

AFFIDAVIT OF POSTING ORDINANCE NO. 41

STATE OF OREGON            )  
                                  )  
Counties of Clackamas    )  
and Washington            ) ss.  
                                  )  
City of Wilsonville        )

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

On Tuesday the 19th day of February, 1974, I caused to be posted copies of the attached Ordinance No. 41 in the following three (3) public and conspicuous places of the City, to-wit:

1. Wilsonville City Hall
2. Kopper Kitchen Restaurant
3. Wilsonville United States Post Office

The notices remained posted for more than five (5) consecutive days prior to the time for final reading and passage of the Ordinance on the 25th day of February, 1974.

Dated at Wilsonville, Oregon this 19th day of February, 1974.

Marjorie A. Hintz  
Marjorie A. Hintz, City Recorder

Subscribed and sworn to before me this 19th day of February, 1974.

Law Koppley  
Notary Public for Oregon  
My Commission expires: Sept 10 1976

ORDINANCE NO. 41

AN ORDINANCE CREATING A STREET LIGHTING IMPROVEMENT DISTRICT FOR THE CITY OF WILSONVILLE; AUTHORIZING CONTRACTS WITH PORTLAND GENERAL ELECTRIC COMPANY FOR PURCHASE OF STREET LIGHTING SERVICE; AND PROVIDING FOR THE DIVISION AND BILLING OF COSTS TO BENEFITED PROPERTY OWNERS.

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: A STREET LIGHTING IMPROVEMENT DISTRICT for the City of Wilsonville, Clackamas and Washington Counties, State of Oregon, is hereby created, and said District shall include all of the area which is now within the City Limits and any territory hereafter annexed.

Section 2: Property owners in the City may apply to the City Council for street lighting service. Applications shall be in writing, signed by the property owner requesting the service, or their authorized agent, and shall include the name of the road or street and the portion thereof for which the service is requested. The Application shall also contain a description of the applicant's property which is to be benefited by such service and a statement that the applicant consents to pay as a part of his City utility bill a proportionate share of the City's costs for providing such street lighting service. If the applicant is not a City utility user, his Application shall contain his promise to pay promptly all billings by the City for such street lighting service. More than one (1) property owner may join in an Application for a street lighting project.

Section 3: Upon receipt of Applications for street lighting service, the City Council shall determine whether the project is feasible or not and one which would be in the best interests of the City and its residents. Applications may be rejected by the Council for cause and if it appears that less than all of the contiguous property owners for a street lighting service area are not in full accord with the proposed plan, or refuse to pay a proportionate

share of the costs. However, one or more property owners may agree to assume and pay a non-consenting property owner's share of the street lighting costs.

Section 4: If the Council determines that an Application is sufficient and that the requested project is both feasible and desirable, it shall notify the applicant(s) and Portland General Electric Company (hereinafter referred to as the "Company") of that fact, and then make an appropriate Agreement with the Company to install the necessary facilities and furnish electrical energy at the established municipal street lighting rate schedule.

Section 5: The City's total street lighting costs as billed by the Company plus fifteen percent (15%) for the City's administrative costs shall be divided proportionately and billed by the City Recorder to each of the benefited property owners on a regular basis as established by the Council. A property owner's share of street lighting costs shall be stated separately and included in the City's bill for sewer and/or water utilities if such owner is a City utility customer.

Section 6: The Council may, at its option, terminate without liability City utility services to any property whose owner has failed to pay a street lighting bill when due.

Section 7: The Council may, on its own motion, request of and make a Contract with the Company for street lighting service for any area of the City and notwithstanding the fact that the property owners or residents of that area have not requested such service. In such cases, the City's street lighting costs for those areas shall be paid as a general expense of the City with funds which are allocated for that purpose.

Section 8: The City Recorder shall establish and maintain a "STREET LIGHTING FUND" for deposit of the City's receipts from street lighting bills and for payment of the City's bill to the Company. The City's administrative costs for all street lighting

projects shall be calculated and an accounting made before the close of each fiscal year and more often if required by the Council; and after each accounting, the City Recorder shall transfer from the "STREET LIGHTING FUND" to the City's GENERAL FUND the City's administrative costs incurred during such accounting period for all street lighting projects. Any surplus remaining in the "STREET LIGHTING FUND" at the close of each fiscal year shall be transferred to any City Fund or account as determined by the Council and to be used at such times and for such purposes as the Council may direct.

Passed on first reading of the Wilsonville City Council at a regular meeting thereof held on the 11 day of February, 1974; ordered posted in three (3) public and conspicuous places in the City of Wilsonville for a period of five (5) consecutive days as required by the Wilsonville City Charter; and to come up for final reading and action of the Council at a regular meeting thereof to be held on the 25 day of February, 1974, at the hour of 8:00 o'clock p.m. at the Wilsonville City Hall.

  
PHILLIP R. BALSIGER - Mayor

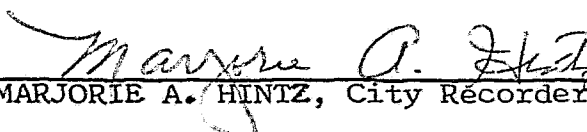
ATTEST:

  
MARJORIE A. HINTZ, City Recorder

Passed on final reading at a regular meeting of the Wilsonville City Council this 25 day of February, 1974, by the following vote: Yeas 4. Nays 0, and approved by the Mayor this 25<sup>th</sup> day of February, 1974.

  
PHILLIP R. BALSIGER - Mayor

ATTEST:

  
MARJORIE A. HINTZ, City Recorder