

ORDINANCE NO. 576

AN ORDINANCE OF THE CITY OF WILSONVILLE AMENDING W.C. SECTION 2.600(10) ORDINANCE NO. 575, EXHIBIT A.

WHEREAS, the City Council adopted Ordinance No. 575, "An Ordinance of the City of Wilsonville Adding a New Section 2.600 to the Wilsonville Code, Providing a Process for Consideration of Written Demands for Compensation Under 2004 Ballot Measure 37, Limiting Transferability of Waiver of Regulations, Creating a Private Cause of Action for Neighboring Properties for Loss of Fair Market Value, and Declaring an Emergency", and instructed staff to prepare an amendment to section 2.600(10) set forth in Exhibit A to Ordinance No. 575; and

WHEREAS, the language contained in Section 2.600(10)(a) of Ordinance No. 575 originally stated:

"(10) Reimbursement of Costs:

(a) If a claim is denied and ultimately determined to be invalid by the City Council, the Claimant shall reimburse the City for the costs the City incurred in processing the claim. If the costs remain unpaid 90 days after the City provides a detailed invoice demanding reimbursement of costs, a lien for those costs shall be recorded in the City lien docket for the property for which the claim is made."

WHEREAS, staff has prepared the following amendment:

(10). Reimbursement of Costs:

(a) If a claim is denied and ultimately determined to be invalid by the City Council, the City Council shall assess the Claimant the costs the City incurred in processing the claim. Cost may include, but are not limited to, recoupment of employee time in researching and processing the claim, copying charges, and expert charges such as appraiser and attorney fees. If the costs remain unpaid 90 days after the City provides a detailed invoice demanding reimbursement of costs, a lien for the costs shall be

recorded in the City Lien Docket for the property. If either the decision determining the claim to be invalid and/or the invoice demanding costs is challenged by a petition for writ of review or otherwise in a court of competent jurisdiction before docketing of the lien, the lien shall not be docketed until final decision on the challenge. If the lien has been docketed, but not enforced prior to a challenge, the lien shall be stayed from enforcement pending the final decision of the challenge.

NOW THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. The findings recited above are adopted by the Council;
2. Section 2.600(10)(a) shall be replaced by the following amendment:
 - (10). Reimbursement of Costs:
 - (a) If a claim is denied and ultimately determined to be invalid by the City Council, the City council shall assess the Claimant the costs the City incurred in processing the claim. Cost may include, but are not limited to, recoupment of employee time in researching and processing the claim, copying charges, and expert charges such as appraiser and attorney fees. If the costs remain unpaid 90 days after the City provides a detailed invoice demanding reimbursement of costs, a lien for the costs shall be recorded in the City Lien Docket for the property. If either the decision determining the claim to be invalid and/or the invoice demanding costs is challenged by a petition for writ of review or otherwise in a court of competent jurisdiction before docketing of the lien, the lien shall not be docketed until final decision on the challenge. If the lien has been docketed, but not enforced prior to a challenge, the lien shall be stayed from enforcement pending the final decision of the challenge.

SUBMITTED to the Wilsonville City Council and read for the first time at a regular meeting thereof on the 20th day of December, 2004, and scheduled for a second reading at a special meeting of the Council on the 18th day of January, 2005, commencing at the hour of

7 P.M. at the Wilsonville Annex.

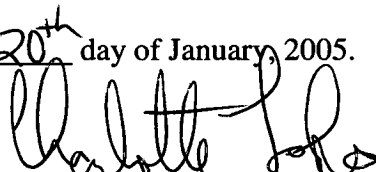

SANDRA C. KING, CMC, City Recorder

Enacted by the City Council on the 18th day of January, 2005, by the following votes:

YEAS: -5- NAYS: -0- ABSTAIN: -0-


SANDRA C. KING, CMC, City Recorder

DATED and signed by the Mayor this 20th day of January, 2005.


CHARLOTTE LEHAN, Mayor

SUMMARY OF VOTES:

Mayor Lehan	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Holt	<u>Yes</u>
Councilor Scott-Tabb	<u>Yes</u>
Councilor Knapp	<u>Yes</u>