

AFFIDAVIT OF POSTING
ORDINANCE CB-0-188-93

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 13th day of January, 1993, I caused to be posted copies of the attached Ordinance CB-O-188-93, an Ordinance assessing benefited property for the costs of constructing Local Improvement District Project No. 10, known as the 95th Avenue Road Extension and Freeman Drive addition, and directing the City Recorder to enter the assessment in the docket of City liens, 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

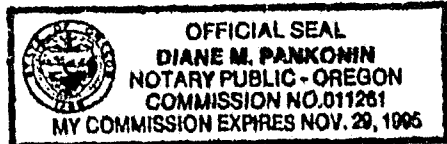
The ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 19th day of January, 1993.

Vera A. Rojas
VERA A. ROJAS, CMC, City Recorder

Subscribed and sworn to before me
this 3rd day of August, 1993.

Diane M. Pankowin
NOTARY PUBLIC, STATE OF OREGON

My Commission expires: 11/29/95



ORDINANCE NO. 410

AN ORDINANCE ASSESSING BENEFITED PROPERTY FOR THE COSTS OF CONSTRUCTING LOCAL IMPROVEMENT DISTRICT PROJECT NO. 10, KNOWN AS THE 95TH AVENUE ROAD EXTENSION AND FREEMAN DRIVE ADDITION, DIRECTING THE CITY RECORDER TO ENTER THE ASSESSMENTS IN THE DOCKET OF CITY LIENS, AND DECLARING AN EMERGENCY.

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. THE COUNCIL FINDS:

- 1.1 The Local Improvement District No. 10 project known as the 95th Avenue extension and Freeman Drive addition was constructed by authority of Resolution No. 766, accepting written petition from 100% of the benefited property owners for formation of L.I.D. No. 10, adopted April 2, 1990; Resolution No. 777, approving engineer's report and financial investigation report, adopted July 2, 1990; Resolution No. 782, declaring the City's intent to proceed with L.I.D. #10, adopted July 16, 1990; Resolution No. 904, including Freeman Drive improvements in L.I.D. #10 as special benefit to tax lot 1300 (formerly part of tax lot 1802) and tax lot 1903; approving Oregon Department of Economic Development Loan Financing for L.I.D. #10 and providing for repayment through specially assessing benefited properties, adopted April 6, 1992.
- 1.2 The Council has accepted and approved a certification of completion of the project. Final costs include contractor payments, advertising, progress payment interest, right-of-way acquisition, design and inspection engineering, legal fees, superintendence and administration, and financing costs associated with borrowing through the Oregon State Department of Economic Development Special Public Works Fund Loan to pay design and construction costs inclusive of repaymentinte, rest, legal fees, and associated fees.
- 1.3 The whole cost of the improvement is \$1,337,000.00. The property owners' share is \$1,337,000.00.

- 1.4 The project is consistent with the level of service contained in the City's Transportation Master Plan and Comprehensive Plan.
- 1.5 Each parcel of land within local improvement district receives special and peculiar benefits from the project as set forth as follows:

FINAL ASSESSMENT ROLL

Clackamas County

1. Tax Lot T 3 1W-11-3101
Owner: Nike, Inc.
Assessment: \$248,633.44
2. Tax Lot 3 1W-11D-300
(formerly known as
part of TL 1701)
Owner: Wilsonville Land Associates
Assessment: \$111,341.66
3. Tax Lot 3 1W-11D-200
(formerly known as
part of TL 1701)
Owner: Wilsonville Land Associates
Assessment: \$106,891.26
4. Tax Lot 3 1W-11A-1200
(formerly known as
part of TL 1802)
Owner: Wilsonville Land Associates
Assessment: \$ 20,060.57
5. Tax Lot 3 1W-11A-1100
(formerly known as
part of TL 1802)
Owner: Wilsonville Land Associates
Assessment: \$ 20,125.27
6. Tax Lot 3 1W-11A-1000
(formerly known as
part of TL 1802)
Owner: Wilsonville Land Associates
Assessment: \$ 22,896.23
7. Tax Lot 3 1W-11-1801
Owner: Howard Rosen, et ux
Assessment: \$ -0-
(equalized to Wilsonville
Land Associates properties)

8. Tax Lot 3 1W-11A-800
(formerly known as
TL 1902)
Owner: Schneider National, Inc.
Assessment: \$ 57,968.42
9. Tax Lot 3 1W-11A-400
(formerly known as
TL 2002)
Owner: Schneider National, Inc.
Assessment: \$ 79,371.09
10. Tax Lot 3 1W-11A-100
(formerly known as
TL 2001)
Owner: Orland O. Ogden, et ux
Assessment: \$248,520.20
11. Tax Lot 3 1W-11A-200
(formerly known as
TL 2003)
Owner: Jack Martin
Assessment: \$ 32,296.53
12. Tax Lot 3 1W-11A-600
(formerly known as
TL 1904)
Owner: Jack Martin
Assessment: \$ 33,508.21
13. Tax Lot 3 1W-11-1903
Owner: Jack Martin
Assessment: Freeman Dr. \$102,291.59
Engineering 2,500.00
95th Ave. +80,673.37
Total: \$185,464.96
14. Tax Lot 3 1W-11A-1300
(formerly known as TL 1802)
Owner: Our Associates
Assessment: Freeman Dr. \$102,291.59
Engineering 2,500.00
95th Ave. -0-
Total: \$104,791.59
(95th Ave. equalized to
Wilsonville Land Associates)
- Washington County
15. Tax Lot 3S-1-2DC-300
Owner: Circle V. Associates
Assessment: \$ 33,678.08

16.	Tax Lot 3S-1-2DC-200 Owner: Circle V. Associates Assessment:	\$ 1,324.93
17.	Tax Lot 3S-1-2DC-201 Owner: Rollins Leasing Co. Assessment:	\$ 22,886.14
18.	Tax Lot 3S-1-2DC-600 (formerly referenced under Clackamas County TL 3-1W-11-2001 for LID formation purposes) Owner: Orland O. Ogden, et ux Assessment	\$ 12,241.42

Total Assessment for State Loan	\$1,337,000.00
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Total Assessment for Freeman Engineering	5,000.00
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Total Assessments: \$1,342,000.00

1.6 The City Recorder has notified property owners of the assessment hearing conducted by the City Council, the rights and manner to object to the proposal, and the amount of the proposed assessment on benefited property set forth above.

1.7 The Council has considered the proposed assessments and all objections made by owners of benefited property.

1.8 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.

2. **NOW, THEREFORE, THE COUNCIL DIRECTS:**

2.1 The final assessment roll recited above for each of the special and peculiarly benefited properties is hereby adopted and approved;

2.2 The City Recorder is to enter the assessments in the Docket of City Liens;

2.3 The City Recorder is to mail final assessment notices to all owners of benefited property as described in the recital above;

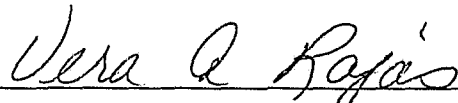
- 2.4 Installment payments shall be calculated based on the costs of the Special Public Works Fund Loan of 6.32% per annum, together with the administrative costs to pay financing and loan processing fees of .5% of the benefited property owners' loan amount, for a total interest charge of 6.82%;
- 2.5 The Finance Director is authorized to collect a pro rata interest charge of five percent (5%) for any assessment prepayment in order to fund a ratable portion of the City's debt service obligations under the State loan contract for early payment;
- 2.6 That in order to insure timely payment on the underlying Special Public Works Fund Loan, time is of the essence, and an emergency is hereby declared and this ordinance is to take effect immediately upon its passage.

SUBMITTED to the Wilsonville City Council for first and second reading at a regular meeting thereof on the 19th day of January, 1993, commencing at the hour of 7:00 P.M. at the Wilsonville Community Development Hearings Room.



 VERA A. ROJAS, CMC/AAE CITY RECORDER

ENACTED by the City Council on the 19th day of January, 1993, by the following votes: YEAS: 5 NAYS: 0



 VERA A. ROJAS, CMC/AAE, CITY RECORDER

DATED and signed by the Mayor this 21 day of January, 1993.



 GERALD A. KRUMMEL, Mayor

SUMMARY of Votes:

Mayor Krummel AYE
 Councilor Carter AYE
 Councilor Hawkins AYE
 Councilor Lehan AYE
 Councilor Van Eck AYE

City of
WILSONVILLE
in OREGON

30000 SW Town Center Loop E
Wilsonville, Oregon 97070
FAX (503) 682-1015
(503) 682-1011

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: MICHAEL E. KOHLHOFF
City Attorney

DATE: January 15, 1993

SUBJECT: Ordinance No. CB-0-188-93 and
Notice of Proposed Assessments - L.I.D. #10

The Notices of Proposed Assessments were mailed to the property owners on Monday, January 11, 1993, as indicated by the Affidavit of Mailing on file with the City Recorder.

On Friday, January 15, 1993, representatives of Wilsonville Land Associates (Hillman Properties N.W. partnership) met with me and advised they are under contractual obligation to pay the assessment of Our Associates and Howard Rosen and wanted to do so in installments, but have their property substituted as lien security. I have suggested they provide documentation that their land would sufficiently support the extra assessment and present that to Council.

I will prepare replacement pages 2 and 3 of the Ordinance showing such a spread of assessments for adoption should the Council determine that it is an equitable adjustment of the assessment and the City is sufficiently protected.

A copy of the engineer's Certificate of Completion is also in the packet to be accepted at the time of the Ordinance adoption.

mek:dp

*OF
Wilsonville*

3000 S.W. Town Center Loop E. • P.O. Box 220 • 503-682-1011

Wilsonville, Oregon 97070

COMMUNITY DEVELOPMENT DEPARTMENT
ENGINEERING DIVISION

CERTIFICATE OF COMPLETION

It is hereby certified that the project known as L.I.D. #10 95th Avenue

and permitted by the Community Development Department Engineering Division under

Permit No. P92-011 was completed on October 22, 1992, and
(Date)

was constructed under contract with Clearwater Construction Co.
(Contractor)

7420 S.W. Hunziker Road #C, Tigard, OR 97223

(Address)

is accepted as being satisfactorily completed in accordance with the contract documents,
and standards of the City of Wilsonville.

The following is a list of terms under which this certification shall be exercised. A check in
the box indicates this item to be a requirement and it has been completed.



The contractor shall furnish evidence that he has paid all debts in connection
with the work as set forth under the terms of the contract.



The one-year guarantee against defective materials and workmanship is in
effect as of 10-22-92
(Date)



Design Engineer has certified the project as complete 10-22-92
(Date)

This form is approved for acceptance by the City of Wilsonville Community Development
Department - Engineering Division

Accepted by the City of Wilsonville this 13th day of January, 19 93

By: *Michael A. [Signature]*

Title: City Engineer