

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 731

AN ORDINANCE MAKING FINDINGS WITH RESPECT TO FINANCING IMPROVEMENTS IN THE ROCK CREEK WATER AND SEWER LOCAL IMPROVEMENT DISTRICT, DETERMINING THAT CONSTRUCTION SHOULD PROCEED, THAT IMPROVEMENT WARRANTS BE SOLD AND THE AMOUNT THEREOF, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Sherwood legally and duly formed the Rock Creek Water and Sewer Local Improvement District by Ordinance No. 710 enacted July 11, 1979, and

WHEREAS, the City has by Ordinance No. 724 referred amendments to the City Charter authorizing the City to use alternative procedures for the making and financing of local improvements, which Charter amendments were duly passed by the voters at election duly held September 16, 1980, and

WHEREAS, the Council hereby finds that it is reasonable, prudent, and necessary to proceed with construction of the improvements and to initially finance that construction through the issuance of general obligation improvement warrants, pursuant to Oregon Revised Statutes, Section 287.502 et seq. and to pay said warrants by assessment against the properties benefitted and sale of bonds pursuant to the Bancroft Bonding Act and procedures set forth in Oregon Revised Statutes, Sections 223.205 et seq., and

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

Section 1. Section 3 of Ordinance 710 be and the same is hereby amended to authorize that initial financing of the improvements by limited general obligation improvement warrants issued pursuant to ORS 287.502, that the costs of the improvements shall be borne by and assessed to benefitted properties in the district, and that said assessment be made pursuant to the procedures set forth in ORS 223.387, et seq. and that assessments may be paid pursuant to the provisions of the Bancroft Bonding Act, ORS 223.205, et seq., but said assessments, while being a lien, shall not be due for payment and interest shall not accrue thereon until thirty days after applications to pay said assessments on the installment basis have been sent to the property owners. The Council intends that said applications be sent to property owners as soon as practicable after the actual total project cost has been determined, but in no event later than sixty days prior to the date of maturity of the warrants herein authorized to be sold. The costs of the project and improvements shall include construction costs, engineering costs, legal costs, administration costs, and special costs such as acquisition of easements as are necessary to make the improvements.

Section 2. Limited general obligation improvement warrants shall be issued and sold in the amount of the City consulting engineer's project cost estimate dated November 27, 1979 of \$1,100,600 less the anticipated contribution from the Washington County Unified Sewerage Agency of \$116,250, less estimated service connection charges (construction costs) of \$19,500, plus 8% for estimated increased construction cost for a net sum of \$1,042,038.

Section 3. The City's consulting engineer is hereby directed to prepare plans and specifications for the improvements and to give notice to contractors of the time and place where the bids are to be opened and considered by the Council.

Section 4. Improvement warrants issued to finance the improvements shall be indebtedness for said improvements and be limited general obligation warrants. They shall bear interest of a rate set by the Council by resolution adopted at the time bids are received on the warrants. The interest shall be paid thereon upon redemption of said warrants.

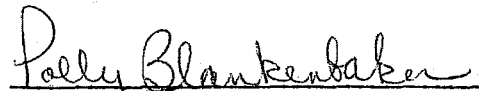
Section 5. Proceeds from unbonded assessments, improvement bonds, foreclosure of improvement liens, based on the improvements, and from ad valorem taxes, if any, to pay the warrants shall be deposited in the Rock Creek Improvement Warrant Sinking Fund. Proceeds so deposited may be used only to pay warrants issued to finance the improvements.

Section 6. The Mayor and City Recorder may sign the warrants by facimile signature and do all other things required and necessary to prepare and advertise sale of said warrants including the preparation of notice of said sale and obtain legal opinion as to the validity of said warrants as an obligation of the City of Sherwood to the purchasers of said warrants.

Section 7. Inasmuch as the project has been delayed due to the necessity to submit charter amendments to the voters to secure authorization to sell bonds and lien improvements at prevailing interest rates, and inasmuch as it appears that construction costs are likely to escalate and the project should proceed without further delay, an emergency is hereby declared to exist and this ordinance shall become effective upon its passage by the Council and approval by the Mayor.

PASSED:

By the Council after being read by caption three times this
28 day of October, 1980.



Polly Blankenbaker, Recorder
City of Sherwood

APPROVED:

By the Mayor this 28 day of October, 1980.



Marjorie Stewart, Mayor
City of Sherwood