

When recorded return to:
City of West Jordan
City Clerk's Office
8000 S Redwood Road, 3rd Floor
West Jordan, UT 84088

THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

ORDINANCE NO. 17-53

12635797
10/13/2017 12:03 PM \$0.00
Book - 10608 Pg - 4892-4902
ADAM GARDINER
RECORDER, SALT LAKE COUNTY, UTAH
WEST JORDAN CITY
3000 S REDWOOD RD
WEST JORDAN UT 84088
BY: CRA, DEPUTY - WI 11 P.

An Ordinance Amending Ordinance No. 13-27 (which Designated and Established "The Highlands Assessment Area"), by Including Additional Property into "The Highlands Assessment Area," Based Upon the Voluntary Request and Consent of the Property Owner

Whereas, Title 11, Chapter 42 of the Utah Code authorizes the City to establish an assessment area, under certain requirements, for the purpose of maintaining public improvements; and

Whereas, the City previously adopted Ordinance 13-27, on or about July 31, 2013, which designated and established the "Highlands Assessment Area," which Area encompasses the same or approximately the same geographic boundaries as the Highlands Master Development Area (which includes several subdivisions); and

Whereas, the City has determined and agreed to utilize the Highlands Assessment Area to finance the maintenance of certain public improvements to be constructed in the Highlands Master Development Area, said "public improvements" including dedicated open space public improvements, such as parks and trails, and collector and arterial park strips within the Assessment Area, including the costs of removal or covering of graffiti that may exist from time to time along collector and arterial streets within the Assessment Area (collectively, the "public improvements"); and

Whereas, a survey and examination of the boundary was completed and the current boundaries of the originally approved Highlands Assessment Area are known; and

Whereas, the proposed boundary of the proposed The Highlands Assessment Area and the proposed terms of operation of the assessment area were duly and timely published in a Notice of Intent to Designate Assessment Area at least 60 days prior to the date of the original ordinance, all as required by the Utah Code, Title 11, Chapter 42; and

Whereas, no protest was received from anyone owning property within the proposed assessment area; and

Whereas, the published methodology for determining the monthly assessment charge to residents of the proposed assessment, as amended and disclosed herein, is found to be fair and reasonable; and

Whereas, the designation and establishment of The Highlands Assessment Area is in the best interests of the City and its residents; and

Whereas, the addition of the property located in the Orchard Heights and Gladstone Subdivisions will not adversely affect the remainder of the Highlands Assessment Area; and

Whereas, the property owners have voluntarily provided written consent, which complies with Utah Code Title 11 Chapter 42 Subsection 207(1)(b), for the Orchard Heights and Gladstone

Subdivisions to be added to the Highlands Assessment Area; and

Whereas, the City will continue to maintain the same public improvements (for the original area and for the additional property), as provided in the original notice in 2013, and will not be making or maintaining any public improvements not stated within the original notice; and

Whereas, the City is not required to provide additional notice, because of the written consent of the property owner and pursuant to Utah Code Title 11 Chapter 42 Subsection 207(3); and

NOW THEREFORE, BE IT ORDAINED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

Section 1. The foregoing Recitals are hereby incorporated into this Ordinance and made part hereof.

Section 2. The City does has designated and established an assessment area under Title 11, Chapter 42 of the Utah Code encompassing the master development area known as The Highlands, with several subdivisions contained therein, which is known as The Highlands Assessment Area. Three (3) Tax ID Number(s) and legal descriptions which describe the additional property to be added to the boundaries of The Highlands Assessment Area are attached to this ordinance as **Exhibit “A,”** and by this reference is/are incorporated herein, as follows:

Sidwell No. **20-34-230-028** (also known as “Orchard Heights Subdivision”); and
Sidwell No. **20-35-100-017** (also known as “Gladstone Townhomes Parcel 1”); and
Sidwell No. **20-35-200-059** (also known as “Gladstone Townhomes Parcel 2”).

Section 3. The new open space public improvements in the additional property area within The Highlands Assessment Area, once constructed and through the end of any applicable warranty period, when and if dedicated to, and accepted by, the City, will be maintained thereafter by the City through The Highlands Assessment Area.

Section 4. Each year, in connection with the City budget process, the City will continue to determine the projected costs of maintaining the open space public improvements within The Highlands Assessment Area, which costs may be based on City personnel and materials being used or based on the bid cost for personnel and materials from a third party contractor. These total projected costs of maintenance of open space public improvements within The Highlands Assessment Area, when non-maintenance expenses of the assessment area (mailing expenses, publication expenses, professional fees expense, etc) are added thereto, will constitute the assessment area’s budget for the succeeding 12 calendar months.

Section 5. The City will continue to be responsible for paying twenty percent (20%) of the total annual budget of the assessment area each year out of its general funds. Because maintenance of public improvements is seasonal in nature, the City may advance funds out of its general funds for the benefit of the assessment area during the maintenance season, which advanced funds can be collected and reimbursed from the assessments thereafter collected within the assessment area during both the maintenance season and the non-maintenance season.

Section 6. The Highlands Assessment Area shall continue to be divided into equivalent residential units (“ERUs) for the purpose of assessing budget-based fees within the assessment area. Other

particulars are set forth in Ordinance 13-27 (especially in Sections 6 and 7), which is incorporated herein by reference.

Section 7. The City Clerk shall file a certified copy of this Ordinance with the Salt Lake County Recorder for all property added to the assessment area as provided for in Utah Code Title 11 Chapter 42 Subsection 207(1)(d).

Section 8. A Board of Equalization called for by Utah Code Title 11, Chapter 42, Section 403 will be created for The Highlands Assessment Area.

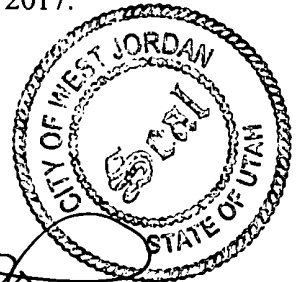
Section 9. Legal Construction and Severability; and Effective Date of this Ordinance.

The following apply:

- a. If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable; and
- b. This Ordinance shall take effect (be adopted) immediately on September 27, 2017 (effective date) and shall be recorded at the Salt Lake County Recorder's Office within 15 days of the effective date.

Approved by the City Council of West Jordan, Utah, this 27th day of September 2017.

ATTEST:



Melanie S Briggs

 MELANIE S BRIGGS, MMC
 City Clerk

Kim V Rolfe

 KIM V ROLFE
 Mayor

Voting by the City Council:

	"AYE"	"NAY"
Council Member Dirk Burton	<input checked="" type="checkbox"/>	_____
Council Member David Newton	<input checked="" type="checkbox"/>	_____
Council Member Zach Jacob	<input checked="" type="checkbox"/>	_____
Council Member Chris McConnehey	<input checked="" type="checkbox"/>	_____
Council Member Chad Nichols	<input checked="" type="checkbox"/>	_____
Council Member Alan Anderson	<input checked="" type="checkbox"/>	_____
Mayor Kim V. Rolfe	<i>absent</i>	_____

CITY CLERK/RECORDER'S CERTIFICATE OF PUBLICATION

ORD 17-53

I, Melanie S. Briggs, certify that I am the City Clerk/Recorder of the City of West Jordan, Utah, and that the foregoing ordinance was published in the Legal Section, of the Salt Lake Tribune, on the 17 day of October, 2017, pursuant to Utah Code Annotated, 10-3-711.



MELANIE S. BRIGGS, MMC
City Clerk/Recorder

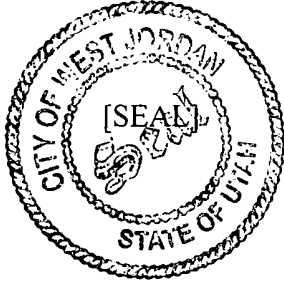


EXHIBIT "A"

Legal Description

BEG S 89°54'20" W 937.5 FT FR NE COR OF SEC 34, T2S, R2W, SLM; S 0°36'34" E 1885.76 FT; N 89°58'51" W 937.52 FT; N 0°36'34" W 1883.9 FT; N 89°54'20" E 937.5 FT TO BEG. LESS STREET. ALSO LESS AND EXCEPTING, BEG S 89°54'20" W 937.50 FT & S 0°36'34" E 33 FT FR NE COR SAID SEC 34; S 0°36'34" E 25 FT; S 89°54'20" W 853.41 FT; S 44°54'20" W 117.86 FT M OR L; N 0°36'34" W 108.34 FT M OR L; N 89°54'20" E 937.50 FT TO BEG 39.23 AC M OR L. 5550-46 7562-249 9925-523 10249-2188
Parcel #20-34-230-028

Parcel 1: [20-35-100-017]

A tract of land in fee, being part of an entire tract of property, situate in the NE1/4NW1/4 of Section 35, Township 2 South, Range 2 West, Salt Lake Base & Meridian. The boundaries of said tract of land are described as follows:

Beginning at a point 114.41 feet North 89°58'35" West along the northerly line of said Section and 824.25 feet South 00°20'42" East (South 00°23'41" East by record) from the North Quarter Corner of said Section 35, said point is 396.55 feet perpendicularly distant Southwesterly from the Right of Way Control Line of the Mountain View Corridor of said project opposite approximate Engineer Station 1470+59.04; and running thence South 00°20'42" East (South 00°23'41" East by record) 195.54 feet to the centerline of an existing wash; thence along the centerline of said wash the following sixteen (16) courses and distances: (1) North 26°50'06" West 152.09 feet to the beginning of a 140.00-foot radius curve to the left; thence (2) Northwest 66.11 feet along the arc of said curve (Note: Chord to said curve bears North 40°21'50" West for a distance of 65.50 feet); thence (3) North 53°53'33" West 39.26 feet; thence (4) North 44°21'27" West 67.41 feet to the beginning of a 107.00-foot radius curve to the left; thence (5) Northwest 80.74 feet along the arc of said curve (Note: Chord to said curve bears North 65°58'25" West for a distance of 78.83 feet); thence (6) North 87°35'23" West 35.69 feet to the beginning of a 50.00-foot radius curve to the right; thence (7) Northwest 67.29 feet along the arc of said curve (Note: Chord to said curve bears North 49°02'11" West for a distance of 52.32 feet); thence (8) North 10°28'59" West 43.29 feet; thence (9) North 40°14'42" West 145.84 feet; thence (10) North 23°02'08" West 61.28 feet to the beginning of a 110.00-foot radius curve to the left; thence (11) Northwest 92.41 feet along the arc of said curve (Note: Chord to said curve bears North 47°06'08" West for a distance of 89.72 feet); thence (12) North 71°10'06" West 54.92 feet; thence (13) North 66°57'37" West 80.25 feet; thence (14) North 59°04'27" West 38.20 feet; thence (15) North 69°50'26" West 64.92 feet; thence (16) North 83°23'05" West 23.53 feet; thence North 00°20'44" West (North 00°23'43" West by record) 245.83 feet; thence South 88°18'33" East 184.66 feet; thence North 89°47'01" East 181.64 feet; thence South 20°12'59" East 322.78 feet to the beginning of a 1080.00-foot radius curve to the left; thence Southeast 538.55 feet along the arc of said curve (Note: Chord to said curve bears South 34°30'07" East for a distance of 532.99 feet) to the point of beginning.

Legal Description

BEG S 89°58'40" W 114.41 FT & S 0°23'27" E 824.25 FT FR N 1/4
COR SEC 35, T2S, R2W, SLM; SE'LY ALG 1080 FT RADIUS
CURVE L 46.05 FT (CHD S 50°03'17" E); S 51°16'35" E 632.86 FT;
SE'LY ALG 4519 FT RADIUS CURVE R 115.04 FT (CHD S
30°47'22" E); S 44°10'51" E 54.09 FT; S 29°23'49" E 238.55 FT; S
23°22'17" E 109.11 FT; S 0°20'19" E 156.76 FT; N 67°45'10" W 6.58
FT; NW'LY ALG 61.50 FT RADIUS CURVE R 66.68 FT (CHD N
36°41'32" W); N 5°37'55" W 43.29 FT; NW'LY ALG 220 FT
RADIUS CURVE L 176.92 FT (CHD N 28°40'15" W); N 51°42'33"
W 151.27 FT; N 34°55'49" W 204 FT; NW'LY ALG 188.60 FT
RADIUS CURVE L 177.31 FT (CHD N 61°51'40" W); NW'LY ALG
75 FT RADIUS CURVE R 78.33 FT (CHD N 58°52'39" W); N
28°57'27" W 163.38 FT; NW'LY ALG 63 FT RADIUS CURVE L
79.39 FT (CHD N 65°03'32" W); NW'LY ALG 42.50 FT RADIUS
CURVE R 40.39 FT (CHD N 73°56'03" W); N 46°42'30" W 28.42
FT; N 0°23'27" W 195.54 FT TO BEG. 3.455 AC M OR L. 9562-
1491 9685-4872 9835-2495,2498 9850-7863 9878-2304 10512-8348
Parcel #20-35-200-059

City of West Jordan
City Attorney's Office
8000 South Redwood Road, 3rd Floor
West Jordan, UT 84088

City of West Jordan
HIGHLANDS ASSESSMENT AREA

PROPERTY OWNER CONSENT AND WAIVER

The signing of this Consent document by **Canyon Ranches L.C.** (Registered Agent/Address: Barrett Peterson, 3510 Millcreek Circle, Salt Lake City, UT 84106), the Owner of the described property (hereafter referred to as "**Owner**"), is an agreement and consent to the incorporation of the described "**incorporated property**" to be added, in its entirety (together with the relevant public improvements to be maintained), into and as a functioning part of the Highlands Assessment Area in accordance with Section 11-42-207 of the Utah Code.

The Owner hereby validates that the "**incorporated property**" is fully and properly described as follows:

See attached Exhibit "A" (Legal Descriptions).

The Owner further validates that the described "**incorporated property**" has the following tax ID number(s):

Sidwell No. **20-34-230-028** (also known as "**Orchard Heights Subdivision**"); and
Sidwell No. **20-35-100-017** (also known as part of "**Gladstone Townhomes Parcel 1**"); and
Sidwell No. **20-35-200-059** (also known as part of "**Gladstone Townhomes Parcel 2**").

The Owner further waives any right to protest the creation of the Highlands Assessment Area, the incorporation of the incorporated property into the Highlands Assessment Area, the current year's assessment levy, or any other issue related thereto. The Owner further acknowledges that Owner is aware of the total assessment to be levied against the incorporated property.

The incorporated property will benefit from the connectivity, beautification, and use and maintenance of the public improvements throughout the Highlands Assessment Area. The

EXHIBIT "A"
LEGAL DESCRIPTIONS

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