TOWN OF BRIAN HEAD, UTAH
TOWN COUNCIL
MAY 20, 2022

FINDNGS, RECOMMENDATIONS, AND DECISION OF BOARD OF EQUALIZATION AND ASSESSMENT ORDINANCE OF THE TOWN COUNCIL ORDINANCE NO. 22-003

FINDINGS, RECOMMENDATION AND DECISION OF THE BOARD OF EQUALIZATION FOR ASSESSMENT AREA NO. 2021-02 FALCON COURT, FOR ASSESSMENT AREA 2021-03 TRAIL ROAD; AND FOR ASSESSMENT AREA 2021-04 SCENIC DRIVE AND AN ORDINANCE CONFIRMING THE ASSESSMENT LISTS AND LEVYING AN ASSESSMENT AGAINST CERTAIN PROPERTIES IN THE DESCRIBED ASSESSMENT AREAS, FOR THE PURPOSE OF PAYING ALL OR A PORTION OF THE COST OF WATER AND SEWER IMPROVEMENTS; ESTABLISHING A RESERVE FUND; ESTABLISHING THE EFFECTIVE DATE OF THIS ORDINANCE; AND RELATED MATTERS.

WHEREAS, the Town Council adopted Notices of Intention to create the Town of Brian Head, Utah Special Assessment Area No. 2021-02 (Falcon Court) on December 7, 2021 as recorded with the Iron County Recorder on March 16, 2022 as Entry No. 00788078, Book 1600, Pages 166-191, and to create the Town of Brian Head Special Assessment Area No. 2021-03 (Trail Road) on December 7, 2021 as recorded with the Iron County Recorder on March 16, 2022 as Entry no. 00788077, Book 1600, Pages 140-165, and to create the Town of Brian Head Special Assessment Area No. 2021-04 (Scenic Drive) on December 21, 2021 as recorded with the Iron County Recorder on March 18, 2022 as Entry No. 00788246, Book 1600, Pages 1149-1171 (the "Assessment Areas"), and published said Notice as required by law; and

WHEREAS, in accordance with the three Notices of Intention and after giving notice as required by statute, public hearings with respect to the above-described Assessment Areas were held; and

WHEREAS, prior to and at the hearing, persons having an interest in the Assessment Area were allowed to protest the creation thereof and all protests, written and verbal against the creation of the above-described Assessment Areas were heard and considered by the Town Council; and

WHEREAS, on March 22, 2022, the Town Council designated the Assessment Area No. 2021-02 (Falcon Court) by resolution to construct the improvements as set forth in the associated Notice of Intention for the properties designated, which designation and creation resolution was record with the Iron County Recorder, along with a list of the impact properties, as Entry No. 00789229, in Book 1603, at Pages 397-439 on April 5, 2022; and

WHEREAS, on March 22, 2022, the Town Council designated the Assessment Area No. 2021-03 (Trail Road) by resolution to construct the improvements as set forth in the associated Notice of Intention for the properties designated, which designation and creation resolution was record with the Iron County Recorder, along with a list of the impact properties, as Entry No. 00789230, in Book 1603, at Pages 440-482 on April 5, 2022; and

WHEREAS, on March 22, 2022, the Town Council designated the Assessment Area No. 2021-04 (Scenic Drive) by resolution to construct the improvements as set forth in the associated Notice of Intention for the properties designated, which designation and creation resolution was record with the Iron County Recorder, along with a list of the impact properties, as Entry No. 00789359, in Book 1603, at Pages 1250-1287 on April 8, 2022; and

WHEREAS, the Engineer for Town of Brian Head has prepared the proposed assessment list for the Assessment Area and the Town called a board of equalization and review consisting entirely of the Town Council for the purpose of considering any objections and corrections to said assessment lists related to the herein referenced Assessment Areas; and

The Board of Equalization and Review for Town of Brian Head, Utah Special Assessment Area No. 2021-02 (Falcon Court); for Town of Brian Head, Utah Special Assessment Area No. 2021-03 (Trail Road); and for Town of Brian Head, Utah Special Assessment Area No. 2021-04 (Scenic Drive) (the "Board") presented to the Town Council its report and stated that it had reviewed statements, comments and complaints on each property in the Assessment Areas described herein as listed in the minutes of the hearings of the Board held on May 18, 19, and 20, 2022.

The following Findings, Recommendations and Decision were then presented to the Town Council by the Board:

FINDINGS

The proposed assessments set forth in the respective assessment lists are just and equitable with the adjustments as noted on the assessment list, that each piece of property will be benefited in an amount not less than the assessment to be levied against it and that no piece of property listed on the assessment list will bear more than its proportionate share of the cost of the improvements

RECOMMENDATION AND DECISION

It is the decision of the Board of Equalization that the proposed assessment list by the Board of Equalization, which assessment list, with any adjustments thereto, is attached hereto, is equitable and that the improvements being financed thereby constitute a benefit to the properties to be assessed. The Board of Equalization respectfully recommends that the Town Council approve and confirm the assessment list and adopt an ordinance levying the assessments set out in the assessment list.

WHEREAS, the Board of Equalization found that the proposed assessments set forth in the assessment list are just and equitable, that each piece of property will be benefited in an amount not less than the assessment to be levied against it, and that no piece of property listed on the assessment list will bear more than its proportionate share of the cost of the improvements; and

Motion was then made by Mayor Calloway and seconded by Council Member Marshall that the Town Council accept the Recommendation and Decision of the Board regarding the proposed assessments to be levied within the Assessment Area. The motion carried unanimously.

WHEREAS, the Town Council desires to adopt an assessment ordinance consistent with the findings and recommendations of the Board of Equalization:

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

Section 1. Ratification of Proceedings. The Town Council hereby ratifies all actions taken by the Town, including the calling of the Board of Equalization, and otherwise approves of all notices and actions related to the assessment list for the Assessment Area.

Section 2. Settlement. The Board of Equalization found that the assessment proposed against each of lots 9 and 10 in the Trail Roads SAA was properly noticed and calculated. However, in light of confusion about the combining of these two lots, which began after the Notice of Intention related to the Trail Roads SAA was adopted, the Town Council has negotiated a settlement with the owner of lots 9 and 10, who is Mr. Richard Schmidt to only pay one half of the proposed assessment against lot 10 and all of the assessment against lot 9, which settlement the Town Council hereby approves. The Town of Brian Head will pay the other half of the assessment against lot 10 in the Trail Roads SAA and the assessment list for the Trail Road SAA attached hereto is to reflect this settlement.

Section 3. Determination of Costs. All costs and expenses for the making of the Improvements within the respective Assessment Area as herein described have been determined, the property price for all property to be acquired to make the Improvements has been finally determined and the reasonable cost of any work to be done has been determined.

Section 4. Approval of Assessment Lists; Findings. The Town Council (the "Council") of the Town of Brian Head, Utah (the "Issuer") hereby accepts the findings and recommendations of the Board of Equalization and Review and confirms the assessment list, with adjustments as described in Section 2 hereof, (the "Assessment List") for Town of Brian Head, Utah Special Assessment Area No. 2021-02 (Falcon Court); Town of Brian Head, Utah Special Assessment Areas no. 2021-03 (Trail Road); and Town of Brian Head, Utah Special Assessment Area No. 2021-04 (Scenic Drive) (collectively, the "Assessment Area"), and hereby confirms that the Assessment List is just and equitable; that each piece of property to be assessed within the Assessment Area will be benefitted 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 5. Levy of Assessments. The Town Council of the Issuer does hereby levy an assessment to be assessed upon the real property identified in the Assessment List. The assessments levied upon each parcel of property therein described shall be in the amount set forth in the Assessment List.

The assessments hereby levied are for the purpose of paying the costs of the water improvements and in the case of the Trail Road SAA the water and sewer improvements and of completing any miscellaneous work necessary to complete the improvements in a proper and workmanlike manner (collectively, the "Improvements").

The assessments are hereby levied and assessed upon each of the parcels of real property described in the Assessment List according to the extent that they are specially benefitted by the Improvements acquired or constructed within the Assessment Area. The assessments are levied upon the parcels of land in the Assessment Area at equal and uniform rates for engineering fees and at actually cost per connection.

Section 6. Cost of Improvements; Amount of Total Assessments. The total cost of the Improvements in the Assessment Area No. 2021-02 (Falcon Court) is \$478,889.00, of which total cost the Issuer's portion or amount to be paid by the Issuer is \$0. 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 \$478,889.00, 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 utility services, maintenance, labor, materials or equipment supplied by the Issuer, if any; (d) the property price, if any; (e) connection fees, if any; (f) the interest on any interim warrants issued against the Assessment Area; (g) overhead costs not to exceed fifteen percent (15%) of the sum of (a), (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), (c) and (d).

The total cost of the Improvements in the Assessment Area No. 2021-03 (Trail Road) is \$929,308.00.00, of which total cost the Issuer's portion or amount to be paid by the Issuer for water improvements is \$0 and the Issuer's portion or amount to be paid by the Issuer for sewer improvements is \$203,496.50. 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 \$914,495.50, 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 utility services, maintenance, labor, materials or equipment supplied by the Issuer, if any; (d) the property price, if any; (e) connection fees, if any; (f) the interest on any interim warrants issued against the Assessment Area; (g) overhead costs not to exceed fifteen percent (15%) of the sum of (a), (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), (c) and (d).

The total cost of the Improvements in the Assessment Area No. 2021-04 (Scenic Drive) is $240,028.00, of which total cost the Issuer's portion or amount to be paid by the Issuer is $0. 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 $240,028.00, 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 utility services, maintenance, labor, materials or equipment supplied by the Issuer, if any; (d) the property price, if any; (e) connection fees, if any; (f) the interest on any interim warrants issued against the Assessment Area; (g) overhead costs not to exceed fifteen percent (15%) of the sum of (a), (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), (c) and (d).

Section 7. Method and Rate. The total assessment for the Assessment Area is levied in accordance with the following method and at the following rates:

> The total assessment for each water improvement within the Assessment Area No. 2021-02 (Falcon Court) and is the bid cost of construction per lot with the maximum construction cost for a lot of $20,821.00, as set forth in the Assessment List in the office of the Town Clerk.
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> The total assessment for each combined water and improvement within the Assessment Area No. 2021-03 (Trail Road) and is the bid cost of construction per lot with the maximum construction cost for a lot of $29,625.00, as set forth in the Assessment List in the office of the Town Clerk.
>
> The total assessment for each water improvement within the Assessment Area No. 2021-04 (Scenic Drive) and is the bid cost of construction per lot with the maximum construction cost for a lot of $17,145.00, as set forth in the Assessment List in the office of the Town Clerk.

Section 8. Payment of Assessments. The whole or any part of the assessments for the Assessment Area may be paid without interest within 25 days after this Ordinance becomes effective. Any part of the assessment not paid within such 25-day period shall be payable over a period of 10 years from the effective date of this Ordinance in 10 substantially equal annual installments, including interest (which interest may include ongoing local entity costs incurred for administration of the assessment area) on the unpaid balance of the assessment at the same rate as the net effective interest rate of the Assessment Bonds as herein described anticipated to be issued by the Issuer to amortize all or part of the Assessment. The assessment payment dates shall be due with the annual property tax assessment on approximately December 1st of each year. Interest shall accrue from the effective date of this Ordinance until paid.

(i) After the above-referenced 25-day period, 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 assessment bonds issued in anticipation of the collection of the assessments plus such additional amount as, in the opinion of the Town Manager, is necessary to assure the availability of money to pay interest on the special assessment bonds as interest becomes due and payable plus any premiums which may be charged and become payable on redeemable bonds which may be called in order to utilize the assessments paid in advance.

(ii) If prepayment of an assessment, or any part thereof, arises out of a need of the property owner to clear the assessment lien from a portion (the "Release Parcel") of the parcel now being assessed (the "Assessed Parcel"), the assessment lien upon the Release Parcel may be released by the Issuer, but only if all of the following conditions are met:

A. The property owner prepays the assessment of the Release Parcel which is calculated as follows: (1) multiply the total assessment, including all accrued and unpaid interest, then outstanding on the Assessed Parcel by a fraction, the numerator of which is the total area of the Release Parcel, including a pro rata portion of the undevelopable area of the Assessed Parcel, if any, and the denominator of which is the total area of the Assessed Parcel including the Release Parcel; and then (2) multiplying such amount by 1.25.

For purposes of determining prepayment amounts provided in (A) above, regularly scheduled payments shall not be taken into account. For example, should a property owner desire to clear the assessment lien from a portion of a parcel now being assessed after the lien has been reduced through regularly scheduled payments, he/she would need to prepay a portion of the then outstanding assessment as determined under (A) above. The regularly scheduled assessment payments previously made would not entitle the property owner to a release of a portion of the Assessed Parcel without such prepayment.

B. The Town Manager must determine that the partial release of lien upon payment of the prepayment amount determined under (A) above does not diminish the security of the bondholders based upon the amount of the remaining assessment compared with the amount and value of land remaining to secure such debt. For purposes of this subparagraph (B), security of the bondholders will not be considered diminished if the fair market value of the remaining property subject to the assessment equals or exceeds three times the remaining unpaid assessment on such property. The Town Manager shall have the right to obtain the opinion of an independent appraiser as to the value of the remaining property, and the cost of obtaining such opinion or appraisal shall be paid by the property owner requesting the release.

C. The additional payment for premiums and interest is paid as required above for any prepayment.

For purposes of determining prepayment amounts as provided in (A.) above, regularly scheduled payments shall not be taken into account. For example, should a property owner desire to clear the assessment lien from a portion of a parcel now being assessed after the lien has been reduced through regularly scheduled payments, he/she would need to prepay a portion of the then outstanding assessment as determined under (A) above. The regularly scheduled assessment payments previously made would not entitle the property owner to a release of a portion of the Assessed Parcel without such prepayment. Following a prepayment made pursuant to this subsection, the Town Manager shall recalculate the amount of all subsequent assessment installments to be paid on the remaining portion of the Assessed Parcel, after taking into account the reduction in the outstanding principal balance of the assessment resulting from such prepayment.

(iii) In the event all or any portion of the property assessed hereunder is subdivided into smaller parcels as evidenced by a subdivision plat approved by the Issuer and recorded at the Iron County Clerk's office, the Issuer may elect, at its discretion, to allocate the assessment balance on the previously undivided property on a proportionate basis to the extent possible based on the method of assessment for the applicable project. The required annual assessment installment payments for each subdivided parcel shall be allocated proportionately to the extent possible based on the method of assessment for the applicable project so that the aggregate total of all of the annual assessment installments for each of the subdivided parcels will equal the total annual assessment installment for the previously undivided property. When an assessment lien is perfected for each of the subdivided parcels, the total assessment levied against the previously undivided property will be released having been replaced by the aggregate of the assessments allocated to each of the subdivided parcels. A release of the new assessment lien for a given subdivided parcel will be delivered by the Issuer at the time the assessment balance for that subdivided parcel is paid in full.

All prepayments paid pursuant to subsection (ii) above must include (i) 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 assessment bonds ("Assessment Bonds") to be issued pursuant to a bond resolution adopted by the Issuer (the "Bond Resolution") ; (ii) such additional amount as, in the opinion of the Town Manager, is necessary to assure the availability of money to pay interest on the Assessment Bonds as interest becomes due and payable; and (iii) any premiums which may be charged and become payable on the Assessment Bonds which may be called on a redemption date in order to utilize the assessments paid in advance.

Section 9. Default in Payment. If a default occurs in the payment of any installment of principal or interest, when due, the Town Manager, on behalf of the Town Council, may declare the unpaid amount to be immediately due and payable and subject to collection as provided herein. In addition, the Town Manager, on behalf of the Town Council, may accelerate payment of the total unpaid balance of the assessment and declare the whole of the unpaid principal and interest then due to be immediately due and payable. Interest shall accrue and be paid on all amounts declared to be delinquent or accelerated and immediately due and payable at the same rate or rates of interest as are applied to delinquent real property taxes for the year in which the assessment installment becomes delinquent (the "Delinquent Rate"). In addition to interest charges at the Delinquent Rate, costs of collection, as approved by the Town Manager on behalf of the Town Council, including, without limitation, attorneys' fees, trustee's fees and court costs, incurred by the Issuer or required by law shall be charged and paid on all amounts declared to be delinquent or accelerated and immediately due and payable.

Upon any default, the Town Manager shall give notice in writing of the default to the owner of the property in default, as shown by the last available equalized assessment rolls of Iron County. Notice shall be effective upon deposit of the notice in the U.S. Mail, postage prepaid, and addressed to the owner as shown on the last equalized assessment rolls of Iron County. The notice shall provide for a period of thirty (30) days in which the owner shall pay the installments then due and owing, after which the Town Manager, on behalf of the Issuer, may place in operation the procedure necessary to provide for payment as provided by Section 11-42-502.1 of the Utah Code Annotated 1953, as amended, or other provisions of Title 11, Chapter 42 of the Utah Code, which may include the sale of property for delinquent general property taxes.

The remedies provided herein for the collection of assessments and the enforcement of liens shall be deemed and construed to be cumulative and the use of any one method or means of collection or enforcement shall not deprive the Issuer of the use of any other method or means. The amounts of accrued interest and all costs of collection, including trustee's fees, attorneys' fees and costs, shall be added to the amount of the assessment up to, and including, the date of foreclosure sale.

Section 10. Remedy of Default. If prior to the final date payment may be legally made under a final sale or foreclosure of property to collect delinquent assessment installments, the property owner pays the full amount of all unpaid installments of principal and interest which are past due and delinquent with interest on such installments at the rate or rates set forth in Section 5 hereof to the payment date, plus all trustee's fees, attorneys' fees and other costs of collection, the assessment of said owner shall be restored and the default removed, and thereafter the owner shall have the right to make the payments in installments as if the default had not occurred. Any payment made to cure a default shall be applied, first, to the payment of attorneys' fees and other costs incurred as a result of such default; second, to interest charged on past due installments, as set forth above; third, to the interest portion of all past due assessments; and last, to the payment of outstanding principal.

Section 11. Lien of Assessment. An assessment or any part or installment of it, any interest accruing, and the penalties, trustee's fees, attorneys' fees and other costs of collection shall constitute a lien against the property upon which the assessment is levied on the effective date of this Ordinance. Said lien shall be superior to the lien of any trust deed, mortgage, mechanic's or materialman's lien or other encumbrance and shall be equal to and on a parity with the lien for general property taxes. The lien shall continue until the assessment and any interest, penalties, and costs on it are paid, notwithstanding any sale of the property for or on account of a delinquent general property tax, special tax or other assessment or the issuance of tax deed, an assignment of interest by the governing entity or a sheriff's certificate of sale or deed.

Section 12. Special Reserve Fund. The Issuer, in the event a Reserve Fund is desired by the lender selected to finance the Assessment Area's special assessment, in lieu of creating a Guaranty Fund, hereby creates a special Reserve Fund (the "Reserve Fund") to secure payment of the special assessment bonds. The Reserve Fund shall include an allocation equal to 10% of the outstanding Assessment Bonds of the Assessment Area. The entire available balance in the Reserve Fund shall be for the purpose of securing to the extent of such fund the payment of special assessment bonds and interest thereon issued against local improvement Assessment Areas for the payment of local improvements therein, all in the manner and to the extent provided by the laws of the State of Utah. In the event the lender selected to finance the Assessment Area's special assessment does not require a Reserve Fund, the Issuer is then authorized to create a guarantee fund and impose the special tax assessment associated with a guarantee fund in the event need arises.

Section 13. Maintenance of Funds. All investment earnings on the Reserve Fund shall be maintained in said Funds respectively and applied in the same manner as the other moneys on deposit therein as provided in the Bond Resolution authorizing the issuance of the Assessment Bonds.

Section 14. Contestability. No assessment shall be declared void or set aside in whole or in part in consequence of any error or irregularity which does not go to the equity or justice of the assessment or proceeding. Any party who has not waived his objections to same as provided by statute may commence a civil action against the Issuer to enjoin the levy or collection of the assessment or to set aside and declare unlawful this Ordinance.

Such action must be commenced, and summons must be served on the Issuer not later than 30 days after the effective date of this Ordinance. This action shall be the exclusive remedy of any aggrieved party. No court shall entertain any complaint which the party was authorized to make by statute but did not timely make or any complaint that does not go to the equity or justice of the assessment or proceeding.

After the expiration of the 30-day period provided in this section:

The Assessment Bonds issued or to be issued against the Assessment Area and the assessments levied in the Assessment Area shall become incontestable as to all persons who have not commenced the action provided for in this section; and

No suit to enjoin the issuance or payment of the bonds, the levy, collection or enforcement of the assessment, or in any other manner attacking or questioning the legality of the bonds or assessments may be instituted in this state, and no court shall have authority to inquire into these matters.

Section 15. Notice to Property Owners. The Town Manager is hereby authorized and directed to give notice of assessment by mail to the property owners in the Assessment Area. Said notice shall, among other things, state the amount of the assessment and the terms of payment. A copy of the form of notice of assessment is available for examination upon request at the office of the County Clerk.

Section 16. All Necessary Action Approved. The officials of the Issuer are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance.

Section 17. Repeal of Conflicting Provisions. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed.

Section 18. Publication of Ordinances. Immediately after its adoption, this Ordinance shall be signed by the Mayor and Town Clerk and shall be recorded in the ordinance book kept for that purpose. This Ordinance shall be published once in a newspaper published and having general circulation in the Issuer and shall take effect immediately upon its publication.

PASSED AND APPROVED by the Town Council of the Issuer, this May 20, 2022.

Mayor Clayton Calloway

ATTEST:

Nancy Leigh, Town Clerk

(SEAL)

RECORD OF PROCEEDINGS

I, Nancy Leigh, the Town Clerk of Town of Brian Head, Utah, certify that this is a full, true and correct copy of the record of proceedings had by the Town Council of Town of Brian Head, Utah at its meeting held on May 20, 2022, insofar as the same relates to or concerns Town of Brian Head, Utah Special Assessment Area No. 2021-02 (Falcon Court), Area No. 2021-03 (Trail Road) and Area No. 2021-04 (Scenic Drive) as the same appears of record in my office. The Town Council met in public session on May 20, 2022, at 2:15 p.m., or as soon thereafter as feasible, at its regular meeting place. The following members of the Town Council were present:

Clayton Calloway	Mayor
Martin Tidwell	Council Member
Dennis VanNostran	Council Member
Kelly Marshall	Council Member

Also present:

Nancy Leigh	Town Clerk
Bret Howser	Town Manager

Absent: Larry Freeberg Council Member

This Assessment Ordinance (the "Ordinance") was then introduced in writing, was fully discussed, and pursuant to motion duly made by Mayor Calloway and seconded by Council Member Marshall and adopted by the following vote:

YEA

Clayton Calloway
Martin Tidwell
Dennis VanNostran
Kelly Marshall

NAY:

The Ordinance was then signed by the mayor and recorded by the Town Clerk in the official records of Town of Brian Head, Utah.

DATED: May 20, 2022.

BRIAN HEAD TOWN A MUNICIPAL CORPORATION

(SEAL)

Nancy Leigh, Town Clerk

WHEN RECORDED, RETURN TO:
Eric Todd Johnson, Esq.
Johnson, Patterson & Yellowhorse
P.O. Box 831
Pleasant Grove, Utah 84062

NOTICE OF ASSESSMENT INTEREST

Notice is hereby given that the Town of Brian Head, Utah (the "Town"), claims an interest in the property described on Exhibit "1" arising out of the requirements of the Town of Brian Head, Utah Special Assessment Area No. 2021-02 (Falcon Court) (the "Assessment Area") and the terms and provisions of the Assessment Ordinance adopted by the Issuer on May 20, 2022, levying an assessment against certain properties in the Assessment Area. For information call the office of the Town Manager in Town of Brian Head, Utah (435-677-2029).

DATED: May 20, 2022.

[signature]
Bret Howser, Town Manager

STATE OF UTAH)
ss.
COUNTY OF IRON)

On May 20, 2022, personally appeared before me, Bret Howser, who duly acknowledged to me that she executed the foregoing instrument on behalf of the Town of Brian Head, Utah, in his capacity as Town Manager for the Town of Brian Head, Utah.

My Commission Expires: Nov. 06, 2023

Nancy C. Leigh
Notary Public

(Notary Seal)

NANCY C. LEIGH
NOTARY PUBLIC
STATE OF UTAH
MY COMM. EXPIRES NOV. 06, 2023
709125

Exhibit 1

IDENTIFICATION OF AFFECTED PROPERTY SAA No. 2021-02 (Falcon Court

(LEGAL DESCRIPTION AND TAX ID NUMBER)

Parcel #	Falcon Court Subdivision	
A-1211-0016-0000	Lot #16	$20,821.00
A-12-11-0017-0000	Lot #17	$20,821.00
A-1211-0018-0000	Lot #18	$20,821.00
A-1211-0019-0000	Lot #19	$20,821.00
A-1211-0020-0000	Lot #20	$20,821.00
A-1211-0021-0000	Lot #21	$20,821.00
A-1211-0027-0000	Lot #27	$20,821.00
A-1211-0028-0000	Lot #28	$20,821.00
A-1211-0029-0000	Lot #29	$20,821.00
A-1211-0030-0000	Lot #30	$20,821.00
A-1211-0031-0000	Lot #31	$20,821.00
A-1211-0032-0000	Lot #32	$20,821.00
A-1211-0033-0000	Lot #33	$20,821.00
A-1211-0034-0000	Lot #34	$20,821.00
A-1211-0035-0000	Lot #35	$20,821.00
A-1211-0041-0000	Lot #41	$20,821.00
A-1211-0074-0000	Lot #74	$20,821.00
A-1211-0075-0000	Lot #75	$20,821.00
A-1211-0076-0000	Lot #76	$20,821.00
A-1211-0077-0000	Lot #77	$20,821.00
A-1211-0078-0000	Lot #78	$20,821.00

WHEN RECORDED, RETURN TO:
Eric Todd Johnson, Esq.
Johnson, Patterson & Yellowhorse
P.O. Box 831
Pleasant Grove, Utah 84062

NOTICE OF ASSESSMENT INTEREST

Notice is hereby given that the Town of Brian Head, Utah (the "Town"), claims an interest in the property described on Exhibit "1" arising out of the requirements of the Town of Brian Head, Utah Special Assessment Area No. 2021-3 (Trail Road) (the "Assessment Area") and the terms and provisions of the Assessment Ordinance adopted by the Issuer on May 20, 2022, levying an assessment against certain properties in the Assessment Area. For information call the office of the Town Manager in Town of Brian Head, Utah (435-677-2029).

DATED: May 20, 2022.

Bret Howser, Town Manager

STATE OF UTAH)
ss.
COUNTY OF IRON)

On May 20, 2022, personally appeared before me, Bret Howser, who duly acknowledged to me that she executed the foregoing instrument on behalf of the Town of Brian Head, Utah, in his capacity as Town Manager for the Town of Brian Head, Utah.

My Commission Expires: Nov. 06, 2023

Nancy C. Leigh
Notary Public

(Notary Seal)

NANCY C. LEIGH
NOTARY PUBLIC
STATE OF UTAH
MY COMM. EXPIRES NOV. 06, 2023
709126

<u>Exhibit 1</u>

IDENTIFICATION OF AFFECTED PROPERTY SAA No. 2021-03 (Trail Road)

(TAX ID NUMBER)

A-1210-0006-0000	247 N. hidden Lake Rd.	$29,625.00
A-1210-0007-0000	231 N. Hidden Lake Rd.	$29,625.00
A-1210-0008-0000	213 N. Hidden Lake Rd.	$29,625.00
A-1210-0009-0000	177 N. Hidden Lake Rd.	$14,812.50
A-1210-0011-0000	228 N. Hidden Lake Rd.	$29,625.00
A-1210-0012-0000	246 N. Hidden Lake Rd.	$29,625.00
A-1210-0018-0000		$29,625.00
A-1210-0020-0000	473 E. Trail Rd.	$29,625.00
A-1210-0021-0000	451 E. Trail Rd.	$29,625.00
A-1210-0022-0000	437 E. Trail Rd.	$29,625.00
A-1210-0024-0000	399 E. Trail Rd.	$29,625.00
A-1210-0026-0000	365 E. Trail Rd.	$29,625.00
A-1210-0027-0000	349 E. Trail Rd.	$29,625.00
A-1210-0028-0000	330 E. Trail Rd.	$29,625.00
A-1210-0029-0000	348 E. Trail Rd.	$29,625.00
A-1210-0030-0000	308 E Trail Rd.	$29,625.00
A-1210-0032-0000	406 E. Trail Rd.	$29,625.00
A-1210-0035-0000	458 E. Trail Rd.	$29,625.00
A-1210-0037-0000	468 E. Trail Rd.	$29,625.00
A-1210-0038-0000	476 E. Trail Rd.	$29,625.00
A-1210-0047-0000	333 E. Steam Engine Dr.	$29,625.00

WHEN RECORDED, RETURN TO:
Eric Todd Johnson, Esq.
Johnson, Patterson & Yellowhorse
P.O. Box 831
Pleasant Grove, Utah 84062

NOTICE OF ASSESSMENT INTEREST

Notice is hereby given that the Town of Brian Head, Utah (the "Town"), claims an interest in the property described on Exhibit "1" arising out of the requirements of the Town of Brian Head, Utah Special Assessment Area No. 2021-04 (Scenic Drive) (the "Assessment Area") and the terms and provisions of the Assessment Ordinance adopted by the Issuer on May 20, 2022, levying an assessment against certain properties in the Assessment Area. For information call the office of the Town Manager in Town of Brian Head, Utah (435-677-2029).

DATED: May 20, 2022.

Bret Howser, Town Manager

STATE OF UTAH)
ss.
COUNTY OF IRON)

On May 20, 2022, personally appeared before me, Bret Howser, who duly acknowledged to me that she executed the foregoing instrument on behalf of the Town of Brian Head, Utah, in his capacity as Town Manager for the Town of Brian Head, Utah.

My Commission Expires: Nov. 06, 2023

Notary Public

(Notary Seal)

NANCY C. LEIGH
NOTARY PUBLIC
STATE OF UTAH
MY COMM. EXPIRES NOV. 06, 2023
709125

Exhibit 1

IDENTIFICATION OF AFFECTED PROPERTY SAA No. 2021-04 (Scenic Drive)

(TAX ID NUMBER)

A-1209-0024-000	Lot #24 440 N. Scenic Dr.	$17,145.00
A-1209-0026-000	Lot #26 420 N. Scenic Dr.	$17,145.00
A-1209-0028-000	Lot #28 298 N. Scenic Dr.	$17,145.00
A-1209-0030-000	Lot #30	$17,145.00
A-1209-0032-000	Lot #32	$17,145.00
A-1209-0034-000	Lot #34 330 N. Scenic Dr.	$17,145.00
A-1209-0056-000	Lot #56 361 E. Lupine Ct.	$17,145.00
A-1209-0057-000	Lot #57 441 N. Scenic Dr.	$17,145.00
A-1209-0059-000	Lot #59 362 E. Lupine Ct.	$17,145.00
A-1209-0060-000	Lot #60 384 E. Lupine Ct.	$17,145.00
A-1209-0063-000	Lot #63 391 N. Scenic Dr.	$17,145.00
A-1209-0065-000	Lot #65 369 N. Scenic Dr.	$17,145.00
A-1209-0067-000	Lot #67 349 N. Scenic Dr.	$17,145.00
A-1209-0069-000	Lot #69 329 N. Scenic Dr.	$17,145.00

AFFIDAVIT OF MAILING NOTICE OF ASSESSMENT

I, Nancy Leigh, the duly appointed, qualified and acting Town Clerk of Town of Brian Head, Utah, do hereby certify that on May 20, 2022, I caused to be mailed a Notice of Assessment to each property owner in Town of Brian Head, Utah Special Assessment Area No. 2021-02 (Falcon Court); and Special Assessment Area No. 2021-03 (Trail Road); and Special Assessment Area No. 2021-04 (Scenic Drive) by United States Mail, postage prepaid, at the last known address of such owner.

Nancy Leigh, Town Clerk

(SEAL)

PROOF OF PUBLICATION

Attached to this page is the Proof of Publication, indicating by the affidavit of the publisher that the Notice of Assessment Ordinance levying the special assessments which was contained in the Ordinance adopted by the Town Council on May 20, 2022, was published one time in a newspaper of general circulation within the Issuer.

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Nancy Leigh, the Town Clerk of the Issuer 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 52-4-6(2), 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 May 20, 2022, public meeting held by the Issuer as follows:

By causing a Meeting Notice, in the form attached, to be posted at the Issuer's principal offices at least twenty-four (24) hours prior to 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

By causing a copy of the Meeting Notice to be delivered to a newspaper of general circulation in the Issuer at least twenty-four (24) hours prior to the convening of the meeting.

By casing a copy of the Meeting Notice to be posted on the Utah Public Notice Website at least 24 hours prior to the meeting.

In addition, the attached Notice of 2022 Annual Meeting Schedule for the Town Council was given specifying the date, time and place of the regular meetings of the Town Council to be held during the year, by causing said Notice to be (1) posted on December 14, 2021, at the principal office of the Town Council and by causing a copy of said Notice to be (2) provided to at least one newspaper of general circulation within the Issuer on January 6, 2022, and by causing a copy of said Notice to be (3) posted on the Utah Public Notice Website on January 6, 2022.

DATED: May 20, 2022.

Nancy Leigh, Town Clerk

(SEAL)

[Attach Meeting Notice]

[Attach Notice of 2022 Annual Meeting Schedule]

ATTACH POSTING ON WEBSITE

EXHIBIT "A"

ASSESSMENT LIST

IDENTIFICATION OF AFFECTED PROPERTY SAA No. 2021-02 (Falcon Court

(LEGAL DESCRIPTION AND TAX ID NUMBER)

A-1211-0014A-0000	Lot #14A	$20,821.00
A-1211-0016-0000	Lot #16	$20,821.00
A-12-11-0017-0000	Lot #17	$20,821.00
A-1211-0018-0000	Lot #18	$20,821.00
A-1211-0019-0000	Lot #19	$20,821.00
A-1211-0020-0000	Lot #20	$20,821.00
A-1211-0021-0000	Lot #21	$20,821.00
A-1211-0027-0000	Lot #27	$20,821.00
A-1211-0028-0000	Lot #28	$20,821.00
A-1211-0029-0000	Lot #29	$20,821.00
A-1211-0030-0000	Lot #30	$20,821.00
A-1211-0031-0000	Lot #31	$20,821.00
A-1211-0032-0000	Lot #32	$20,821.00
A-12-11-0033-0000	Lot #33	$20,821.00
A-1211-0034-0000	Lot #34	$20,821.00
A-1211-0035-0000	Lot #35	$20,821.00
A-1211-0036-0000	Lot #36	$20,821.00
A-1211-0041-0000	Lot #41	$20,821.00
A-1211-0074-0000	Lot #74	$20,821.00
A-1211-0075-0000	Lot #75	$20,821.00
A-1211-0076-0000	Lot #76	$20,821.00
A-1211-0077-0000	Lot #77	$20,821.00
A-1211-0078-0000	Lot #78	$20,821.00

IDENTIFICATION OF AFFECTED PROPERTY SAA No. 2021-03 (Trail Road)

(TAX ID NUMBER)

A-1210-0006-0000	247 N. hidden Lake Rd.	$29,625.00
A-1210-0007-0000	231 N. Hidden Lake Rd.	$29,625.00
A-1210-0008-0000	213 N. Hidden Lake Rd.	$29,625.00
A-1210-0009-0000	177 N. Hidden Lake Rd.	$44,437.50
A-1210-0011-0000	228 N. Hidden Lake Rd.	$29,625.00
A-1210-0012-0000	246 N. Hidden Lake Rd.	$29,625.00
A-1210-0018-0000		$29,625.00
A-1210-0020-0000	473 E. Trail Rd.	$29,625.00
A-1210-0021-0000	451 E. Trail Rd.	$29,625.00
A-1210-0022-0000	437 E. Trail Rd.	$29,625.00
A-1210-0024-0000	399 E. Trail Rd.	$29,625.00
A-1210-0025-0000	381 E. Trail Rd.	$29,625.00
A-1210-0026-0000	365 E. Trail Rd.	$29,625.00
A-1210-0027-0000	349 E. Trail Rd.	$29,625.00
A-1210-0028-0000	330 E. Trail Rd.	$29,625.00
A-1210-0029-0000	348 E. Trail Rd.	$29,625.00
A-1210-0030-0000	308 E Trail Rd.	$29,625.00
A-1210-0031-0000	388 E. Trail Rd.	$29,625.00
A-1210-0032-0000	406 E. Trail Rd.	$29,625.00
A-1210-0033-0000	426 E. Trail Rd.	$29,625.00
A-1210-0035-0000	458 E. Trail Rd.	$29,625.00
A-1210-0036-0000	460 E. Trail Rd.	$29,625.00
A-1210-0037-0000	468 E. Trail Rd.	$29,625.00
A-1210-0038-0000	476 E. Trail Rd.	$29,625.00
A-1210-0047-0000	333 E. Steam Engine Dr.	$29,625.00

IDENTIFICATION OF AFFECTED PROPERTY SAA No. 2021-04 (Scenic Drive)

(TAX ID NUMBER)

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A-1209-0030-000	Lot #30		$17,145.00
A-1209-0032-000	Lot #32		$17,145.00
A-1209-0034-000	Lot #34	330 N. Scenic Dr.	$17,145.00
A-1209-0056-000	Lot #56	361 E. Lupine Ct.	$17,145.00
A-1209-0057-000	Lot #57	441 N. Scenic Dr.	$17,145.00
A-1209-0059-000	Lot #59	362 E. Lupine Ct.	$17,145.00
A-1209-0060-000	Lot #60	384 E. Lupine Ct.	$17,145.00
A-1209-0063-000	Lot #63	391 N. Scenic Dr.	$17,145.00
A-1209-0065-000	Lot #65	369 N. Scenic Dr.	$17,145.00
A-1209-0067-000	Lot #67	349 N. Scenic Dr.	$17,145.00
A-1209-0069-000	Lot #69	329 N. Scenic Dr.	$17,145.00

BRIAN HEAD TOWN COUNCIL
MEETING SCHEDULE

2022

LOCATION:
BRIAN HEAD TOWN HALL - COUNCIL CHAMBERS
56 NORTH HIGHWAY 143, BRIAN HEAD, UT 84719

TIME:
ALL MEETINGS ARE SCHEDULED TO BEGIN AT 1:00 P.M. (MST) OR SHORTLY THEREAFTER UNLESS OTHERWISE NOTICED.

DATES:
ALL MEETINGS ARE SCHEDULED FOR THE 2ND & 4TH TUESDAY OF EACH MONTH ON THE FOLLOWING DATES:

JANUARY:	11th & 25th	JULY:	12th & 26th
FEBRUARY:	8th & 22nd	AUGUST:	9th & 23rd
MARCH:	8th & 22nd	SEPTEMBER:	13th & 27th
APRIL:	12th & 26th	OCTOBER:	11th & 25th
MAY:	10th & 24th	NOVEMBER	8th
JUNE:	14th & 28th	DECEMBER:	13th

THERE WILL BE ONE COUNCIL MEETING SCHEDULED FOR THE MONTH OF NOVEMBER AND DECEMBER 2021 WHICH WILL BE THE 2ND TUESDAY OF THESE MONTHS:

THE MEETINGS OF THE BRIAN HEAD REDEVELOPMENT AGENCY, BRIAN HEAD SPECIAL SERVICE DISTRICT, AND THE BRIAN HEAD MUNICIPAL BUILDING AUTHORITY WILL BE HELD WHEN NEEDED AND WILL BE POSTED ACCORDINGLY.

Dated this 14th day of December 2021

In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call the Brian Head Town Hall @ 435-677-2029 giving at least three (3) days notice prior to the meeting.

CERTIFICATE OF POSTING

I hereby certify that on January 7, 2022, I have posted copies of this 2021 Meeting Schedule in three public and conspicuous places within the Town limits of Brian Head, to wit: Town Hall, Post Office, and The Mall and have caused a copy of this notice to be delivered to the Daily Spectrum and have posted it on the Utah Public Meeting Notice Website.

Nancy Leigh, Town Clerk

Entity: Brian Head

Body: Brian Head Town Council

Subject:	Public Meetings
Notice Title:	2022 Town Council Meeting Schedule
Meeting Location:	Town Hall Council Chambers 56 North Highway 143 Brian Head UT 84719
Event Date & Time:	January 1, 2022 January 1, 2022 12:00 AM - January 1, 2022 12:00 AM

Description/Agenda:

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                        2022 Town Council Meeting Schedule
All Meetings will begin at 1:00 pm or shortly thereafter at
the Brian Head Town Hall Council Chambers, located at 56 N.
Hwy. 143, Brian Head, UT 84719

2022 Meeting Schedule Dates:
January:         11th & 25th
February         8th & 22nd
March             8th & 22nd
April               12th & 26th
May               10th & 24th
June              14th & 28th
July                12th & 26th
August            9th & 23rd
September     13th & 27th
October          11th & 25th
November      8th
December      13th
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Notice of Special Accommodations:	In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Nancy Leigh (435) 677-2029 at least three days prior to the meeting.
Notice of Electronic or telephone participation:	Available to Board Members as per Ordinance No. 11-003 authorizes public bodies to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the Council may participate by means of electronic communications.
Other information:	
Contact Information:	Nancy Leigh (435)677-2029

nleigh@bhtown.utah.gov

Posted on:	January 06, 2022 02:03 PM
Last edited on:	January 06, 2022 02:03 PM