

AFFIDAVIT OF POSTING  
ORDINANCE CB-0-40-85

STATE OF OREGON            )  
                                  )  
COUNTIES OF CLACKAMAS    )  
  AND WASHINGTON            )  
                                  )  
CITY OF WILSONVILLE      )

I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

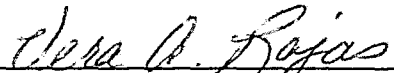
On the 14th day of August, 1985, I did cause to be posted copies of the attached Ordinance CB-0-40-85, an ordinance amending Section 3.116 of the Wilsonville Code, in the following four public and conspicuous places of the city, to wit:

- WILSONVILLE CITY HALL
- WILSONVILLE POST OFFICE
- LOWRIE'S FOOD MARKET
- KOPPER KITCHEN

The ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 19th day of August, 1985.

  
DEANNA J. THOM, City Recorder-Treasurer

Subscribed and sworn to before me  
this 20<sup>th</sup> day of August, 1985.

  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF OREGON

My commission expires: August 23, 1987

ORDINANCE NO. 278

AN ORDINANCE AMENDING SECTION 3.116 OF THE WILSONVILLE CODE AND DECLARING AN EMERGENCY.

WHEREAS, Section 3.116 of the Wilsonville Code currently provides for the pro rata reimbursement to owners of property who pay for extensions of water, storm, drainage and sewer lines;

WHEREAS, there are other utilities, including, but not limited to, cable or other television, telephone, electrical and natural gas, or other utility services, which can also be extended and which should be subject to the payback provisions of Section 3.116;

WHEREAS, it is necessary to amend Section 3.116 to specifically include these other utilities and the Wilsonville City Council hereby finds that it is in the best interests of the City of Wilsonville to amend Section 3.116 regarding extensions of utility lines and services to include television, telephone, electrical, natural gas and other utilities.

WHEREAS, it is the intent of the Wilsonville City Council to make this ordinance applicable to those utilities in Local Improvement District No. 5 which would by definition be included in the new amended category of extensions, pursuant to the recommendation of the Board of Viewers, and that time is of the essence for the general benefit of the citizens of Wilsonville.

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

Section 1: Section 3.116 is hereby amended as follows:  
"3.116 Extensions of Water, Storm Drainage, Sewer Lines or Other Utility Services (1) If any person agrees to pay the costs of extending a water, storm drainage, or sewer main or lateral line or any cable or other television, telephone, electrical, natural gas or other utility, to serve his property, and the extension of such line or utility would be adjacent to property other than his own so that water, storm drainage, sewer service, cable or other television, telephone, electrical, natural gas or other utility for either commercial, industrial or domestic use is provided for such other property without further extension of the lines or utilities, the City

shall require the owners of the other property prior to providing water, storm drainage, sewer service, or any cable or other television, telephone, electrical, natural gas or other utility service to such other property, to refund to the person required to pay the costs of extending the water, storm drainage, sewer lines or any cable or other television, telephone, electrical, natural gas or other utility service a pro rata portion of the costs of the extension. The right of the City to require such refunds shall not continue for more than ten (10) years after the date of installation of the extension of the water, storm drainage, sewer line or any cable or other television, telephone, electrical, natural gas or other utilities. The amount to be refunded shall be determined by the Council, and such determination shall be final.

Once a determination has been made, the City Recorder shall enter in the docket of City liens a statement of the refund amount upon each particular lot, parcel of land, or portion thereof, together with the fact that prior to providing water, storm drainage, sewer service, or any cable or other television, telephone, electrical, natural gas or other utility service to the effected property, the refund amount shall be paid to the City, the date of installation of the extension improvement, the date to require such a refund shall not continue for more than ten (10) years after the date of the installation, a description of the improvement and the name of the owners. Upon the expiration of the ten (10) year period and without a refund becoming due and owing, the City Recorder shall remove the entry in toto from the City's lien docket.

(2) Any person who undertakes to pay the costs of extending a water, storm drainage, sewer service, or any cable or other television, telephone, electrical, natural gas or other utility which, when extended, will be adjacent to property other than his own, shall first file with the City Recorder a description and map outlining the improvement areas showing the adjacent properties which can be served from the extension of such line or utility. The City Recorder shall make a copy thereof and deliver it to the City Engineer who shall inspect the site of the proposed extension and report in writing to the City Recorder whether or not the extension is feasible, desirable and necessary for the orderly development and expansion of the City's sewage collection, storm drainage, water distribution systems or any cable or other television, telephone, electrical, natural gas or other utility services. Should it be determined by the City's Engineer that it is not economically feasible or practical from an engineering study and investigation, the City Recorder shall report such facts to

the person who filed the application and return the description and map. To be feasible and desirable for the orderly development and expansion of the City's sewer, storm drainage, water systems, or any cable or other television, telephone, electrical, natural gas or other utility services, the City Engineer shall prepare or cause to be prepared all necessary plans and specifications for the proposed project. The City Engineer shall also prepare or cause to be prepared a recommendation to the Council of a refund method to fairly apportion on a pro rata basis the costs of the extension in keeping with subsection (1) above. The Council may adopt, in whole or in part, the Engineer's recommendation, or establish a refund method as it deems appropriate, just and reasonable.

(3) Upon approval by the City Council of the application for the extension of the water, storm drainage, sewer lines, cable or other television, telephone, electrical, natural gas or other utility services, and after preparation of the plans and specifications for the work project, the applicant shall pay to the City Recorder the total estimated costs of the project, including the legal, engineering and supervision costs. Thereafter, the City Recorder shall advertise in a local newspaper once a week for two successive weeks for sealed bid proposals for construction of the improvement project. The bid proposals shall be publicly opened at either a regular or special meeting of the City Council held at least ten (10) days after the first publication for bids. The City Council may waive any irregularity in bidding procedures, reject any or all bids or award a contract to the bidder who, in the opinion of the City Council is best qualified to undertake and perform fully in a satisfactory manner the public improvements which are to be constructed. If there are not any bidders or if all bids are rejected, the City Council may direct the work to be completed either by a City work force or it may award a contract to any person, firm or corporation who, in the opinion of the City Council, is competent and qualified to perform the work in accordance with the plans and specifications. The City Council shall confer with the applicant and obtain his approval before awarding the contract or before deciding to perform the work by the City work force.

(4) Notwithstanding any provisions to the contrary, in the event any utility service is provided pursuant to a franchise agreement, then Council shall direct the work to be completed pursuant to any such franchise agreement.


(5) If, prior to the commencement of construction, an applicant withdraws his application or notifies the City of his desire to abandon the project, he shall pay to the City, in full, its actual costs incurred to that time and including, though not exclusively, all legal and engineering costs.

(6) In the event the City shall construct or shall pay for the construction of water, storm drainage, sewer lines, cable or other television, telephone, electrical, natural gas, or other utility service within privately owned property, and there is no agreement to the contrary, the City shall require the owners of said property prior to providing such water, storm drainage, sewer service, cable or other television, telephone, electrical, natural gas, or other utility services to such property, to refund to the City a pro rata portion of the costs of the extension. The provisions of this Section shall apply to the owners of said property the same manner as subsection (1) is applied to the other property owners described therein.

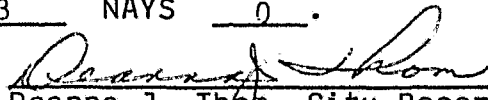
(7) Any water, storm drainage, sewer line, cable or other television, telephone, electrical, natural gas, or other utility service extension project which is to be constructed under the provisions of this Section shall be done under the supervision and direction of the City Engineer or an engineer employed by the City to supervise such project and in accordance with sections of this code relating to such matters; and the successful bidder for any such work contract shall furnish to the City a full performance, payment and street restoration bond issued by a corporate surety in an amount and form as may be approved by the City Council."

Section 2: In the interest of the general health and welfare of the citizens of the City of Wilsonville that this Ordinance be put into effect immediately, an emergency is hereby declared.

Submitted to the Council and read the first time at a regular meeting thereof on the 5th day of August, 1985, and scheduled for second reading at a regular meeting of the Council on the 19th day of August, 1985, commencing at the hour of 7:30 o'clock p.m., at the Wilsonville City Hall.

  
Deanna J. Thom, City Recorder

ENACTED by the Council on the 19th day of August, 1985, by the following votes: YEAS 3 NAYS 0.

  
Deanna J. Thom, City Recorder

DATED and signed by the Mayor this 21st day of August, 1985.

  
A. G. Meyer, Mayor

ORDINANCE NO. 278