

**CHARLESTON TOWN, UTAH  
TOWN COUNCIL  
NOVEMBER 5, 2020**

**AMENDED ASSESSMENT ORDINANCE  
ORDINANCE NO. 2020-01**

AMENDED ASSESSMENT ORDINANCE AMENDING THE LEVIED ASSESSMENT AGAINST CERTAIN PROPERTIES IN CHARLESTON TOWN, UTAH SPECIAL ASSESSMENT AREA NO. 2019-01 (WINTERTON FARMS SUBDIVISION), FOR THE PURPOSE OF REDUCING THE ASSESSMENT; AND RELATED MATTERS.

WHEREAS, the Town Council adopted a Notice of Intention to create the Charleston Town, Utah Special Assessment Area No. 2019-01 (Winterton Farms Subdivision) (the "Assessment Area") on June 6, 2019, and published said Notice as required by law and recorded said notice with the Wasatch County Recorder as Entry No. 469094, in Book 1267 at Pages 1463-1477 on October 7, 2019; and

WHEREAS, on October 3, 2019, the Town Council designated the Assessment Area by resolution, which designation resolution was record with the Wasatch County Recorder, along with a list of the impact properties, as Entry No. 469095, in Book 1267, at Pages 1478-1490 on October 7, 2019 ; and

WHEREAS, the Board of Equalization and Review for Charleston Town, Utah Special Assessment Area No. 2019-01 (Winterton Farms Subdivision) (the "Board") presented to the Town Council its report and stated that it had reviewed statements, comments and complaints on each property in Charleston Town, Utah Special Assessment Area No. 2019-01 (Winterton Farms Subdivision) (the "Assessment Area") as listed in the minutes of the hearings of the Board held on January 14, 15 and 16, 2020; and

WHEREAS, on February 6, 2020, the Town Council adopted an Assessment Ordinance with respect to the Assessment Area based on the engineer's estimated cost of construction; and

WHEREAS, actual cost of construction for the improvements was less than the estimated amount; and

WHEREAS, the Town Council desires to correct and reduce the amount of the assessment to the portion of the Assessment Area's actual cost of construction:

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF CHARLESTON TOWN, UTAH:

Section A. Amendment of February 6th, 2020 Assessment Ordinance. The Town Council hereby amends Sections 5 and 6 of the February 6th, 2020 Assessment Ordinance to correct and reduce the Cost of Improvements; Amount of Total Assessments to read as follows:

Section 5. Cost of Improvements; Amount of Total Assessments. The total cost of the Improvements in the Assessment Area is \$1,410,067.36, of which total cost the Issuer's portion or amount to be paid by the Issuer is \$1,057,550.52. The Issuer's portion for the Assessment Area 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 amount to be assessed against property affected or benefitted by the Improvements in the Assessment Area is \$255,427.92, which amount does not exceed in the aggregate the sum of: (a) the total contract price or prices for the improvements under contract duly let to the lowest and best responsible bidders therefor and a portion of the costs of engineering, designing, and inspection; (b) the acquisition price of improvements; (c) the reasonable cost of maintenance, labor, materials or equipment supplied by the Issuer, if any; (d) the property price, if any; (e) connection fees, if any; (f) the estimated interest on any interim warrants issued against the Assessment Area; and (g) overhead costs not to exceed fifteen percent (15%) of the sum of (a), (b), (c) and (e); and (h) where the assessment is levied prior to the time all of the Improvements in the Assessment Area are entirely completed and accepted, an amount for contingencies of not to exceed 10% of the sum of (a) and (c); and (i) an amount sufficient to fund a reserve fund.

Section 6. Method and Rate. The total assessment for the Assessment Area is levied in accordance with the following method:

<u>Improvement</u>	<u>Maximum Assessment</u>	<u>Method of Assessment</u>
Roadway Improvement	\$255,427.92 total cost or \$14,190.44 per lot.	Per lot.

For assessment purposes, if applicable, an owner of a lot is defined herein to be the owner of a platted lot within Charleston Town, Wasatch County, Utah, according to the official records of Charleston Town, upon which a residential, commercial, or other structure to be used for human occupancy is now or may be located consistent with the "lot size" requirements of the applicable Charleston Town development ordinances in place as of the date this is adopted.

Section B. The Town is directed to refund all property owners who pre-paid their assessment in the amount of \$5,393.83 per pre-paid property such that the amount of assessment paid will total \$14,190.44 per lot.

PASSED AND APPROVED by the Town Council of the Issuer, this  
November 5, 2020.

  
Mayor

ATTEST:

  
Town Clerk



**RECORD OF PROCEEDINGS**

The Town Council (the "Town Council") of Charleston Town, Wasatch County, Utah, met in public session on November 5, 2020, insofar as the same relates to or concerns Charleston Town, Utah Special Assessment Area No. 2019-01 (Winterton Farms Subdivision) as the same appears of record in my office. The Town Council met in public session on November 5, 2020, at 7:00 p.m., or as soon thereafter as feasible, at its regular meeting place. The following members of the Town Council were present:

Brenda Kozlowski	Mayor
Jim Brown	Councilmember
Vaughn Rasband	Councilmember
Darrel Nish	Councilmember
Mike Smith	Councilmember

Also present:

Arlene Buehler	Town Clerk
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Absent:

which constituted all the members thereof.

After the Meeting had been duly called to order and after other matters were discussed, this Assessment Ordinance (the "Ordinance") was then introduced in writing, was fully discussed, and pursuant to motion duly made by Councilmember Scott Solum, and seconded by Councilmember Darrel Nish, and adopted by the following vote:

YEA: Mayor Brenda Kozlowski,  
Vaughn Rasband, Jim Brown, Scott Solum  
Darrel Nish

NAY:

ABSTAIN:

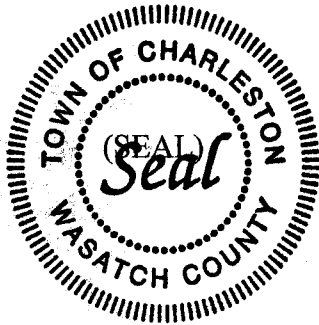
After the conduct of other business not pertinent to the above, the meeting was, on motion duly made, adjourned.

**CERTIFICATE OF TOWN CLERK**

I, Arlene Buehler, the duly appointed and qualified Town Clerk of Charleston Town, Wasatch County, Utah (the "Issuer"), do hereby certify that the attached Resolution is a true, accurate and complete copy thereof as adopted by the Town Council at a public meeting duly held on November 5, 2020 (the "Meeting"). The persons present and the result of the vote taken at the Meeting are all as shown above. The Resolution, with all exhibits attached, was deposited in my office on November 5, 2020 and is officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of the Issuer, this November 5, 2020.

*Arlene Buehler*  
Town Clerk



**CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW**

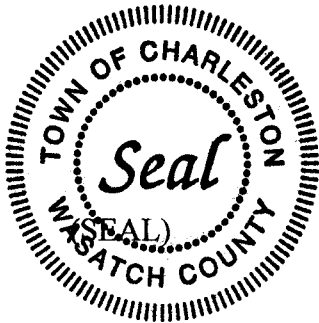
I, Arlene Buehler, the undersigned Town Clerk of Charleston Town, Wasatch County, Utah (the "Issuer"), do hereby certify, according to the records of the Issuer in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the November 5, 2020, public meeting held by the governing body of the Issuer as follows:

(a) By causing a Notice, in the form attached hereto (the "Meeting Notice"), to be posted at the principal office of the Issuer at least twenty-four (24) hours prior the convening of the meeting, the Meeting Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of the Meeting Notice to be published on the Utah Public Notice Website at least twenty-four (24) hours prior to the convening of the meeting; and

In addition, the Notice of 2020 Annual Meeting Schedule for the Issuer, attached hereto, specifying the date, time and place of the regular meetings of the governing body of the Issuer to be held during the calendar year 2020 was (1) posted on January 21, 2020, at the principal offices of the Issuer; (2) provided to a newspaper of general circulation within the geographic jurisdiction of the Town on January 21, 2020; and (3) published on the Utah Public Notice Website on January 21, 2020.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this November 5, 2020.



*Arlene Buehler*  
Town Clerk

(Attach Meeting Notice and Notice of 2020 Annual Meeting Schedule, including proof of posting thereof on the Utah Public Notice Website)

WHEN RECORDED, RETURN TO:  
Eric Todd Johnson, Esq.  
Blaisdell & Church, P.C.  
5995 S. Redwood Rd.  
Salt Lake City, Utah 84123

**NOTICE OF ASSESSMENT INTEREST**

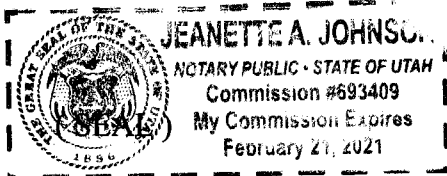
Notice is hereby given that Charleston Town, Utah (the "Town"), claims an interest in the property described on Exhibit "1" arising out of the requirements of the Charleston Town, Utah Special Assessment Area No. 2019-01 (Winterton Farms Subdivision) (the "Assessment Area") and the terms and provisions of the Assessment Ordinance adopted by the Issuer on November 5, 2020, levying an assessment against certain properties in the Assessment Area. For information call the office of the Town Clerk in Charleston Town, Utah.

DATED: November 5, 2020.

  
Town Clerk

STATE OF UTAH            )  
  ss.  
COUNTY OF WASATCH    )

On November 5, 2020, personally appeared before me, Arlene Buehler, who duly acknowledged to me that she executed the foregoing instrument on behalf of Charleston Town, Utah, in her capacity as Town Clerk for Charleston Town, Utah.



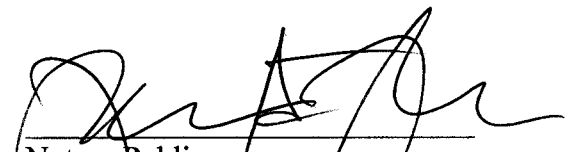
  
Notary Public



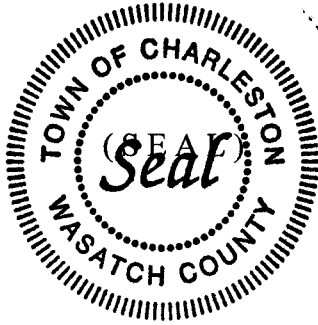
Exhibit 1

IDENTIFICATION OF AFFECTED PROPERTY  
(LEGAL DESCRIPTION AND TAX ID NUMBER)

AFFIDAVIT OF MAILING NOTICE OF ASSESSMENT

I, Arlene Buehler, the duly appointed, qualified and acting Town Clerk of Charleston Town, Utah, do hereby certify that on 11-16-2020 2020, I caused to be mailed a Notice of Assessment to each property owner in Charleston Town, Utah Special Assessment Area No. 2019-01 (Winterton Farms Subdivision) by United States Mail, postage prepaid, at the last known address of such owner.

Arlene Buehler  
Town Clerk



PROOF OF PUBLICATION

Attached to this page is the Proof of Publication, indicating by the affidavit of the publisher that the Assessment Ordinance levying the special assessments which was contained in the Ordinance adopted by the Town Council on November 5, 2020, was published one time in the Wasatch Wave, a newspaper of general circulation within the Issuer.

EXHIBIT "A"

## ASSESSMENT LIST

<b>Serial number</b>	<b>Legal Description as provided on the Wasatch Property Tax site</b>
0WT-0017-0-011-044	Lot 17 Winterton Farms at Charleston. Area: 4.032 acres
0WT-0005-0-011-044	Lot 5 Winterton Farms at Charleston. Area: 4.593 acres
0WT-0006-0-011-044	Lot 6 Winterton Farms at Charleston. Area: 4.527 acres
0WT-0008-0-011-044	Lot 8 Winterton Farms at Charleston. Area: 6.208 acres
0WT-0009-0-011-044	Lot 9 Winterton Farms at Charleston. Area: 6.174 acres
0WT-0010-0-011-044	Lot 10 Winterton Farms at Charleston. Area: 6.354 acres
0WT-0003-0-011-044	Lot 3 Winterton Farms at Charleston. Area: 4.490 acres
0WT-0007-0-011-044	Lot 7 Winterton Farms at Charleston. Area: 4.746 acres
0WT-0011-0-011-044	Lot 11 Winterton Farms at Charleston. Area: 4.491 acres
0WT-0013-0-011-044	Lot 13 Winterton Farms at Charleston. Area: 4.399 acres
0WT-0015-0-011-044	Lot 15 Winterton Farms at Charleston. Area: 5.490 acres
0WT-0014-0-011-044	Lot 14 Winterton Farms at Charleston. Area: 6.014 acres
0WT-0004-0-011-044	Lot 4 Winterton Farms at Charleston. Area: 4.467 acres
0WT-0019-0-011-044	Lot 19 Winterton Farms at Charleston. Area: 3.856 acres
0WT-0016-0-011-044	Lot 16 Winterton Farms at Charleston. Area: 4.058 acres
0WT-0018-0-011-044	Lot 18 Winterton Farms at Charleston. Area: 4.120 acres
0WT-0020-0-011-044	Lot 20 Winterton Farms at Charleston. Area: 3.999 acres
0WT-0012-0-011-044	Lot 12 Winterton Farms at Charleston. Area: 4.515 acres