

ORDINANCE NO. 1088

AN ORDINANCE ASSESSING BENEFITED PROPERTY FOR THE COSTS OF CONSTRUCTING LOCAL IMPROVEMENT DISTRICT NO. 0100, KNOWN AS NORTH 3RD AND BAKER LOCAL IMPROVEMENT DISTRICT, AND DIRECTING THE CITY RECORDER TO ENTER THE ASSESSMENTS IN THE DOCKET OF CITY LIENS, AND DECLARING AN EMERGENCY.

WHEREAS, based upon duly noticed public meetings and hearings the City Council for the City of Canby has heretofore taken the following actions:

1. On November 19, 1997 the City Council authorized preparation of the engineer's report in response to a request by a major property owner in the proposed district.
2. On December 17, 1997 the City Council approved the engineer's report and authorized staff to prepare plans and specifications and solicit construction bids.
3. On March 4, 1998 Ordinance No 986 authorized the Mayor and City Recorder to execute a contract with Curran-McLeod, Inc. for engineering services for proposed public improvements to the area of NW 3rd Avenue and Baker Street, referred to as the North 3rd and Baker Local Improvement district.
4. On October 21, 1998 the City Council conducted a remonstrance hearing and Local Improvement District No. 0100, known as the North 3rd and Baker Local Improvement District was initiated by motion on October 21, 1998 with the following legal description. BEGINNING AT THE EAST CORNER OF TAX LOT 301 IN THE N.E. ¼ OF THE N.E. ¼ OF SECTION 5, T.4S., R.1E., W.M.; THENCE SOUTHWESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF PACIFIC HIGHWAY NO. 99E APPROXIMATELY 770 FEET TO THE SOUTHWEST CORNER OF TAX LOT 300; THENCE NORTHWESTERLY ALONG THE WEST LINE OF TAX LOT 300 APPROXIMATELY 400 FEET TO THE NORTHWEST LINE OF TAX LOT 300; THENCE NORTHERLY CROSSING THE SOUTHERN PACIFIC RAILROAD APPROXIMATELY 200 FEET TO THE SOUTHWEST CORNER OF TAX LOT 405; THENCE NORTHERLY ALONG THE WEST LINE OF TAX LOT 405 APPROXIMATELY 700 FEET TO THE SOUTHWEST CORNER OF TAX LOT 1602; THENCE NORTHEASTERLY ALONG THE SOUTH LINE OF TAX LOTS 1602,1600,1500,1001,1008,1400 AND 1405 APPROXIMATELY 2,100 FEET TO THE WEST RIGHT-OF-WAY LINE OF NORTH CEDAR STREET; THENCE SOUTHEASTERLY ALONG THE WEST RIGHT-OF-WAY LINE OF NORTH CEDAR STREET APPROXIMATELY 700 FEET TO THE NORTHWEST CORNER OF TAX LOT 8202; THENCE NORTHEASTERLY ALONG THE NORTH LINE OF TAX LOT 8202 APPROXIMATELY 200 FEET; THENCE SOUTHERLY APPROXIMATELY 100 FEET TO THE NORTH RIGHT-OF-WAY LINE OF PACIFIC HIGHWAY NO. 99E; THENCE SOUTHWESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF PACIFIC HIGHWAY NO. 99E APPROXIMATELY 1,700 FEET TO THE POINT OF BEGINNING.

5. On November 2, 1998 the Council adopted Ordinance No 1010 authorizing the Mayor and City Recorder to execute a contract with Dirt & Aggregate Interchange, Inc. for construction of the North 3rd and Baker Commercial/Industrial Local Improvement District.
6. On May 17, 2000 the Council adopted Ordinance No 1049 authorizing the Mayor to execute change order No 1 in the amount of \$66,207.53 and extending the contract time by sixty days to the contract with Dirt and Aggregate Interchange, Inc. for the 3rd and Baker Commercial/Industrial LID Project.
7. On February 6, 2002 the Council adopted ordinance 1091 changing the interest rate charged on LID installment loans from 10% to a rate to be determined by the governing body on a per LID project basis.

WHEREAS, the final cost of the improvement is \$824,000.69, with \$126,515.22 being paid from the Sanitary Sewer SDC, \$95,684.09 being paid from the Transportation SDC, \$95,800.00 paid by the Canby Utility Board for waterline costs, and \$24,133.84 paid by Adrian Fisher directly to Oregon Department of Transportation for signaling expenses, leaving \$481,867.55 to be born by the property owners benefiting from the Local Improvement District; and

WHEREAS, each parcel of land within the local improvement district receives special and peculiar benefits from the project as set forth as follows:

FINAL ASSESSMENT ROLL
Clackamas County

			<u>Total Assessment</u>
1.	Map 41-E-5 Tax Lot 300	Owner: Adrian & Kay Fisher 30218 South Appaloosa Drive Molalla, OR 97038 Sold on Contract to: Jarbo Holding Company 1335 NE Territorial Road Canby, OR 97013	\$ 8,380.94
2.	Map 41-E-5 Tax Lot 301	Owner: Adrian & Kay Fisher 30218 South Appaloosa Drive Molalla, OR 97038 Sold on contract to: James Pliska & Harold Pliska P.O. Box 607 Gresham, OR 97030	\$ 5,157.50
3.	Map 41-E-5 Tax Lot 302	Owner: Jarbo Holding Company 1335 NE Territorial Road Canby, OR 97013	\$64,307.59

4.	Map 41-E-5 Tax Lot 401	Owner:	Michael W. & Janet K Rinkes 2980 Beaver Creek Road Oregon City, OR 97045	\$ 88,009.78
5.	Map 41-E-5 Tax Lot 403	Owner:	Ray Lovell 680 SW 1 st Canby, OR 97013	\$ 58,988.92
6.	Map 41-E-5 Tax Lot 404	Owner:	Adrian & Kay Fisher 30218 South Appaloosa Drive Molalla, OR 97038	\$ 13,216.10
		Sold on Contract to:	Jarbo Holding Company 1335 NE Territorial Road Canby, OR 97013	
7.	Map 41-E-5 Tax Lot 405	Owner:	City of Canby, Parks P.O. Box 930 Canby, OR 97013	\$ 80,014.12
8.	Map 41-E-5 Tax Lot 406	Owner:	Adrian & Kay Fisher 30218 South Appaloosa Drive Molalla, OR 97038	\$ 21,435.86
9.	Map 41-E-5 Tax Lot 407	Owner:	Adrian Fisher 30218 South Appaloosa Drive Molalla, OR 97038	\$151,501.59 <24,133.84>
10.	Map 31-E-33CC Tax Lot 8202	Owner:	Ray Lovell 680 SW 1 st . Canby, OR 97013	<u>\$ 14,988.99</u>
Total Assessments:				\$481,867.55

WHEREAS, the City of Canby has received an engineers report dated May 16, 2000, regarding assessments for Local Improvement District No. 0100 the 3rd & Baker Commercial/Industrial LID, updated in February 2002, both reports are considered a part of this record; and

WHEREAS, the Council has considered the proposed assessments to the benefited property,

NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1.

1. The findings as recited above are adopted, approved and incorporated by reference as if fully set forth herein.
2. The final assessment roll recited above for each of the special and peculiarly benefited properties is hereby adopted, approved and incorporated by reference as if fully set forth herein.
3. The City Recorder shall enter the assessments in the Docket of City Liens.
4. The City Recorder shall mail final assessments notices to all owners of benefited property as described in the recital above.
5. The final assessments set forth above are for a capital construction local improvement, instituted and incurred at the request and for the benefit of all the property owners, and are not subject to property tax limitation established by Article XI, Section 11b of the Oregon Constitution.
6. Installment payments shall be calculated based on Canby Municipal Code Section 4.04.110, which sets forth the rate determined by the governing body at 6% per year from the date on which the assessment was entered in the lien docket.

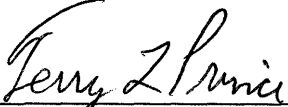
Section 2. Emergency Declared.

It being necessary for the health, safety and general welfare of the citizens of Canby, that this LID be completed as soon as possible, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its enactment after final reading.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on February 20, 2002, after the hour of 7:30 PM at the council Chambers located at 155 SW 2nd Avenue, Canby, Oregon.

ENACTED on the second and final reading by the Canby City Council at a regular meeting thereof on March 6, 2002 by the following vote:

YEAS 5 NAYS 0



Terry L Prince, Mayor

ATTEST:



Chauncey F. Seifried, City Recorder Pro Tem

FINAL ASSESSMENTS
North 3rd Avenue & Baker Street, City of Canby
Commercial / Industrial Local Improvement District

REVISED February 2002

February 2002

TAX LOT	OWNER	ADDRESS	ACRES	ASSESSED VALUE	SEWER SYSTEM	WATERLINE EXTENSION	FRONTAGE IMPROV.	UTILITY SERVICES	TOTAL
TOWNSHIP 4 SOUTH, RANGE 1 EAST SECTION 5									
300	Jarboe Holding Company LLC	1335 NE Territorial Road Canby, OR 97013	0.52	\$34,180.00	\$2,340.77	\$2,865.37	\$2,524.39	\$650.41	\$8,380.94
301	Adrian & Kay Fisher c/o James Pliska, Harold Pliska	P.O. Box 607 Gresham, OR 97030	0.32	\$102,810.00	\$1,440.48	\$1,763.30	\$1,553.47	\$400.25	\$5,157.50
302	Jarboe Holding Company LLC	1335 NE Territorial Road Canby, OR 97013	3.99	\$312,540.00	\$17,960.93	\$21,986.19	\$19,369.82	\$4,990.64	\$64,307.59
407	Adrian & Kay Fisher	30218 South Appaloosa Molalla, OR 97038	9.40	\$275,310.00	\$42,313.98	\$51,797.05	\$45,633.17	\$11,757.39	\$151,501.59 (\$24,133.84)
401	Michael W. & Janet K. Rinkes	2980 Beaver Creek Road Oregon City, OR 97045	15.30	\$378,250.00	\$68,872.75			\$19,137.03	\$88,009.78
403	Ray Lovell	680 SW 1st Canby, OR 97013	3.66	\$195,978.00	\$16,475.44	\$20,167.79	\$17,767.81	\$4,577.88	\$58,988.92
404	Jarboe Holding Company, LLC	1335 NE Territorial Road Canby, OR 97013	0.82	\$37,740.00	\$3,691.22	\$4,518.47	\$3,980.77	\$1,025.64	\$13,216.10
405	City of Canby	P.O. Box 930 Canby, OR 97013	13.91	\$343,900.00	\$62,615.68			\$17,398.44	\$80,014.12
406	Adrian & Kay Fisher	659 SW 1st Canby, OR 97013	1.33	\$79,710.00	\$5,986.98	\$7,328.73	\$6,456.61	\$1,663.55	\$21,435.86
TOWNSHIP 3 SOUTH, RANGE 1 EAST SECTION 33CC									
8202	Ray Lovell	680 SW 1st Canby, OR 97013	0.93	\$208,730.00	\$4,186.38	\$5,124.60	\$4,514.77	\$1,163.23	\$14,988.99
TOTAL			50.18	\$225,884.62	\$115,551.50	\$101,800.80	\$62,764.47	\$506,001.39	\$481,867.55

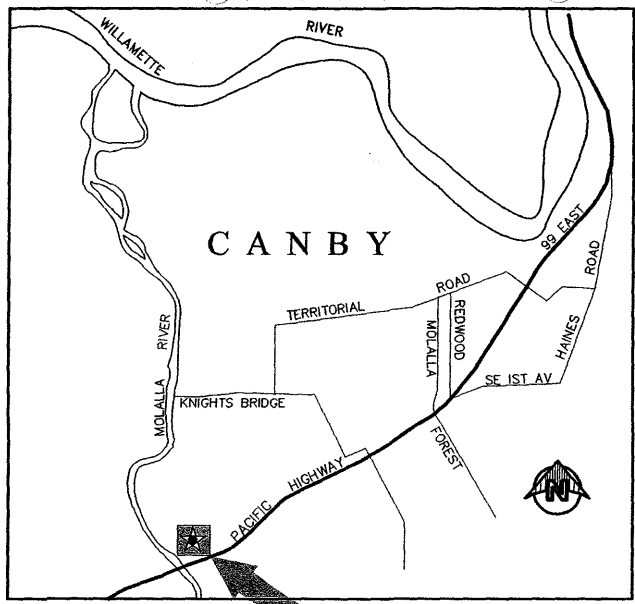
PAYMENTS ON ACCOUNT

Tax lot 407: A. Fisher paid signal costs directly to ODOT

(\$24,133.84)

\$481,867.55 Total Assessment

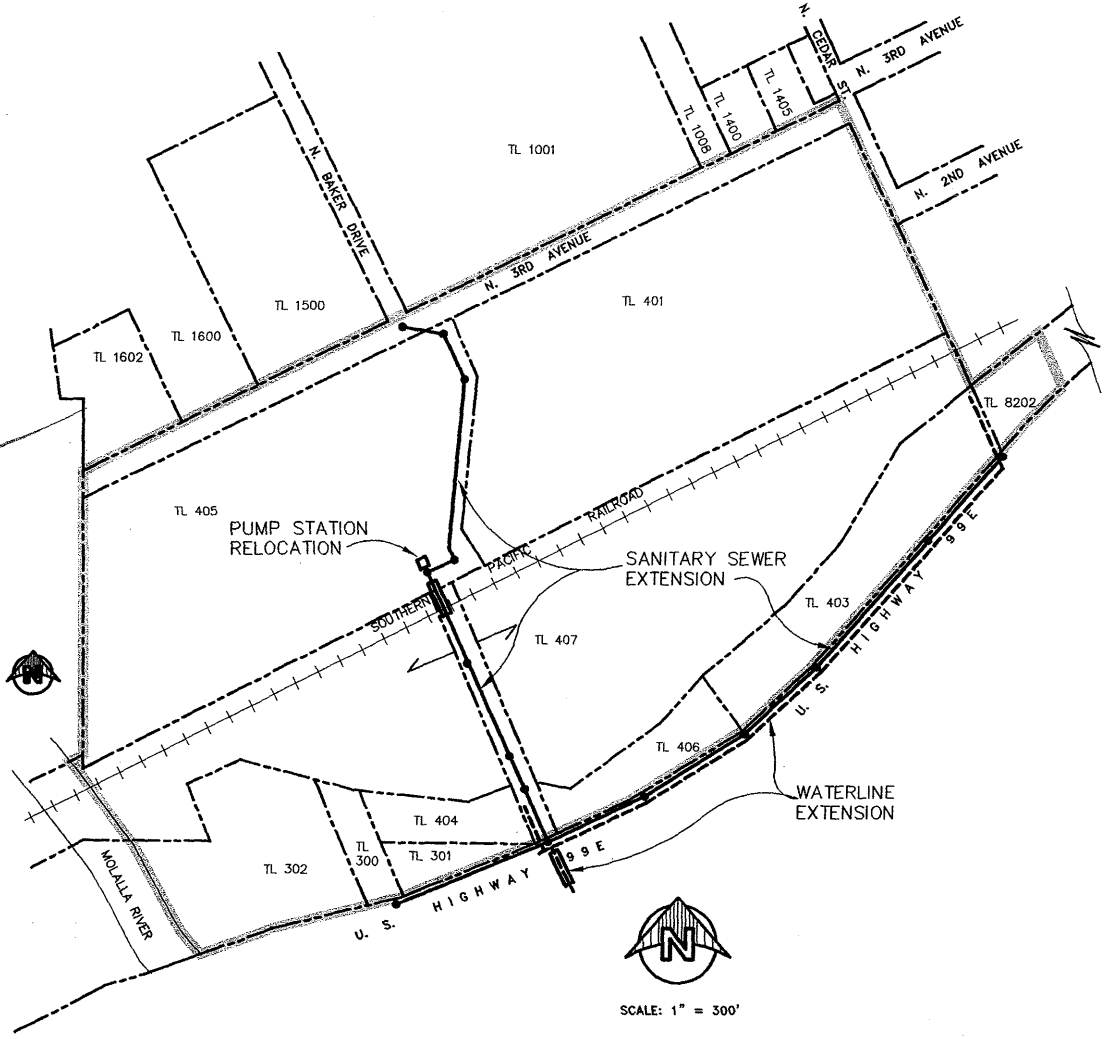
VICINITY MAP



CITY OF CANBY
 NORTH 3RD & BAKER COMMERCIAL/INDUSTRIAL
 LOCAL IMPROVEMENT DISTRICT
 CLACKAMAS COUNTY, OREGON
 Revised January 2002

BOUNDARY DESCRIPTION

BEGINNING AT THE EAST CORNER OF THAT TRACT OF LAND CONVEYED UNDER INSTRUMENT #96-75802, CLACKAMAS COUNTY DEED RECORDS, IN THE N.E. 1/4 OF THE N.E. 1/4 OF SECTION 5, T.4S., R.1E., W.M.; THENCE SOUTHWESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF PACIFIC HIGHWAY No. 99E APPROXIMATELY 770 FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND CONVEYED UNDER INSTRUMENT #96-75802, CLACKAMAS COUNTY DEED RECORDS; THENCE NORTHWESTERLY ALONG THE WESTERN BOUNDARY OF SAID PROPERTY APPROXIMATELY 400 FEET TO THE NORTHWEST BOUNDARY OF SAID PROPERTY. THENCE NORTHERLY APPROXIMATELY 200 FEET TO THE NORTHERN BOUNDARY OF THE RAILROAD RIGHT-OF-WAY; THENCE NORTHERLY ALONG THE WEST LINE OF DLC #48, CLACKAMAS COUNTY DEED RECORDS, APPROXIMATELY 700 FEET TO THE NORTHERN RIGHT-OF-WAY OF NORTHWEST THIRD AVENUE; THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY BOUNDARY, APPROXIMATELY 2,100 FEET TO THE WESTERN RIGHT-OF-WAY LINE OF NORTH CEDAR STREET; THENCE SOUTHEASTERLY ALONG THE WEST RIGHT-OF-WAY LINE NORTH CEDAR STREET APPROXIMATELY 700 FEET TO THE WESTERNMOST CORNER OF THE TRACT OF LAND CONVEYED UNDER INSTRUMENT #90-63554, CLACKAMAS COUNTY DEED RECORDS; THENCE NORTHEASTERLY ALONG THE NORTHWESTERN BOUNDARY OF SAID PROPERTY APPROXIMATELY 200 FEET; THENCE SOUTHEASTERLY APPROXIMATELY 100 FEET TO THE NORTH RIGHT-OF-WAY LINE OF PACIFIC HIGHWAY No. 99E; THENCE SOUTHWESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF PACIFIC HIGHWAY No. 99E APPROXIMATELY 1,700 FEET TO SAID POINT OF BEGINNING.



SCALE: 1" = 300'