

RESOLUTION NO. 37-2000

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SETTING FEES FOR APPLICATION: PROPERTY VALUE REDUCTION CLAIMS. RESOLUTION #35-2000, ADOPTED BY COUNCIL ON DECEMBER 5, 2000, ESTABLISHING AN INTERIM FEE FOR PROPERTY REDUCTION CLAIMS IS HEREBY REPEALED

WHEREAS, Ballot Measure 7 from the November 2000 election would amend the Oregon Constitution to allow claims for reduction in property value as a result of regulations that restrict the use of property causing a reduction in property value;

WHEREAS, an injunction has been issued that at least temporarily prevents Ballot Measure 7 from taking effect;

WHEREAS, The City of Milwaukie has created a process to administer a process for property owners to make claims of property value reduction in Municipal Code Section 1.20 should Measure 7 take effect;

WHEREAS, The City Council has the authority to establish application fees by resolution; and

WHEREAS, The City Council determines that the fees imposed by this resolution are not taxes subject to the property tax limitations of Article XI, Section 11(b) of the Oregon Constitution.

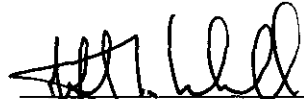
NOW, THEREFORE, BE IT RESOLVED that the following fee is to be effective immediately, provided nothing in this resolution creates a right to file a claim for reduction in property value:

1. Property Value Reduction Claims-----\$1,500

2. In the event that the City Manager determines that the actual costs incurred by the City associated with the processing of the application (including attorney and appraisal costs) are likely to exceed \$1,500, the City Manager shall require a deposit in an amount the City Manager determines to be necessary to cover the City's anticipated costs. The deposit is a part of the total fee and the fee will not be considered to be paid until the deposit is received. If a deposit is made, after completion of the project, the City Manager will determine whether any or all of the fee shall be refunded. The entire deposit shall be refunded if the City pays compensation. If the amount of the base fee and deposit exceed the cost to the City in processing the application, any unused portion of the deposit shall be refunded.

3. Resolution #35-2000, adopted by Council on December 5 2000, establishing an interim fee for property reduction claims is hereby repealed.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on December 19, 2000.



Carolyn Tomei, Mayor

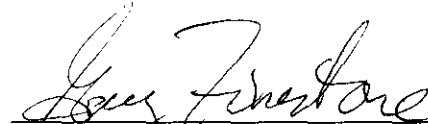
ATTEST:

APPROVED AS TO FORM:

Ramis, Crew, Corrigan & Bachrach, LLP

Pat DuVal

Pat DuVal, City Recorder



City Attorney