

ORDINANCE NO. 11-1001

AN ORDINANCE OF THE CITY OF OREGON CITY CREATING THE DOWNTOWN ECONOMIC IMPROVEMENT DISTRICT

WHEREAS, making public improvements in the downtown commercial area increases property owner opportunity to generate revenue, increases the value of properties within the economic improvement district boundaries, increases the economic return realized by businesses within the economic improvement district boundary, supports special programs to improve downtown, and encourages other businesses to be attracted to the downtown area; and

WHEREAS, pursuant to its home rule authority the City Commission is authorized to create a downtown economic improvement district to provide for business recruitment, marketing and promoting activities, economic development programs, streetscape improvement projects, and district management; and

WHEREAS, the City Commission proposes to adopt an assessment on the person using real property in the district to conduct business or generate income from other than single-family residential uses; and

WHEREAS, the City Commission desires to create the downtown economic improvement district to enhance economic opportunities in this area by partially offsetting the cost of marketing, promoting as well as beautifying, downtown Oregon City; and

WHEREAS, the City Commission mailed notice to affected property owners on December 30th, 2010, thirty (30) days prior to the public hearing on February 2, 2011 notifying affected property owners of its intent to create a downtown economic improvement district.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The City Commission hereby creates the Downtown Economic Improvement District ("EID") pursuant to the City's home rule authority for the purposes of funding the following economic improvement projects and taking actions necessary to create those projects:

1. Economic development programs focused on business and developer recruitment which may include, but are not limited to, advertising campaigns, direct marketing and support of programs like the Blue Collar Creative business recruitment campaign.
2. Marketing and promotions focused on the downtown marketplace which may include, but are not limited to, organizing special events, and promoting projects that highlight the downtown marketplace and public events.
3. Infrastructure improvement projects within the EID for downtown streetscape enhancements that may include, but are not limited to, installation of tree lights, bicycle racks, and public art.

4. Downtown program operations and management activities that may include, but are not limited to, grant writing, publicity, advocacy, project management, rent for office space, office expenses, and salaries.

Section 2. The City Commission estimates that the probable revenue derived under this ordinance is approximately \$99,000 per year and the estimated cost of the projects outlined in Section 1 are \$200,000 - \$225,000 per year.

Section 3. The City is hereby authorized to impose an annual assessment on each tax lot in the EID except tax lots exempted for the year of the assessment by Section 3(5) or 3(6) of this ordinance, in an amount that is equal to the lesser of: \$1,950 or one percent (1%) of the assessed value of the tax lot. Assessed value shall be based on the most recent information available from the county tax assessor.

1. The assessment shall be paid by the Primary Business User of each tax lot in the EID, as defined in Section 3(4) of this ordinance.
2. The assessment shall be imposed on a calendar year basis.
3. The assessments may cover only a portion of the economic improvements within the EID.
4. The "Primary Business User" of a tax lot in the EID shall mean:
 - a. the record owner of each tax lot in the EID, if the record owner of the tax lot uses that tax lot to conduct business or generate income, or makes that tax lot available to another to conduct business or generate income at any time during the calendar year. If more than one person is the record owner of a tax lot, all record owners shall be jointly and severally liable for the assessment; or
 - b. the person or persons designated in writing by the record owner or owners of a tax lot if the person or persons designated are reasonably acceptable to the City and agree to such designation in writing to the City.
5. No EID assessment shall be owed in connection with real property in the EID unless that real property is used by the fee owner or another to conduct business or generate income during the calendar year. A fee owner of real property in the EID may obtain an annual exemption by demonstrating to the City that the property has not been and will not be used to conduct business or generate income during the calendar year. If a property is unused at the date of the annual EID assessment and is thereafter used to conduct business or generate income or changes from an exempt to non-exempt use, the annual EID assessment will be levied on a prorated basis.
6. No EID assessment shall be owed in connection with real property in the EID for any portion of a year that the property is used for single-family residential or governmental purposes.

Section 4. All downtown EID assessments shall be used exclusively for the purposes set forth in Section 1 of this ordinance, and not for any other purpose.

Section 5. The boundaries of the downtown EID shall be as described below and shown in the graphic attached hereto as Exhibit "A":

- Main Street from 5th Street to 15th Street.
- Washington Street from 13th Street to 15th Street.
- Numbered side streets between the waterfront and the bluff and numbered side streets between Main Street and Washington Street (13th to 15th).

In the event of a conflict between the map and this written description, the map attached hereto as Exhibit "A" shall prevail.

Section 6. Assessments for the EID shall be made for a period of four (4) years from the effective date of this ordinance.

Section 7. The City will invoice the Primary Business User of each tax lot in the EID for the EID assessments annually. The person who is the Primary Business User of a tax lot in the EID on the date of the invoice shall be primarily liable for the EID assessment on that tax lot. However, if an EID assessment is not paid when due, subsequent Primary Business Users of a tax lot with an overdue EID assessment shall be liable for the unpaid amount of the EID assessment plus late penalties and interest.

Section 8. At its discretion, the City may pursue enforcement for non-compliance through fines, refusal to issue a business license or other city permits, through a court-ordered judgment, or any other legal remedy.

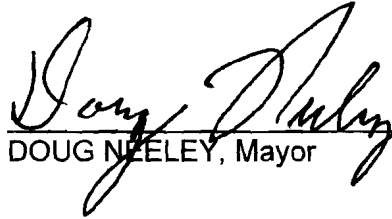
Section 9. The City will not take this ordinance to its second reading if written objections are received at the public hearing held by the City regarding the EID from record owners of property having an assessed value equal to more than 33 percent of the total assessed value of the property within the EID subject to assessment under this ordinance. Assessed value shall be based on the latest information available from the tax assessor.

Section 10. The City Commission may appoint Main Street Oregon City as the advisory committee to the City Commission for the expenditure of funds assessed and collected from this economic improvement district; and Main Street Oregon City and the City of Oregon City may enter into an agreement wherein Main Street Oregon City provides the services to accomplish the goals and objectives of the proposed EID. The agreement between Oregon City and Main Street Oregon City shall be approved by the City Commission and ratified by the Board of Main Street Oregon City.

Section 11. The City Commission grants the City Manager or designee of the Manager rulemaking power to invoice and collect assessments under Section 7, to determine due dates for assessment payments, to determine the amount of any late fees and penalties for overdue assessments, and to establish other rules to provide for the day-to-day operations of this ordinance.

Section 12. This ordinance requires a second reading and will not become effective until 30 days from the date of passage.

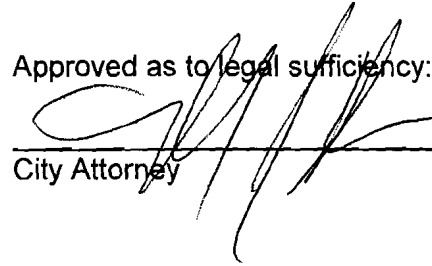
Read for the first time at a regular meeting of the City Commission held on the 2nd day of February 2011, and the City Commission finally enacted the foregoing ordinance this 16th day of March 2011.


DOUG NEELEY, Mayor

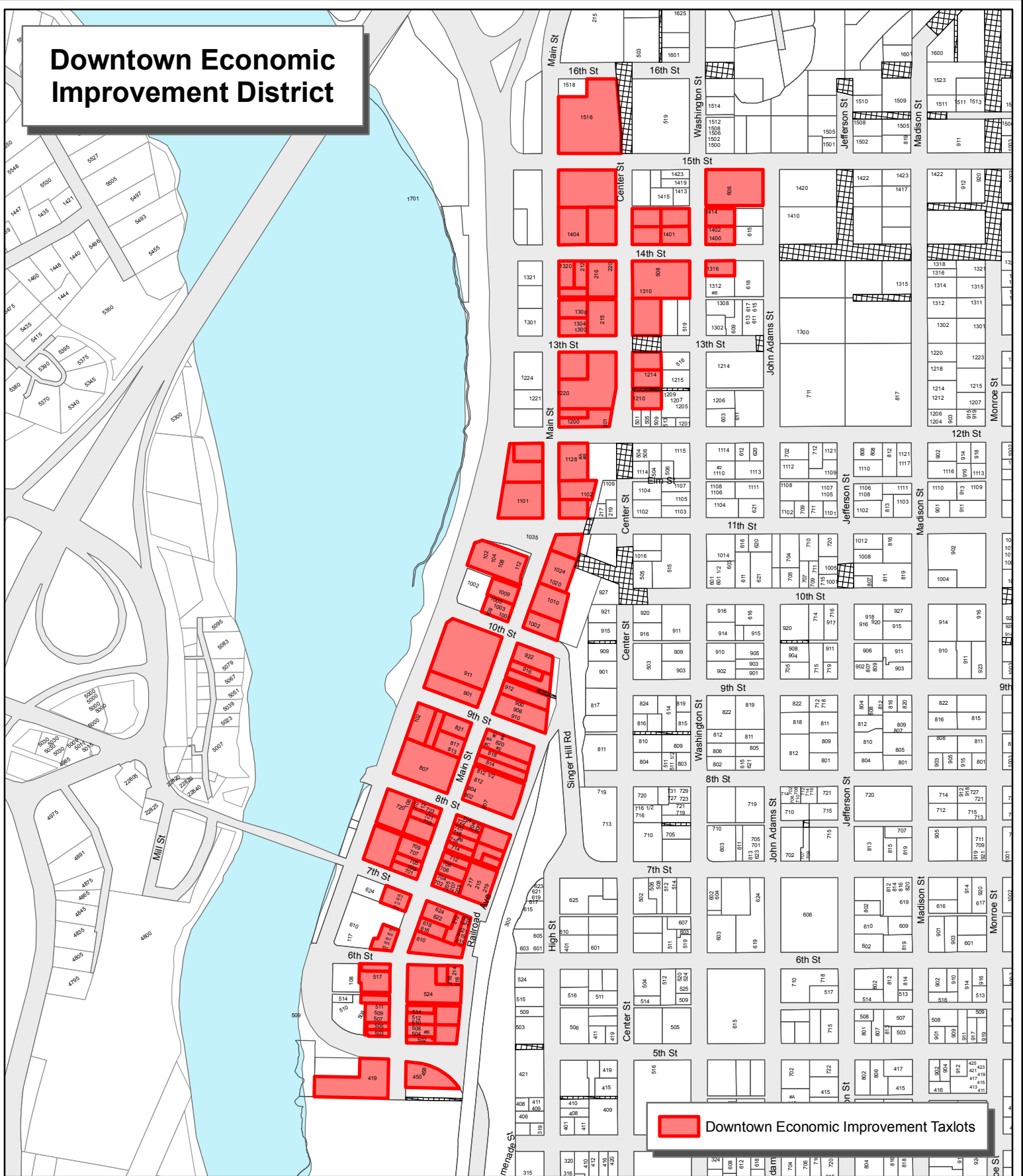
Attested to this 16th day of March 2011



Nancy Ide, City Recorder

Approved as to legal sufficiency:


City Attorney

Downtown Economic Improvement District



 Downtown Economic Improvement Taxlots

The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, or surveying purposes. Notification of any errors is appreciated.



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City of Oregon City
P.O. Box 3040
625 Center St
Oregon City, OR 97045
503-657-0891 phone
503-657-6629 fax
www.orcity.org



Please recycle with colored office grade paper.

Plot date: December 29, 2010
Plot name: Downtown Economic Improvement District Map - 8_5x11P - 20101229.pdf
Map name: Downtown Economic Improvement District Map - 8_5x11P.mxd