

ORDINANCE NO. 17-7(2-7-17)

Saratoga Springs, Utah

February 7, 2017

The City Council (the "Council") of the City of Saratoga Springs, Utah met in regular session on Tuesday, February 7, 2017, 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 |



ENT 13872:2017 PG 1 of 20
JEFFERY SMITH
UTAH COUNTY RECORDER
2017 Feb 09 12:19 pm FEE 0.00 BY DA
RECORDED FOR SARATOGA SPRINGS CITY

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 February 7, 2017 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 amendment to ordinance levying an assessment (the "Ordinance Amendment") for the Mt. Saratoga (the "Assessment Area"). The following Ordinance Amendment was then introduced in writing, was fully discussed, and pursuant to a motion duly made by Councilmember McOmber and seconded by Councilmember Willden, adopted by the following vote:

AYE: BAERTSCH, McOMBER, PORTER, PODUSKA, WILLDEN

NAY: None

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

ORDINANCE NO. 17-7 (2-7-17)

AN AMENDMENT TO ORDINANCE (“AMENDMENT”) PROVIDING FOR THE AMENDMENT OF THE LEGAL DESCRIPTION OF THE MT. SARATOGA (THE “ASSESSMENT AREA”) AND SECTION 7(a) OF THE ORIGINAL ASSESSMENT ORDINANCE; 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”), previously adopted an Ordinance No. 16-24 (10-4-16) on October 4, 2016 (the “Original Assessment Ordinance”); and

WHEREAS, the Council has now determined that is necessary and desirable to amend the Original Assessment Ordinance to (a) delete Parcel D from the legal description, as shown on Exhibit B attached hereto, (b) add properties to the Assessment List as shown on Exhibit B attached hereto and (c) amend Section 7(a) of the Original Assessment Ordinance; and

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

Section 1. Amendment of Legal Description and Assessment List. Exhibit B to the Original Assessment Ordinance is amended as shown on Exhibit B attached hereto.

Section 2. Amendment to Section 7(a) of the Original Assessment Ordinance. Section 7(a) of the Original Assessment Ordinance is hereby amended and restated as follows:

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 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.

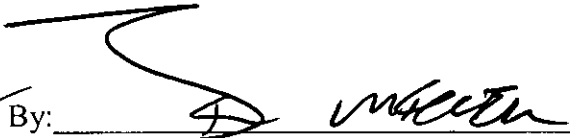
Section 3. Deletion of Exhibit C to Original Assessment. Exhibit C of the Original Assessment Ordinance is hereby deleted due to the amendment of Section 7(a).

Section 4. 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.

Section 5. Repeal of Conflicting Provisions. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed.

Section 6. 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 immediately. 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 February 7, 2017.

By: 
Jim Miller, Mayor

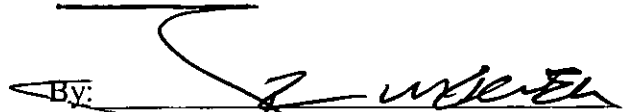
ATTEST:

By: 
Cindy LoPiccolo, City Recorder

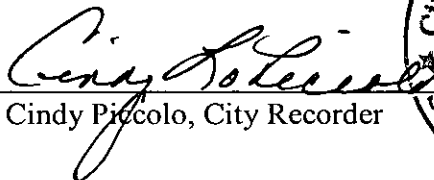


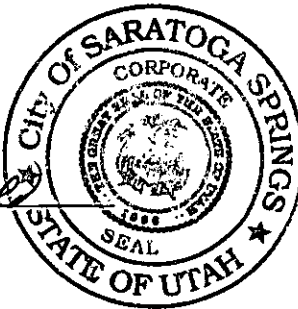
Thereupon the City Manager of the City was authorized and directed to give notice of assessment by certified mail to the property owners in the Assessment Area.

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



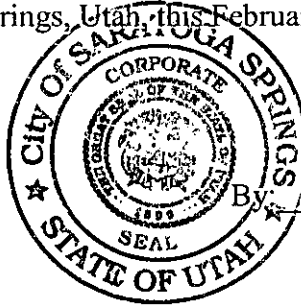
STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

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 February 7, 2017, 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 February 7, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of City of Saratoga Springs, Utah, this February 7, 2017.

(SEAL)



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 February 7, 2017 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 February 7, 2017, 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 February 7, 2017, 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 February 7, 2017, 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 2017 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 12-7-2016 at the principal office of the City, (ii) provided to at least one newspaper of general circulation within the City on 12-7-2016, 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 February 7, 2017.



Cindy LoPiccolo
Cindy LoPiccolo, City Recorder

SCHEDULE 1
NOTICE OF MEETING



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, February 7, 2017

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.

REPORTS:

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

PUBLIC HEARINGS:

1. Fox Hollow Rezone / General Plan Amendment / Master Development Agreement Amendment, Doug Towler/Ed Bailey applicant, ~ 3100 S. Redwood Road; Ordinance 17-4 (2-7-17).
2. Transportation Impact Fee Facilities Plan (IFFP), Impact Fee Analysis (IFA), and Enactment/Ordinance; Ordinance 17-5 (2-7-17) (*cont. from 1-17-17*).
3. WirelessBeehive.com, LLC, dba Beehive Broadband, Franchise Agreement; Ordinance 17-6 (2-7-17).

BUSINESS ITEMS:

1. Saratoga Springs Assessment Area 2016 Amendment to Assessment Ordinance; Ordinance No. 17-7 (2-7-17).

AN AMENDMENT TO ORDINANCE (“AMENDMENT”) PROVIDING FOR THE AMENDMENT OF THE LEGAL DESCRIPTION OF THE MT. SARATOGA (THE “ASSESSMENT AREA”) AND SECTION 7(a) OF THE ORIGINAL ASSESSMENT ORDINANCE; ESTABLISHING THE EFFECTIVE DATE OF THIS ORDINANCE; AND RELATED MATTERS.

2. ABC Great Beginnings Site Plan and Conditional Use Permit (CUP), Johnny Anderson applicant, Northwest corner of Aspen Hills Blvd. and Redwood Road.
3. Entire Title 19 Code Amendments; Ordinance 17-8 (2-7-17) (*cont. Decision from 11-15-16*).

4. Willow Glen Preliminary Plat, Jared Haynie applicant, ~ 1900 E. 145 N. (northwest of Loch Lomond).
5. Bid Award: 2017 Road Maintenance Project; Resolution R17-15 (2-7-17).
6. Appointment of Mayor Pro Tempore; Resolution R17-16 (2-7-17).
7. Appointment of Mayor Jim Miller to North Pointe Solid Waste Special Service District; Resolution R17-17 (2-7-17).
8. Amendment of the Reimbursement Agreement with Patterson Homes for the North Zone 1 Secondary Waterline Upsize along Kern Avenue in Sierra Estates Plat; Resolution R17-18 (2-7-17).
9. Bid Award: Base Bid and Additive Alternate for the Redwood Road Culinary Transmission Line; Resolution R17-19 (2-7-17).

APPROVAL OF MINUTES:

1. January 13, 2017 Retreat Summary.
2. January 17, 2017.

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

Regular Meetings will be held as follows at the City of Saratoga Springs City Hall Council Chambers located at 1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045, beginning generally at 7:00 p.m. Additional meetings, work sessions, retreats or joint meetings may be scheduled as publically noticed.

| | |
|---|--|
| Tuesday, January 3, 2017 | Tuesday, January 17, 2017 |
| Tuesday, February 7, 2017 | Tuesday, February 21, 2017 |
| Tuesday, March 7, 2017 | Tuesday, March 21, 2017 |
| No Meeting April 4 – Spring Break | Tuesday, April 18, 2017 |
| Tuesday, May 2, 2017 | Tuesday, May 16, 2017 |
| No Meeting June 6 – Splash | Tuesday, June 20, 2017 |
| No Meeting July 4 th Holiday | Tuesday, July 18, 2017 |
| Tuesday, August 1, 2017 | Tuesday, August 15, 2017 |
| Tuesday, September 5, 2017 | Tuesday, September 19, 2017 |
| Tuesday, October 3, 2017 | Tuesday, October 17, 2017 |
| No Meeting Nov. 7 – Election Day | Tuesday, November 21, 2017 |
| Tuesday, December 5, 2017 | No Meeting Dec. 19 – Christmas Holiday |

Cindy Lopiccolo
 Cindy Lopiccolo, MMC
 City Recorder

Approved by City Council on December 6, 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 | | | |
|------------------------|--------------|------------------------|------------------|
| <i>Parcel Number</i> | <i>ERUs</i> | <i>Est. Assessment</i> | <i>Owner</i> |
| 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 |
| 58-034-0372 | 12 | 45,891.48 | DCP Saratoga LLC |
| 58-034-0441 | 15 | 57,364.35 | DCP Saratoga LLC |
| 58-033-0182 | 0 | - | DCP Saratoga LLC |
| 58-033-0186 | 0 | - | DCP Saratoga LLC |
| 58-034-0353 | 0 | - | DCP Saratoga LLC |
| Total | 1,935 | \$ 7,400,000.00 | |

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 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 $24^{\circ}19'46''$ East 151.48 feet; thence South $00^{\circ}59'13''$ 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 $26^{\circ}48'14''$, subtended by a chord that bears South $76^{\circ}14'40''$ West 49.14 feet; thence South $00^{\circ}59'13''$ West 11.03 feet; thence North $89^{\circ}00'55''$ West 406.08 feet; thence South $00^{\circ}59'05''$ West 31.00 feet; thence North $74^{\circ}49'37''$ West 128.62 feet; thence North $33^{\circ}38'08''$ East 634.42 feet; thence North $65^{\circ}37'56''$ 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: _____