

## **Ordinance 1337**

**AN ORDINANCE ASSESSING BENEFITED PROPERTY FOR THE COST OF CONSTRUCTION FOR THE WALNUT STREET LOCAL IMPROVEMENT DISTRICT, AND AUTHORIZING THE CITY RECORDER TO ENTER THE ASSESSMENTS INTO THE DOCKET OF CITY LIENS, AND DECLARING AN EMERGENCY.**

**WHEREAS**, based upon duly noticed public meeting and hearing the City of Canby has heretofore taken the following action:

1. In May of 2008, the City of Canby acting through the Canby Urban Renewal Agency authorized a Preliminary Engineering Study, which is incorporated by reference, to determine the feasibility of the formation of a local improvement district for improvements to South Walnut Street and SE 4<sup>th</sup> Avenue, which was published on May 28, 2008;
2. On July 16, 2008, the Canby Urban Renewal Agency, acting on behalf of the City of Canby, authorized the preparation of an Engineering Report as required by the Canby Municipal Code for the formation of the Walnut Street Local Improvement District. Said report was published on September 4, 2008 and is incorporated by reference;
3. On September 4, 2008, the Canby City Council held a public hearing for the purpose of receiving any remonstrance against proceeding with the project, and subsequently approved formation of the Walnut Street Local Improvement District at the regular meeting of October 1, 2008;
4. On October 15, 2008, the Canby Urban Renewal Agency, acting on behalf of the City of Canby, approved Resolution URR 08-008 authorizing Curran-McLeod, Inc, the City Engineer of Record, to complete the design and construct administration for the project;
5. In accordance with public bid statutes, On October 23, 2009, the Canby Urban Renewal Agency published a Notice to Contractors in the Daily Journal of Commerce, and on November 10<sup>th</sup>, 2009 received 19 bids for construction;
6. On November 18, 2009 the City Council approved Ordinance 1322 authorizing the Canby Urban Renewal Agency to enter into a construction contract with the low responsive and responsible bidder to complete the construction of South Walnut Street and SE 4<sup>th</sup> Avenue;
7. On November 18, 2009 the Canby Urban Renewal Agency, acting on behalf of the City of Canby and as authorized by City Ordinance 1322, approved Resolution URR 09-007 authorizing the Agency to enter into a construction contract with Ground Hawg Environmental, Inc. in the amount of \$555,882.01 for the improvements to South Walnut Street and SE 4<sup>th</sup> Avenue;

8. In July of 2010, all construction on the project was completed, final payment was approved by the Agency and the one year warranty period begun;

**WHEREAS** the net final cost of the project is \$685,056 which is to be allocated over the benefitted properties, 50% based on front footage and 50% based on benefitted area as approved in the LID Engineering Report; and

**WHEREAS**, each parcel of land within the LID receives special and peculiar benefits from the project, with associated cost shown on the attached exhibits identifying gross assessments and Net assessments to each benefitted property: and

**WHEREAS**, the Canby Urban Renewal Agency acting on behalf of the City of Canby has previously committed to be responsible for payment of the LID assessment allocated to the Zoar Lutheran Cemetery, thereby excluding the Zoar Lutheran Cemetery from any assessment of cost or lien against their property, and

**WHEREAS**, the City of Canby has considered the proposed assessments to the benefitted 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 referenced above for each of the benefitted properties, excepting the Zoar Lutheran Cemetery, is thereby 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 or benefitted 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 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, and state statutes contained in ORS 223, at an interest rate established by the Canby City Council at 6.5% for a period of ten years 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 the final reading.

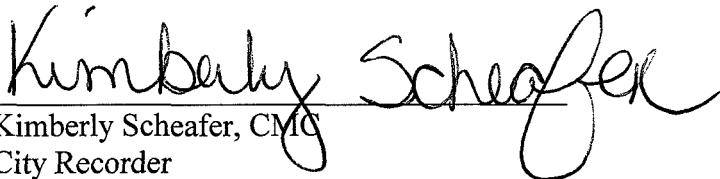
**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, September 1, 2010 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, October 6, 2010, commencing at the hour of 7:30 P.M. in the City Council Chambers, 155 NW 2<sup>nd</sup> Avenue, Canby, Oregon.

**PASSED** on second and final reading by the Canby City Council at a meeting thereof on October 6, 2010 by the following vote:

YEAS 5 NAYS 0

  
\_\_\_\_\_  
Melody Thompson  
Mayor

ATTEST:

  
\_\_\_\_\_  
Kimberly Scheafer, CMC  
City Recorder

**CANBY PIONEER INDUSTRIAL PARK  
SOUTH WALNUT STREET LID NET COST ASSESSMENTS**

**OPTION 2  
NET ASSESSMENTS**

**Local Improvement District OPTION 2 - Adjustment for Land Requirements**

TAX LOT	OWNER	dedication	vacation	net land gain / loss	LAND @ \$/SF	L.I.D. GROSS ASSESSMENT	L.I.D. NET ASSESSMENT
		Square Feet					
<b>Township 3 South, Range 1 East, Section 34</b>							
200	Zoar Lutheran Cemetery	0	0	0	\$ -	\$ 25,395	\$ 25,395
301	Larusso Concrete Co Inc.	0.00	0.00	0.00	\$ -	\$ 21,074	\$ 21,074
1900	Hildreth, Stanley and Pamela	590.00	0.00	-590.00	\$ (2,950)	\$ 29,646	\$ 26,696
2000	Palmer Family Pro LLC	1,863.00	0.00	-1,863.00	\$ (9,315)	\$ 120,220	\$ 110,905
2100	Borg Restated Family Trust	3,306.00	0.00	-3,306.00	\$ (16,530)	\$ 159,825	\$ 143,295
2101	Dewar, John David and Irene I.	2,247.00	0.00	-2,247.00	\$ (11,235)	\$ 41,527	\$ 30,292
1709	Burden Family Trust	3,472.00	6,327.00	2,855.00	\$ 14,275	\$ 50,034	\$ 64,309
1710	Burden Family Trust	7,687.00	4,425.00				
		6,657.00	286.00				
		2,841.00	0.00				
		10.00	0.00				
	Total	17,195.00	4,711.00	-12,484.00	\$ (62,420)	\$ 66,258	\$ 3,838
2300	Sprague, Joint Venture	0.00	1,925.00				
			10.00				
		0.00	2,231.00				
	Total	0.00	4,166.00	4,166.00	\$ 20,830	\$ 30,192	\$ 51,022
3300	Sprague, Joint Venture	2,264.00	1,165.00	-1,099.00	\$ (5,495)	\$ 9,190	\$ 3,695

**CANBY PIONEER INDUSTRIAL PARK  
SOUTH WALNUT STREET LID NET COST ASSESSMENTS**

**OPTION 2  
NET ASSESSMENTS**

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1805	Dragonberry Real	10,254.00	1,407.00				
	Estate, LLC	286.00	6,657.00				
		1,943.00	*				
		2,271.00	0.00				
	Total	14,754.00	8,064.00	-6,690.00	\$ (33,450)	\$ 117,829	\$ 84,379
2400	Parsons Family Trust	0.00	9,527.00				
		0.00	2,264.00				
		0.00	2,841.00				
		0.00	1,943.00				
	Total	0.00	16,575.00	16,575.00	\$ 82,875	\$ 37,281	\$ 120,156
	<b>TOTAL</b>	<b>45,691.00</b>	<b>41,008.00</b>	<b>-4,683.00</b>	<b>\$ (23,415)</b>	<b>\$ 708,471</b>	<b>\$ 685,056</b>
* recent 11 foot dedication vacated without cost to be consistant with adjoining properties							

**CANBY PIONEER INDUSTRIAL PARK  
SOUTH WALNUT STREET LID GROSS COST ASSESSMENTS**

**OPTION 2  
GROSS ASSESSMENTS**

**Local Improvement District OPTION 2 - Project Cost Assessments**

TAX LOT	OWNER	MAILING ADDRESS	BENEFITTED AREA WITHIN 500'		BENEFITTED FRONTAGE (LINEAL FEET)		GROSS ASSESSMENT (Without Land Inventory)
			ACRES	AREA COST ALLOCATION	LINEAR FEET	FRONTAGE ALLOCATION	
<b>Township 3 South, Range 1 East, Section 34 PORTION 1: SOUTH WALNUT STREET</b>							
200	Zoar Lutheran Cemetery		0.57	\$ 6,222	165	\$ 19,173	\$ 25,395
301	Larusso Concrete Co Inc.	165 S Walnut Street, Canby, OR 97013	1.42	\$ 15,497	48	\$ 5,578	\$ 21,074
1709	Burden Family Trusts	P.O. Box 729, Canby OR 97013	1.16	\$ 12,615	0	\$ -	\$ 12,615
1710	Burden Family Trusts	P.O. Box 729, Canby OR 97013	1.97	\$ 21,463	385.5	\$ 44,795	\$ 66,258
1805	Dragonberry Real Estate LLC	11517 SE Hwy 212, Clackamas, OR 97015	3.74	\$ 40,673	664	\$ 77,156	\$ 117,829
1900	Hildreth, Stanley and Pamela	608 SW 4th Ave, Canby, OR 97013	1.47	\$ 15,934	118	\$ 13,712	\$ 29,646
2000	Palmer Family Properties	30300 S Candlelight Ct, Canby, OR 97013	5.54	\$ 60,262	516	\$ 59,959	\$ 120,220
2100	Borg Restated Family Trust	23397 S. Mulino Rd., Canby OR 97013	7.63	\$ 83,017	661	\$ 76,808	\$ 159,825
2101	Dewar, John David and Irene I.	220 S. Walnut St, Canby OR 97013	2.00	\$ 21,773	170	\$ 19,754	\$ 41,527
2300	Sprague, Joint Venture	P.O. Box 848, Canby OR 97013	1.60	\$ 17,410	110	\$ 12,782	\$ 30,192
2400	Parsons Family Trust	23625 S. Mulino Rd, Canby OR 97013	2.89	\$ 31,471	50	\$ 5,810	\$ 37,281
3300	Sprague, Joint Venture	P.O. Box 848, Canby OR 97013	0.85	\$ 9,190	0	\$ -	\$ 9,190
		<b>SUBTOTAL</b>	<b>30.85</b>	<b>\$ 335,526</b>	<b>2888</b>	<b>\$ 335,526</b>	<b>\$ 671,052</b>

**CANBY PIONEER INDUSTRIAL PARK  
SOUTH WALNUT STREET LID GROSS COST ASSESSMENTS**

**OPTION 2  
GROSS ASSESSMENTS**

**Local Improvement District OPTION 2 - Project Cost Assessments**

**PORTION 2: 4TH AVE**

1709	Burden Family Trust	P.O. Box 729, Canby OR 97013	1.93	\$ 18,710	186	\$ 18,710	\$ 37,419
<b>SUBTOTAL</b>			<b>\$ 1.93</b>	<b>\$ 18,710</b>	<b>\$ 186</b>	<b>\$ 18,710</b>	<b>\$ 37,419</b>
<b>GRAND TOTAL</b>							<b>\$ 708,471</b>