

WHEN RECORDED, RETURN TO:

Randall M. Larsen  
Gilmore & Bell, P.C.  
15 West South Temple, Suite 1450  
Salt Lake City, UT 84101

E 3487761 B 8050 P 486-501  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
07/14/2022 01:01 PM  
FEE \$66.00 Pgs: 16  
DEP RT REC'D FOR WOODS CROSS CITY

**RETURNED**

**JUL 14 2022**

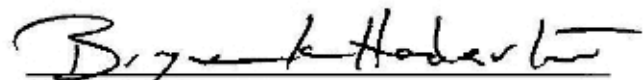
NOTICE OF ASSESSMENT INTEREST

Notice is hereby given that Woods Cross City, Utah (the "City") claims an assessment interest in the property described on Exhibit A arising out of the requirements of the 1960 South Street Assessment Area (the "Assessment Area") and the terms and provisions of Ordinance No. 2021-604 adopted by the City Council on November 16, 2021 (the "Assessment Ordinance"), attached hereto as Exhibit B, levying an assessment against certain properties in the Assessment Area. Assessments in the Assessment Area may be paid in one installment or be paid in annual installments over a maximum period of twenty (20) years.

The City designated the Assessment Area to finance the costs of acquiring property, constructing road improvements, along with other necessary miscellaneous improvements in the City at approximately 1960 South 1100 West (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 Assessment Ordinance (November 17, 2021). 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 Bryce Haderlie, City Administrator at (801) 292-4421.

Dated this 14 July, 2022.

  
City Administrator



**EXHIBIT A**

**LEGAL DESCRIPTION AND TAX ID NUMBERS**

That certain real property located in Davis County, State of Utah, described as follows:

1. All of Lot 301, Woods Cross Industrial Park – 3<sup>rd</sup> Amendment  
(Tax ID # 06-440-0301)  
Owner – WOODS CROSS PROPERTIES 102 LLC  
Legal Description: ALL OF LOT 301, WOODS CROSS INDUSTRIAL PARK -  
3RD AMENDMENT. CONT. 2.36000 ACRES.
2. All of Lot 3, Woods Cross Industrial Park  
(Tax ID # 06-313-0003)  
Owner – SS EQUITIES LLC  
Legal Description: ALL OF LOT 3, WOODS CROSS INDUSTRIAL PARK.  
CONT. 2.15000 ACRES.
3. All of Lot 4, Woods Cross Industrial Park  
(Tax ID # 06-313-0019)  
Owner - LEGACY PREPARATORY ACADEMY  
Legal Description: ALL OF LOT 4, WOODS CROSS INDUSTRIAL PARK.  
CONT. 3.85000 ACRES LESS & EXCEPT THAT PART OF SD LOT 4 CONV  
IN QC DEED RECORDED 08/12/2015 AS E# 2886549 BK 6328 PG 1044  
DESC AS FOLLOWS: COM AT THE SE COR OF LOT 14 IN THE MEADOW  
CROSSING SUB PLAT V, LOC IN THE NE COR OF SEC 35-T2N-R1W,  
SLB&M; & RUN TH E 22.27 FT TO THE W'LY R/W LINE OF 1200 WEST  
STR; TH ALG SD R/W LINE N 0°04'50" E 40.72 FT; TH S 89°58'00" W ALG  
THE MOST N'LY LINE OF LOT 4 IN THE WOODS CROSS INDUSTRIAL  
PARK 22.41 FT; TH S 0°07'00" E ALG THE E'LY BNDRY LINE OF LOT 14,  
40.71 FT TO THE POB. CONT. 0.02 ACRES ALSO LESS & EXCEPT THAT  
PART OF SD LOT 4 CONV IN QC DEED RECORDED 08/21/2015 AS E#  
2888301 BK 6335 PG 34 DESC AS FOLLOWS: COM AT THE NE COR OF  
LOT 13 IN THE MEADOW CROSSING SUB PLAT V IN THE NE COR OF  
SEC 35-T2N-R1W, SLB&M; & RUN TH E 22.27 FT TO THE W'LY R/W LINE  
OF 1200 WEST STR; TH S 0°04'50" W ALG SD R/W LINE 80.55 FT; TH S  
89°59'35" W 15.77 FT; TH N 0°07'00" W 77.62 FT ALG THE E'LY LINE OF  
LOT 13; TH N 65°02'01" W 6.94 FT TO THE POB. CONT. 0.03 ACRES  
TOTAL ACREAGE 3.80 ACRES.
4. All of Lot 5, Woods Cross Industrial Park  
(Tax ID # 06-313-0005)  
Owner - LEGACY PREPARATORY ACADEMY A NON-PROFIT  
CORPORATION

Legal Description: ALL OF LOT 5, WOODS CROSS INDUSTRIAL PARK.  
CONT. 6.00000 ACRES.

5. All of Lot 101, Woods Cross Industrial Park 2<sup>nd</sup> Amended  
(Tax ID # 06-430-0101)  
Owner: WOODS CROSS INDUSTRIAL LLC  
Legal Description: ALL OF LOT 101, WOODS CROSS INDUSTRIAL PARK  
2ND AMENDED. CONT. 4.72700 ACRES.
6. All of Lot 102, Woods Cross Industrial Park 2<sup>nd</sup> Amended  
(Tax ID # 06-430-0102)  
Owner: WOODS CROSS INDUSTRIAL LLC  
Legal Description: ALL OF LOT 102, WOODS CROSS INDUSTRIAL PARK  
2ND AMENDED. CONT. 3.69400 ACRES.
7. All of Lot 11, Wood Cross Industrial Park  
(Tax ID # 06-313-0011)  
Owner - UP RIGHT PROPERTIES LLC  
Legal Description: ALL OF LOT 11, WOODS CROSS INDUSTRIAL PARK.  
CONT. 2.06000 ACRES.
8. All of Lot 1, Moffat-Thomas Industrial Subdivision  
(Tax ID # 06-432-0001)  
Owner: MOFFIT-THOMAS HOLDINGS LLC  
Legal Description: ALL OF LOT 1, MOFFAT-THOMAS INDUSTRIAL  
SUBDIVISION. CONT. 1.00000 ACRES.
9. All of Lot 2, Moffat-Thomas Industrial Subdivision  
(Tax ID # 06-432-0002)  
Owner: THOMAS & SONS LLC  
Legal Description: ALL OF LOT 2, MOFFAT-THOMAS INDUSTRIAL  
SUBDIVISION. CONT. 1.04000 ACRES.
10. All of Lot 105, Woods Cross Industrial Park 2<sup>nd</sup> Amended  
(Tax ID # 06-430-0105)  
Owner: WXMW INVESTMENT LLC – ETAL  
Legal Description: ALL OF LOT 105, WOODS CROSS INDUSTRIAL PARK  
2ND AMENDED. CONT. 3.62300 ACRES.
11. All of Lot 104, Woods Cross Industrial Park 2<sup>nd</sup> Amended  
(Tax ID # 06-430-0104)  
Owner: WOODS CROSS INDUSTRIAL LLC  
Legal Description: ALL OF LOT 104, WOODS CROSS INDUSTRIAL PARK  
2ND AMENDED. CONT. 1.01800 ACRES.
12. All of Parcel Described by Metes and Bounds

(Tax ID # 06-084-0017)

Owner: WOODS CROSS CITY

Legal Description: BEG ON THE S LINE OF GRANTOR'S PPTY AT A PT ON THE W'LY LINE OF A 60 FT EASEMENT, WH PT IS S 0°09'42" E ALG THE SEC LINE 1840.87 FT & N 89°46' W 1014.96 FT FR THE NE COR OF SEC 35-T2N-R1W, SLM, SD PT IS ALSO S 1836.73 FT & W 1009.76 FT FR SD SEC COR; TH N 89°46' W ALG SD S PPTY LINE 100 FT; TH N 50 FT; TH E 107.93 FT TO THE W'LY LINE OF SD 60 FT EASEMENT; TH S 9°01' W 50.59 FT TO POB. CONT. 0.12 ACRES

13. ALL OF LOT 13, WOODS CROSS INDUSTRIAL PARK AMENDED LOTS 8, 9, AND 10.

(Tax ID # 06-373-0013)

Owner: WOODS CROSS CITY A CORPORATION

Legal Description: ALL OF LOT 13, WOODS CROSS INDUSTRIAL PARK AMENDED LOTS 8, 9, AND 10. CONT. 6.84000 ACRES.

14. All of Lot 103, Woods Cross Industrial Park 2<sup>nd</sup> Amended

(Tax ID # 06-430-0103)

Owner: WOODS CROSS INDUSTRIAL LLC

Legal Description: ALL OF LOT 103, WOODS CROSS INDUSTRIAL PARK 2ND AMENDED. CONT. 2.94800 ACRES.

15. All of Lot 1, Alumatek Industrial Park

(Tax ID # 06-226-0001)

Owner: BAILEY, GRANT S & G RALPH - TRUSTEES

Legal Description: ALL OF LOT 1, ALUMATEK INDUSTRIAL PARK. CONT. 1.186 ACRES

16. ALL OF LOT 2, ALUMATEK INDUSTRIAL PARK

(Tax ID # 06-226-0002)

Owner: GB WOODS CROSS INVESTMENTS LLC

Legal Description: ALL OF LOT 2, ALUMATEK INDUSTRIAL PARK. CONT. 2.002 ACRES

17. ALL OF LOT 3, ALUMATEK INDUSTRIAL PARK.

(Tax ID # 06-226-0003)

Owner: GB WOODS CROSS INVESTMENTS LLC

Legal Description: ALL OF LOT 3, ALUMATEK INDUSTRIAL PARK. CONT. 1.493 ACRES

18. ALL OF LOT 4, ALUMATEK INDUSTRIAL PARK

(Tax ID # 06-226-0004)

Owner: BAILEY, GREG R & JONI K - TRUSTEES

Legal Description: ALL OF LOT 4, ALUMATEK INDUSTRIAL PARK. CONT. 1.278 ACRES

19. ALL OF LOT 5, ALUMATEK INDUSTRIAL PARK  
(Tax ID # 06-226-0005)  
Owner: BAILEY, GREG R & JONI K – TRUSTEES  
Legal Description: ALL OF LOT 5, ALUMATEK INDUSTRIAL PARK. CONT.  
1.00 ACRES
20. ALL OF LOT 6, ALUMATEK INDUSTRIAL PARK  
(Tax ID # 06-226-0006)  
Owner: BAILEY, GREG R & JONI K – TRUSTEES  
Legal Description: ALL OF LOT 6, ALUMATEK INDUSTRIAL PARK. CONT.  
1.00 ACRES
21. ALL OF LOT 7, ALUMATEK INDUSTRIAL PARK  
(Tax ID # 06-226-0007)  
Owner: HERITAGE INVESTMENT AND DEVELOPMENT CORPORATION  
Legal Description: ALL OF LOT 7, ALUMATEK INDUSTRIAL PARK. CONT.  
1.004 ACRES
22. ALL OF LOT 8, ALUMATEK INDUSTRIAL PARK  
(Tax ID # 06-226-0008)  
Owner: BAILEY, GREG R & JONI K – TRUSTEES  
Legal Description: ALL OF LOT 8, ALUMATEK INDUSTRIAL PARK. CONT.  
1.672 ACRES

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23. All of Parcel Described by Metes and Bounds  
(Tax ID # 06-084-0079)  
Owner: G & H INVESTMENT PROPERTIES LC  
Legal Description: BEG AT A PT ON THE W'LY R/W LINE OF 1100 WEST STR, SD PT BEING S 89°59'35" W 258.40 FT & S 0°09'49" W 437.59 FT & S 89°40'22" W 33.00 FT & S 0°19'10" E 59.08 FT FR NE COR OF SEC 35-T2N-R1W, SLB&M; TH S 89°58' W 564.55 FT, M/L, TO THE E LINE OF PPTY CONV AS PARCEL 3 IN WARRANTY DEED RECORDED 02/19/2021 AS E# 3350429 BK 7700 PG 2157 & MORE CORRECTLY DESC IN AFFIDAVIT RECORDED 03/31/2021 AS E# 3365811 BK 7728 PG 421; TH ALG SD LINE S 0°10'03" E 258.81 FT, M/L, TO THE N LINE OF PPTY CONV AS PARCEL 2 IN WARRANTY DEED RECORDED 11/20/2020 AS E# 3317735 BK 7642 PG 1920; TH N 89°58' E 563.05 FT, M/L, TO SD W'LY R/W LINE OF 1100 WEST STR; TH ALG SD R/W N 0°04' E 258.63 FT, M/L, TO POB. CONT. 3.285 ACRES ALSO, BEG AT A PT ON THE W'LY R/W LINE OF 1100 WEST STR, SD PT BEING S 89°59'35" W 258.40 FT & S 0°09'49" W 437.59 FT & S 89°40'22" W 33.00 FT & S 0°19'10" E 21.17 FT FR NE COR OF SEC 35-T2N-R1W, SLB&M; & RUN TH S 0°19'10" E 37.91 FT; TH S 89°58' W 564.55 FT, M/L, TO THE E LINE OF PPTY CONV AS PARCEL 3 IN WARRANTY DEED RECORDED 02/19/2021 AS E# 3350429 BK 7700 PG 2157 & MORE CORRECTLY DESC IN AFFIDAVIT RECORDED 03/31/2021

AS E# 3365811 BK 7728 PG 421; TH ALG SD PPTY THE FOLLOWING  
FOUR COURSES: N 0°10'03" W 47.74 FT & N 44°53'26" E 30.03 FT & N  
89°56'54" E 512.12 FT & S 44°56'39" E 44.14 FT TO POB. CONT. 0.805  
ACRES TOTAL ACREAGE 4.09 ACRES (ROTATION TO NAD83 0°19'41"  
CLOCKWISE.) (NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE  
DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES  
NOT REFLECT A SURVEY OF THE PROPERTY.)

**EXHIBIT B**  
**ASSESSMENT ORDINANCE**



Woods Cross, Utah

November 16, 2021

A regular meeting of the City Council of Woods Cross, Utah, was held on Tuesday, November 16, 2021, at 6:30 p.m. at the regular meeting place of the City Council, at which meeting there were present and answering to roll call the following members who constituted a quorum:

Rick Earnshaw	Mayor
Julie Checketts	Councilmember
Tamra Dayley	Councilmember
Wallace Larrabee	Councilmember
Matt Terry	Councilmember
Ryan Westergard	Councilmember

Also present:

Annette Hanson	City Recorder
Bryce K. Haderlie	City Administrator

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this ordinance had been discussed, the City Recorder presented to the City Council a Certificate of Compliance with Open Meeting Law with respect to this November 16, 2021, meeting, a copy of which is attached hereto as Exhibit A.

The City Recorder then noted that the City Council is now convened in this meeting for the purpose, among other things, of adopting an Assessment Ordinance (the "Ordinance") for the Assessment Area. The following Ordinance was then introduced in writing, was fully discussed, and pursuant to motion duly made by Councilmember Westergard and seconded by Councilmember Checketts, was adopted by the following

vote: AYE:

Julie Checketts	Councilmember
Tamra Dayley	Councilmember
Wallace Larrabee	Councilmember
Matt Terry	Councilmember
Ryan Westergard	Councilmember

NAY:

The ordinance was then signed by the Mayor and recorded by the City Recorder in the official records of Woods Cross, Utah. The ordinance is as follows:

ORDINANCE NO. 2021-604

An ordinance confirming the equalized assessment list and levying an assessment against certain properties in the Woods Cross, Utah 1960 South Street Assessment Area (the "Assessment Area"), for the purpose of financing certain improvements in the Assessment Area; establishing the effective date of the ordinance; and related matters.

WHEREAS, the City Council has previously designated the Assessment Area and appointed the Board of Equalization (the "Board") for the Assessment Area; and

WHEREAS, the City Council has previously approved the Findings, Report and Corrections of the Board (the "Board Report") and adopted the equalized and adjusted assessment lists for the Assessment Area (the "Assessment List").

BE IT ORDAINED BY THE CITY COUNCIL OF WOODS CROSS, UTAH, AS FOLLOWS:

Section 1. Determination of Costs. All costs and expenses to finance the costs of acquiring property and constructing road improvements, along with other necessary miscellaneous improvements (the "Improvements") within the Assessment Area, together with related costs, have been determined.

Section 2. Levy of Assessments. The City Council hereby levies an assessment upon the real property identified in the Assessment List. The assessments levied upon each parcel of property therein described shall be in the amount set forth in the Assessment List.

The assessments hereby levied are to finance the Improvements.

The assessments are hereby levied and assessed upon each of the parcels of real property described in the Assessment List in accordance with the benefit received from the Improvements within the Assessment Area. The assessments are levied upon the parcels of land in the Assessment Area at equal and uniform rates as adjusted by the City and Shown on the Assessment List.

Section 3. Cost of Improvements; Amount of Total Assessments. The total cost of the Improvements in the Assessment Area is \$2,715,000, including allowable related expenses. Of this total cost, the City's portion is \$422,381.72. The City's portion for the Assessment Area includes costs of upsizing a water line, that part of the overhead costs for which an assessment cannot be levied, if any, and the cost of the Improvements for the benefit of property owned by the City or against which an assessment may not be levied, if any. The amount to be assessed against property affected or benefited by the Improvements in the Assessment Area is \$2,655,565. These amounts do not exceed in the aggregate the sum of: (a) the total contract price or prices for the Improvements under contract has been duly let to the lowest and best responsible bidder therefore and a portion of the costs of installation, designing and inspection; (b) the reasonable cost of (i) utility services, maintenance, and operation to the extent permitted by the Assessment Area Act,

Title 11, Chapter 42, Utah Code (the "Act") and (ii) labor, materials or equipment supplied by the City, if any; (c) the property price, if any; (d) connection fees, if any; (e) the interest on interim warrants issued against the Assessment Area, if any; and (f) overhead costs not to exceed fifteen percent (15%) of the sum of (a), (b), (c) and (d).

Section 4. Method. Each of the benefited properties will be assessed within the Assessment Area based upon a per acre methodology, as adjusted by the City and shown on the Assessment List.

Section 5. Payment of Assessments.

(a) Assessments shall be payable in full or in twenty (20) annual installments (the "Assessment Installment" or "Installments"). If payable in twenty (20) annual installments, payable on June 1<sup>st</sup> of each year beginning June 1, 2022 until all Assessments have been paid in full. The City Council hereby determines that the Improvements have a useful life of not less than forty (40) years, that the Improvements have a reasonable useful life for the full period during which the Installments are to be paid, and that it is in the best interest of the City and the property owners within the Assessment Area that Installments be paid for more than ten (10) years.

If any Installment is not paid by the due date, the unpaid Installment(s) will accumulate delinquent interest and/or charges in accordance with this Assessment Ordinance and State law. 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.

(b) Interest on the unpaid balance of the Assessments shall accrue from July 15, 2021 at a rate of 2.117%, being the date of issuance and true interest cost borne by the sales tax bonds previously issued by the City to pay for the Improvements (the "Sales Tax Bonds"), plus an annual administration cost incurred by the City in an amount not to exceed 0.50% per annum applied to the outstanding Assessment for such year plus any direct out of pocket costs of the City related to the administration and collection of the Assessments. The City may outsource all or a portion of the administration services, including legal costs or consulting costs, including, but not limited to, all costs related to amendments to this Ordinance.

(c) The City will collect the Assessments through annual billing with payment of assessment installments to be due June 1<sup>st</sup> of each year beginning June 1, 2022.

(d) All unpaid installments of an assessment levied against any parcel 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 redemption date of the Sales Tax Bonds plus such additional amount as, in the opinion of the City Recorder ("City Official") (with assistance from the administrator of the Assessments, if any), is

necessary to assure the availability of money to pay interest on the Sales Tax Bonds as interest becomes due and payable, plus any premiums required to redeem the Sales Tax Bonds on their first call date pursuant to the indenture of trust under which the Sales Tax Bonds are issued (the "Indenture").

**Section 6. Default in Payment.** If a default occurs in the payment of any assessment installment when due, the City may (a) declare the delinquent amount to be immediately due and subject to collection or (b) 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. Additional interest shall accrue and be paid on all amounts declared to be delinquent or accelerated and immediately due and payable at the same rate as is applied to delinquent real property taxes for the year in which the assessment installment becomes delinquent (the "Delinquent Rate"). In addition to interest charges at the Delinquent Rate, costs of collection, including attorney's fees and court costs ("Collection Costs"), as determined by the City Treasurer or required by law, may be charged and paid on all amounts declared to be delinquent or accelerated and immediately due and payable. In lieu of accelerating the total assessment balance when one or more assessment installments become delinquent, the City may elect to bring an action to collect only the delinquent portion of the assessment plus interest at the Delinquent Rate and Collection Costs.

Upon any default, the City Treasurer shall give notice in writing of the default to the owner of the property in default as shown by the last available equalized assessment rolls. 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 equalized assessment rolls for Davis County or on the official ownership records of Woods Cross. The notice shall provide for a period of thirty (30) days in which the owner shall pay the installments then due and owing together with accrued interest at the regular rate plus costs as determined by the City Treasurer. If the City elects to use the enforcement remedy involving acceleration, the Notice shall also declare that after the thirty (30) day period the City shall accelerate the then unpaid balance of the principal of the assessment to be immediately due and payable together with Collection Costs and interest on the entire unpaid balance to accrue from the date of delinquency at the Delinquent Rate. Thereafter, 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(2)(a)(ii) and related pertinent provisions of the Act, in the manner provided for judicial foreclosures, or utilize any other remedy permitted by law. 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.

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 of collection or enforcement shall not deprive 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 other reasonable and related costs, shall be added to the amount of the assessment up to the date of foreclosure sale.

Section 7. Remedy of Default. If prior to the final date that payment may be legally made under a final sale or foreclosure of property to collect delinquent assessment installments, the property owner pays the full amount of all unpaid installments that are past due and delinquent with interest at the Delinquent Rate, plus all approved or required costs including attorneys fees, the assessment of said owner shall be restored so that the owner will have the right to make the payments in installments as if the default had not occurred.

Section 8. Lien of Assessment. An assessment or any part or installment of it, any interest accruing, and the penalties and costs of collection 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, shall be equal to and on a parity with the lien for general property taxes, and shall apply without interruption, change of priority, or alteration in any manner to any reduced payment obligations. The lien 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, the issuance of a tax deed, an assignment of interest by Woods Cross, or a sheriff's certificate of sale or deed.

Section 9. Reserve Fund. The City determined not to fund a Reserve Fund as additional security for the Sales Tax Bonds.

Section 10. Contestability. No assessment shall be declared invalid or set aside in whole or in part in consequence of any error or irregularity that does not go to the equity or justice of the assessment or proceeding. Any party who has not waived his/her objections to same as provided by statute may commence a civil action 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 that 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 60-day period provided in this section:

(a) The assessments levied in the Assessment Area shall become incontestable as to all persons who have not commenced an action and served a summons as provided for in this section; and

(b) A suit to enjoin the levy, collection, or enforcement of the assessment, or to attack or question the legality of the assessment may not be commenced in this state, and a court may not inquire into those matters.

Section 11. Notice to Property Owners. The City Treasurer is hereby authorized and directed to give notice of assessment by mail to the property owners in the Assessment

Area. Said notice shall, among other things, state the amount of the assessment and the terms of payment. A copy of the form of notice of assessment is available for examination upon request at the office of the City Recorder.

Section 12. 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 13. Repeal of Conflicting Provisions. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed.

Section 14. Publication of Ordinance. Immediately after its adoption, this Ordinance shall be signed by the Mayor and the City Recorder and shall be recorded in the ordinance book kept for that purpose. This Ordinance shall be posted to the Public Notice Website and in three (3) places within the boundaries of the City, and shall take effect upon posting as provided in this Section (anticipated to occur on November 17, 2021).

Section 15. Notice of Assessment Interest. The City Treasurer is hereby authorized and directed to file a Notice of Assessment Interest with the Davis County Recorder within five days of the effective date of this Ordinance. Such Notice shall (1) state that the City has an assessment interest in the assessed property, (2) state the maximum number of years over which the assessment will be payable, and (3) describe the property assessed by legal description and tax identification number.

PASSED AND APPROVED by the City Council of Woods Cross, Utah, this  
November 16, 2021.

(SEAL)



By: *Rob Anderson*  
Mayor

ATTEST:

By: *Annette Peterson*  
City Recorder

The City Recorder was thereupon authorized to mail to the property owners in the Assessment Area the notice of special assessment as hereinbefore provided.

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

(SEAL)



By: *Rich Chambers*  
Mayor

ATTEST:

By: *Annette Hanson*  
City Recorder