

NOTICE OF INTENTION TO DESIGNATE ASSESSMENT AREA
Brian Head Unit 3

PUBLIC NOTICE IS HEREBY GIVEN that the Town Council of the Town of Brian Head, Utah (the “Town”) declares its intention to designate the Brian Head Unit 3 Assessment Area (the “Assessment Area”) to finance the costs of certain water system improvements, road improvements, and related improvements (the “Improvements”) in the Brian Head Unit 3, Blk A Subdivision, Iron County, Utah within the Assessment Area and to levy a special assessment (the “Assessment” or “Assessments”) for a period of ten years as provided in Title 11, Chapter 42, Utah Code Annotated 1953, as amended (the “Act”), on real property situated within the Assessment Area for the benefit of which such Assessments are to be expended in the management and costs of the Improvements.

DESCRIPTION OF ASSESSMENT AREA

The Assessment Area includes the following parcels, listed by Tax Parcel Number:

A-1148-0005-0025, A-1148-0005-0035, A-1148-0005-0044, A-1148-0005-0037, A-1148-0005-0028, A-1148-0005-0039-02, A-1148-0005-0021, A-1148-0005-0022, A-1148-0005-0038, A-1148-0005-0040, A-1148-0005-0045, A-1148-0005-0036, A-1148-0005-0004, A-1148-0005-0031, A-1148-0005-0012, A-1148-0005-0042, A-1148-0005-0008, A-1148-0005-0005, A-1148-0005-0030, A-1148-0009-00AM, A-1148-0005-0041, A-1148-0005-0043.

The approving resolution, maps, and other information about the Assessment Area are available for examination in the offices of the Town Clerk, 56 North Highway 143 in Brian Head, Utah from 9:00 a.m. to 5:00 p.m. Monday through Friday.

INTENDED IMPROVEMENTS

The Improvements shall include the installation of culinary waterlines, roadway drainage improvements, roadway re-alignment, gravel road improvements and related improvements.

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

The Assessment is proposed to be levied on benefited property within the Assessment Area to pay for the Improvements according to the estimated benefits to the property from such Improvements. The Town expects to finance the cost of the Improvements by issuing assessment bonds. The Town currently estimates selling the assessment bonds at an interest rate of approximately 6.25%, maturing within ten (10) years of their date of issuance. Inasmuch as the bonds have not been issued, the Town notes that the interest rate and annual payment are only estimates and not a cap or maximum amount.

It is the intent of the Town to create and fund a reserve fund from proceeds of the bonds. Such reserve fund will be replenished from funds received from the foreclosure of delinquent properties. The Town may also elect to replenish the reserve fund by any of the methods provided in the Act. Any funds remaining in the reserve fund upon full payment of the bonds will first be disbursed to the Town to repay any advances made (including interest thereon) and second, to the property owners in accordance with such owners' pro-rata share of the Assessments.

ESTIMATED COSTS OF IMPROVEMENTS

The total acquisition and/or construction costs of the Improvements, including estimated overhead costs, administrative costs, costs of funding reserves, capitalized interest and debt issuance costs, is currently estimated at \$1,101,000, all of which is anticipated to be paid by Assessments to be levied against the properties within the Assessment Area to be benefited by such Improvements, which benefits need not actually increase the fair market value of the properties to be assessed.

METHOD OF ASSESSMENT

The cost of Improvements to be assessed against the benefited properties within the Assessment Area shall initially be assessed using a per lot methodology. The Assessment shall not exceed the benefits derived by the properties within the Assessment Area.

As permitted by, and in accordance with the Act, from time-to-time additional property may be added to the Assessment Area, at which time the remaining Assessments shall be reallocated proportionately by the Town Clerk.

PAYMENT OF ASSESSMENTS

The Assessments may be paid by property owners in not more than ten (10) annual installments (each, an "Installment"), with interest on the unpaid balance at a rate or rates fixed by the Town, plus any third party/direct out of pocket costs of the District related to the administration and collection of the Assessments, or the whole or any part of the Assessment may be paid without interest within twenty-five (25) days after the ordinance levying the Assessment becomes effective. The Assessments shall be levied according to the benefits to be derived by each property within the Assessment Area. Other payment provisions and enforcement remedies shall be in accordance with Title 11, Chapter 42, Utah Code Annotated 1953, as amended. The Town has determined that the reasonable useful life of the Improvements is at least fifty (50) years and that it is in the Town and the owners' best interest for certain property owner installments to be paid for up to ten (10) years, if not prepaid.

The estimated Assessment for the benefited property related to this notice is \$50,045.45. The first Installment is currently estimated to be due on approximately November 30, 2026. If any Installment 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. The Assessments will be collected by including the billing in property tax notices for property owners. The Town will ensure that no Assessments will be collected and used for purposes other than those described in this Notice.

It is the intention of the Town to levy assessments as provided by the laws of Utah and upon approval by the Council, on all parcels and lots of real property to be benefited by the proposed Improvements within the Assessment Area according to the benefits to be derived by the property. The purpose of the assessment and levy is to pay those costs of the Improvements, which the Town will not assume or pay; provided, however, the Town may advance its funds for the cost of the Improvements and reimburse those costs from Assessments as they are collected.

A map of the proposed Assessment Area, copies of plans of the proposed Improvements and other related information are on file in the office of the Town Clerk who will make such information available to all interested persons.

PUBLIC HEARING

The Council shall hold a public hearing on September 23, 2025, at 1:00 p.m. at the Brian Head Town Hall, located at 56 North Highway 143 in Brian Head, Utah, to hear all objections related to the Assessment Area and all persons desiring to be heard, as set forth in the Act.

TIME FOR FILING PROTESTS

PROTESTS FROM PROPERTY OWNERS OBJECTING TO THE ASSESSMENT AREA DESIGNATION OR OBJECTING TO BEING ASSESSED FOR THE IMPROVEMENTS MUST BE FILED IN WRITING WITH THE TOWN CLERK EITHER IN PERSON DURING REGULAR BUSINESS HOURS MONDAY THROUGH FRIDAY OR BY MAIL (56 NORTH HIGHWAY 143, BRIAN HEAD, UTAH 84719) ON OR BEFORE 5:00 P.M. ON NOVEMBER 24, 2025.

To be counted against the creation of the Assessment Area, protests or objections **MUST BE IN WRITING**, signed by all owners of the property proposed to be assessed. The written protest must describe or otherwise identify said property. If the number of lots that is the subject of timely filed written protests represents at least 40% of the total lots included within the Assessment Area, the Council will not impose the Assessment. Protests withdrawn prior to the expiration of the protest period and protests from areas deleted from the Assessment Area will not be counted against the creation of the Assessment Area.

On November 25, 2025 (such date being within 15 days after the date the protest period expires), at 1:00 p.m. at the Brian Head Town Hall Council Chambers in Brian Head, Utah, the Council shall count the written protests filed and calculate whether adequate protests have been filed and hold a public meeting to announce the protest tally and whether adequate protests have been filed. The Town shall post the total and percentage of the written protests it has received on its website at least five days before such meeting.

BY RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BRIAN HEAD, UTAH.

/s/ Nancy Leigh
Nancy Leigh, Town Clerk