

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 650

AN ORDINANCE CONFIRMING AND RATIFYING THE RESOLUTION OF THE CITY COUNCIL OF NOVEMBER 14, 1973, WITH RESPECT TO THE WILLAMETTE STREET STORM DRAINAGE IMPROVEMENT DISTRICT; ESTABLISHING WILLAMETTE STREET STORM DRAINAGE IMPROVEMENT DISTRICT; APPROVING, RATIFYING AND ADOPTING PLANS, SPECIFICATIONS AND ESTIMATES FOR CONSTRUCTION OF STORM DRAIN TRUNK LINES, AND CATCH BASINS, DECLARING RESULTS OF HEARING HELD WITH RESPECT THERETO, PROVIDING FOR THE MAKING OF SAID IMPROVEMENT, APPORTIONING ESTIMATED COST UPON BASIS OF BENEFITS RECEIVED, PROVIDING FOR NOTICE OF IMPENDING ASSESSMENT, AND DECLARING AN EMERGENCY

WHEREAS, a resolution was duly passed by the City Council of the City of Sherwood at its meeting of November 14, 1973, a copy whereof is hereto attached and by this reference made a part hereof to the same legal force and effect as if set forth herein in full, by the terms of which the boundaries of a proposed storm drainage improvement district were described, and the Council declared its intention to construct a storm drainage improvement system and to assess the costs thereof against the property within said boundaries specially benefited, and

WHEREAS, by the terms of said resolution a hearing was duly called to be held in the Council Chambers in the City Hall of Sherwood, Oregon, on the 5th day of December, 1973, at the hour of 7:30 p.m. for the purpose of affording an opportunity to parties aggrieved by the proposal to make objections or remonstrances to the proposed improvement, and

WHEREAS, pursuant to said resolution, due and legal notice of said hearing was given by publication in the Tri-City Times for three publishings on November 18, 22 and 25th, and three copies of said resolution were posted in three public and conspicuous places within the said proposed improvement and assessment district not less than ten days prior to said hearing, and

WHEREAS, said hearing was duly and regularly called to order and held in the City Hall, Sherwood, Oregon, on December 5, 1973, whereat certain persons appeared and were heard, and whereat remonstrances were made.

WHEREAS, the City Engineer has submitted to the Council plans, specifications and estimates for the work to be done, and

WHEREAS, the estimated cost of the work to be done is \$66,000.00 and there has been submitted to the Council, a statement of the lots, parts of lots and parcels of land to be specially benefited and the portion of the total cost of the improvement which each of such lots, parts of lots and parcels of land shall pay on account of benefits to be derived, and

WHEREAS, the City Council finds that such plans, specifications and estimates are satisfactory; and that construction of a storm sewer improvement in accordance with said plans and specifications is necessary and required by the public interests and convenience and that remonstrances against formation of the district and making of the improvements should be overruled; and

WHEREAS, all proceedings to date have been in conformity with Section 223.387, Oregon Revised Statutes and Chapter XVII, Charter of the City of Sherwood, and all the procedures were regularly and lawfully conducted,

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

Section 1: That all matters set forth in the resolution of the City Council of Sherwood, Oregon, of November 14, 1973, a copy whereof is hereto attached, marked "Exhibit A" and by this reference made a part hereof, to the same legal force and effect as if set forth herein in full, be, and the same are hereby, ratified and confirmed, and the boundaries of the area known as the Willamette Street Storm Drainage Improvement District heretofore described in said resolution and as described on the attached sheet headed "Description" be, and the same are hereby declared and fixed in accordance with the said description, and said district is hereby established.

Section 2: That the City Council of the City of Sherwood having acquired jurisdiction to order the improvement to be made does hereby authorize and direct the construction of a storm drainage improvement district within the boundaries of said Willamette Street Improvement District in conformity in all reasonable particulars with the plans and specifications submitted to the Council by the City Engineer, subject to the provisions for obtaining funds for said improvement as hereinafter set forth.

Section 3: The Council finds that the City Engineer has made an estimate of the total cost and expense of the proposed storm drainage improvements which heretofore has been filed with the City Recorder and that said estimated cost of construction and expenses is \$66,000.00, of which sum it is estimated that, and has been determined that, \$20,000.00 thereof represents general benefit and expense which should be born by the City of Sherwood, and \$46,000.00 thereof represents special and peculiar benefits, the cost of which should be born by the property so benefited.

Section 4: The Council finds and hereby determines that the proposed property assessment roll, marked Exhibit A, hereto attached and by this reference incorporated herein, for said Willamette Street Storm Drainage District, sets forth the proposed assessment apportioned according to the special and peculiar benefits accruing to each parcel, part of lot, or lot within said storm drainage district, which apportionment the Council hereby adopts.

Section 5: The City Recorder is hereby directed to give notice by publication and posting in the manner provided in Section 215 of the City Charter. That the City Council has apportioned and is about to assess upon each lot, tract, and parcel of land benefited by such improvements and liable to an assessment, its share of the entire cost and expenses thereof as estimated by the City Engineer, and such notices shall specify the time and place of the meeting of the City Council at which assessment will be made, and, that at the time specified, the City Council will hear and determine all objections to the entire estimated costs and the apportionment thereof.

Section 6: That inasmuch as it is necessary for the peace, health and safety of the people of the City of Sherwood, that the said improvements be constructed with the least possible delay, an emergency is hereby declared to exist and this ordinance shall become effective by its passage by the Council and approval by the Mayor.

PASSED: By the Council by Unanimous vote of all Council members present, after being read by caption three times and in body once, this 27th day of June, 1974.

Marjorie Stewart
City Recorder - Sherwood

APPROVED: By the Mayor this 27th day of June, 1974.

Jack C. Harper
Mayor - City of Sherwood