

WHEN RECORDED, Mail to:  
Shirley Bloxham, City Recorder  
800 East 100 North  
Sandy, Utah 84070

3793625

Sandy City, Utah

May 10, 1983

The City Council of Sandy City, Utah met in regular session on Tuesday, the 10th day of May, 1983, at its regular meeting place. The following members of the City Council were present:

Bruce Steadman	Chairman and Councilmember
J. Steven Newton	Councilmember
John B. Winder	Councilmember
Warren R. (Dick) Adair	Councilmember
Ronald K. Gee	Councilmember
Kenneth R. Prince	Councilmember
Ralph Tolman	Councilmember

Also present:

Kathleen R. Jeffery	Assistant City Attorney
David F. Dixon	City Administrator
Beverly Barrett	Council Secretary

Absent:

The meeting was duly called to order by the Chairman. It was noted that waivers had been executed by the owners of all of the property within the Sandy City, Utah South Ridge Industrial Park Special Improvement District (the "District") whereby the property owners waived the appointment of a Board of Equalization and Review and notice of and the public hearings of said Board. The following

KATHIE L. BLOXHAM  
RECORDER  
SALT LAKE COUNTY  
UTAH

MAY 16 1 42 PM '83

*Sandy City*

REQ OF DEPT

*Wayne Harpoe*  
Wayne Harpoe

*No Fee*

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Assessment Ordinance was then introduced in writing, fully discussed and pursuant to motion duly made by Councilmember Prince, and seconded by Councilmember Adair adopted by the following vote:

YEA:	Bruce Steadman
	J. Steven Newton
	John B. Winder
	Warren R. (Dick) Adair
	Ronald K. Gee
	Kenneth R. Prince
	Ralph Tolman
NAY:	None

The ordinance is as follows:

ORDINANCE NO. 83-27

AN ORDINANCE confirming the assessment rolls and levying a tax providing for the assessment of property in Sandy City, Utah South Ridge Industrial Park Special Improvement District, for the purpose of paying the costs of construction of improvements within the South Ridge Industrial Park Special Improvement District consisting of the construction of a sewage collection system, a culinary water distribution system, a storm drain system and a road with roadbase, curb, walkways and paving; acquiring a roadway right-of-way, demolishing structures, road paving, installing utilities, constructing sidewalks, landscaping strips, installing a sprinkling system and providing street lights along Parkway Street within the District, the condemnation and acquisition of any property necessary to make such improvements, and the completion of any other miscellaneous work, necessary to complete the improvements in a proper and workmanlike manner; reaffirming the establishment of a special improvement guaranty fund; and establishing the effective date of this ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF SANDY CITY, SALT LAKE COUNTY, UTAH:

Section 1. The City Council of Sandy City, Utah, hereby confirms the assessment roll for the District, and hereby confirms that the proposed list of assessments is just and equitable; that each piece of property within the District will be benefited in an amount not less than the assessment to be levied against said property; and that no piece of property listed in the assessment list will bear more than its proportionate share of the cost of such improvements.

Section 2. The City Council of Sandy City, Utah does hereby levy a tax to be assessed upon the real property

identified in the assessment list for the District attached as Exhibit "A". The assessments levied upon each parcel of property therein described shall be in the amount set forth in the assessment list, which is attached and is hereby incorporated by reference and made a part of this ordinance. The property to be assessed in accordance with the assessment list for the District is bounded by the following lines as defined by the Sandy City street numbering system. In portions of the District where the designated streets do not exist, the line constitutes an extension of the street:

90th South extending northward to about 8400  
South and running from the east border of  
Interstate 15 to about 700 West.

The assessments hereby levied are for the purpose of paying the cost of constructing improvements on a certain street within the District consisting of the construction of a sewage collection system, a culinary water distribution system, a storm drain system and a road with roadbase, curb, walkways and paving, acquiring a roadway right-of-way, demolishing structures, road paving, installing utilities, constructing sidewalks, landscaping strips, installing a sprinkling system and providing street lights along Parkway Street within the District, the condemnation and acquisition of any property necessary to make such improvements, and the completion of any other miscellaneous work necessary to complete the improvements in a proper and workmanlike manner. Said improvements are more particularly described in the

assessment list for the District which list has been incorporated herein by reference and made a part of this ordinance.

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

The total cost of the improvements in the District is \$1,203,508.79 of which total cost, the City's portion is \$35,000 for improvements generally benefiting the water system of the City. The City's portion for the District includes that part of the overhead costs for which an assessment cannot be levied, if any, and the cost of making improvements for the benefit of property against which an assessment may not be levied, if any. The balance to be assessed to the owners of property affected or benefited by the improvements in the District is \$1,203,508.79, which is the total amount of the assessment hereby levied for the

District and which does not exceed in the aggregate the sum of: (a) the total contract price for the improvements under contract duly let to the lowest and best responsible bidders therefor; (b) the reasonable cost of utility services, maintenance, labor, materials, or equipment, if any; (c) the property price, if any; (d) the interest on any interim warrants issued against the District; (e) overhead costs not to exceed fifteen percent (15%) of the sum of (a), (b), and (c); and (f) a contingency margin of not to exceed ten percent (10%) of the sum of (a), (b), and (c). The total assessment for the District is tabulated by categories of costs on Exhibit "B".

Section 3. The assessment list made by the City Treasurer for the property in the District is hereby confirmed and the assessments made and returned in said completed list are hereby ratified, approved and confirmed.

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

Section 5. The property owners have waived their right to pay the whole or any part of the assessments in cash

within fifteen (15) days after this ordinance becomes effective. The assessment shall be payable over a period not to exceed ten (10) years from the effective date of this Ordinance in ten (10) substantially equal annual principal installments with interest on the unpaid balance of the assessment at the same rate as the net effective interest rate of the Bonds. Interest shall accrue from the effective date of this Ordinance until paid. Interest shall be paid in addition to the amount of each such installment annually at the time each installment becomes due.

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 any special improvement bonds issued in anticipation of the collection of the assessments plus such additional amount as, in the opinion of the City Treasurer, is necessary to assure the availability of money to pay interest on the special improvement bonds as interest becomes due and any premiums which may become payable on redeemable bonds which may be called in order to utilize the assessments thus paid in advance. If the prepayment of the assessments, or any part thereof, arises out of a need of the property owner to clear the assessment lien from a subdivided portion

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of the parcel now being assessed, the assessment lien may be released only if the following conditions are met:

(1) The lot, lots or parcel remaining subject to the assessment lien fronts on Parkway Drive.

(2) The amount of the prepayment is proportionate to the greater of the area or frontage of the parcel for which release is sought. The proportionate share of the total assessment shall be calculated by comparing the area or frontage of the parcel to be released to the area or frontage of the total parcel now being assessed. Whichever comparison results in the largest allocation to the parcel for which the release of assessment lien is being sought, that comparison shall be used to determine the proportion or percentage of the total of assessment installments then due which must be paid to qualify for the partial release of lien.

(3) The City Treasurer and the City Attorney must determine that the partial release of lien upon payment of the proportionate share of the total assessment does not diminish the security of the bondholders based upon the ratio of then existing assessment debt compared with the amount of land remaining to secure such debt.

(4) The additional payment for premiums and interest is paid as required above for any prepayment.

Default in the payment of any installment of principal or interest when due shall cause the whole of the unpaid



principal and interest to become due and payable immediately, and the whole amount of the unpaid principal shall thereafter draw interest at the rate of 15% per annum until paid, but at any time prior to the date of sale or foreclosure the owner may pay the amount of all unpaid installments past due, with interest at the rate of 15% per annum to date of payment on the delinquent installments, and all approved costs, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not occurred.

Section 6. The City Council of Sandy City, Utah, does hereby reaffirm the creation of a special improvement guaranty fund and shall at the time of each annual appropriation, so long as any special improvement district bonds of Sandy City remain outstanding, transfer to said fund each year such amount as a tax levy of one mill will produce or all taxable property located within Sandy City, Utah, either through a levy of a tax of not to exceed one mill in any one year or by the issuance of general obligation bonds or by appropriation from other available sources, for the purpose of guaranteeing to the extent of such fund the payment of special improvement bonds and interest thereon issued against local improvement districts for the payment of local improvements therein, all in the manner and to the extent provided by the laws of the State of Utah.

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

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

Section 9. An emergency is hereby declared, the preservation of peace, health and safety of Sandy City and the inhabitants thereof so requiring. Immediately after its adoption, this ordinance shall be signed by the Chairman and City Recorder and shall be recorded in the ordinance book kept for that purpose. Said ordinance shall be published once in the Jordan Valley Sentinel, a newspaper published and having general circulation in Sandy City, Utah, and shall take effect immediately upon its passage and approval and publication as required by law.

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

PASSED AND APPROVED by the City Council of Sandy City,  
Utah, this 10th day of May, 1983.

Bruce W. Steadman  
Chairman

Approved by Mayor Laurance P. Smith

Disapproved by Mayor \_\_\_\_\_

ATTEST:

Shirley A. Blodgett  
City Recorder



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(PLEASE RETURN THIS NOTICE WITH PAYMENTS)

**SPECIAL TAX NOTICE**  
OFFICE OF CITY TREASURER AND SPECIAL TAX COLLECTOR  
800 EAST 100 NORTH  
SANDY CITY, UTAH 84070

May 11, 1983

TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Your special tax for the purpose of constructing improvements within the Sandy City, Utah South Ridge Industrial Park Special Improvement District, (the "District"), is \$ \_\_\_\_\_.

THIS TAX IS LEVIED BY ORDINANCE OF THE SANDY CITY COUNCIL, AND AFFECTS THE REAL PROPERTY STANDING ON THE RECORD OF SALT LAKE COUNTY IN YOUR NAME WITHIN THE DISTRICT.

=====  
This tax became effective May 12, 1983. It is payable in ten (10) annual principal installments of \$ \_\_\_\_\_ each.

The first installment is due May 12, 1984, PLUS \$ \_\_\_\_\_ ESTIMATED INTEREST.

Unpaid principal draws interest at a rate equal to the net effective interest rate of the Bonds to be issued by the City to finance the improvements constructed within the District. Since the Bonds have not yet been sold, the actual interest rate is not yet known. Notice of the amount and rate of interest will be mailed prior to the due date of the first installment. For purpose of calculating the approximate amount of interest which will be due at the time of payment of the first installment, an estimated rate of 9.5 PERCENT (9.5%) was used. Depending on market conditions at the time of issuance of the Bonds, the actual rate may be more or less than the estimated rate.

IF PAYMENT OF ANY INSTALLMENT IS NOT MADE ON OR BEFORE THE DUE DATE EACH YEAR, THE CITY MAY (1) DECLARE THE UNPAID AMOUNT TO BE DELINQUENT, IMMEDIATELY DUE, AND SUBJECT TO COLLECTION; AND (2) PROVIDE FOR SALE OF THE PROPERTY ASSESSED.

Interest shall accrue and be paid on all amounts declared to be delinquent at the rate of 15 PERCENT (15%), until the next bond interest payment date. Costs of collection may also be charged on amounts payable. Persons in default on installment payments may be restored to the right to pay in installments, under the provisions of Section 10-16-22(2), Utah Code Annotated, 1953, as amended.

IF YOU NO LONGER OWN THIS PROPERTY OR IF THE OWNER NO LONGER LIVES AT THE ABOVE ADDRESS, THIS OFFICE SHOULD BE ADVISED IMMEDIATELY. THIS TAX BECOMES A LIEN ON THE PROPERTY AND MUST BE PAID TO TRANSFER A CLEAR TITLE.

PLEASE MAKE ALL CHECKS PAYABLE TO THE SANDY CITY TREASURER.

DEANNA STOUT,  
City Treasurer

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Copy of Assessment Notice

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The City Treasurer was authorized to mail this foregoing notice of special assessment.

After the transaction of other business not pertinent to the foregoing matter, the meeting was adjourned.

Bruce W. S. Goodman  
Chairman

ATTEST  
SANDY CITY  
City Recorder  
E.A.L.  
1893.

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STATE OF UTAH                    )  
                                      : ss.  
COUNTY OF SALT LAKE        )

I, Shirley Bloxham, the duly appointed, qualified and acting City Recorder of Sandy City, 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 Sandy City, Utah, at its meeting held on the 10th day of May, 1983, insofar as the same relates to or concerns Sandy City, Utah South Ridge Industrial Park Special Improvement District as the same appears of record in my office.

I further certify that the Ordinance levying the special assessments was recorded by me in the official records of said Sandy City on the 11<sup>th</sup> day of May, 1983.

I further certify that said Ordinance was published one time in the Jordan Valley Sentinel, the publication affidavit of which is attached hereto.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Sandy City this 11<sup>th</sup> day of May, 1983.

  
City Recorder

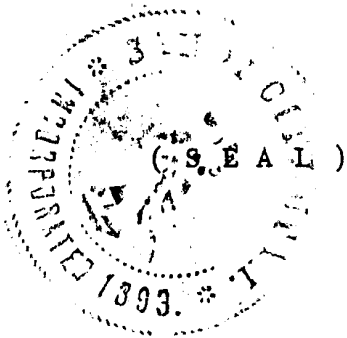


STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

AFFIDAVIT OF MAILING  
NOTICE OF ASSESSMENT

I, Merle Robison, the duly appointed, qualified and acting Deputy Treasurer of Sandy City, Utah, do hereby certify that on the 11 day of May, 1983, I caused to be mailed a Notice of Assessment to each property owner in Sandy City, Utah South Ridge Industrial Park Special Improvement District by United States Mail, postage prepaid, at the last known address of such owner.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Sandy City, Utah this 11 day of May, 1983.



Merle Robison  
Deputy City Treasurer



PROOF OF PUBLICATION

Attached to this page is the Proof of Publication, indicating by the affidavit of the publisher that the said Ordinance levying the special assessments which was contained in the Ordinance adopted by the City Council on the 10th day of May, 1983, was published one time in the Jordan Valley Sentinel.

*Published May 12, 1983.*

*Affidavit not available yet.*

*Shirley A. Blahan*

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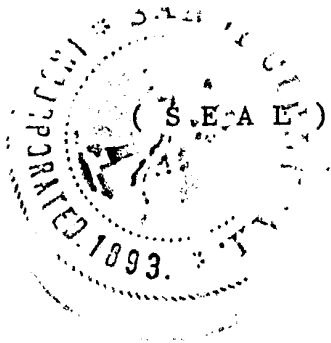
STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

CERTIFICATE OF FILING

I, Shirley Bloxham, the duly qualified and acting City Recorder of Sandy City, Salt Lake County, Utah, do hereby certify that on the 16th day of May, 1983, pursuant to Utah Code Annotated Section 10-16-7, (1953), as amended, a copy of the assessment ordinance as finally approved, was filed in the Salt Lake County Recorder's Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Municipality this 16<sup>th</sup> day of May, 1983.

*Shirley A. Bloxham*  
City Recorder



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STATE OF UTAH            )  
                              : ss.  
COUNTY OF SALT LAKE )

CERTIFICATE OF COMPLIANCE  
WITH OPEN MEETING LAW

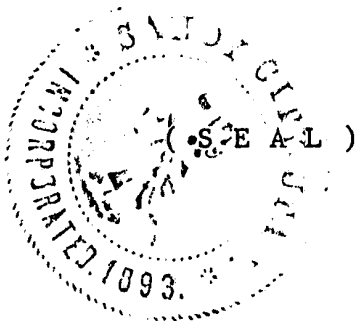
I, Shirley Bloxham, the duly qualified City Recorder of the Sandy City, Salt Lake County, Utah, do hereby certify:

(a) that in accordance with the requirements of Section 52-4-6(1), Utah Code Annotated (1953), as amended, public notice of the 1983 Annual Meeting Schedule of the City Council of Sandy City (the "Council") was given specifying the date, time and place of the regular meetings of the Council scheduled to be held during the year, by causing a Notice of Annual Meeting Schedule for the Council to be posted on January 27, 1983, at the principal office of the Council at the City Hall in Sandy City, Utah; said Notice of Annual Meeting Schedule having continuously remained so posted and available for public inspection during regular office hours at the City Hall until the date hereof; and causing a copy of the Notice of Annual Meeting Schedule to be published on January 27, 1983, to at least one newspaper of general circulation within the geographic jurisdiction of Sandy City, or to a local media correspondent;

(b) that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated (1953), as amended, public notice of the regular meeting of the Council on May 10, 1983, was given by specifying in a

Notice of Regular Meeting the agenda, date, time and place of the May 10, 1983 Council Meeting and by causing the Notice of Regular Meeting to be posted at the principal office of the Council at the City Hall in Sandy City, Utah on the 6th day of May, 1983, a time and date not less than 24 hours prior to the date and time of the May 10, 1983 regular meeting; said Notice of Regular Meeting having continuously remained so posted and available for public inspection during the regular office hours at the City Hall until the date and time of the May 10, 1983 regular Council meeting; and causing a copy of the Notice of Regular Meeting to be provided on May 6, 1983, to at least one newspaper of general circulation within the geographic jurisdiction of Sandy City, or to a local media correspondent.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Sandy City this 11<sup>th</sup> day of May, 1983.



*Shirley A. Blyden*  
City Recorder

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## EXHIBIT "A"

<u>Property Owner</u>	<u>Lineal Feet</u>	<u>Percentage</u>	<u>Amount of Assessment</u>
SBK, a Partner- ship	2379.74	25.8084	\$310,606.36
Frank S. Westerman	853.88	9.2604	111,449.73
R. Earl Dillman	445.53	4.8318	58,151.14
H. Shirl Wright	3794.56	41.1522	495,270.34
Raymond Tholen	666.66	7.2299	87,012.48
C. Edsel Tholen	1080.43	11.7173	141,018.74
T O T A L S	<u>9220.80</u>	<u>100.00 %</u>	<u>\$1,203,508.79</u>

## SOUTHRIDGE S.I.D. COSTS

PHASE I (Funds Disbursed 1982)

Staker - excavation	\$124,566.46	
Carlson - sewer	177,597.35	
Rolfe - water	116,799.24	
Bahk - surface drainage	74,477.55	
Ridd - supervision	32,115.26	
Design Development - architectural	41,000.00	
Great Basin - engineering	17,126.17	
Various Development Costs		
soil tests- Delta Geotechnical		
aerial survey - ENH Mapping	9,635.84	
city council preliminaries, etc.	50,000.00	
S.K.B. (Wade) - Stangle feasco R.ofW.		
Sandy Sewer District - main line connect	10,750.00	
fee	1,865.00	
Nelson Trucking - demolition	70.00	
Delta Geotechnical	250.29	
News Paper Agency - advertising	27,679.35	
Sandy City - interest to Feb. 83	5,993.45	
interest in March 83		
TOTAL		\$689,925.96

FINAL PHASE (To Be Funded 1983)

Staker - excavation & blacktop	\$204,746.64	
Bahk - retention pond & piping	4,544.20	
Knell Const - curb & gutter	38,329.52	
Rolfe Const. - piping & headwalls	38,763.00	
Fero Const - landscaping	61,942.00	
Fero Const - electricity underground	23,991.00	
Allowance - light posts	26,000.00	
National Fence - fencing	1,653.00	
Great Basin Engineering - restaking, etc.	7,000.00	
Sandy City - supervision	10,000.00	
Design Development - architectural	6,000.00	
Tholen Sewer Equalization - lower area	21,363.47	
Dick Fox - legal for S.I.D. & Bond sales	19,000.00	
etc.		
Other Items:		
Pipe to drain Westerman west pasture	500.00	
Reimbursement to Ray Tholen for barn		
demolition	250.00	
Estimated cost for fill of landscape		
area.	3,000.00	

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Interest Estimated Costs:

April	\$ 6,000.00	
May	6,500.00	\$31,500.00
June	8,500.00	
July	10,500.00	

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TOTAL FINAL PHASE \$ 498,582.83

Grand Total S.I.D. \$ 1,188,508.79

Plus Margin	50,000.00
Less Sandy City Contribution	<u>(35,000.00)</u>

TOTAL BOND DESIRED \$ 1,203,508.79

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