

ORDINANCE NO. 1842

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON SPREADING THE ASSESSMENTS AGAINST BENEFITTED PROPERTIES IN THE WILLOW STREET LOCAL IMPROVEMENT DISTRICT; DIRECTING THE ENTRY OF THE ASSESSMENTS IN THE CITY LIEN DOCKET AND THE COUNTY LIEN RECORDS; SETTING THE INTEREST RATE FOR DELINQUENT AND INSTALLMENT PAYMENTS; AND ESTABLISHING CONNECTION REQUIREMENTS.

WHEREAS, the City Council finds that:

1. The Willow Street Local Improvement District was created by Ordinance No.1821, adopted on September 2, 1997. The local improvement district was created for the purpose of financing street, curb, sidewalk, and storm improvements on Willow Street in the Lewelling neighborhood.

2. The improvements were made in accordance with the City's plans and specifications for the project. The improvements were completed on July 9, 1998.

3. The total cost of the improvements is \$61,752.06. By Resolution No. 27-1998, adopted August 18, 1998, the City Council determined that the benefitted properties would pay forty-three percent (43%) of the total cost or \$26,516.

4. An assessment roll has been prepared listing the assessment for the properties benefitted by the improvements. Notice of the proposed assessment was mailed to the owner of each lot to be assessed pursuant to Milwaukie Municipal Code Section 3.08.070.

5. A public hearing was held to consider objections to the proposed assessments on September 1, 1998.

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1: The final assessment for each property is as shown on the Assessment Roll attached hereto and incorporated herein as Exhibit "A". The assessments are spread by front footage of each tax lot in order to arrive at a just and reasonable apportionment of the cost of \$26,516 among the benefitted properties. This manner of spreading the assessments is just and reasonable as required by Milwaukie Municipal Code Section 3.08.090(A)(2) because the benefit of the improvements is proportional to the tax lot frontage. The City Engineer recommended in his report to the Council on July 15, 1997 that the property owners' share of the cost be split by tax lot front footage and the City Council is relying on this recommendation in spreading the assessments. Further, the City Council finds that the amount of each assessment is consistent with the benefit derived from the improvements by each property.

Section 2: The Finance Director shall enter the assessment for each tax lot in the city's lien docket pursuant to Milwaukie Municipal Code Section 3.08.110 and shall record a lien for each assessment in the county records pursuant to ORS 93.643.

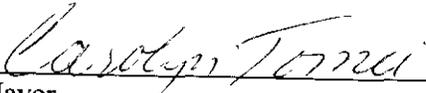
Section 3: Within ten days of the adoption of this ordinance, the Finance Director shall send a notice of assessment to each property owner shown on the Assessment Roll in accordance with Milwaukie Municipal Code Section 3.08.120.

Section 4: Interest will begin accruing on any unpaid portion of the assessment on the 31st day after the Finance Director has entered the assessment in the city lien docket. The interest rate shall be 6 % per annum.

Section 5: The city council determines that the fees imposed by this ordinance are not a tax subject to the property tax limitation of Article XI, Section 11(b) of the Oregon Constitution.

Read the first time at the regular meeting of the City Council, City of Milwaukie, Oregon, on the 1st day of September, 1998.

Read the second time and passed by the City Council, City of Milwaukie, Oregon, at the regular meeting on the 1st day of September, 1998.



Mayor

ATTEST:



City Recorder