

**Superseded 5/12/2015**

**11-42-202 Requirements applicable to a notice of a proposed assessment area designation.**

- (1) Each notice required under Subsection 11-42-201(2)(a) shall:
  - (a) state that the local entity proposes to:
    - (i) designate one or more areas within the local entity's jurisdictional boundaries as an assessment area;
    - (ii) provide an improvement to property within the proposed assessment area; and
    - (iii) finance some or all of the cost of improvements by an assessment on benefitted property within the assessment area;
  - (b) describe the proposed assessment area by any reasonable method that allows an owner of property in the proposed assessment area to determine that the owner's property is within the proposed assessment area;
  - (c) describe, in a general way, the improvements to be provided to the assessment area, including:
    - (i) the general nature of the improvements; and
    - (ii) the general location of the improvements, by reference to streets or portions or extensions of streets or by any other means that the governing body chooses that reasonably describes the general location of the improvements;
  - (d) state the estimated cost of the improvements as determined by a project engineer;
  - (e) state that the local entity proposes to levy an assessment on benefitted property within the assessment area to pay some or all of the cost of the improvements according to the estimated direct and indirect benefits to the property from the improvements;
  - (f) state the assessment method by which the governing body proposes to levy the assessment, including, if the local entity is a municipality or county, whether the assessment will be collected:
    - (i) by directly billing a property owner; or
    - (ii) by inclusion on a property tax notice issued in accordance with Section 59-2-1317;
  - (g) state:
    - (i) the date described in Section 11-42-203 and the location at which protests against designation of the proposed assessment area or of the proposed improvements are required to be filed; and
    - (ii) the method by which the governing body will determine the number of protests required to defeat the designation of the proposed assessment area or acquisition or construction of the proposed improvements;
  - (h) state the date, time, and place of the public hearing required in Section 11-42-204;
  - (i) if the governing body elects to create and fund a reserve fund under Section 11-42-702, include a description of:
    - (i) how the reserve fund will be funded and replenished; and
    - (ii) how remaining money in the reserve fund is to be disbursed upon full payment of the bonds;
  - (j) if the governing body intends to designate a voluntary assessment area, include a property owner consent form that:
    - (i) estimates the total assessment to be levied against the particular parcel of property;
    - (ii) describes any additional benefits that the governing body expects the assessed property to receive from the improvements; and
    - (iii) designates the date and time by which the fully executed consent form is required to be submitted to the governing body;
  - (k) if the local entity intends to levy an assessment to pay operation and maintenance costs or for economic promotion activities, include:

- (i) a description of the operation and maintenance costs or economic promotion activities to be paid by assessments and the initial estimated annual assessment to be levied;
  - (ii) a description of how the estimated assessment will be determined;
  - (iii) a description of how and when the governing body will adjust the assessment to reflect the costs of:
    - (A) in accordance with Section 11-42-406, current economic promotion activities; or
    - (B) current operation and maintenance costs;
  - (iv) a description of the method of assessment if different from the method of assessment to be used for financing any improvement; and
  - (v) a statement of the maximum number of years over which the assessment will be levied for:
    - (A) operation and maintenance costs; or
    - (B) economic promotion activities; and
  - (l) if the governing body intends to divide the proposed assessment area into zones under Subsection 11-42-201(1)(b), include a description of the proposed zones.
- (2) A notice required under Subsection 11-42-201(2)(a) may contain other information that the governing body considers to be appropriate, including:
- (a) the amount or proportion of the cost of the improvement to be paid by the local entity or from sources other than an assessment;
  - (b) the estimated amount of each type of assessment for the various improvements to be financed according to the method of assessment that the governing body chooses; and
  - (c) provisions for any improvements described in Subsection 11-42-102(24)(a)(ii).
- (3) Each notice required under Subsection 11-42-201(2)(a) shall:
- (a)
    - (i)
      - (A) be published in a newspaper of general circulation within the local entity's jurisdictional boundaries, once a week for four consecutive weeks, with the last publication at least five but not more than 20 days before the day of the hearing required in Section 11-42-204; or
      - (B) if there is no newspaper of general circulation within the local entity's jurisdictional boundaries, be posted in at least three public places within the local entity's jurisdictional boundaries at least 20 but not more than 35 days before the day of the hearing required in Section 11-42-204; and
    - (ii) be published on the Utah Public Notice Website described in Section 63F-1-701 for four weeks before the deadline for filing protests specified in the notice under Subsection (1)(g); and
  - (b) be mailed, postage prepaid, within 10 days after the first publication or posting of the notice under Subsection (3)(a) to each owner of property to be assessed within the proposed assessment area at the property owner's mailing address.