

AFFIDAVIT OF POSTING

ORDINANCE #190

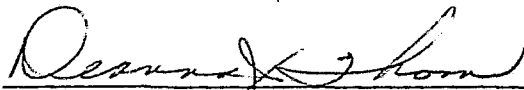
STATE OF OREGON            )  
                                  )  
COUNTIES OF CLACKAMAS    )  
          AND WASHINGTON     )  
CITY OF WILSONVILLE     )

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


On the 12th day of August, 1981, I caused to be posted copies of the attached Ordinance #190, an ordinance spreading and levying assessments on property benefited for the cost of constructing and installing sanitary sewer improvements in Boeckman Creek Sewer Improvement District (LID #3) and Directing the Recorder to give notice of final assessment and enter a statement thereof in the docket of City liens as required by Ordinance No. 70, in the following four public and conspicuous places of the City, to wit:

- WILSONVILLE POST OFFICE
- WILSONVILLE CITY HALL
- 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 17th day of August, 1981.

  
\_\_\_\_\_  
DEANNA J. THOM, City Recorder

Subscribed and sworn to before me this 31st day of August, 1981.

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

My commission expires: August 23, 1985

ORDINANCE NO. 190

AN ORDINANCE SPREADING AND LEVYING ASSESSMENTS ON PROPERTY BENEFITED FOR THE COST OF CONSTRUCTING AND INSTALLING SANITARY SEWER IMPROVEMENTS IN BOECKMAN CREEK SEWER IMPROVEMENT DISTRICT (LID #3) AND DIRECTING THE RECORDER TO GIVE NOTICE OF FINAL ASSESSMENT AND ENTER A STATEMENT THEREOF IN THE DOCKET OF CITY LIENS AS REQUIRED BY ORDINANCE NO. 70.

WHEREAS, the Wilsonville City Council has heretofore by Resolution No. CXV (115), adopted April 25, 1979, declared its intention to layout, construct and improve sanitary sewer improvements within that area of the City previously designated as Boeckman Creek Sewer Improvement District (LID #3) and as more particularly described in Engineering Report of Westech Engineering, Inc., dated March 19, 1979, as amended and which is on file in the office of the City Recorder; and

WHEREAS, the meeting of the Council was held at the time and place fixed in said Resolution for the purpose of considering any protests and at that time there were no protests but unanimous approval of the proposed improvement; and

WHEREAS, adjoining property owner, Ms. Marguerite Kolbe, appeared at said meeting and requested in person and by attorney, Marlene A. Young Rifai, that her property be included in the district and agreed to pay her fair share of the assessment rate and 100 percent of the cost of the sewer lateral to serve her property; and

WHEREAS, the City Council adopted Resolution No. 119, "DECLARING INTENTIONS TO PROCEED WITH THE CONSTRUCTION OF THE SANITARY

SEWER IMPROVEMENTS IN BOECKMAN CREEK SEWER IMPROVEMENT DISTRICT (LID #3); AMENDING AND ADOPTING, AS AMENDED, THE ENGINEER'S REPORT; AND DIRECTING THE PREPARATION OF DETAILED PLANS, SPECIFICATIONS AND COST ESTIMATES," said amendment to include in the improvement district the property of Ms. Kolbe for sewer services and for assessment of her property's fair share and 100 percent of the cost of the sewer lateral to serve her property. Said Council action was taken by its Resolution No. CXIX (119) on May 21, 1979, which also fixed a time and place for further hearings and protests against the construction of said improvement and the assessment thereof as aforesaid; and

WHEREAS, a meeting of the Council was held at the time and place fixed in said Resolution No. CXIX (119) and by Resolution No. CXXIV (124), adopted July 10, 1979, final plans and specifications for said project were provided for the method of construction and directed the City Recorder to advertise for bids. Such action was taken upon the unanimous consent and approval of all owners of the property to be assessed therefor and benefited thereby; and

WHEREAS, the City of Wilsonville did receive, as grantee, certain permanent right-of-way easements from individual property owners Austin D. and Juanita Lyons and James R. and Kathy L. Farrell for the purposes of the sewer line construction, said property owners being within LID #3 and said easement being negotiated by the owners of the remaining property ownerships within LID #3 on their behalf and their assigns in which said remaining property owners

agreed to participate in having their properties additionally assessed upon a pro-rata formula for that portion of property assessment that would otherwise have been assessed to the Lyons' and Farrells' property. The pro-rata formula is based on the total acreage that the property owner owned within LID #3, divided by the total property involved in LID #3 less the acreage of the Lyons and Farrells, times the total assessment that would have otherwise been assessed the Lyons' and Farrells' property. This pro-rata assessment was and is to be added to the assessment that the property owners in LID #3 would otherwise be assessed; and

WHEREAS, the Board of Viewers, pursuant to City of Wilsonville Ordinance No. 70, did attempt to assess the benefit of property owners and did make certain recommendations to the City Council of the City of Wilsonville, sitting as the Board of Equalization; and

WHEREAS, the City of Wilsonville, at a regular scheduled City Council meeting on Monday, July 6, 1981, did sit as a Board of Equalization to review the assessments for Boeckman Creek Sewer Improvement District (LID #3), and did continue said meeting to its regular City Council meeting of Monday, July 20, 1981, to further consider the assessments for said LID #3 and having determined that construction of the project is completed, the cost of said improvement has been hereby determined to be the sum of \$395,750.28 which has been equalized by the Board of Equalization appointed by the Council and that the preliminary

assessment roll as equalized for assessment has been presented to the Council and can now be levied and read as a final assessment roll;

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

1. The final preassessment roll is equalized by the Board of Equalization and further there having been determined by the Board of Equalization that said project has been constructed and, therefore, the final preassessment roll can be concluded to be a final assessment roll, it is hereby approved by the Council and adopted by the Council as a final assessment roll for this improvement project.

2. The proportionate share of the costs of construction of said improvements for each parcel of property adjacent to said improvement and benefited thereby, is the amount set opposite the description below of each piece or parcel of land.

3. Each piece or parcel of land will be benefited by the construction of said improvement to the full extent of that amount shown below as the total assessment of such piece or parcel; and the respective amounts represent the proportional benefits of said improvement to the respective parcels of property.

4. Each of the parcels of property described below is hereby assessed the amount set opposite each respective description for the cost of the construction of said improvement.

5. The City Council/Board of Equalization for the City of Wilsonville hereby determines, sets out and makes the following assessments for Boeckman Creek Sewer Improvement District (LID #3):

a. Costs.

Construction Costs	\$ 310,499.50
Engineering	31,931.71
Legal	1,365.00
Interest First Interstate Bank through 10/19/81 (per diem - \$63.69)	37,929.09
Administrative Costs	15,524.98
Less Deposit	1,500.00
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TOTAL:	<u>\$ 395,750.28</u>

b. Assessment Formula.

All property owners shall pay for the total costs of the improvement, less an amount for the lateral line constructed on the property commonly known as the Kolbe property, as a percentage in terms of acreage that their lands bear to the total acreage benefited by the property as further set forth in the Westech Engineering Report dated March 1979, together with the pro-rata share as described above for the Lyons and Farrell property. This shall be designated the first tier of assessment. There shall be a second tier of assessment on that property known as the Kolbe property for the lateral sewer line in the amount of \$12,439.35, said costs to be borne by the assignee in ownership of said property, namely Nike, Inc.

c. Assessment of Property Benefited:

1. Assessment No. 1

Robert Randall Co.

Tax Lot 1900 in NE 1/4, Section 13

Tier 1 at 10.23%

\$ 39,212.70

2. Assessment No. 2

Robert Randall Co.

Tax Lot 2601 in NE 1/4, Section 13

Tier 1 at 5.09%

\$ 19,510.53

3. Assessment No. 3

Robert Randall Co.

Tax Lot 2602 in NE 1/4, Section 13

Tier 1 at .38% \$ 1,456.58

4. Assessment No. 4

Robert Randall Co.

Tax Lot 2701 in NE 1/4, Section 13

Tier 1 at .72% \$ 2,759.84

5. Assessment No. 5

Robert Randall Co. (Gesellschaft  
Subdivision)

Tax Lot 1800 in NE 1/4, Section 13

Tier 1 at 12.85% \$ 49,255.45

6. Assessment No. 6

Robert Randall Co. (Gesellschaft  
Subdivision)

Tax Lot 1801 in NE 1/4, Section 13

Tier 1 at 9.98% \$ 38,254.44

7. Assessment No. 7

Robert Randall Co. (Tolovana Sub-  
division)

Tax Lot 300

Tier 1 at 23.73% \$ 90,959.68

8. Assessment No. 8

Pete Olson and Stuart Lindquist

Tax Lot 2600 in SE 1/4, SW 1/4,  
Section 13

Tier 1 at 6.34% \$ 24,301.91

9. Assessment No. 9

Pete Olson and Stuart Lindquist

Tax Lot 2700 in SE 1/4, SW 1/4,  
Section 13

Tier 1 at 7.09% \$ 27,176.74

10. Assessment No. 10

Pete Olson and Stuart Lindquist

Tax Lot 3100 in SE 1/4, SW 1/4,  
Section 13

Tier 1 at 1.31% \$ 5,021.38

11. Assessment No. 11

B & B Development Co.  
(Boeckman Creek Condos)

Tax Lot 2703 in SE 1/4, SW 1/4,  
Section 13

Tier 1 at 1.50% \$ 5,749.66

12. Assessment No. 12

Nike, Inc.

Tax Lot 1101 in Section 24

Tier 1 at 5.82% \$ 22,308.70

13. Assessment No. 13

Nike, Inc.

Tax Lot 1191 in Section 24

Tier 1 at 13.30% \$ 50,980.35  
Tier 2 at 100% \$ 12,439.35

\$ 63,419.70



14. Assessment No. 14

Weselyan Church

Tax Lot 2900 in SE 1/4, SW 1/4,  
Section 13

Tier 1 at .02% \$ 76.67

15. Assessment No. 15

Weselyan Church

Tax Lot 3000 in SE 1/4, SW 1/4,  
Section 13

Tier 1 at .86% \$ 3,296.47

16. Assessment No. 16

City of Wilsonville

Tax Lot 2702 in SE 1/4, SW 1/4,  
Section 13

Tier 1 at .34% \$ 1,303.26

17. Assessment No. 17

City of Wilsonville

Tax Lot 3103 in SE 1/4, SW 1/4,  
Section 13

Tier 1 at .21% \$ 804.95

18. Assessment No. 18

Marguerite Kolbe

Tax Lot 1100 in Section 24

Tier 1 at .23% \$ 881.62

TOTAL ASSESSMENTS:

\$395,750.28

6. The City Recorder of the City of Wilsonville is hereby directed to send notice of assessment by registered or certified

mail to all owners of the property now assessed, in accordance with the requirements of Section 10 of Ordinance No. 70; and enter in the Docket of City Liens a statement of the amounts assessed upon each of the above-described parcels of land, together with a description of the improvements, the name of the owners and the date of this assessment ordinance, as required by Section 15 of Ordinance No. 70. The assessed amount shall be payable over a term of 10 years in 20 equal semi-annual payments at a rate of 11.5 percent interest per annum on the unpaid balance. Notice of these final assessments shall be published in the Wilsonville Times, once a week for two consecutive weeks.

Submitted to the Council and read the first time at a regular meeting thereof on the 3rd day of August, 1981, and scheduled for a second reading at a regular meeting of the City Council on the 17th day of August, 1981, commencing at the hour of 7:30 o'clock, P.M., at the Wilsonville City Hall.

Deanna J. Thom  
Deanna J. Thom, City Recorder

ENACTED by the Council on the 17<sup>th</sup> day of August, 1981,  
by the following votes: YEAS 4 NAYS 0

Deanna J. Thom  
Deanna J. Thom, City Recorder

DATED AND SIGNED by the Mayor this 27<sup>th</sup> day of August, 1981.

William G. Lowrie  
William G. Lowrie, Mayor