

**EAGLE MOUNTAIN CITY  
CITY COUNCIL MEETING  
AUGUST 20, 2013**

<b>TITLE:</b>	RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Designating an Assessment Area for the Purpose of (i) Levying Assessments against Properties within the Assessment Area to Finance the Construction and Installation of Road, Sewer, Storm Water, Culinary Water and Related Improvements, (ii) Estimating the Amount of the Assessments to be Levied and the Method or Methods of Assessments and (iii) Generally Describing the Period Over Which the Assessments are to be Paid and the Manner in Which the City Intends to Finance Said Improvements; and Related Matters.		
<b>FISCAL IMPACT:</b>			
<b>APPLICANT:</b>	Eagle Mountain City		
<b>GENERAL PLAN DESIGNATION</b>	<b>CURRENT ZONE</b>	<b>ACREAGE</b>	<b>COMMUNITY</b>
N/A	N/A	N/A	

**NOTICES:**

- Posted in 2 public places
- Posted on City webpage
- Notice to newspapers

**REQUIRED FINDINGS:**

<b>Vote: N/A</b>
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<p><b>Prepared By:</b> Fionnuala Kofoed, City Recorder</p>
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**NOTES/COMMENTS:**

**RECOMMENDATION**

City staff recommends that the Council approve a resolution designating a geographic area for an assessment area improving Ranches Parkway, north and west of Meadow Ranch.

**BACKGROUND**

In order to formally assess the property through an assessment ordinance which liens the property, the City must first designate a geographic area as the assessment area. After the Bonds are issued, an assessment ordinance will be adopted; this will likely take place in September. The assessment area would improve Ranches Parkway, north and west of Meadow Ranch.

Eagle Mountain, Utah

August 20, 2013

The City Council (the “Council”) of Eagle Mountain City, Utah (the “City”), met in regular public session at the regular meeting place of the Council in Eagle Mountain City, Utah on August 20 2013, at the hour of 7:00 p.m., with the following members of the Council being present:

Heather Jackson	Mayor
Donna Burnham	Councilmember
John Painter	Councilmember
Ryan Ireland	Councilmember
Richard Steinkopf	Councilmember
Nathan Ochsenhirt	Councilmember

Also present:

Ifo Pili	City Administrator
Fionnuala Kofoed	City Recorder

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 August 20, 2013, meeting, a copy of which is attached hereto as Exhibit A.

Thereupon, the following resolution was introduced in written form, discussed in full, and pursuant to a motion made by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_, adopted by the following vote:

AYE:

NAY:

The resolution was then signed by the Mayor in open meeting and recorded by the City Recorder in the official records of Eagle Mountain City, Utah. The resolution is as follows:

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL (THE “CITY COUNCIL”) OF EAGLE MOUNTAIN CITY, UTAH (THE “CITY”), DESIGNATING AN ASSESSMENT AREA FOR THE PURPOSE OF (i) LEVYING ASSESSMENTS AGAINST PROPERTIES WITHIN THE ASSESSMENT AREA TO FINANCE THE CONSTRUCTION AND INSTALLATION OF ROAD, SEWER, STORM WATER, CULINARY WATER AND RELATED IMPROVEMENTS, (ii) ESTIMATING THE AMOUNT OF THE ASSESSMENTS TO BE LEVIED AND THE METHOD OR METHODS OF ASSESSMENTS AND (iii) GENERALLY DESCRIBING THE PERIOD OVER WHICH THE ASSESSMENTS ARE TO BE PAID AND THE MANNER IN WHICH THE CITY INTENDS TO FINANCE SAID IMPROVEMENTS; AND RELATED MATTERS.

BE IT RESOLVED by the City Council (the “City Council”) of Eagle Mountain City, Utah (the “City”), as follows:

Section 1. The City Council hereby determines that it will be in the best interest of the City to designate an area to finance the costs of constructing and installing road, sewer, storm water, culinary water and related improvements, and to complete said improvements in a proper and workmanlike manner (collectively, the “Improvements”). The City Council hereby determines that it is in the best interest of the City to levy assessments against properties benefited by the Improvements to finance the costs of said Improvements.

Section 2. Pursuant to Sections 11-42-104 and 11-42-202 of the Assessment Area Act, Title 11, Chapter 42, Utah Code Annotated 1953, as amended (the “Act”), the owners (the “Owner”) of all properties to be assessed within the designated assessment area have waived the notice and hearing requirements, the right to protest and the right to have a board of equalization appointed set forth in Sections 11-42-202, 203, 204 and 403 of the Act to designate an assessment area, and have consented to (a) the levy of an assessment against their property for the benefits to be received from the Improvements, (b) the designation of the assessment area as herein described, (c) the financing of the Improvements by the City through the issuance of interim warrants, bond anticipation notes and/or assessment bonds; (d) the acquisition and/or construction of the Improvements, and (e) the method and estimated amount of assessment as set forth herein in accordance with the Acknowledgment, Waiver, and Consent attached hereto as Exhibit B. The properties to be assessed are identified by legal description and tax identification number in Exhibit C attached hereto.

Section 3. As required by Section 11-42-205 of the Act, the City has obtained an appraisal of the property proposed to be assessed from an appraiser who is a member of the Appraisal Institute, addressed to the City and verifying that the market value of the property to be assessed, after completion of the proposed improvements, is at least three (3) times the amount of the assessment proposed to be levied against the property. [The

value of the improvements included in the appraisal include improvements to be financed by the Owner and the Owner has agreed pursuant to a cash in lieu of bond agreement with the City to provide an amount sufficient to pay for such improvements and the City has determined such arrangement to be acceptable in assuring that such additional improvements are made.] See Exhibit G attached hereto.

Section 4. The City hereby designates an Assessment Area which shall be known as the “Assessment Area 2013-1” (the “Assessment Area”). A description of the Assessment Area and its boundaries are more particularly described in Exhibit D attached hereto.

Section 5. A map showing the general location of the Improvements and areas anticipated to be assessed for Improvements acquired and/or constructed is set forth in Exhibit E. The Improvements anticipated to be constructed are shown on the map and schedules attached hereto as Exhibit E, and are more particularly described as follows:

Construction of earthwork, asphalt and concrete, sanitary sewer, storm drain and culinary water improvements and related expenses.

Section 6. Pursuant to the Act, the City Council has determined to levy assessments to pay the cost of the Improvements. The assessments shall be assessed against properties which will be directly or indirectly benefited by the Improvements and shall be payable in not more than twenty (20) annual installments with interest on the unpaid balance until due and paid. The City has determined that the reasonable useful life of the improvements is at least twenty (20) years and that it is in the City and the Owner’s best interest for installments to be paid for up to twenty (20) years.

Section 7. The total acquisition and/or construction cost of Improvements including overhead costs, interest costs during construction and the costs of funding a reserve fund, is estimated at \$2,420,000 all of which is anticipated to be paid by assessments to be levied against the properties within the Assessment Area to be directly or indirectly benefited by such Improvements, which benefits need not actually increase the fair market value of the properties to be assessed. The cost of Improvements includes estimated overhead costs which the City projects to incur in the designation and administration of the Assessment Area, and interest costs incurred during the construction of the Improvements. The City may finance the cost of the Improvements by issuing interim warrants, bond anticipation notes and/or assessment bonds (the “Bonds”). If the City issues Bonds, in lieu of utilizing a guaranty fund, the City Council intends to create a special reserve fund to secure payment of the Bonds. It is anticipated that the reserve fund will be initially funded with proceeds of the Bonds in an amount equal to approximately ten percent (10%) of the total principal amount of Bonds to be issued. The City Council anticipates applying any moneys remaining in the reserve fund to the final payment on the Bonds which, in turn, would offset the final assessment payment to be made by the owners of property benefited by such Improvements, [and the City may elect to use a portion of the reserve fund toward payment of the Bonds upon prepayment of assessments], all of which will be further described in the assessment ordinance to be adopted by the City Council. [The City intends to covenant in the ordinance making the assessment or in the proceedings for the Bonds to replenish the reserve fund as provided

in Section 11-42-701(1)(b) of the Act.] The estimated cost of Improvements to be assessed against the benefited properties within the Assessment Area under a \_\_\_\_\_ type method of assessment are as follows:

<u>Improvements</u>	<u>Estimated Assessment</u>	<u>Method of Assessment</u>
All Improvements		

Section 8. The City Council intends to levy assessments as provided in the Act on all parcels and lots of real property within the Assessment Area to be benefited by the Improvements, the Owner of which has executed the Acknowledgment, Waiver, and Consent described in Section 2 herein. The purpose of the assessment and levy is to finance the cost of the Improvements which the City will not assume or pay.

The assessments may be paid by property owners in twenty (20) annual principal installments with interest on the unpaid balance at a rate or rates fixed by the City Council. [The Owner has waived the right to prepay] the assessment may be paid without interest within twenty-five (25) days after the ordinance levying the assessments becomes effective. A property owner may prepay the assessment as provided in the Assessment Ordinance. The assessments shall be levied according to the benefits to be derived by each property within the Assessment Area [and in any case, the Owner has consented to such methodology as provided in Section 11-42-409(6)]. Other payment provisions and enforcement remedies shall be in accordance with the Act.

A map of the Assessment Area and the general location of the Improvements and other related information are on file in the office of the City Recorder who will make such information available to all interested persons.

Section 9. [The City Council will collect the Assessment by directly billing the property owner rather than inclusion on a property tax notice issued in accordance with Section 59-2-1317, Utah Code Annotated, as amended.]

Section 10. The City Engineer has prepared a “Certificate of Project Engineer” which, among other things, identifies the Improvements to be constructed and installed attached hereto as Exhibit G. The findings and determinations set forth in this resolution are based, in part, upon said Certificate of Project Engineer.

Section 11. The City Council reasonably expects and intends to reimburse the City from proceeds of the Bonds for all expenditures paid by the City (whether or not such expenditures are paid from proceeds of interim warrants or bond anticipation notes) with respect to the Improvements in advance of the issuance of tax exempt bonds. The maximum principal amount of debt expected to be issued to acquire the Improvements is \$2,420,000. This declaration of official intent is consistent with the City’s budgetary and financial circumstances. No funds from sources other than the Bonds are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the City Council or by any member of the same controlled group pursuant to their budget or financial policies with respect to the expenditures to be reimbursed.

Section 12. [As required by Section 11-42-206(14) of the Act, within 15 days of the adoption of this Resolution, the City Recorder shall (i) record an original or certified copy of the designation resolution or ordinance in the office of the City Recorder; and (ii) file with the City Recorder a notice of proposed assessment that:

(A) States that the City has designated the Assessment Area; and

(B) Lists, by legal description and tax identification number, the property proposed to be assessed.]

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

(SEAL)

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Recorder

STATE OF UTAH )  
 : ss.  
COUNTY OF UTAH )

CERTIFICATE OF DESIGNATION  
OF ASSESSMENT AREA

I, Fionnuala Kofoed, the duly chosen, qualified, and acting City Recorder of Eagle Mountain City, Utah, do hereby certify as follows:

1. That the foregoing typewritten pages constitute a full, true, and correct copy of the record of proceedings of the City Council taken at a regular meeting thereof held in said City on August 20, 2013, at the hour of 7:00 p.m., insofar as said proceedings relate to the consideration and adoption of a resolution declaring the proposal of the City Council to designate the Assessment Area 2013-1 and finance Improvements therein described as the same appears of record in my office; that I personally attended said meeting, and that the proceedings were in fact held as in said minutes specified.

2. That due, legal, and timely notice of said meeting was served upon all members as required by law and the rules and ordinances of said City.

3. That the above resolution was deposited in my office on August 20, 2013, has been recorded by me, and is a part of the permanent records of Eagle Mountain City, Utah.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of said City this August 20, 2013.

EAGLE MOUNTAIN CITY, UTAH

(SEAL)

By: \_\_\_\_\_  
City Recorder

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Fionnuala Kofoed, the undersigned City Recorder of Eagle Mountain City, 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 August 20, 2013, 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 \_\_\_\_\_, 2013, 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; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to Daily Herald on \_\_\_\_\_, 2013, at least twenty-four (24) hours prior to the convening of the meeting; and

(c) On the Utah Public Notice Website (<http://pmn.utah.gov>).

In addition, the Notice of 2013 Annual Meeting Schedule for the City Council (attached hereto as Schedule 2) was given specifying the date, time, and place of the regular meetings of the City Council to be held during the year, by causing said Notice to be posted on \_\_\_\_\_, 20\_\_, at the principal office of the City Council and by causing a copy of said Notice to be provided to at least one newspaper of general circulation within the City on \_\_\_\_\_, 20\_\_.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this August 20, 2013.

(SEAL)

By: \_\_\_\_\_  
City Recorder

SCHEDULE 1  
NOTICE OF MEETING

SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE

EXHIBIT B

ACKNOWLEDGMENT, WAIVER, AND CONSENT

EXHIBIT C

LEGAL DESCRIPTION AND TAX ID NUMBER OF  
PROPERTIES TO BE ASSESSED

EXHIBIT D

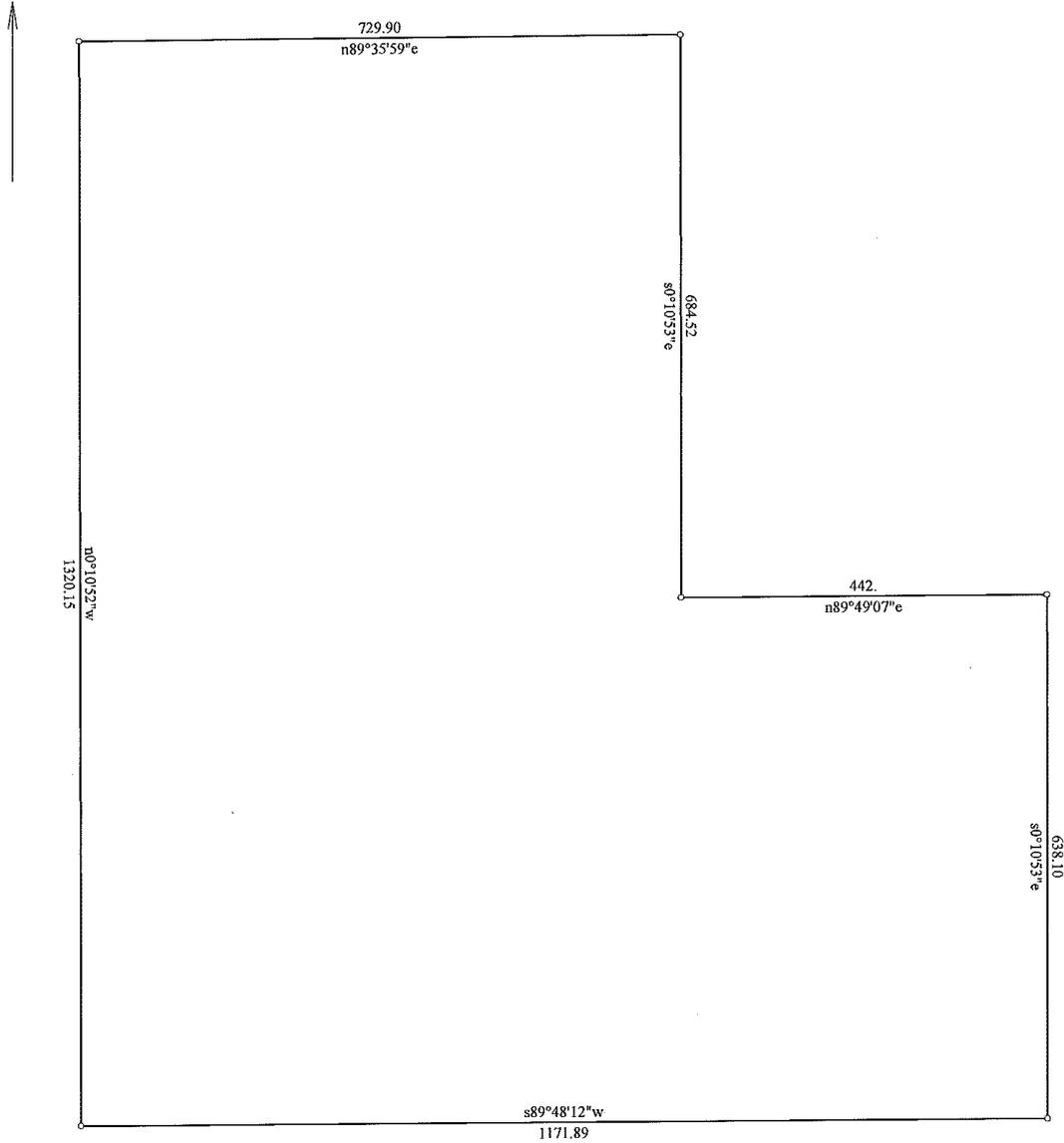
DESCRIPTION OF BOUNDARY OF THE ASSESSMENT AREA

EXHIBIT E

MAP SHOWING IMPROVEMENTS

EXHIBIT F

EVIDENCE OF RECORDING RESOLUTION AND NOTICE



Title:		Date: 07-03-2012
Scale: 1 inch = 175 feet	File: Gales Acres Subdivision.des	
Tract 1: 28.618 Acres: 1246580 Sq Feet: Closure = s61.3418w 0.01 Feet: Precision = 1/395190: Perimeter = 4987 Feet		
001=s0.1053e 684.52	004=s89.4812w 1171.89	
002=n89.4907e 442.	005=n0.1052w 1320.15	
003=s0.1053e 638.10	006=n89.3559e 729.90	

EXHIBIT F

CERTIFICATE OF PROJECT ENGINEER

EXHIBIT G

APPRAISAL

[On file with City]

# SAA Area Values

