

RESOLUTION NO. 05-07

ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY <i>(votes only in case of tie)</i>		
MATTHEW D. BARBER <i>Councilmember</i>	ABSENT	
PAUL M. CHRISTENSEN <i>Councilmember</i>	X	
EVERETT KELEPOLO <i>Councilmember</i>	X	
SETH V. SORENSEN <i>Councilmember</i>	X	
CHRIS C. WADSWORTH <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilmember Kelepolo

I SECOND the foregoing motion: Councilmember Wadsworth

RESOLUTION NO. 05-07

A RESOLUTION DECLARING THE BALANCES OF THE LELAND SPECIAL IMPROVEMENT DISTRICT ASSESSMENTS DUE AND AUTHORIZING THEIR COLLECTION

WHEREAS, Spanish Fork City created the Leland Special Improvement District in order to pay for the installation of a water line; and

WHEREAS, property owners benefitting from the water line were assessed the prorated costs of the line, which assessment acts as a lien against their property; and

WHEREAS, the time limit for payment of these assessments has run; and

WHEREAS, there remain two accounts which have not fully paid their assessment; and

WHEREAS, the law relating to the special improvement districts allow balances to be accelerated and collection to take place by tax assessment or trust deed foreclosure; and

WHEREAS, it is not fair to the residents of the City nor to the Leland residents who made their assessments that they should subsidize the assessments in default which benefit those specific properties;

NOW THEREFORE, be it resolved by the Spanish Fork City Council as follows:

1. The remaining unpaid accounts for the Leland Special Improvement District are declared in default.
2. These unpaid account balances are deemed accelerated and due in full pursuant to the provisions of Spanish Fork City Municipal Code Section 3.12.020.
3. City staff is directed to collect these accounts in the following manner:
 - a. Pursuant to provisions of Utah Code Annotated Section 17A-3-324, by causing the same to be assessed against the real property taxes owing on these properties and be collected pursuant to the procedures set forth in Utah Code Annotated Section 59-2-1301 at seq. ;
 - b. As an alternative by proceeding as a trust deed foreclosure with the city attorney acting as trustee, following the procedures of the Utah Code for trust deed foreclosures.

DATED this 5th day of July, 2005.



DALE R. BARNEY, Mayor

ATTEST:



KENT R. CLARK, City Recorder

