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# M E M O R A N D U M

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**DATE:** November 11, 2007  
**TO:** City Council Members  
**FROM:** Russell Weeks  
**RE:** Public Hearing: Notice of Intent to Create Central Business Improvement District No. DA-CBID-06  
**CC:** Cindy Gust-Jenson, Rocky Fluhart, Sam Guevara, Louis Zunguze, Alison McFarlane, Gary Mumford, Chris Shoop, Jennifer Bruno

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This memorandum is intended to address issues relating to a November 14 City Council public hearing on a notice of intent to create Central Business Improvement District No. DA-CBID-06. The district is the revenue source for The Downtown Alliance. The current district is scheduled to expire on April 15, 2007. The proposed district would succeed the current one on the same date.

## **KEY POINTS**

- The public hearing is the second step in toward creating a source of revenue – through property assessments – for economic promotion activities for what is known as the Central Business Improvement District. The first step occurred on October 10 when the City Council adopted Resolution No. 71 of 2006 indicating its intent to create the district.
- The Downtown Alliance will manage the district if it is created. The Administration awarded a contract to the Alliance in 2003. That contract carried a renewal option, and the Administration has exercised that option.
- According to the Administration transmittal, the Alliance is seeking a three-year assessment for the proposed district that would generate about \$2.415 million -- \$805,000 per year. The proposed assessment rate for properties in the proposed district is .0014726949. The current assessment is .001425, a rate that has not been changed since the year 2000. The current rate generates about \$716,666 – \$2.15 million over a three-year period.
- The proposed district's boundaries are the same as for the year 2003. According to Alliance estimates, about 2,500 businesses and property owners are located within the current district's boundaries.
- The economic improvement district was created in 1991, and the City Council renewed the district in 1994, 1997, 2000, and 2003.
- Under state law, properties cannot be added to the district if they were not included in the notice of intent resolution. However, the City Council can delete properties at its discretion.

## POTENTIAL OPTIONS

Under the schedule to create the district, the City Council will hold a public hearing November 14 to hear any oral protests to creating the district. The Council is not scheduled to consider a resolution to actually create the district until December 5.

## POTENTIAL MOTIONS

I move that the City Council close the public hearing.

## BUDGETARY CONSIDERATIONS

There should be no effect on Salt Lake City's general fund budget. Utah law 17A-3-301 titled the *Utah Municipal Improvement District Act* authorizes "the governing body of any municipality" to levy assessments on property within a district that is benefited by municipal improvements. "Economic promotion activities" are included as improvements under 17A-3-303. Creating the district would earmark assessments levied within the proposed district for a specific purpose. The assessments would be passed through to the organization or group that manages the district.

## DISCUSSION/BACKGROUND

As indicated earlier in this memorandum, the proposal to create Salt Lake City Central Business Improvement District No. DA-CBID-06 is essentially a proposal to renew an improvement district that has existed in one form or another since 1991.

The Council's adoption of a notice of intention to create the district was the first of five steps to create the district. The public hearing is the second step. If protests do not lead to dissolution of the district, the remaining three steps would be:

- Authorize creating the improvement district.
- Create a board of equalization
- Create the district and start levying assessments.

## PROTEST HEARING

Of the steps above, the protest hearing probably will determine the proposed district's future. State law 17A-3-307 reads in part:

**17A-3-307. Protests by property owners -- Hearing -- Alteration of proposal by resolution -- Conditions for adding property to district -- Deletion of protesters' property from district -- Recording requirements -- Waiver of objections.**

(1) (a) Any person who is the owner of property to be assessed in the special improvement district described in the notice of intention may, within the time designated in the notice, file, in writing, a protest to the creation of the special improvement district or make any other objections relating to it.

(b) The protest shall describe or otherwise identify the property owned by the person making the protest.

(2) (a) On the date and at the time and place specified in the notice of intention, the governing body shall, in open and public session, consider all protests filed and hear all objections relating to the proposed special improvement district. ...

(c) After the hearing has been concluded and after all persons desiring to be heard have been heard, the governing body shall consider the arguments and the protests made.

- (d) The governing body may:
- (i) make deletions and changes in the proposed improvements; and
  - (ii) make deletions and changes in the area to be included in the special improvement district as desirable or necessary to assure adequate benefits to the property in the district.
- (e) The governing body may not provide for the making of any improvements that are not stated in the notice of intention nor for adding to the district any property not included within the boundaries of the district unless a new notice of intention is given and a new hearing held.
- (3) (a) (i) After this consideration and determination, the governing body shall adopt a resolution either abandoning the district or creating the district either as described in the notice of intention or with deletions and changes made as authorized in this section.
- (ii) The governing body shall abandon the district and not create it if the necessary number of protests as provided in Subsection (3)(b) have been filed on or before the time specified in the notice of intention for the filing of protests after eliminating from the filed protests:
- (A) protests relating to property or relating to a type of improvement that has been deleted from the district; and
  - (B) protests that have been withdrawn in writing before the conclusion of the hearing.
- (b) For purposes of this section, the necessary number of protests means the aggregate of the following:
- ... (iii) protests representing 1/2 of the taxable value of the property to be assessed where an assessment is proposed to be made according to taxable value;
- (c) If less than the necessary number of protests are filed by the owners of the property to be assessed, the governing body may create the special improvement district and begin making improvements.

It should be noted that the proposed district's revenue would be based on the taxable value of properties within the district.

### **PROPOSED DISTRICT BORDERS**

According to the Administration, the proposed district's borders are:

- North Temple from State Street to 500 West Street.
- 500 West Street from North Temple to 400 South Street.
- 400 South Street from 500 West Street to 200 East Street.
- 200 East Street from 400 South Street to 100 South Street.
- 100 South Street from 200 East Street to State Street.
- State Street from 100 South Street to North Temple.
- 200 South Street from 200 East Street to 300 East Street.

Properties on the south side of 400 South Street, the north side of North Temple, and the west side of 500 West Street are not included within the proposed district's boundaries. It should be noted that the borders are the same borders as those adopted in the district for the year 2000. That year the district was expanded to include properties along 500 West Street from North Temple to 400 South Street.

### **PROPOSED ASSESSMENT LEVY**

As mentioned earlier in this memorandum, the Administration has proposed an assessment levy of .0014726949. The levy is expected to generate about \$2.415 million over three years, \$805,000 per year. The figure is about \$89,000 more per year than the \$716,000 in revenue generated per year under the current district.

When the district originally was created in 1991 the assessment rate was .0017842. In 1994 the assessment rate was .0017031. The assessment rate in 1997 was .0016. The rate in 2000 and 2003 was .001425. The estimated taxable value of property within the district was \$1.37 billion in the year 2000; \$1.5 billion in 2003; and \$1.64 billion in 2006.

## **BACKGROUND**

The Downtown Alliance is one of about 400 similar organizations in the United States. The Alliance was formed in 1988 by property owners and businesses and through the work of the late John Schumann of Schumann Capital Management. At the time, Mr. Schumann was chair of the Salt Lake City Planning Commission and was concerned about the variety of groups that claimed to represent the downtown when they appeared before the Planning Commission.

Mr. Schumann and others, including attorney John Gates, sought to establish a broad-based organization to address downtown issues and “to strengthen our Downtown area by promoting growth, fostering development, encouraging activities, and improving the general environment of the downtown area through open communication between property owners, business owners, tenants, residents, and governmental agencies involved in the downtown district.”

The 1988 Regional/Urban Design Assistance Team study noted that an “unfortunate combination of factors” in years previous to 1988 had “discouraged” the construction of new office and mixed use buildings in the city’s core. One of the factors the study listed was, “The lack of an organized constituency that promotes continuous and serious renewal in the downtown in a determined and unrelenting way.”

When The Downtown Alliance was created it was patterned after national models and sought to consolidate the efforts of several organizations that represented downtown business interests. The organizations included the Central Business Improvement District, the Downtown Retail Merchants Association, the Capital City Committee, and to some extent the Salt Lake Area Chamber of Commerce. The Chamber of Commerce and the Downtown Retail Merchants Association did not relinquish their perceived roles to the Alliance. However, the chair of the Retail Merchants Association, and the president and CEO of the Chamber of Commerce were made voting trustees of the Alliance, as was the Mayor of Salt Lake City. The Capital City Committee, which was formed to build consensus to develop the Gallivan Center Block, disbanded in favor of the Alliance. The same thing happened with the Central Business Improvement District whose eight board members were appointed by the Mayor. The latter organization was a non-profit that performed several functions that were undertaken by the Alliance. Unlike the Alliance, the CBID was funded voluntarily by downtown businesses and raised about \$125,000 a year. When the CBID disbanded businesses discontinued donations.

Because the existing district is a special service district created by City Council action, the dynamic of the Alliance’s relationship with the City may have changed from the original relationship before the Legislature passed amendments to the law governing municipal improvement districts in 1990. To receive the annual assessment, the Alliance must sign a contract with the City. In turn, the City has a responsibility to see that assessment funds are well-managed. One could argue that because of the contract, the Alliance is in some respects a creature of the City instead of a truly independent organization. However, in the past the Alliance has taken positions on key issues and has been a sounding board for opinions of downtown property owners and businesses. Council Members may recall that the Alliance worked to reach a compromise solution among proponents of a light-rail line on Main Street and proponents of a light-rail loop that avoided Main Street.

In July 2003, the Downtown Alliance Board of Trustees adopted a motion to merge with the Salt Lake Chamber of Commerce after several months of negotiations. The motion included conditions that were to be worked out before the merger. The vote resulted in a revised letter of understanding between the Alliance and the Chamber.

Since the merger, the Alliance has continued to promote the downtown as a regional shopping and entertainment area. It has developed and manages events such as First Night, the Farmer's Market. It also has been a partner with the City in commissioning and working on a variety of studies including the current downtown transportation master plan study and the Downtown Rising initiative.

A. LOUIS ZUNGUZE  
DIRECTOR  
  
BRENT B. WILDE  
DEPUTY DIRECTOR

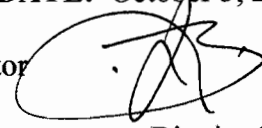
**SALT LAKE CITY CORPORATION**  
DEPT. OF COMMUNITY DEVELOPMENT  
OFFICE OF THE DIRECTOR

OCT 04 2006  
ROSS C. "ROCKY" ANDERSON  
MAYOR

TRANSMITTED  
OCT 04 2006  
TO CITY COUNCIL

**CITY COUNCIL TRANSMITTAL**

**TO:** Rocky Fluhart, Chief Administrative Officer <sup>Rocky</sup> **DATE:** October 3, 2006

**FROM:** Louis Zunguze, Community Development Director 

**RE:** Notice of Intention to Create Central Business Improvement District (DA-CBID-06)

**STAFF CONTACTS:** Chris Shoop, Community & Economic Development Research Analyst, at 535-7103 or [chris.shoop@slcgov.com](mailto:chris.shoop@slcgov.com)

**RECOMMENDATION:** The City Council adopt Notice of Intention to create Central Business Improvement District (DA-CBID-06)

**DOCUMENT TYPE:** Resolution

**BUDGET IMPACT:** Funding for the District will be provided by property owner assessments. The anticipated three-year assessment for the District is approximately \$2.4 million.

**DISCUSSION:**

**Issue Origin:** The current Central Business Improvement District (DA-CBID-03) expires April 15, 2007. The Administration is proposing to recreate the District for the period for a three year period commencing April 15, 2007.

**Analysis:** Assessment funds would be used for economic development activities in Salt Lake City's downtown area. The current boundaries of the district are:

- North Temple, from State Street to 500 West
- 500 West, from North Temple to 400 South
- 400 South, from 500 West to 200 East
- 200 East, from 400 South to 100 South
- 100 South, from 200 East to State Street
- State Street, from 100 South to North Temple
- 200 South, from 200 East to 300 East

Parcels on the south side of 400 South, the north side of North Temple, and the west side of 500 West are not included. A map of the District is included as Attachment A.

By State law, properties that were not included in the initial Notice of Intention cannot be added to the District. However, properties can be deleted from the District at the Council's discretion.

The taxable value of the District in 2003 was approximately \$1.5 billion. At that time, the City Council approved an assessment rate of \$.001425, which was anticipated to generate revenue of \$716,000 annually over a three-year period. The 2006 taxable value of the District is nearly \$1.64 billion. If the same assessment rate were used, the revenue generated each year would be approximately \$779,000. For the upcoming three year-period, however, the Downtown Alliance is requesting \$800,000 annually to fund District activities and related costs, and the City is seeking \$5,000 to cover legal, publication, recording, postage, and other related expenses. In order to achieve the \$805,000 needed in each of the three years, the assessment rate must be increased slightly to \$.0014726949. The Administration recommends that the City Council approve the minimal increase as explained above.

***District Management:*** As authorized in the management contract with the Downtown Alliance, the Administration has renewed the management contract with Downtown Alliance for the next three years.

#### **PUBLIC PROCESS:**

Should Council adopt the Notice of Intention as recommended (see Attachment B), copies will be mailed to all property owners within the boundaries of the proposed DA-CBID-06 with notice of an Open House. Written protests may then be filed, and a protest hearing scheduled by the City Council prior to adoption of a resolution creating the DA-CBID-06.

Should Council decide to recreate the District, the Council would then appoint a Board of Equalization, which may recommend adjusting the assessment rate higher or lower from that indicated in the Notice of Intention. Council then accepts or modifies the recommendation of the Board of Equalization prior to adoption of the assessment ordinance.

#### **RELEVANT ORDINANCES:**

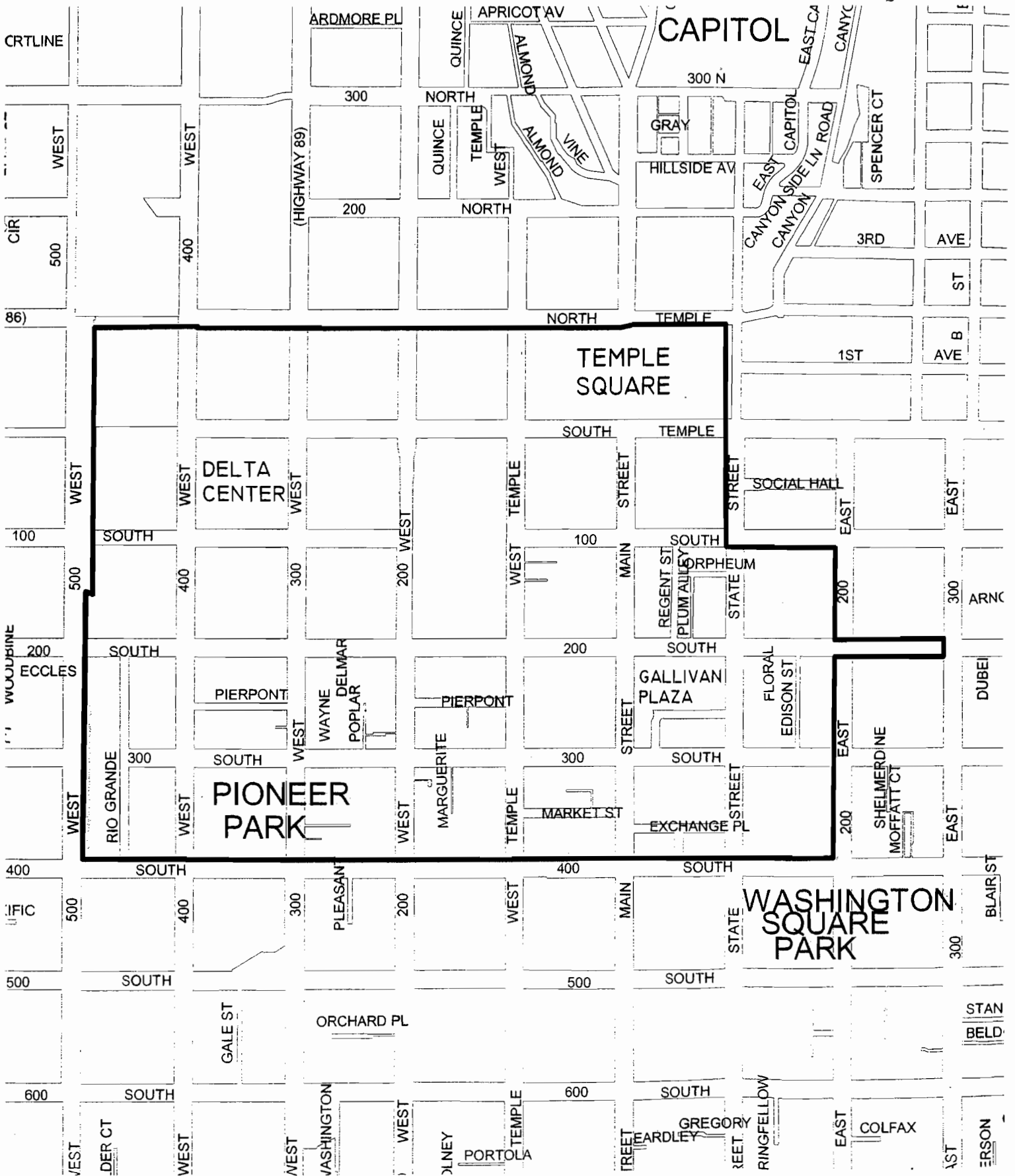
##### **3.12.010 Work Authorized By State Statutes-Assessments:**

The city may, from time to time, proceed to make improvements within areas of the city, make assessments therefore, and issue interim warrants and bonds, pursuant to the Utah municipal improvement district act (section 10-16-1 et seq., Utah Code Annotated, 1953), or its successor, the Utah underground conversion of utilities law (section 54-8-1 et seq., Utah Code Annotated, 1953), or its successor, and other appropriate provisions of state or local law.

**Attachment A: Map of Proposed District**



# CENTRAL BUSINESS IMPROVEMENT DISTRICT



**Attachment B: Proposed  
Notice of Intention**

A. LOUIS ZUNGUZE  
DIRECTOR

BRENT B. WILDE  
DEPUTY DIRECTOR

# SALT LAKE CITY CORPORATION

DEPT. OF COMMUNITY DEVELOPMENT  
OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON  
MAYOR

October 23, 2006

RE: Special Improvement District No. DA-CBID-06

Dear Property Owner:

Enclosed you will find a copy of a Notice of Intention to create a three-year Downtown Economic Improvement District. Each property in the District will be assessed at the rate of \$.0014726949 of the property's assessed value. If approved, this District would fund a renewal of economic development activities in Downtown Salt Lake City.

Over the past 15 years, the funds generated by the District have been used for studying planning issues, promoting and marketing the Downtown area, advising the City on planning efforts to improve parking and transportation within the District, and generally promoting the area within the boundaries of the District. The Downtown Alliance manages the District.

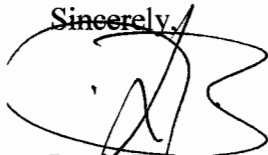
Approval of a special improvement district occurs unless owners of 50% of the aggregate taxable valuation of property in the district protest its creation. **If you wish to protest the creation of the above named District, you must submit a letter on or before 5:00 p.m., November 14, 2006, to:**

Salt Lake City Recorder's Office  
451 South State St., Room 415  
Salt Lake City, UT 84111

An informal informational meeting has been scheduled for Monday, November 6, 2006, from 5:30 p.m. to 7:00 p.m. in Room 315 of the City & County Building (451 South State Street). Representatives from Salt Lake City Corporation will be at the meeting to answer any questions you might have regarding the District.

Please call the Downtown Alliance at 359-5118 or Chris Shoop in Salt Lake City Corporation's Department of Community Development at 535-7103 if you have further questions.

Sincerely,



Louis Zunguze  
Community Development Director

**Original**

Salt Lake City, Utah

October 10, 2006

A regular meeting of the City Council of Salt Lake City, Utah, was held on Tuesday, the 10th day of October, 2006, at the hour of 7:00 p.m. at the offices of the City Council at 451 South State Street, Salt Lake City, Utah, at which meeting there were present and answering to roll call the following members who constituted a quorum:

David L. Buhler	Chair
Van Blair Turner	Vice Chair
Søren Dahl Simonsen	Councilmember
Nancy Saxton	Councilmember
K. Eric Jergensen	Councilmember
Carlton Christensen	Councilmember
Jill Remington-Love	Councilmember

Also present:

Ross C. Anderson	Mayor
Edwin P. Rutan, II	City Attorney
	Deputy City Recorder

Absent:

Thereupon the following proceedings, among others, were duly had and taken:

The following resolution was introduced in writing, was read by title, and Councilmember \_\_\_\_\_ moved its adoption:

RESOLUTION NO. \_\_\_ of 2006

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF SALT LAKE CITY, SALT LAKE COUNTY, STATE OF UTAH (THE "CITY"), TO CREATE SALT LAKE CITY, UTAH CENTRAL BUSINESS IMPROVEMENT DISTRICT NO. DA-CBID-06 (THE "DISTRICT") TO CONTINUE TO PROMOTE BUSINESS ACTIVITY AND ECONOMIC DEVELOPMENT IN AN AREA OF CENTRAL DOWNTOWN SALT LAKE CITY BY ASSESSING BENEFITED PROPERTIES WITHIN THE DISTRICT FOR THE COSTS OF SUCH ECONOMIC PROMOTION ACTIVITIES FOR A PERIOD OF THREE YEARS (THE "ASSESSMENTS"); TO NEGOTIATE A CONTRACT WITH THE DOWNTOWN ALLIANCE TO MANAGE THE DISTRICT; AND TO FIX A TIME AND PLACE FOR PROTESTS AGAINST THE DISTRICT AND ITS ASSESSMENTS, AND RELATED MATTERS.

BE IT RESOLVED by the City Council of Salt Lake City, Salt Lake County, Utah as follows:

Section 1. The City Council (the "City Council") of Salt Lake City, Salt Lake County, Utah (the "City"), hereby determines that it will be in the best interest of the City to continue to promote business, economic, and community development activities in the central business area of downtown Salt Lake City. The proposed activities are more specifically described hereafter, but generally will include, but will not be limited to, advertising, banners, special events and festivals, newsletters and publications, Christmas lighting, and special projects (the "Economic Promotion Activities") in the downtown area as described hereafter and more specifically identified on maps and plans on file in the Office of the City Recorder of Salt Lake City, Utah. In order to accomplish the Economic Promotion Activities, the City proposes to create Salt Lake City, Utah Central Business Improvement District No. DA-CBID-06 (the "District"), the areas of which are more particularly described in the Notice of Intention set out hereafter.

Section 2. A portion of the cost of the Economic Promotion Activities shall be paid by a special assessment (the "Assessment") to be levied against business and commercial properties situated within the District that are specially benefited by the Economic Promotion Activities. The Assessment may be paid when assessed or, at the option of the property owner, in three (3) annual installments with interest on any delinquent installment until paid.

Section 3. Written protests against the proposed assessments may be presented and filed in the Office of the City Recorder of Salt Lake City, Utah, on or before the 14th day of November, 2006, at the hour of 5:00 p.m. Thereafter, at 7:00 p.m., or as soon thereafter as the matter may be heard, on Tuesday, the 14th day of November, 2006, at the City Council Chambers at 451 South State Street in Salt Lake City, Utah, any protests or other comments shall be heard and considered by the City Council. The City Recorder is hereby directed to give notice of intention (the "Notice of Intention" or

“Notice”) to create the District to finance and support the Economic Promotion Activities. The Notice of Intention shall also specify the time within which protests against the proposed assessments may be filed and the date when protests and other comments will be heard and considered. Notice shall be given by publishing a Notice of Intention in the Deseret Morning News, a newspaper of general circulation in the City, said Notice to be published four times, once during each week for four consecutive weeks, the last publication to be not less than five (5) nor more than twenty (20) days prior to the time fixed in the Notice as the last day for the filing of protests. In addition, the City Recorder shall mail a copy of the Notice by United States Mail, postage prepaid, to each owner of land to be assessed within the District at the last known address of such owner, using for such purpose the names and addresses of said owners appearing on the last completed real property assessment rolls of Salt Lake City, Salt Lake County, Utah, and, in addition, a copy of the Notice shall be mailed, postage prepaid, addressed to “Owner” at the street number of each piece of improved property to be affected by the assessment, said Notices to be so mailed not later than ten (10) days after the first publication of the Notice of Intention. If a street number has not been so assigned, then the post office box, rural route number, or any other mailing address of the improved property shall be used for the mailing of the Notice. Said Notice of Intention shall be in substantially the following form:

## NOTICE OF INTENTION

PUBLIC NOTICE IS HEREBY GIVEN that on the 10th day of October, 2006, the City Council of Salt Lake City, Utah, adopted a resolution (the "Resolution") declaring its intention to create Salt Lake City, Utah, Central Business Improvement District No. DA-CBID-06 (the "District") to finance a portion of the cost of economic promotion and community development, which are more specifically described hereafter (the "Economic Promotion Activities") in the area of downtown Salt Lake City within the District and to levy a special assessment (the "Assessment" or "Assessments") for a period of three years as provided in Title 17A, Chapter 3, Part 3, Utah Code Annotated 1953, as amended, on real property situated within the District, for the benefit of which such assessments are to be expended in the management and costs of the Economic Promotion Activities.

### DESCRIPTION OF DISTRICT

The District area is described by reference to the following streets (the "Reference Streets"):

- A - North Temple, from State Street to 500 West;
- B - 500 West, from North Temple to 400 South;
- C - 400 South, from 500 West to 200 East;
- D - 200 East, from 400 South to 100 South;
- E - 100 South, from 200 East to State Street;
- F - State Street, from 100 South to North Temple, and
- G - 200 South from 200 East to 300 East.

The area of the District shall include all property bounded by Reference Streets A through G described above. In addition it shall include parcels of property, subject to the exceptions set out hereafter, (the "Peripheral Parcels") which abut the Reference Streets plus all corner parcels which have a corner touching any of the Reference Streets. However, the Peripheral Parcels on the south side of 400 South, the north side of North Temple and the west side of 500 West shall not be included within the District.

The Resolution, maps and other information about the District are available for examination in the offices of the Salt Lake City Recorder, 451 South State Street, Salt Lake City, Utah.

### ACTIVITIES AND MANAGEMENT OF THE DISTRICT

The Economic Promotion activities shall include advertising, marketing, special events, festivals, transportation, newsletters, publications, banners, Christmas lighting, security, special projects, housing, town meetings, government policy, cultural promotion, reports, surveys, and other promotional activities. The Economic Promotion activities will be held within the boundaries of the District for the benefit of business and commercial property owners within the District.

Since 1992 the Downtown Alliance has managed promotional activities for Central Business Improvement Districts Numbers DA-8690-A, DA-8690-B, DA-8690-97, DA-CBID-00 and DA-CBID-03. The City has selected the Downtown Alliance (the "Manager") for management of the District through December 31, 2009, subject to creation of the District. The Manager has submitted a proposed budget estimating the costs (the "Estimated Costs") of Economic Promotion Activities within the District. Information from the proposed budget is included in the following section.



**ASSESSMENT RATE, FINANCIAL PLAN AND  
SOURCES AND USES OF FUNDS**

Funding from Assessments provides only a portion of the total budget for the District's programs and activities. The Manager will secure non-assessment funds from other sources such as grants, foundations, earned income, and sponsorships. In addition, sponsors and contributors will pay directly to third party providers a portion of the costs of some Economic Promotion Activities. These supplemental third party payments are not reflected in the projected budget of the District. Most, if not all, of these other sources of funds would not be available without the funding from the Assessments or the Economic Promotion Activities of the District. Funds received from Assessments are anticipated to be used in the following manner:

**Source of Funds<sup>(1)</sup>**

Assessment Revenue (for 3-year period)	<u>\$2,415,001.25<sup>(2)</sup></u>
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**Uses of Funds (annual basis)**

Marketing and Events	\$279,000
Economic Development	309,850
General and Administrative	211,150
Salt Lake City Administrative Costs	<u>5,000</u>
Total	<u>\$805,000.00</u>

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(1) Total 2006 taxable value for the District = \$1,639,851,600.

(2) Proposed assessment rate = .0014726949 (assessment revenue ÷ 2006 taxable value.)

In addition to Assessments, the Manager anticipates receiving the following additional revenues to be used for Economic Promotion activities:

**Other Supplemental District Revenue Generated Directly  
by Downtown Alliance\* (Grants, foundations,  
sponsorships, earned income, contributions, etc.)**

Marketing and Events	\$279,000
Economic Development	309,850
General and Administrative	<u>4,000</u>
<b>Total Non-assessment Revenues per fiscal year</b>	<u><b>\$316,500</b></u>

<b>Total Non-assessment Revenues projected for three years</b>	<u><b>\$949,500</b></u>
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\* includes subsidiary corporations

## PROPERTIES EXCLUDED FROM DISTRICT ASSESSMENTS

Residential, ecclesiastical, and civic properties shall be excluded from Assessments such that only business and commercial properties shall be assessed. The determination of qualification for exclusion for ecclesiastical and civic property shall be based upon exemptions from ad valorem real property taxes for properties used by churches for non commercial purposes and for properties owned and operated by governmental agencies.

## BASIS FOR ASSESSMENT

It is proposed to levy a one-time assessment for a three year period on property in the District to pay all or a portion of the estimated costs of Economic Promotion Activities. The assessment shall not exceed the benefits derived by the properties within the District. The assessment shall be based on the 2006 taxable property values. In addition to revenues from the assessment, the Manager of the District will utilize other funding resources, including revenues from grants, promotions, contributions, and sponsorships.

## PAYMENT OF ASSESSMENTS

Assessments shall be payable in full or in three (3) annual installments (the "Assessment Installment" or "Installments"), commencing fifteen (15) days after the effective date of the Assessment Ordinance, which is currently estimated to be approximately April 15, 2007. The next two Installments will fall due fifteen (15) days after the first and second anniversary dates of the Assessment Ordinance's effective date. The unpaid balance of any assessment after the hereinafter Cash Payment Period shall bear interest at a rate to be determined at or about the time the Assessment Ordinance is adopted. Interest on any delinquent Assessment Installment shall accrue at the same rate as will be applied to delinquent real estate taxes in the year of delinquency. The whole or any part of the Assessment may be paid without interest within fifteen (15) days (the "Cash Payment Period") after the ordinance levying the Assessment becomes effective, but the first Assessment Installment shall be due and payable during the Cash Payment Period. If any annual installment amount is not paid by the due date, the unpaid installment(s) will accumulate delinquent interest and/or charges in accordance with the Assessment Ordinance and State law.

## TIME FOR FILING PROTESTS

To be counted against the creation of the District, protests or objections **MUST BE IN WRITING**, signed by the owners of the property proposed to be assessed. The written protest must describe or otherwise identify said property. If the aggregate taxable value of property that is the subject of timely filed written protests exceeds the aggregate taxable value of properties that are not the subject of a written protest, the City Council will not create the District. Protests withdrawn prior to the creation of the District and protests from areas deleted from the District will not be counted against the creation of the District.

PROTESTS SHALL BE FILED IN WRITING WITH THE CITY RECORDER OF SALT LAKE CITY EITHER IN PERSON DURING REGULAR BUSINESS HOURS MONDAY THROUGH FRIDAY, OR BY MAIL ON OR BEFORE THE DATE OF THE HEARING AT 5:00 O'CLOCK P.M. ON THE 14TH DAY OF NOVEMBER, 2006 (ROOM 415, CITY & COUNTY BUILDING). THEREAFTER, AT 7:00 P.M., ON THE 14TH DAY OF NOVEMBER, 2006, THE CITY COUNCIL WILL MEET AT THE CITY COUNCIL CHAMBERS IN THE CITY & COUNTY BUILDING TO HEAR AND CONSIDER ANY SUCH PROTESTS AND OBJECTIONS TO THE ASSESSMENTS.

BY ORDER OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

\_\_\_\_\_  
/s/  
Deputy City Recorder

Councilmember \_\_\_\_\_ seconded the motion to adopt the foregoing resolution. The motion and resolution were unanimously adopted on the following recorded vote:

AYE:

NAY:

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

(SEAL)

By: \_\_\_\_\_  
Chair

ATTEST:

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

PRESENTATION TO THE MAYOR

The foregoing resolution was presented to the Mayor for his approval or disapproval on the \_\_\_ day of \_\_\_\_\_, 2006.

By: \_\_\_\_\_  
Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing resolution is hereby approved on this \_\_\_ day of \_\_\_\_\_, 2006.

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

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

I, \_\_\_\_\_, the duly chosen, qualified, and acting Deputy City Recorder of Salt Lake City, Utah, do hereby certify as follows:

(a) That the foregoing typewritten pages constitute a full, true and correct copy of the record of proceedings of the City Council at a regular meeting thereof held in Salt Lake City on the 10th day of October, 2006, at the hour of 7:00 p.m., insofar as said proceedings relate to the consideration and adoption of a resolution declaring the intention of the City Council to create Salt Lake City, Utah Central Business Improvement District No. DA-CBID-06 to provide economic promotion activities 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.

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

(c) That the above resolution was deposited in my office on the 10th day of October, 2006, has been recorded by me, and is a part of the permanent records of Salt Lake City, Utah.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of Salt Lake City, Utah, this 10th day of October, 2006.

(SEAL)

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

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

AFFIDAVIT OF MAILING  
NOTICE OF INTENTION

I, \_\_\_\_\_, the duly chosen, qualified, and acting Deputy City Recorder of Salt Lake City, Utah, do hereby certify that the attached Notice of Intention was approved and adopted in the proceedings of the City Council held on Tuesday, the 10th day of October, 2006.

I further certify that on \_\_\_\_\_, 2006, (a date not later than ten (10) days after the first publication of the Notice of Intention) I mailed a true copy of the Notice of Intention to create Salt Lake City, Utah Central Business Improvement District No. DA-CBID-06 by United States Mail, postage prepaid to each owner of land to be assessed within the proposed Special Improvement District at the last known address of such owner, using for such purpose the names and addresses appearing on the last completed real property assessment rolls of Salt Lake County, and in addition I mailed on the same date a copy of said Notice of Intention addressed to "Owner" addressed to the street number, post office box, rural route number, or other mailing address of each piece of improved property to be affected by the assessment.

I further certify that a certified copy of said Notice of Intention, together with profiles of the improvements and a map of the proposed District, was on file in my office for inspection by any interested parties.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Salt Lake City, Utah, this \_\_\_\_ day of \_\_\_\_\_, 2006.

(SEAL)

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



(Affidavit of proof of publication of the Notice of Intention to continue Salt Lake City, Utah Central Business Improvement District No. DA-CBID-00 with a new numbered designation of DA-CBID-06 for a three year period.)

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, \_\_\_\_\_, the undersigned Deputy City Recorder of Salt Lake City, Utah, (the "City Recorder"), do hereby certify, according to the records of the City Council 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 10th day of October, 2006, public meeting held by the City Council as follows:

(a) By causing a Notice, in the form attached hereto as Schedule A, to be posted at the offices of the Salt Lake City Council on 6th day of October, 2006, 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 A, to be delivered to the Deseret Morning News on the 6th day of October, 2006, at least twenty-four (24) hours prior to the convening of the meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 10th day of October, 2006.

(SEAL)

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