"W 51.74 feet; thence S54°22'47"W 100.00 feet; thence N47°51'16"W 65.06 feet; thence N68°10'59"W 43.23 feet; thence N76°16'38"W 208.05 feet; thence N77°18'35"W 83.25 feet; thence N76°16'38"W 170.17 feet; thence S21°40'55"W 153.18 feet; thence S22°25'45"W 94.87 feet; thence S18°57'27"W 40.42 feet; thence southeasterly along the arc of a 9.00 foot radius non-tangent curve to the right (radius bears: S26°24'05"W) 13.37 feet through a central angle of 85°06'15" (chord: S21°02'48"E 12.17 feet); thence S21°30'20"W 99.04 feet; thence N68°29'40"W 18.00 feet; thence S21°30'20"W 67.00 feet; thence N68°29'40"W 22.08 feet; thence West 251.70 feet; thence South 68.50 feet; thence West 40.00 feet; thence southwesterly along the arc of a 15.00 foot radius non-tangent curve to the right (radius bears: West) 23.56 feet through a central angle of 90°00'00" (chord: S45°00'00"W 21.21 feet); thence West 66.70 feet; thence North 199.00 feet; thence West 169.48 feet; thence South 199.33 feet; thence N89°42'46"W 65.02 feet; thence South 135.00 feet; thence N89°09'33"W 254.57 feet; thence N0°00'38"E 819.84 feet; thence S61°54'28"E 61.03 feet; thence S75°53'16"E 166.84 feet; thence N0°12'30"E 73.54 feet; thence N61°41'58"W 140.45 feet; thence N49°18'19"W 437.76 feet to the Quarter Section Line; thence N89°11'06"W along the Quarter Section Line 789.23 feet to the West 1/4 Corner of said Section 21; thence N0°12'36"E along the Section Line 1259.34 feet to the southerly line of that real property described in Deed Entry No. 83615:2009; thence along said real property the following two (2) courses: N33°39'41"E 1378.72 feet; thence N0°00'19"W 252.99 feet to the North Line of said Section 21; thence S89°00'57"E along the Section Line 41.52 feet to the west line of that real property described in Deed Entry No. 13804:2006; thence N0°15'47"E along said real property 73.56 feet to the northerly line of the Utah Power & Light Company easement as described in Deed Entry No. 4633:1970 and defined by survey; thence N33°57'27"E along said northerly line 2065.85 feet to the intersection with that real property described in Deed Entry No. 24119:2008; thence along said real property the following three (3) courses: N78°02'41"E 32.97 feet; thence N11°49'36"W 32.01 feet; thence N33°57'27"E 814.01 feet to the southerly right-of-way line of Highway 73; thence N78°12'20"E along said right-of-way line 235.19 feet to the Quarter Section Line; thence S0°23'05"W along the Quarter Section Line 651.34 feet to the northerly line of that real property described in Deed Entry No. 822:2006; thence along said real property the following seventeen (17) courses: N65°39'53"E

283.43 feet; thence N88°24'59"E 355.06 feet; thence S62°03'18"E 559.95 feet; thence N54°53'34"E 305.11 feet; thence N23°32'32"W 24.36 feet; thence northwesterly along the arc of a 1050.64 foot radius non-tangent curve to the right (radius bears: N66°29'51"E) 208.68 feet through a central angle of 11°22'48" (chord: N17°48'45"W 208.33 feet); thence N12°07'21"W 544.62 feet; thence N57°07'21"W 141.74 feet to a point also being on the southerly right-of-way line of Highway 73; thence N78°12'20"E along said right-of-way line 294.77 feet; thence S32°52'39"W 139.36 feet; thence S12°07'21"E 544.62 feet; thence along the arc of a 954.64 foot radius curve to the left 156.00 feet through a central angle of 9°21'45" (chord: S16°48'14"E 155.82 feet); thence N30°49'00"E 240.09 feet; thence N40°46'27"E 158.96 feet; thence N71°01'41"E 369.74 feet; thence N67°13'11"E 178.58 feet; thence S34°08'41"E 138.69 feet; thence S46°39'59"E 560.70 feet to the East Line of Section 16, T5S, R1W, SLB&M; thence S0°21'55"W along the Section Line 1820.99 feet to the point of beginning.
Contains: ±502.91 Acres

PARCEL B

A portion of the Southeast Quarter of Section 21, Township 5 South, Range 1 West, Salt Lake Base & Meridian, located in Saratoga Springs, Utah, more particularly described as follows:

Beginning at a point located S0°23'19"W along the Section Line 872.14 feet from the East 1/4 Corner of Section 21, Township 5 South, Range 1 West, Salt Lake Base & Meridian; thence S0°23'19"W along the Section Line 451.38 feet; thence N89°30'51"W 126.94 feet; thence S38°52'48"W 335.80 feet; thence S57°12'50"W 153.95 feet to the easterly line of the Utah Power & Light Company property as defined by survey; thence N5°03'00"E along said easterly line 801.20 feet to the south line of that real property described in Deed Entry No. 25092:2013 in the Official Records of the Utah County Recorder; thence S89°34'01"E along said real property 399.68 feet to the point of beginning.

Contains: ±5.75 Acres

PARCEL C

A portion of Sections 21, Township 5 South, Range 1 West, Salt Lake Base & Meridian, located in Saratoga Springs, Utah, more particularly described as follows:

Beginning at a point located N0°17'59"E 804.10 feet and West 655.12 feet from the South 1/4 Corner of Section 21, Township 5 South, Range 1 West, Salt Lake Base & Meridian; thence S78°06'45"W 88.01 feet; thence S45°58'16"W 47.01 feet; thence S72°49'07"W 112.97 feet; thence N5°23'54"W 169.91 feet; thence N1°36'28"W 80.87 feet; thence West 95.30 feet; thence S74°37'25"W 41.48 feet; thence West 88.00 feet; thence North 221.00 feet; thence N25°18'13"W 44.25 feet; thence North 88.00 feet; thence West 69.09 feet; thence South 73.00 feet; thence N89°56'59"W 40.00 feet; thence West 88.05 feet; thence N0°00'38"E 288.97 feet; thence East 470.49 feet; thence S84°36'47"E 239.67 feet; thence southwesterly along the arc of a 1459.00 foot radius

non-tangent curve to the left (radius bears: S74°13'09"E) 704.56 feet through a central angle of 27°40'06" (chord: S1°56'48"W 697.73 feet) to the point of beginning.

Contains: ±8.16 Acres

PARCEL D

A portion of the Northeast Quarter of Section 21, Township 5 South, Range 1 West, Salt Lake Base & Meridian, more particularly described as follows:

Beginning at the East Quarter Corner of Section 21, Township 5 South, Range 1 West, Salt Lake Base & Meridian; thence N89°11'23"W 328.41 feet to the easterly line of the Utah Power & Light Company property; thence N5°03'00"E along said easterly line 675.13 feet; thence N89°53'35"E 273.94 feet to the Section Line; thence S0°25'18"W along the Section Line 677.69 feet to the point of beginning.

Contains: ±4.67 Acres

LESS AND EXCEPTING THE FOLLOWING TWO (2) PARCELS

PARCEL E

All of that real property described in Deed Entry No. 82157:2013 in the official records of the Utah County Recorder described as follows:

Commencing West 3743.27 feet from the Northeast Corner of Section 21, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence South 769.12 feet; thence West 15.48 feet; thence South 74°33'16" West 60.49 feet; thence South 81°40'50" West 206.35 feet; thence North 17°22'00" West 15.18 feet; thence South 69°20'51" West 211.02 feet; thence South 51°58'34" West 62.87 feet; thence South 20°39'09" East 100 feet; thence South 69°20'51" West 302.99 feet; thence North 1114.19 feet; thence East 777.73 feet to beginning.

Contains: ±16.089 Acres

PARCEL F

A portion of that real property described in Deed Entry No. 26972:2006 in the official records of the Utah County Recorder described as follows:

A parcel of land in the South Half of Section 16, Township 5 South, Range 1 West, Salt Lake Base and Meridian, Utah County, Utah, more particularly described as follows:

Commencing at the Southeast Corner of said Section 16, and running thence North 00°22'06" East 1958.04 feet; thence West 2691.22 feet to the true point of beginning; thence South 24°19'46" East 151.48 feet; thence South 00°59'13" West 455.35 feet to a point of intersection with a non-tangent 106.00 foot radius curve to the left; thence Southwesterly 49.59 feet along said curve having a central angle of 26°48'14", subtended by a chord that bears South 76°14'40" West 49.14 feet; thence

South 00°59'13" West 11.03 feet; thence North 89°00'55" West 406.08 feet; thence South 00°59'05" West 31.00 feet; thence North 74°49'37" West 128.62 feet; thence North 33°38'08" East 634.42 feet; thence North 65°37'56" East 189.51 feet to the true point of beginning.

Contains: ±5.20 Acres

EXHIBIT B

ASSESSMENT ORDINANCE

Saratoga Springs, Utah

October 4, 2016

The City Council (the "Council") of the City of Saratoga Springs, Utah met in regular session on Tuesday, October 4, 2016, at its regular meeting place in the City of Saratoga Springs, Utah, at 7:00 p.m. with the following members of the Council present:

Jim Miller	Mayor
Shellie Baertsch	Councilmember
Michael McOmber	Councilmember
Bud Poduska	Councilmember
Chris Porter	Councilmember
Stephen Willden	Councilmember

Also present:

Mark Christensen	City Manager
Cindy LoPiccolo	City Recorder

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 October 4, 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 ordinance levying an assessment (the "Ordinance") for the Mt. Saratoga (the "Assessment Area"). The following Ordinance was then introduced in writing, was fully discussed, and pursuant to a motion duly made by Councilmember Baertsch and seconded by Councilmember McOmber, adopted by the following vote:

AYE: Unanimous

NAY: None

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

ORDINANCE NO. 16-24(10-4-16)

AN ORDINANCE CONFIRMING THE ASSESSMENT LIST AND LEVYING AN ASSESSMENT AGAINST CERTAIN PROPERTIES IN THE MT. SARATOGA (THE "ASSESSMENT AREA") TO FINANCE THE COSTS OF THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF ROAD, STORM WATER, SEWER, CULINARY AND SECONDARY WATER (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 the City of Saratoga Springs, 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 the date hereof (the "Designation Resolution"), designated the Assessment Area after having obtained from the owner of all the property to be assessed within the Assessment Area (the "Owner") an executed Acknowledgement, Waiver and Consent (the "Waiver and Consent") in the form attached to the Designation Resolution; and

WHEREAS, the Council has now determined the total estimated cost of the Improvements and desires to assess the properties within the Assessment Area, and has prepared an assessment list of the assessments to be levied to finance the cost of the Improvements (the "Assessments"); and

WHEREAS, the Council now desires to confirm the assessment list and to levy said Assessments in accordance with this assessment ordinance:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SARATOGA SPRINGS, 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 estimated acquisition, construction and installation costs of the Improvements within the Assessment Area, including overhead costs are \$8,010,440, but only \$6,500,000 of such costs shall be levied against the properties benefited within the Assessment Area (together with other related allowable financing costs described herein). Such amount to be levied is an estimate, as permitted under Section 11-42-401 of the Act. If the Assessments intended to cover \$6,500,000 of the Improvements, plus the anticipated Owner contributing necessary to complete the estimated costs of the Improvements, are still not sufficient in amount to complete the Improvements, the Owner shall be responsible to pay the remaining amount in order to complete the Improvements. However, the City does not guaranty such payments from the Owner. Therefore, if for any reason the Owner does not pay such remaining amount to complete the Improvements, any and all property owners within the Assessment Area shall be responsible for paying any pro-rata share of

additional costs required to complete the Improvements, including, but not limited to, an additional assessment on their property without any ability to contest such assessment. Furthermore, each parcel of property (including subdivided parcels) within the Assessment Area shall have an allocated number of ERUs. However, as permitted by law, property owners in the Assessment Area may be subject to additional development impact costs related to the services provided by the Improvements based upon the requested development of their property if such impact costs exceed the capacity of the allocated ERUs.

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"). 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 Owner has 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. 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 Owner has 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 estimated contract price of the Improvements; (b) the estimated 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 or estimated 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) estimated 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.

Section 6. Method and Rate. Inasmuch as the assessed property has yet to be subdivided as contemplated for development, the Assessments are levied by ERUs and against all of the Assessment Area. Each of the benefited properties will be assessed within the Assessment Area under an equivalent residential unit (“ERU”) type method of assessment as follows:

<u>Improvements</u>	<u>Estimated Assessment</u>	<u>Total number of ERUs</u>	<u>Assessment Per ERU</u>
All Improvements	\$7,400,000	1935	\$3,824.29

Notwithstanding the levy of the assessments by ERU’s, 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; Restriction on Transfer of Property.

(a) In all cases of transfers of property the City must be provided with the applicable Acknowledgment, Waiver and Consent form. The City Council hereby determines that the Improvements have a useful life of not less than twenty (20) years, and has elected to have the Assessments prepaid prior to any transfer of title of property bearing an Assessment. The existing planning and zoning conditions of the City shall govern the development in the Assessment Area. Assessment payments shall be payable as to principal and interest thereon annually on each October 1 beginning October 1, 2017; provided, however, the final payment shall be due on October 2, 2026, 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 by virtue of involuntary transfer of property (via foreclosure or other similar remedy) 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 and attached hereto as Exhibit C, 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 the unpaid balance of the Assessments shall accrue at the same rate or rates as shall be borne by the assessment bonds anticipated to be issued by the City for the Assessment

Area (or any bonds which refund the same) (the "Assessment Bonds"), plus an annual administration cost incurred by the City of .50% of the outstanding Assessments amount not to exceed \$25,000 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 September 1 of each year, commencing prior to September 1, 2017; provided, however, the final bill shall be sent on September 1, 2026. 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 an additional prepayment premium of 65% (unless a lower premium is acceptable to the owners of the Assessment Bonds) plus such additional amount as, in the opinion of the City Manager of the City (the "City Manager") (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 (including any allocation terms required by the owners of the Assessment Bonds at the time of issuance of such bonds), to allocate the Assessment balance of the previously undivided property within the Assessment Area to said smaller parcels on a proportionate basis (based on ERUs 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 ERUs 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 within the Assessment Area will equal the total annual Assessment for the previously undivided property in such Assessment Area. When an Assessment lien is perfected for each of the smaller parcels in the Assessment Area, the total Assessment levied against the previously undivided property in such Assessment Area will be released, having been replaced by the aggregate of the Assessments allocated to each of the smaller parcels. In the event that the ERUs for any subdivided parcels do not at least equal the amount of ERUs allocated to the previously undivided property,

the owner shall be required to prepay the amount of the Assessment for all of the eliminated ERUs or this assessment ordinance shall be amended to require that the subdivided parcels shall be assessed at a higher amount to cover any potential shortfall, all within the sole discretion of the Council.

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 ERUs allocated by the City to the Release Parcel.

(ii) The property owner shall prepay an Assessment applicable to the Release Parcel calculated by the City Manager (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 ERUs of the Release Parcel by the total ERUs 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 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 Assessed Parcel, the City Manager (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 City Manager (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 City Manager (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 of the Assessment Area, 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 City Manager, 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 City Manager, 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 a rate of 18% per annum (the “Delinquent Rate”). In addition to interest charges at the Delinquent Rate, costs of collection, as approved by the City Manager 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. Until such costs of collection are recovered by the City, the City may charge such costs as an additional overhead cost against all Assessments as described in Section 4, with a credit later upon any recovery of such costs.

Upon any default, the City Manager 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 (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 City Manager, 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 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 City notes it has no current intention of owning the property and will surrender the property to owners of the Assessment Bonds bondholders in full satisfaction of all obligations to such owners of the Assessment Bonds.

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, but shall have no obligation to replenish the Reserve Fund with its own funds.

(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 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 Owner and any succeeding property owner (whether by sale, foreclosure, or any other property transfer of title) has 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.

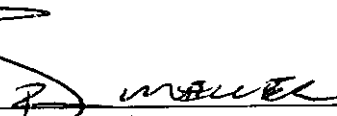
Section 14. Notice to Property Owners. The Owner is hereby deemed to have received notice of assessment and has waived any notice and hearing requirements under the Act.

Section 15. All Necessary Action Approved. The officials of the City are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance, including the filing of a notice of assessment interest with the County Recorder.

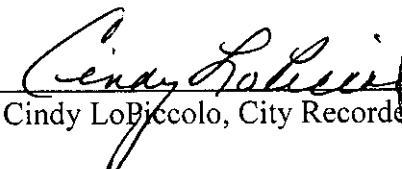
Section 16. Repeal of Conflicting Provisions. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed.

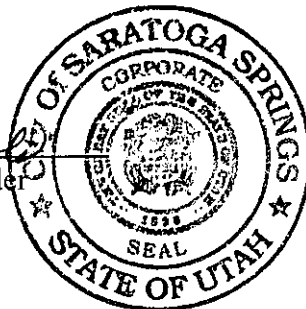
Section 17. Publication of Ordinance. Immediately after its adoption, this Ordinance shall be signed by the Mayor and City Recorder and shall be recorded in the ordinance book kept for that purpose upon final confirmation of the property description of the Assessment Area. The officials of the City are hereby authorized to make technical corrections to the legal description of the Assessment Area. Upon finalization of the legal description, this Ordinance, or a summary thereof, shall be published once in the Daily Herald, a newspaper published and having general circulation in the City, and shall take effect on October 6, 2016. 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 the City of Saratoga Springs, Utah, this October 4, 2016.

By: 
Jim Miller, Mayor

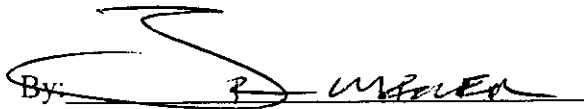
ATTEST:

By: 
Cindy Lobucolo, City Recorder

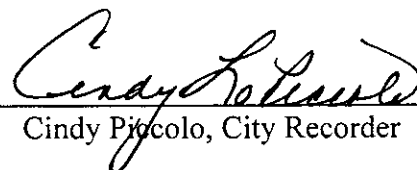


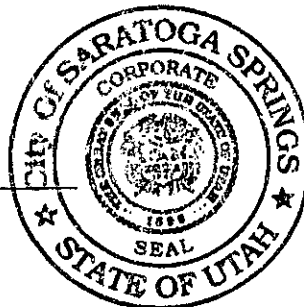
Thereupon the City Manager of the City was authorized and directed to give notice of assessment by certified mail to the property owners in the Assessment Area.

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

By: 
Jim Miller, Mayor

ATTEST:

By: 
Cindy Piccolo, City Recorder



STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

I, Cindy LoPiccolo, the duly appointed, qualified, and acting City Recorder of the City of Saratoga Springs, Utah, do hereby certify that the above and foregoing is a full, true, and correct copy of the record of proceedings had by the City Council of the City of Saratoga Springs, Utah, at its meeting held on October 4, 2016, insofar as the same relates to or concerns the Mt. Saratoga Assessment Area (the "Assessment Area") as the same appears of record in my office.

I further certify that the Ordinance levying the assessments was recorded by me in the official records of the City of Saratoga Springs, Utah, on October 4, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of City of Saratoga Springs, Utah, this October 4, 2016.

(SEAL)



By: *Cindy LoPiccolo*
Cindy LoPiccolo, City Recorder

PROOF OF PUBLICATION

Attached to this page is the Proof of Publication, indicating by the affidavit of the publisher that a summary said Ordinance levying the assessments which was contained in the Ordinance adopted by the City Council on October 16, 2016 was published one time in the Daily Herald.

A summary of this 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, Cindy LoPiccolo, the undersigned City Recorder of the City of Saratoga Springs, 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 October 4, 2016, public meeting held by the City as follows:

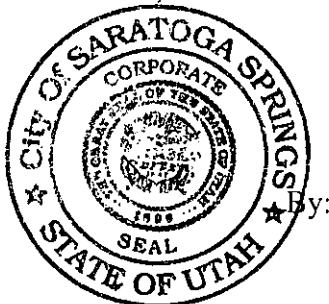
(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City's principal offices on September 28, 2016, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

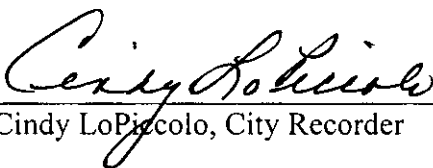
(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Daily Herald on September 28, 2016, at least twenty-four (24) hours prior to the convening of the meeting; and

(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 January 6, 2016 at the principal office of the City, (ii) provided to at least one newspaper of general circulation within the City on January 6, 2016, 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 October 4, 2016.



By: 
Cindy LoPiccolo, City Recorder

SCHEDULE 1

NOTICE OF MEETING



CITY OF
SARATOGA SPRINGS

AGENDA

Jim Miller, *Mayor*
 Stephen Willden, *Mayor Pro Tem*
 Shellie Baertsch, *Council Member*
 Michael McOmber, *Council Member*
 Bud Poduska, *Council Member*
 Chris Porter, *Council Member*

CITY COUNCIL MEETING

Tuesday, October 4, 2016

7:00 P.M.

City of Saratoga Springs Council Chambers
 1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

1. Call to Order.
2. Roll Call.
3. Invocation / Reverence.
4. Pledge of Allegiance.
5. Public Input – This time has been set aside for the public to express ideas, concerns, and comments.
6. Presentation: Swearing in of Youth Council Members.

REPORTS:

1. Mayor.
2. City Council.
3. Administration Communication with Council.
4. Staff Updates: Inquiries, Applications, and Approvals.

PUBLIC HEARING:

1. HADCO – Rezone, Master Development Agreement (MDA); Ordinance 16-23 (10-4-16).

BUSINESS ITEMS:

1. Secondary and Culinary Water System Project Agreements with Hansen, Allen & Luce, Inc. (Engineers), for design, engineering services, and contract management for following projects; Resolution R16-53 (10-4-16):
 Foothill North Pipeline, not to exceed \$106,300;
 Foothill South Pipeline and Pump Station, not to exceed \$197,100;
 Zone 1 North Water Line Project, not to exceed \$148,700;
 Zone 2 North Pond and Pump Station, not to exceed \$315,000;
 Zone 2 South Pond and Transmission Line, not to exceed \$271,300.
2. Marina Pump Station – Site Plan and Conditional Use Permit.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Recorder at 766-9793 at least one day prior to the meeting.

3. Communities That Care – Interlocal Cooperation Agreement with Utah County for Substance Abuse Prevention Services and Communities That Care Prevention Model; Resolution R16-54 (10-4-16).
4. Special Assessment Bonds, Series 2016, Mt. Saratoga Assessment Area – Consideration for Adoption of:
A Resolution of the City Council of the City of Saratoga Springs, Utah (the “City”), Designating An Assessment Area for the Purpose of (i) Levying Assessments Against Properties Within the Assessment Area to Finance the Acquisition, Construction and Installation of Road, Storm Water, Sewer, Culinary and Secondary Water, and Related Improvements, (ii) Estimating the Amount of the Assessments To Be Levied and the Method or Methods of Assessments, and (iii) Generally Describing the Period Over Which the Assessments Are To Be Paid and the Manner In Which the City Intends to Finance Said Improvements; and Related Matters. Resolution No. R16-55 (10-4-16).

An Ordinance of the City of Saratoga Springs, Utah, Confirming the Assessment List and Levying An Assessment Against Certain Properties In the Mt. Saratoga Assessment Area (the “Assessment Area”) To Finance the Costs of Acquiring, Constructing and Installing Road, Storm Water, Sewer, Culinary Water, and Related Improvements; and Related Matters. Ordinance No. 16-24 (10-4-16).

APPROVAL OF MINUTES:

1. September 20, 2016.

CLOSED SESSION:

Motion to enter into closed session for any of the following: purchase, exchange, or lease of real property; discussion regarding deployment of security personnel, devices, or systems; pending or reasonably imminent litigation; the character, professional competence, or the physical or mental health of an individual.

ADJOURNMENT

Decorum - The Council requests that citizens help maintain the decorum of the meeting by turning off electronic devices, being respectful to the Council and others.

Councilmembers may participate in this meeting electronically via video or telephonic conferencing.

The order of the agenda items is subject to change by order of the Mayor.

Final action may be taken concerning any topic listed on the agenda.

SCHEDULE 2

NOTICE OF ANNUAL MEETING



CITY OF SARATOGA SPRINGS

Annual Notice of Regular Meeting Schedule

City of Saratoga Springs City Council

Held at the City of Saratoga Springs City Hall located at 1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah

Tuesday, January 5, 2016

Tuesday, January 19, 2016

Tuesday, February 2, 2016

Tuesday, February 16, 2016

Tuesday, March 1, 2016

Tuesday, March 15, 2016

Tuesday, April 19, 2016

Tuesday, May 3, 2016

Tuesday, May 17, 2016

Tuesday, June 7, 2016

Tuesday, June 21, 2016

Tuesday, July 5, 2016

Tuesday, July 19, 2016

Tuesday, August 2, 2016

Tuesday, August 16, 2016

Tuesday, September 6, 2016

Tuesday, September 20, 2016

Tuesday, October 4, 2016

Tuesday, October 18, 2016

Tuesday, November 1, 2016

Tuesday, November 15, 2016

Tuesday, December 6, 2016


Kayla Moss, City Recorder



**This meeting schedule was approved by the City of Saratoga Springs City Council on Tuesday, January 5, 2016.

EXHIBIT B

ASSESSMENT LIST

Inasmuch as the assessed property has yet to be subdivided as contemplated for development, the Assessment is levied by ERU's and against all of the Assessment Area as follows:

<u>Improvements</u>	<u>Estimated Assessment</u>	<u>Total Number of ERUs</u>	<u>Estimated Assessment Per ERU</u>
All Improvements	\$7,400,000	1935	\$3,824.29

The Assessment Area is more particularly described as follows:

Assessment List			
Parcel Number	ERUs	Est. Assessment	Owner
58-033-0243	696	\$ 2,661,704.69	DCP Saratoga LLC
58-033-0208	84	321,240.36	DCP Saratoga LLC
58-034-0230	275	1,051,679.75	DCP Saratoga LLC
58-034-0289	8	30,594.32	DCP Saratoga LLC
58-034-0290	12	45,891.48	DCP Saratoga LLC
58-034-0312	15	57,364.35	DCP Saratoga LLC
58-034-0313	57	217,984.53	DCP Saratoga LLC
58-033-0328	68	260,051.72	DCP Saratoga LLC
58-033-0329	108	413,023.32	DCP Saratoga LLC
58-034-0333	100	382,429.00	DCP Saratoga LLC
58-034-0340	66	252,403.14	DCP Saratoga LLC
58-034-0341	11	42,067.19	DCP Saratoga LLC
58-034-0347	15	57,364.35	DCP Saratoga LLC
58-034-0355	76	290,646.04	DCP Saratoga LLC
58-034-0357	125	478,036.25	DCP Saratoga LLC
58-034-0359	31	118,552.99	DCP Saratoga LLC
58-034-0360	161	615,710.69	DCP Saratoga LLC

PARCEL A

A portion of Sections 16 and 21, Township 5 South, Range 1 West, Salt Lake Base & Meridian, located in Saratoga Springs, Utah, more particularly described as follows:

Beginning at a point located N0°21'55"W along the Section Line 303.86 feet from the Northeast Corner of Section 21, Township 5 South, Range 1 West, Salt Lake Base & Meridian; thence N85°12'00"W 319.37 feet; thence N56°49'03"W 63.65 feet; thence N85°12'00"W 200.00 feet; thence N75°26'38"W 56.82 feet; thence N85°12'00"W 72.34 feet; thence N83°28'38"W 70.23 feet; thence N75°18'58"W 77.46 feet; thence N72°27'08"W 33.47 feet; thence N30°13'02"W 53.80 feet; thence S29°26'00"W 76.45 feet; thence N60°34'00"W 256.00 feet; thence S29°26'00"W 812.50 feet; thence S53°01'32"E 96.70 feet; thence southwesterly along the arc of a 572.00 foot radius non-tangent curve to the right (radius bears: N53°40'24"W) 123.56 feet through a central angle of 12°22'38" (chord: S42°30'55"W 123.32 feet); thence S48°42'14"W 70.34 feet; thence along the arc of a 15.00 foot radius curve to the right 22.42 feet through a central angle of 85°39'04" (chord: N88°28'14"W 20.39 feet); thence N45°38'43"W 152.41 feet; thence N49°28'04"W 91.14 feet; thence N45°36'37"W 150.74 feet; thence N43°49'44"W 41.77 feet; thence S40°45'14"W 141.82 feet; thence along the arc of a 108.00 foot radius non-tangent curve to the right (radius bears: N60°30'10"W) 42.44 feet through a central angle of 22°30'47" (chord: S40°45'14"W 42.16 feet); thence S52°00'37"W 35.14 feet; thence S49°13'44"W 16.21 feet; thence along the arc of a 1958.50 foot radius non-tangent curve to the right (radius bears: N43°33'10"W) 572.53 feet through a central angle of 16°44'57" (chord: S54°49'18"W 570.49 feet); thence along the arc of a 796.50 foot radius curve to the left 322.56 feet through a central angle of 23°12'13" (chord: S51°35'41"W 320.36 feet); thence S50°00'26"E 83.00 feet; thence along the arc of a 15.00 foot radius non-tangent curve to the right (radius bears: S50°00'26"E) 24.40 feet through a central angle of 93°12'03" (chord: N86°35'36"E 21.80 feet); thence S46°48'23"E 38.61 feet; thence along the arc of a 576.00 foot radius curve to the right 159.63 feet through a central angle of 15°52'42" (chord: S38°52'02"E 159.11 feet); thence N59°04'19"E 48.00 feet; thence N61°04'23"E 197.74 feet; thence N74°24'02"E 49.33 feet; thence N58°11'47"E 479.82 feet; thence N44°21'17"E 25.73 feet; thence S45°38'43"E 371.82 feet; thence S89°30'17"E 109.40 feet; thence N44°21'17"E 72.20 feet; thence S45°38'43"E 61.05 feet; thence along the arc of a 174.00 foot radius curve to the right 63.92 feet through a central angle of 21°02'57" (chord: S35°07'14"E 63.56 feet); thence along the arc of a 31.50 foot radius curve to the left 19.29 feet through a central angle of 35°04'53" (chord: S42°08'12"E 18.99 feet); thence N46°01'36"E 80.84 feet; thence S43°58'24"E 151.35 feet; thence South 91.52 feet; thence S5°47'53"E 62.30 feet; thence S67°06'26"E 106.71 feet; thence S61°19'15"E 104.89 feet; thence S53°52'03"E 103.61 feet; thence S34°11'12"W 95.86 feet; thence southeasterly along the arc of a 704.50 foot radius non-tangent curve to the right (radius bears: S34°11'12"W) 374.67 feet through a central angle of 30°28'16" (chord: S40°34'40"E 370.27 feet); thence N64°39'28"E 120.00 feet; thence S46°34'23"E 109.23 feet; thence S45°08'11"E 92.87 feet; thence S39°59'35"E 84.64 feet; thence S89°59'56"W 882.90 feet; thence S0°00'04"E 891.46 feet to the Quarter Section Line; thence N89°11'06"W along the Quarter Section Line 35.96 feet to the west line of that real property described in Deed Entry No. 25092:2013 in the Official Records of the Utah

County Recorder; thence along said real property the following two (2) courses: S0°25'08"W 881.29 feet; thence S89°34'01"E 842.75 feet to the westerly line of the Utah Power & Light Company property as defined by survey; thence S5°03'00"W along said westerly line 929.06 feet to the south line of the Utah Power & Light Company property as defined by survey; thence along said south line northeasterly along the arc of a 544.00 foot radius non-tangent curve to the left (radius bears: N25°29'07"W) 8.46 feet through a central angle of 0°53'29" (chord: N64°04'08"E 8.46 feet) to the east line of that real property described in Deed Entry No. 4952:2006; thence S0°00'18"E along said real property 253.32 feet to the centerline of Fairfield Road; thence S52°38'12"W along said centerline 988.76 feet to the south line of said Section 21; thence N89°50'39"W along the Section Line 815.95 feet; thence N0°18'01"E 66.00 feet; thence N89°50'39"W 24.36 feet; thence North 36.34 feet; thence N46°27'15"W 133.07 feet; thence N36°34'11"E 103.90 feet; thence N74°28'29"E 76.45 feet; thence N51°17'58"E 110.22 feet; thence East 39.04 feet; thence North 31.27 feet; thence East 45.00 feet; thence South 39.18 feet; thence East 45.00 feet; thence S89°35'07"E 45.00 feet; thence S89°30'46"E 45.00 feet; thence North 95.25 feet; thence N3°27'08"E 56.10 feet; thence North 100.00 feet; thence East 46.59 feet; thence N45°59'47"E 129.55 feet; thence North 52.89 feet; thence N76°13'02"W 98.66 feet; thence N32°49'14"W 61.22 feet; thence N57°17'52"W 94.50 feet; thence N30°57'20"E 60.11 feet; thence N33°17'32"E 56.19 feet; thence N28°36'20"E 100.00 feet; thence N23°37'16"E 108.88 feet; thence N66°22'44"W 124.38 feet; thence N60°57'05"W 210.00 feet; thence N51°10'02"W 252.71 feet; thence N44°00'44"W 80.55 feet; thence N58°00'56"W 20.18 feet; thence N58°00'56"W 63.96 feet; thence N51°10'02"W 63.40 feet; thence N46°20'45"W 74.25 feet; thence N27°55'10"W 84.62 feet; thence N48°54'54"E 203.00 feet; thence southeasterly along the arc of a 571.00 foot radius non-tangent curve to the left (radius bears: N49°26'30"E) 79.78 feet through a central angle of 8°00'19" (chord: S44°33'39"E 79.71 feet); thence N38°49'58"E 357.60 feet; thence North 903.18 feet; thence East 574.80 feet; thence North 459.56 feet; thence West 659.17 feet; thence South 518.29 feet; thence West 160.08 feet; thence S23°39'00"E 310.85 feet; thence S53°30'58"W 103.38 feet; thence South 320.91 feet; thence S50°22'43"W 277.89 feet; thence S30°23'08"W 51.74 feet; thence S54°22'47"W 100.00 feet; thence N47°51'16"W 65.06 feet; thence N68°10'59"W 43.23 feet; thence N76°16'38"W 208.05 feet; thence N77°18'35"W 83.25 feet; thence N76°16'38"W 170.17 feet; thence S21°40'55"W 153.18 feet; thence S22°25'45"W 94.87 feet; thence S18°57'27"W 40.42 feet; thence southeasterly along the arc of a 9.00 foot radius non-tangent curve to the right (radius bears: S26°24'05"W) 13.37 feet through a central angle of 85°06'15" (chord: S21°02'48"E 12.17 feet); thence S21°30'20"W 99.04 feet; thence N68°29'40"W 18.00 feet; thence S21°30'20"W 67.00 feet; thence N68°29'40"W 22.08 feet; thence West 251.70 feet; thence South 68.50 feet; thence West 40.00 feet; thence southwesterly along the arc of a 15.00 foot radius non-tangent curve to the right (radius bears: West) 23.56 feet through a central angle of 90°00'00" (chord: S45°00'00"W 21.21 feet); thence West 66.70 feet; thence North 199.00 feet; thence West 169.48 feet; thence South 199.33 feet; thence N89°42'46"W 65.02 feet; thence South 135.00 feet; thence N89°09'33"W 254.57 feet; thence N0°00'38"E 819.84 feet; thence S61°54'28"E 61.03 feet; thence S75°53'16"E 166.84 feet; thence N0°12'30"E 73.54 feet; thence N61°41'58"W 140.45 feet; thence N49°18'19"W 437.76 feet to the Quarter Section Line;

thence N89°11'06"W along the Quarter Section Line 789.23 feet to the West 1/4 Corner of said Section 21; thence N0°12'36"E along the Section Line 1259.34 feet to the southerly line of that real property described in Deed Entry No. 83615:2009; thence along said real property the following two (2) courses: N33°39'41"E 1378.72 feet; thence N0°00'19"W 252.99 feet to the North Line of said Section 21; thence S89°00'57"E along the Section Line 41.52 feet to the west line of that real property described in Deed Entry No. 13804:2006; thence N0°15'47"E along said real property 73.56 feet to the northerly line of the Utah Power & Light Company easement as described in Deed Entry No. 4633:1970 and defined by survey; thence N33°57'27"E along said northerly line 2065.85 feet to the intersection with that real property described in Deed Entry No. 24119:2008; thence along said real property the following three (3) courses: N78°02'41"E 32.97 feet; thence N11°49'36"W 32.01 feet; thence N33°57'27"E 814.01 feet to the southerly right-of-way line of Highway 73; thence N78°12'20"E along said right-of-way line 235.19 feet to the Quarter Section Line; thence S0°23'05"W along the Quarter Section Line 651.34 feet to the northerly line of that real property described in Deed Entry No. 822:2006; thence along said real property the following seventeen (17) courses: N65°39'53"E 283.43 feet; thence N88°24'59"E 355.06 feet; thence S62°03'18"E 559.95 feet; thence N54°53'34"E 305.11 feet; thence N23°32'32"W 24.36 feet; thence northwesterly along the arc of a 1050.64 foot radius non-tangent curve to the right (radius bears: N66°29'51"E) 208.68 feet through a central angle of 11°22'48" (chord: N17°48'45"W 208.33 feet); thence N12°07'21"W 544.62 feet; thence N57°07'21"W 141.74 feet to a point also being on the southerly right-of-way line of Highway 73; thence N78°12'20"E along said right-of-way line 294.77 feet; thence S32°52'39"W 139.36 feet; thence S12°07'21"E 544.62 feet; thence along the arc of a 954.64 foot radius curve to the left 156.00 feet through a central angle of 9°21'45" (chord: S16°48'14"E 155.82 feet); thence N30°49'00"E 240.09 feet; thence N40°46'27"E 158.96 feet; thence N71°01'41"E 369.74 feet; thence N67°13'11"E 178.58 feet; thence S34°08'41"E 138.69 feet; thence S46°39'59"E 560.70 feet to the East Line of Section 16, T5S, R1W, SLB&M; thence S0°21'55"W along the Section Line 1820.99 feet to the point of beginning.

Contains: ±502.91 Acres

PARCEL B

A portion of the Southeast Quarter of Section 21, Township 5 South, Range 1 West, Salt Lake Base & Meridian, located in Saratoga Springs, Utah, more particularly described as follows:

Beginning at a point located S0°23'19"W along the Section Line 872.14 feet from the East 1/4 Corner of Section 21, Township 5 South, Range 1 West, Salt Lake Base & Meridian; thence S0°23'19"W along the Section Line 451.38 feet; thence N89°30'51"W 126.94 feet; thence S38°52'48"W 335.80 feet; thence S57°12'50"W 153.95 feet to the easterly line of the Utah Power & Light Company property as defined by survey; thence N5°03'00"E along said easterly line 801.20 feet to the south line of that real property described in Deed Entry No. 25092:2013 in the Official Records of the Utah

County Recorder; thence S89°34'01"E along said real property 399.68 feet to the point of beginning.

Contains: ±5.75 Acres

PARCEL C

A portion of Sections 21, Township 5 South, Range 1 West, Salt Lake Base & Meridian, located in Saratoga Springs, Utah, more particularly described as follows:

Beginning at a point located N0°17'59"E 804.10 feet and West 655.12 feet from the South 1/4 Corner of Section 21, Township 5 South, Range 1 West, Salt Lake Base & Meridian; thence S78°06'45"W 88.01 feet; thence S45°58'16"W 47.01 feet; thence S72°49'07"W 112.97 feet; thence N5°23'54"W 169.91 feet; thence N1°36'28"W 80.87 feet; thence West 95.30 feet; thence S74°37'25"W 41.48 feet; thence West 88.00 feet; thence North 221.00 feet; thence N25°18'13"W 44.25 feet; thence North 88.00 feet; thence West 69.09 feet; thence South 73.00 feet; thence N89°56'59"W 40.00 feet; thence West 88.05 feet; thence N0°00'38"E 288.97 feet; thence East 470.49 feet; thence S84°36'47"E 239.67 feet; thence southwesterly along the arc of a 1459.00 foot radius non-tangent curve to the left (radius bears: S74°13'09"E) 704.56 feet through a central angle of 27°40'06" (chord: S1°56'48"W 697.73 feet) to the point of beginning.

Contains: ±8.16 Acres

PARCEL D

A portion of the Northeast Quarter of Section 21, Township 5 South, Range 1 West, Salt Lake Base & Meridian, more particularly described as follows:

Beginning at the East Quarter Corner of Section 21, Township 5 South, Range 1 West, Salt Lake Base & Meridian; thence N89°11'23"W 328.41 feet to the easterly line of the Utah Power & Light Company property; thence N5°03'00"E along said easterly line 675.13 feet; thence N89°53'35"E 273.94 feet to the Section Line; thence S0°25'18"W along the Section Line 677.69 feet to the point of beginning.

Contains: ±4.67 Acres

LESS AND EXCEPTING THE FOLLOWING TWO (2) PARCELS

PARCEL E

All of that real property described in Deed Entry No. 82157:2013 in the official records of the Utah County Recorder described as follows:

Commencing West 3743.27 feet from the Northeast Corner of Section 21, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence South 769.12 feet; thence West 15.48 feet; thence South 74°33'16" West 60.49 feet; thence South 81°40'50" West 206.35 feet; thence North 17°22'00" West 15.18 feet; thence South 69°20'51" West 211.02 feet; thence South 51°58'34" West 62.87 feet; thence South

20°39'09" East 100 feet; thence South 69°20'51" West 302.99 feet; thence North 1114.19 feet; thence East 777.73 feet to beginning.
 Contains: ±16.089 Acres

PARCEL F.

A portion of that real property described in Deed Entry No. 26972:2006 in the official records of the Utah County Recorder described as follows:

A parcel of land in the South Half of Section 16, Township 5 South, Range 1 West, Salt Lake Base and Meridian, Utah County, Utah, more particularly described as follows:

Commencing at the Southeast Corner of said Section 16, and running thence North 00°22'06" East 1958.04 feet; thence West 2691.22 feet to the true point of beginning; thence South 24°19'46" East 151.48 feet; thence South 00°59'13" West 455.35 feet to a point of intersection with a non-tangent 106.00 foot radius curve to the left; thence Southwesterly 49.59 feet along said curve having a central angle of 26°48'14", subtended by a chord that bears South 76°14'40" West 49.14 feet; thence South 00°59'13" West 11.03 feet; thence North 89°00'55" West 406.08 feet; thence South 00°59'05" West 31.00 feet; thence North 74°49'37" West 128.62 feet; thence North 33°38'08" East 634.42 feet; thence North 65°37'56" East 189.51 feet to the true point of beginning.
 Contains: ±5.20 Acres

EXHIBIT C

FORM OF WAIVER AND CONSENT

The undersigned hereby acknowledges that the City of Saratoga Springs, Utah (the "City") has levied an assessment on the following property (the "Property"):

[INSERT]

Pursuant to Section 11-42-502.1 of the Assessment Area Act, Title 11, Chapter 42, Utah Code Annotated 1953, as amended, the undersigned does hereby consent to non-judicial foreclosure of the Property and hereby waives any ability to contest the application of any non-judicial foreclosure remedy with regard to the Property.

The undersigned hereby certifies that he/she is authorized to execute this Waiver and Consent.

DATED: _____

[SUBSEQUENT PROPERTY OWNER]

By: _____

Its: _____