



CITY OF CLACKAMAS CITY
INCORPORATED 1934

FOR AGENDA
DATED

June 1, 1988

COMMISSION REPORT

Page 1 of 1

TO THE HONORABLE MAYOR AND COMMISSIONERS

Subject: Proposed Withdrawal of City-Annexed Properties from Clairmont and Park Place Water Districts - Public Hearing - Continued from May 4, 1988 Meeting

Report No. 88-98

If Approved, Proposed Ordinance No. 88-1006, An Ordinance Withdrawing Real Property from Clairmont and Park Place Water Districts in the County of Clackamas and State of Oregon.

The City Commission continued the public hearing on the proposed withdrawal from the May 4 meeting to the June 1 meeting, and directed staff to notify each property owner by letter. 120 property owners were notified (copy attached); most of those were already using City water and the withdrawal would be of no effect.

Several phone calls were received from property owners notified asking about the effect of withdrawal. They were advised that the withdrawal would bring the City into consistency with recent Attorney General opinion; that the effective date of withdrawal would be July 1, 1989; that if they were not already on City water the City would be providing water service and would reconnect the existing service at no charge to the property owner; and that if the City did not provide service by the effective date of the withdrawal the City would enter into agreement with the water district involved for continued service.

It is recommended that the City Commission approve the withdrawal and have first and second readings of the enabling ordinance. Attached is proposed Ordinance No. 88-1006 which declares and proclaims the withdrawal of the properties from the Clairmont and Park Place Water Districts.

Notice of proposed Ordinance No. 88-1006 has been posted at City Hall, 320 Warner Milne Road; Courthouse, 807 Main Street; and, Senior Center, 615 5th Street, by direction of the City Recorder. If first reading is approved, second reading should be called and approved for final enactment to become effective June 30, 1988.


THOMAS FENDER III
City Manager

afh
Attach.

cc: Development Services Director
Financial Services Director



CITY OF OREGON CITY

Incorporated 1844

PUBLIC WORKS DEPARTMENT
320 Warner Mine Road
Oregon City, OR 97045-1046
503-657-0491

May 18, 1988

Interested Property Owners
Clairmont and Park Place Water Districts
Clackamas County, Oregon

Subject: Withdrawal of Real Property from the Clairmont and Park
Place Water Districts

Dear Property Owner:

The City of Oregon City is proposing to withdraw several City-annexed properties from the Clairmont and Park Place Water Districts. These properties were annexed to the City some time ago, but were not withdrawn from either water district at the time. There are 24 such annexations involved dating back to 1977. These annexations now represent 120 different property owners. Since the City provides water service to most of these properties, the withdrawal is mainly a housekeeping item to straighten out the service district boundaries.

The City Commission provided notice of this action as required by Oregon Statute and held a public hearing May 4, 1988. The City Commission wanted to make sure that affected property owners were notified and continued the public hearing to allow City staff the opportunity to notify each property owner by letter. This letter and accompanying notice is being sent to all properties involved to meet the Commission's special notice request.

You are invited to attend the continued hearing on the withdrawal set for 8:00 p.m., Wednesday, June 1, 1988, in the Commission meeting room at City Hall.

Sincerely,

JOHN G. BLOCK
Development Services Director

JGB:aeb
Enclosure

cc: City Commission
Thomas Fender III, City Manager

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that pursuant to ORS 222.520 and 222.524, previously annexed properties to the City of Oregon City shall be withdrawn from the Clairmont and Park Place Water Districts, Clackamas County, Oregon, as follows:

BOUNDARY COMMISSION FINAL ORDER NO.

DATE

STREET

WATER DISTRICT

1045	04/06/77	Beavercreek Rd	Clairmont
1414	05/03/79	Warner-Parrott Rd	Clairmont
1471	09/27/79	Warner Milne Rd	Clairmont
1680	03/20/81	Molalla Ave	Clairmont
1732	09/04/81	Molalla Ave	Clairmont
1746	08/24/81	Josephine St	Clairmont
1750	10/02/81	Leland Rd	Clairmont
1651	10/09/81	Beavercreek Rd	Clairmont
1791	02/19/82	Gaffney Ln	Clairmont
1792	02/19/82	Beavercreek Rd	Clairmont
1793	04/07/82	Central Point Rd	Clairmont
1832	06/23/82	Beavercreek Rd	Clairmont
1938	09/28/83	Beavercreek Rd	Clairmont
2026	09/20/84	Meyers Rd	Clairmont
2027	09/20/84	Beavercreek Rd	Clairmont
2044	11/15/84	Molalla Ave	Clairmont
2156	10/17/85	Falcon Dr	Clairmont
2186	01/09/86	Agnes St	Park Place
2336	01/15/87	Holcomb Road	Park Place
2404	07/21/87	Molalla Ave	Clairmont
2442	10/22/87	So. Canyon Ridge Cir	Clairmont
2464	01/14/87	Molalla Ave.	Clairmont
2486	05/18/88	So. End Road	Clairmont
2506	05/18/88	Pope Lane	Park Place

NOTICE IS FURTHER GIVEN that the City Commission of Oregon City, Oregon has fixed the hour of 8:00 o'clock P.M. on Wednesday, June 1, 1988, in the Commission meeting room in the City Hall, 320 Warner Milne Road, Oregon City, Oregon, as the time and place for the hearing of any and all objections concerning said withdrawals which may theretofore have been filed in writing with the City Recorder of Oregon City, and at said time and place the City Commission will consider any such objections thereto.

N O T I C E

NOTICE IS HEREBY GIVEN that Proposed ORDINANCE NO. 88-1006, of the City of Oregon City, Clackamas County, Oregon, is available for public inspection at the office of the City Recorder, 320 Warner Milne Road, Oregon City, Oregon.

Said Ordinance will be considered by the City Commission at its meeting on the 1st day of June, 1988, at the hour of 8:00 o'clock p.m. The title of said Ordinance is as follows:

AN ORDINANCE WITHDRAWING REAL PROPERTY FROM CLAIRMONT AND PARK PLACE WATER DISTRICTS IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON.

POSTED this 25TH day of May, 1988, by direction of the Acting City Recorder. Places of posting are as follows:

1. City Hall, 320 Warner Milne Road, Oregon City, Oregon.
2. Courthouse, 807 Main Street, Oregon City, Oregon.
3. Senior Center, 615 - 5th Street, Oregon City, Oregon.

ANN E. BRUNSON, Acting City Recorder

DO NOT REMOVE PRIOR TO JUNE 1, 1988

ORDINANCE NO. 88-1006

AN ORDINANCE WITHDRAWING REAL PROPERTY FROM CLAIRMONT AND PARK PLACE WATER DISTRICTS IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, AS HEREIN MORE SPECIFICALLY DESCRIBED.

OREGON CITY DOES ORDAIN AS FOLLOWS:

The City Commission of Oregon City, Oregon, having heretofore by Resolution No. 88-12 duly adopted and approved on the 6th day of April, 1988, fixing Wednesday, May 4, 1988, at the hour of 8:00 o'clock p.m., as the time and date for public hearing. On that date, the City Commission continued the public hearing to Wednesday, June 1, 1988 at the hour of 8:00 o'clock p.m. on the question of the withdrawal of the property hereinafter described from Clairmont and Park Place Water Districts, Clackamas County, Oregon, and all required notices relating to such hearing having heretofore been published and posted as required by the provisions of ORS 222.520 and 222.524, and the public hearing having been held by the City Commission of Oregon City pursuant to such notices;

IT IS HEREBY DECLARED AND PROCLAIMED that the following described territory to-wit:

Property described in Final Orders of Portland Metropolitan Boundary Commission numbered and dated as follows:

BOUNDARY
COMMISSION
FINAL
ORDER NO.

DATE

STREET

WATER
DISTRICT

1045	04/06/77	Beavercreek Rd	Clairmont
1414	05/03/79	Warner-Patrott Rd	Clairmont
1471	09/27/79	Warner Milne Rd	Clairmont
1680	03/20/81	Molalla Ave	Clairmont
1732	09/04/81	Molalla Ave	Clairmont
1746	08/24/81	Josephine St	Clairmont
1750	10/02/81	Leland Rd	Clairmont
1651	10/09/81	Beavercreek Rd	Clairmont
1791	02/19/82	Gaffney Ln	Clairmont
1792	02/19/82	Beavercreek Rd	Clairmont
1793	04/07/82	Central Point Rd	Clairmont
1832	06/23/82	Beavercreek Rd	Clairmont
1938	09/28/83	Beavercreek Rd	Clairmont

**BOUNDARY
COMMISSION
FINAL
ORDER NO.**

DATE

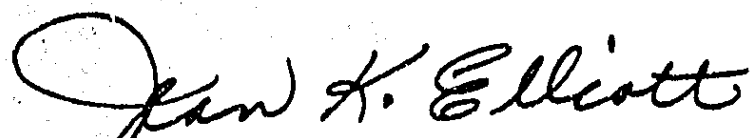
STREET

**WATER
DISTRICT**

2026	09/20/84	Meyers Rd	Clairmont
2027	09/20/84	Beavercreek Rd	Clairmont
2044	11/15/84	Molalla Ave	Clairmont
2156	10/17/85	Falcon Dr	Clairmont
2186	01/09/86	Agnes St	Park Place
2336	01/15/87	Holcomb Road	Park Place
2404	07/21/87	Molalla Ave	Clairmont
2442	10/22/87	So. Canyon Ridge Cir	Clairmont
2464	01/14/88	Molalla Avenue	Clairmont
2486	05/18/88	So. End Road	Clairmont
2506	05/18/88	Pope Lane	Park Place

being real property now within the corporate limits of Oregon City, Oregon, be and the same is hereby withdrawn from the Clairmont and Park Place Water Districts, Clackamas County, Oregon.

Read first time at a regular meeting of the City Commission held on the 1st day of June, 1988, and the foregoing was finally enacted by the City Commission this 1st day of June, 1988.


JEAN K. ELLIOTT, City Recorder

ATTESTED this 1st day of June, 1988.


KENNETH M. MITCHELL, Mayor



CITY OF OREGON CITY
INCORPORATED 1844

FOR AGENDA
DATED

June 1, 1988

COMMISSION REPORT

Page 1 of 1

TO THE HONORABLE MAYOR AND COMMISSIONERS

Subject: Transfer of Appropriations for Fiscal
Year 1987-88 - Resolution No. 88-32

Report No. 88-99

At the May 4, 1988 meeting, the City Commission directed that expenditures for needed items only be returned for City Commission consideration. Therefore, on the June 1, 1988 agenda, there is proposed Resolution No. 88-32 (copy attached) which presents changes to certain appropriations as follows:

Non-Departmental: Increase: Municipal Parking Lot construction and engineering.

Decrease: Contingency for Parking Lot.

Increase: Brush Pickup carry forward which can offset the 1988-89 tax levy.

Decrease: Brush Pickup Contingency and Election Expenses and add to carry forward for 1988-89 which can offset the 1988-89 tax levy.

Increase: To purchase current updates to the existing computer software.

Decrease: Audit expenses and word processor maintenance.

In order to make the transfer of appropriations as needed, it is necessary for the City Commission to approve a resolution. Based upon the information provided, it is recommended that Resolution No. 88-32 be approved.

THOMAS FENDER III
City Manager

jke
Attach.
cc:

Development Services Director
Financial Services Director
Budget Committee

RESOLUTION NO. 88-32

WHEREAS, ORS 294.450 provides the legal basis for transfers of appropriations within a fund, and

WHEREAS, the City Commission adopted a budget for 1987-88 and by Resolution No. 87-15 made appropriations for the current fiscal year; and

WHEREAS, the need now exists to transfer additional appropriations within the General Fund to prevent a deficit.

NOW THEREFORE BE IT RESOLVED by the City Commission of Oregon City that the Changes to Appropriations as attached and made a part hereof, be authorized.

Adopted, signed and approved this 1st day of June, 1988.


Mayor-Commissioner

Commissioner


Commissioner

Commissioner


Commissioner

Comprising the City Commission
of Oregon City, Oregon

CITY OF OREGON CITY

May 12, 1988

SCHEDULE OF APPROPRIATION TRANSFERS for 1987-88 BUDGET

DETAIL - NON-DEPARTMENTAL

Expenditures

Description	Approved Budget	Increase	Decrease	Amended Budget
City Hall Renovation	0	0		0
Parking lot lease	0	7,800		7,800
Parking lot construction	16,750	16,250		33,000
Telephone line maint.	0	0		0
Brush pickup C/F	0	5,166		5,166
Direct in dialing	0	0		0
Software	0	4,000		4,000
				0
	16,750	33,216	0	49,966

SOURCE OF FUNDS:

NON-DEPARTMENTAL:

CONTINGENCY

Brush PU Conting.

Audit Expenses

Election expenses

Wordprocessor Maint

Insurance

Insurance Ded.

Pol/Fire Ins

100,631

3,866

10,000

3,866

3,236

152,236

6,000

3,500

24,050

3,866

2,000

1,300

2,000

0

0

0

76,581

0

16,000

2,566

1,236

152,236

6,000

3,500

NET

33,216

33,216

0



CITY OF OREGON CITY
INCORPORATED 1844

FOR AGENDA
DATED

June 1, 1988

COMMISSION REPORT

Page 1 of 1

TO THE HONORABLE MAYOR AND COMMISSIONERS

**Subject: Transfer of Appropriations for Fiscal
Year 1987-88 - Resolution No. 88-33**

Report No. 88-100

At the May 4, 1988 meeting, the City Commission continued the matter of microfiling records during fiscal year 1987-88. Therefore, on the June 1, 1988 agenda, there is proposed Resolution No. 88-32 (copy attached) which presents changes to certain appropriations as follows:

Non-Departmental - Increase: To microfiche general accounting records within the Finance Department.

In order to make the transfer of appropriations as needed, it is necessary for the City Commission to approve a resolution. Based upon the information provided, it is recommended that Resolution No. 88-33 be approved.

THOMAS FENDER III
City Manager

jke
Attach.
cc:

**Financial Services Director
Budget Committee**

RESOLUTION NO. 88-33

WHEREAS, ORS 294.450 provides the legal basis for transfers of appropriations within a fund, and

WHEREAS, the City Commission adopted a budget for 1987-88 and by Resolution No. 87-15 made appropriations for the current fiscal year; and

WHEREAS, the need now exists to transfer additional appropriations within the General Fund to prevent a deficit.

NOW THEREFORE BE IT RESOLVED by the City Commission of Oregon City that the Changes to Appropriations as attached and made a part hereof, be authorized.

Adopted, signed and approved this 1st day of June, 1988.


Mayor-Commissioner


Commissioner


Commissioner

Commissioner


Commissioner

Comprising the City Commission
of Oregon City, Oregon

CITY OF OREGON CITY

May 12, 1988

SCHEDULE OF APPROPRIATION TRANSFERS for 1987-88 BUDGET

DETAIL - NON-DEPARTMENTAL

Expenditures

Description	Approved Budget	Increase	Decrease	Amended Budget
City Hall Renovation	0	0		0
Parking lot lease	0	0		0
Parking lot construction	16,250	0		16,250
Telephone line maint.	0	0		0
Brush pickup C/F	0	0		0
Direct in dialing	0	0		0
Software	0	0		0
Microfiche records	0	2,000		2,000
				0
	16,250	2,000	0	18,250
	=====	=====	=====	=====
Tabled indefinitely				

SOURCE OF FUNDS:
NON-DEPARTMENTAL:
CONTINGENCY

Insurance Ded.	6,000		2,000	4,000
Pol/Fire Ins	3,500		0	3,500
	=====	=====	=====	=====
NET		2,000	2,000	0
		=====	=====	



CITY OF OREGON CITY
INCORPORATED 1844

FOR AGENDA
DATED

June 1, 1988

COMMISSION REPORT

Page 1 of 1

TO THE HONORABLE MAYOR AND COMMISSIONERS

**Subject: Red Soils Industrial Park - Lottery
Grant Contract Requirements**

Report No. 88-101

The State of Oregon Economic Development Department has notified the City of default of the Financial Assistance Award Contract and gave the City 15 days to correct the deficiencies. As the Commission is well aware, the deficiencies relate directly to availability of the matching funds for the project. Oregon City and Clackamas County were not successful in obtaining all of the funds necessary to improve Beaver Creek Road.

The State was advised of the lack of funding in February and asked to approve an amendment to the contract that would allow Beaver Creek Road improvements to be phased in as additional funding was obtained. The amendment had broad City and County support and the State was notified that construction of the on-site improvements would start immediately and the Beaver Creek Road improvements would be started as soon as the Oregon Department of Transportation approved the project. The State Economic Development Department never formally responded to the amendment request, but in subsequent conversation said in effect that the May 6 notice denied it.

The City and County discussed the State notice, with the County staff indicating they would attempt to get the State to reverse their position and reconsider the amendment request. Since the 15 days has expired and the State has notified the City that the Justice Department is submitting a demand letter for the \$500,000 in loan funds that were advanced to the City be returned along with the accrued interest. It's recommended that the City Commission approve the return of loan funds and agree to terminate the Financial Assistance Contract.

Development Services staff will notify the County of the City Commission's actions and begin looking at other options for the improvement and sale of Red Soils.


THOMAS FENDER III
City Manager

JGB:aeb
Attach.

cc:

Development Services Director
Financial Services Director

May 6, 1988



ECONOMIC
DEVELOPMENT
DEPARTMENT

303 Cottage Street, NE
Salem, Oregon 97310, U.S.A.
Telephone: (503) 373-1200

Telex: 821481
Cable: ORECONDEV
FAX: (503) 381-3115

Thomas Fender III, City Manager
City of Oregon City
320 Warner-Milne Road
Oregon City, Oregon 97045

RE: Red Soils Industrial Park Improvements

Dear Mr. Fender:

On May 13, 1986 the state awarded the city \$1,000,000 to provide public works improvements for the Red Soils project in order to create jobs in the community. The award was based on many commitments of the City contained in the application, many of which have not been met in spite of our many letters of concern written to you. Therefore, this letter serves as written notice of default to the City of Oregon City under the Financial Assistance Award Contract between the city and the state dated July 2, 1986 and amended August 11, 1986. In particular, the city has breached the contract in the following particulars:

1. Work on the project did not commence by September 7, 1986. (Section F(7), Special Conditions of Award).
2. Work on the project did not proceed expeditiously. (Section 5(C)).
3. Plans and specifications for the project were not provided to and approved by the state. (Section 5(C)).
4. The project was not completed by March 7, 1988. (Section 5(D)).
5. The city has not received all other matching funds necessary to complete the project. (Section 5(F)).

The city has fifteen (15) days to correct the above deficiencies or it will be in breach of the contract and the state shall terminate the contract and demand repayment of the loan proceeds plus interest.

Your prompt attention to this matter would be appreciated.

Sincerely,

A handwritten signature in cursive script that reads 'Yvonne Addington'.

Yvonne Addington, Manager
Community Development Programs

YA:lh:1287T



Neil Goldschmidt
Governor



CITY OF OREGON CITY
INCORPORATED 1844

FOR AGENDA
DATED

June 1, 1988

COMMISSION REPORT

Page 1 of 1

TO THE HONORABLE MAYOR AND COMMISSIONERS

**Subject: Vacation of Unbuilt "Public Road", West
of Mt. View Cemetery - Continued Hearing
and Ordinance Adoption**

Report No. 88-102

The City Commission, at its May 4 meeting, continued the vacation hearing to consider a request by Public Storage to receive an easement for storm drainage purposes. The City's engineering staff have reviewed this request and agree that an easement should be reserved.

Since the location of the easement will not be known exactly until Public Storage completes their project design, staff is recommending that a separate easement be accepted after the design is completed. As you recall, there was a question of whether a 10 foot width would be adequate, or whether 20 foot would be needed, and whether cemetery property would be used. All of these questions can be answered after the design is completed.

The main goal of this vacation is to be able to sell the property to the adjoining developer of a proposed retirement project. Staff will make sure that before any sale of property an appropriate easement is obtained. If the City Commission approves the vacation it should have the first and second reading of the attached ordinance.

THOMAS FENDER, III
City Manager

JGB:aeb
Attach.
cc:

Development Services Director

N O T I C E

NOTICE IS HEREBY GIVEN that Proposed ORDINANCE NO. 88-1008, of the City of Oregon City, Clackamas County, Oregon, is available for public inspection at the office of the City Recorder, 320 Warner Milne Road, Oregon City, Oregon.

Said Ordinance will be considered by the City Commission at its meeting on the 1st day of June, 1988, at the hour of 8:00 o'clock p.m. The title of said Ordinance is as follows:

AN ORDINANCE VACATING AN UNBUILT "PUBLIC ROAD" WEST OF MT. VIEW CEMETERY, IN OREGON CITY, OREGON

POSTED this 25TH day of May, 1988, by direction of the Acting City Recorder. Places of posting are as follows:

1. City Hall, 320 Warner Milne Road, Oregon City, Oregon.
2. Courthouse, 807 Main Street, Oregon City, Oregon.
3. Senior Center, 615 - 5th Street, Oregon City, Oregon.

ANN E. BRUNSON, Acting City Recorder

DO NOT REMOVE PRIOR TO JUNE 1, 1988

COPY

AN ORDINANCE VACATING AN UNBUILT "PUBLIC ROAD" WEST OF MT. VIEW CEMETERY, IN OREGON CITY, OREGON.

WHEREAS, it appears to the City Commission of Oregon City, Oregon that on April 6, 1988, RESOLUTION NO. 88-13 was duly adopted initiating action on its own motion pursuant to ORS 271.080 to and including ORS 271.230, for the vacation of an unbuilt "public road" west of Mt. View Cemetery, and thereafter the City Recorder caused notice to be given by posting and publication as required by law, and the proof of said posting and publication is on file with the City Recorder, and that the matter of said vacation together with a hearing of any objections or claims to be heard and considered concerning said vacation would be heard and considered at 8:00 PM on Thursday, May 12, 1988, in the meeting room of the City Commission in the City Hall, 320 Warner Milne Road, Oregon City, Oregon, and said hearing having been held, and it appearing no objections or claims have been filed concerning said vacation, and that the said vacation is in the public interest; now, therefore,

OREGON CITY DOES ORDAIN AS FOLLOWS:

That the following described street within the corporate limits of Oregon City, Clackamas County, Oregon, to-wit:

Part of the William Holmes DLC in Section 5, Township 3 S., Range 2 E., of the W.M., in Clackamas County, Oregon, described as follows:

Beginning at the North 1/4 section corner of said Section 5; thence along the north and south center line of said Section 5, South 0° 33' West, 2,642.70 feet to an iron pipe in the Northwesternly line of Gale's Park, a recorded plat; thence along said Northwesternly line South 61° 51' West, 129.40 feet to the True Point of Beginning; thence parallel with the Northeastly line of Molalla Avenue, North 28° 09' West, 322.02 feet; thence North 61° 61' East, 50.0 feet; thence South 28° 09' East, 322.02 feet; thence South 61° 51' West, 50.0 feet to the True Point of Beginning.

be and the same is hereby vacated.

Read first time at a regular meeting of the City Commission held on the 1st day of June, 1988, and the foregoing ordinance was finally enacted by the City Commission on the 1st day of June, 1988.

Jean K. Elliott
JEAN K. ELLIOTT, City Recorder

ATTESTED this 1st day of June, 1988.

Kenneth M. Mitchell
KENNETH M. MITCHELL, Mayor



CITY OF OREGON CITY
INCORPORATED 1844

FOR AGENDA

DATED

June 1, 1988

COMMISSION REPORT

Page 1 of 1

TO THE HONORABLE MAYOR AND COMMISSIONERS

Subject: City Initiated Street Vacation - 10th & Polk Streets - Resolution Setting Public Hearing Date

Report No. 88-103

The City has been requested by a property owner on 10th and Polk Streets to consider vacating a 5 foot unbuilt alley behind his property in order to install a fence. Correspondence on that request is attached for Commission information. City engineering staff have reviewed this request and have determined that this alley is not needed for public purposes and could be vacated. Attached is a map showing the requested vacation.

Because this alley could be vacated on both sides of Polk Street, staff is recommending the City initiate the vacation process. The vacation meets the criteria the City uses in determining whether a vacation should be considered. If the City Commission agrees to consider the vacation, it should adopt the attached Resolution No. 88-34 setting the public hearing date.

THOMAS FENDER III
City Manager

JGB:aeb
Attach.
cc:

Development Services Director

RESOLUTION NO. 88-34

WHEREAS, it is the intention of the City Commission of Oregon City, Oregon, as the governing body of said incorporated City, that proceedings should be undertaken for the vacation of an unbuilt partial alley in the vicinity of 10th and Polk Streets in said City hereinafter described pursuant to ORS 271.080 to and including ORS 271.230;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Oregon City that proceedings be and hereby are initiated upon its own motion for the vacation hereinafter described. The City Recorder is hereby directed to cause notice to be given as provided by law for such vacation. Thursday, July 14, 1988, at the hour of 8:00 PM in the Commission Meeting Room at the City Hall, 320 Warner Milne Road, Oregon City, Oregon, is hereby fixed as the time and place for the hearing of any and all objections or claims concerning said vacation.

That partial alley proposed for vacation is more particularly described as follows:

Parcel I: A portion of the duly recorded plat of "Beatie Addition to Oregon City" situated in Section 32, Township 2 South, Range 2 East of the Willamette Meridian, County of Clackamas, State of Oregon, being more particularly described as follows:

Beginning at the most southerly corner of Lot 2, Block 3 of said "Beatie Addition"; thence South $35^{\circ} 30'$ West along the Northwesterly line of Taylor Street (60 feet wide) a distance of 5.00 feet to the Southwesterly line of said "Beatie Addition"; thence North $54^{\circ} 30'$ West along said Southwesterly line a distance of 210.00 feet to the Southeasterly line of Polk Street (60 feet wide); thence North $35^{\circ} 30'$ East along said Southeasterly line a distance of 5.00 feet to the most westerly corner of Lot 3 of said Block 3; thence South $54^{\circ} 30'$ East along the Southwesterly line of said Block 3 a distance of 210.00 feet to the Point of Beginning. (containing an area of 1,050 square feet, more or less)

Parcel II: A portion of the duly recorded plat of "Beatie Addition to Oregon City" situated in Section 32, Township 2 South, Range 2 East of the Willamette Meridian, County of Clackamas, State of Oregon, being more particularly described as follows:

Beginning at the most southerly corner of Lot 2, Block 4 of said "Beatie Addition"; thence South $35^{\circ} 30'$ West along the Northwesterly line of Polk Street (60 feet wide) a distance of 5.00 feet to the Southwesterly line of said "Beatie Addition"; thence North $54^{\circ} 30'$ West along said


Southwesterly line a distance of 210.00 feet to the Southeasterly line of Harrison Street (60 feet wide); thence North 35° 30' East along said Southeasterly line a distance of 5.00 feet to the most westerly corner of Lot 3 of said Block 4; thence South 54° 30' East along the Southwesterly line of said Block 4 a distance of 210.00 feet to the Point of Beginning (containing an area of 1,050 square feet, more or less).

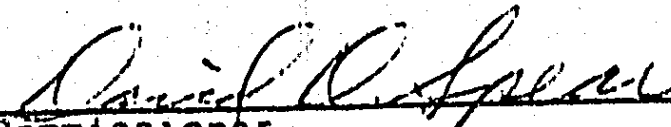
That initiating of these proceedings by the City Commission is not to be construed as an approval of the proposed vacation.

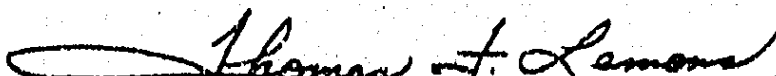
Adopted, signed and approved this ^{1st} ~~5th~~ day of ^{June} ~~April~~, 1988.


Mayor-Commissioner

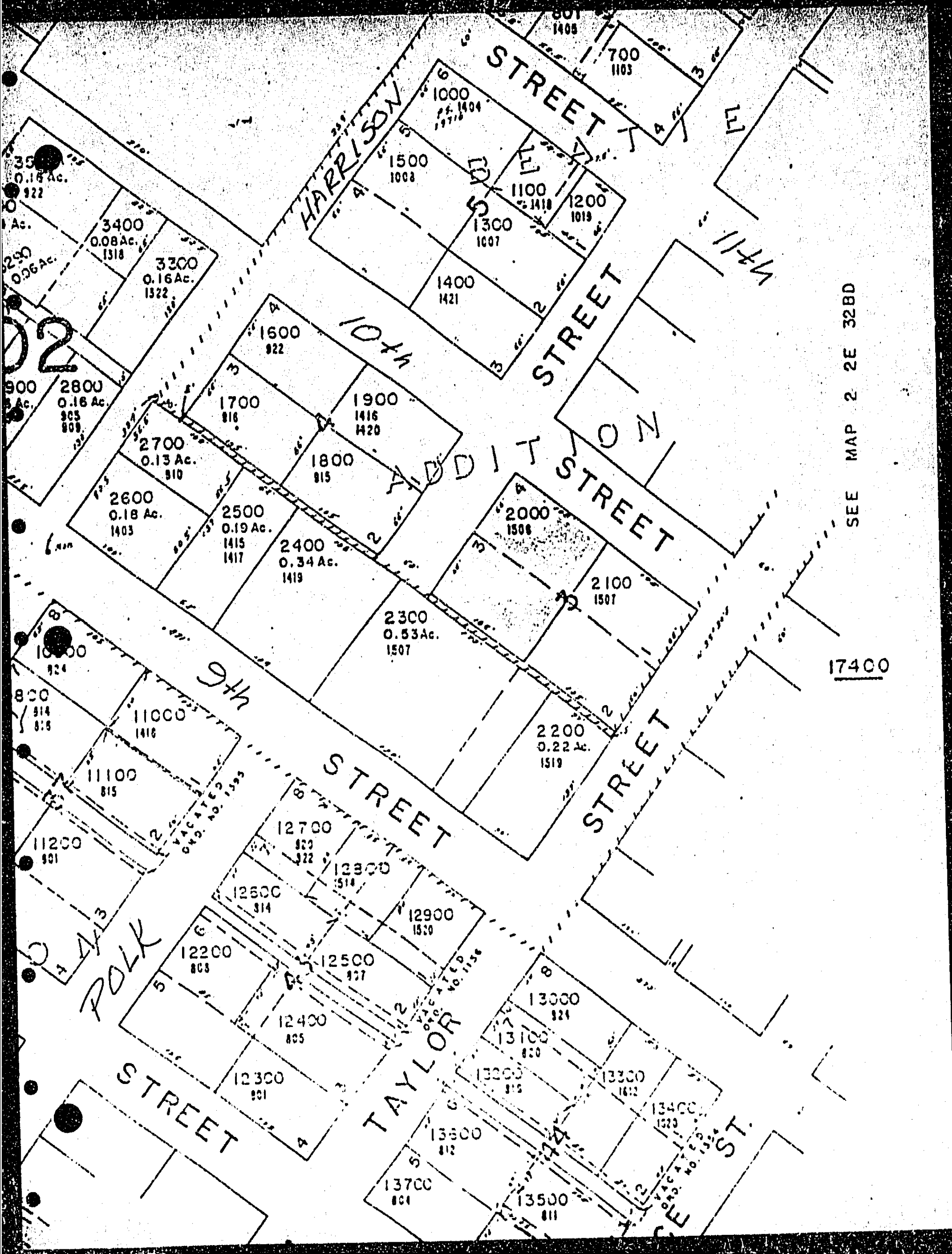

Commissioner


Commissioner


Commissioner


Commissioner

Comprising the City Commission
of Oregon City, Oregon





CITY OF OREGON CITY

Incorporated 1844

PUBLIC WORKS DEPARTMENT
320 Warner Mill Road
Oregon City, OR 97045-4046
503-677-0401

May 4, 1988

Mike Thurman
1506 Tenth Street
Oregon City, Oregon 97045

Subject: 5 Foot Alley - 1506 Tenth Street

Dear Mr. Thurman:

I have reviewed your request to vacate the 5 foot alley on your southerly property line with the Building Official and agree that this alley could be vacated. Because this alley could be vacated on both sides of Polk, the City will initiate the vacation process on its own.

Because you are wanting to install a fence in the alley area, you are authorized to do so with the understanding that, if the vacation is not approved, the City would reserve the right to remove the fence should the right-of-way be needed in the future.

You will be notified when the vacation request is placed on a City Commission agenda for consideration.

Sincerely,

JOHN G. BLOCK
Development Services Director

JGB:aeb
Attachment
cc: Building Official

CITY OF OREGON CITY RIGHT OF WAY PERMIT

PROJECT OR DEVELOPMENT	
City Contract No. _____	
Building Permit Ref. _____	
Land Division _____	
Improvement Act _____	

Drawing No(s). _____

Permission is hereby requested to encroach into public right of way to perform work as set forth below. It is understood that this application is limited to the work described herein and that all work is to be done in compliance with the provisions shown on the back of this application and with all other applicable rules, regulations and standards of the City; and that the permittee assumes full responsibility for said compliance, for acceptability of the work, and for repair or replacement thereof if defective, and for repair or replacement of any existing improvement damaged by the doing of the work.

JOB SITE: 1506 10TH STREET

	NAME		ADDRESS		PHONE
OWNER: <u>MIKE THURMAN</u>		<u>1506-10TH STREET</u>		<u>O.C.</u>	<u>657-8254</u>

CONTRACTOR: _____

Signature of applicant or agent: _____

DESCRIPTION OF WORK TO BE DONE PER THIS PERMIT:

<input type="checkbox"/> Grade Right-of-Way <input type="checkbox"/> Removals, Misc. <input type="checkbox"/> Curb and Gutter <input type="checkbox"/> Cross Gutter <input type="checkbox"/> Scandal <input type="checkbox"/> Sidewalk <input checked="" type="checkbox"/> Drive Approach <u>Res.</u> <u>Com'l.</u> <u>W</u> <input type="checkbox"/> Special Drive Approach <input type="checkbox"/> Sanitary Sewer <input type="checkbox"/> Storm Sewer <input type="checkbox"/> Manhole, TCO <input type="checkbox"/> Drainage Structure <small>*Flat bottom width (does not include wings)</small>	<input type="checkbox"/> Sewer Saddle <input type="checkbox"/> Water Main <input type="checkbox"/> Fire Hydrant <input type="checkbox"/> Water Main Connection <input type="checkbox"/> Water Meter & Service <input type="checkbox"/> A.C. Pavement NO. SIZE TYPE <input type="checkbox"/> A.C. Berm <input type="checkbox"/> Permanent Pavement Replacement <input type="checkbox"/> Pavement Cut- Trench <input type="checkbox"/> Street Light <input type="checkbox"/> Electrical Feed Point <input type="checkbox"/> Street Name Sign	<input checked="" type="checkbox"/> Warning Sign <input checked="" type="checkbox"/> Barricade <input type="checkbox"/> Parkway Tree <input type="checkbox"/> Tree Removal <input type="checkbox"/> Tree Well- Sawcut <input type="checkbox"/> Adjust Manhole <input type="checkbox"/> Adjust Water Valve <input type="checkbox"/> Compaction Test <input type="checkbox"/> Store Material in R/W <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____
--	--	---

SEWER PERMIT NUMBER: N/A

**24 HRS. ADVANCE NOTICE
MUST BE GIVEN
FOR INSPECTION**

—exclusive of Saturdays, Sundays and holidays. Forms and sub-grade must be inspected and approved before ordering Portland Cement Concrete or Asphaltic Concrete. Failure to obtain approval before proceeding with work may be cause for rejection.

SEE THE BACK OF THIS PERMIT FOR CONDITIONS AND PROVISIONS.

CONSTRUCTION WATER SHALL NOT BE TAKEN FROM A FIRE HYDRANT UNTIL A FIRE HYDRANT PERMIT HAS BEEN OBTAINED.

ISSUED BY: Ray W. Berman
(CITY ENGINEER OR AUTHORIZED REPRESENTATIVE)

DATE: MAY 4, 1988

No. 88-06

If no sidewalk exists, this area must be poured 6" thick and marked with standard score lines

Existing 4" concrete sidewalk to be replaced with 6" concrete with standard score markings

Not to be joints

Variable (10' min)

Prop. line

1'

3'

Variable

6' Sidewalk

1/4" per ft Slope

Prop. line

2" Compacted base material

SECTION A-A

NOTE:

Driveway to be constructed of 3000 P.S.I. concrete, 6" thick

APVD: <i>[Signature]</i> CITY ENGINEER	CITY OF OREGON CITY, DEPARTMENT OF PUBLIC WORKS
DR: RW/ DATE: JUNE 1985 NO. 105	WING-TYPE RESIDENTIAL DRIVEWAY



CITY OF OREGON CITY
INCORPORATED 1844

FOR AGENDA

DATED

June 1, 1988

COMMISSION REPORT

Page 1 of 1

TO THE HONORABLE MAYOR AND COMMISSIONERS

Subject: Proposed Ordinance No. 88-1007, An
Ordinance Imposing a Tax on Certain Solid
Waste Received for Processing Within the
City of Oregon City

Report No. 88-104

For the past five years, the City of Oregon City has worked diligently with the Metropolitan Service District (Metro) to see that the Clackamas Transfer & Recycling Center (CTRC) benefitted the region's citizens. By intergovernmental agreement Metro has agreed to provide protection to the residents of the City from the adverse impacts resulting from the disposal of solid waste. Unfortunately, Metro has failed to support these and other commitments to the community. Further, CTRC is managed by a private contractor who has only limited incentive to comply with the terms of the intergovernmental agreement. As a result, the City and surrounding neighborhoods continue to be burdened by adverse impacts.

Currently, Metro imposes a \$3.00/ton surcharge at CTRC which it uses at its discretion. That fee appears to be used to support Metro administrative costs. Additionally, approximately 80% of the solid waste brought into CTRC is transferred to St. John's landfill where Metro charges an additional \$1.50/ton. Of this fee, 50 cents goes to the community of St. John's to compensate for any impact to the community at large; 50 cents is allocated to landfill reclamation; and 50 cents to support additional landfill siting.

City staff is proposing that all commercial users of CTRC and any other City transfer site be taxed 50 cents/ton directly to offset the burdens of this nuisance activity. Metro staff has declined to assist the City in the collection process at this juncture. Should this posture continue, the proposed fee could be raised in order to offset administrative costs so the City bears no additional burden for abatement. Appropriate financial analyses are attached for Commission information.



CITY OF OREGON CITY
INCORPORATED 1844

FOR AGENDA
DATED
June 1, 1988

COMMISSION REPORT

Page 2 of 2

TO THE HONORABLE MAYOR AND COMMISSIONERS

Subject: Proposed Ordinance No. 88-1007, An
Ordinance Imposing a Tax on Certain
Solid Waste Received for Processing
Within the City of Oregon City

Report No. 88-104

It is recommended that Ordinance No. 88-1007 be adopted and the implementing rules be put into place as soon as possible so as to minimize any adverse impact on the hauling community. Notice of proposed Ordinance No. 88-1007 has been posted at City Hall, 320 Warner Milne Road; Courthouse, 807 Main Street; and, Senior Center, 615 5th Street, by direction of the Acting City Recorder. If first reading is approved, second reading should be called and approved for final enactment to become effective July 1, 1988.

THOMAS FENDER III
City Manager

aeb
Attach.
cc:

Finance Director
HOPP Neighborhood

CITY OF OREGON CITY
OUTLINE OF ALTERNATIVES FOR SOLID WASTE TAX (ORD 88-1007)

Costs for Collection of Solid Waste Tax

With the cooperation of Metro:

Revenue - rate of \$.50/ton \$109,000

Expenditures:

Collection fee to Metro (5%)	\$ 5,450
Administration	10,900
General Fund Property Tax Offset	75,000
Other General Fund	17,650

	109,000

Without the cooperation of Metro:

Revenue - rate of \$1/ton \$218,000

Expenditures:

Collection person (sal & pr costs)	\$ 18,000
Security person (sal & pr costs)	18,000
Administration	25,000
General Fund Property Tax Offset	75,000
Equipment	25,000
Police - overtime	5,000
Research and audit (enforcement)	25,000
Other General Fund	27,000

	218,000

With cooperation of Metro, they collect the tax at weigh-in with all other fees and keep 5% for costs. The City has only the administration of checking for exemptions and issuing licenses.

Without cooperation of Metro, information and control would most effectively be secured by a collection station at the exit from the CTCR. Considering the overall situation, the need for care and firm control of the collection process cannot be allowed to be less than 100% effective. The exact rules for payment will be formulated according to the level of funds to be received. The tax offset claims priority and only from the remainder can costs be paid. The above outlines do not detract from the provision of services as currently budgeted.

ORDINANCE NO. 88-1007

AN ORDINANCE IMPOSING A TAX ON CERTAIN SOLID WASTE RECEIVED FOR PROCESSING WITHIN THE CITY OF OREGON CITY

OREGON CITY DOES ORDAIN AS FOLLOWS:

Section 1. Definitions. The following words and their derivations shall be used:

- A. "City" means the City of Oregon City, Oregon
- B. "Director" means the Director of Finance of the City of Oregon City or the authorized agent of the Director.
- C. "Commission" means the City Commission of the City of Oregon City.
- D. "Disposal site" has the meaning set forth in ORS 459.015.
- E. "Person" has the meaning set forth in ORS 459.015.
- F. "Processing" means the delivery of waste or solid waste to a transfer station for the purpose of collection for later recycling or reuse or the transfer of such waste or solid waste to a disposal site.
- G. "Recycling" shall have the meaning set forth in ORS 459.015.
- H. "Reuse" has the meaning set forth in ORS 459.015.
- I. "Solid Waste" has the meaning set forth in ORS 459.015.
- J. "Transfer Station" has the meaning set forth in ORS 459.015.
- K. "Waste" has the meaning set forth in ORS 459.015.

Section 2. Tax Imposed; Amount; Date Due.

(A) There is hereby imposed, in addition to the taxes, fees, or charges imposed by any other public agency, a tax in the amount of fifty cents per ton, or portion thereof, of waste or solid waste transported for processing at any transfer station located within the City.

(B) Such tax shall be due and payable, by the person transporting such waste or solid waste, to the Director's office at City Hall when such waste or solid waste is transported unless an application for credit has been approved by the Director, in

which case the tax shall be due and payable within 30 days of billing therefor by the Director.

Section 3. Functions and Powers of the Director.

(A) Subject to the direction of the Commission, the Director shall be responsible for the collection of the tax provided for by this ordinance and the implementation, interpretation and enforcement thereof.

(B) The Director shall immediately upon passage propose and proceed to adopt binding rules for the administration of this ordinance. In adopting these and any further rules, the Director shall post a copy of proposed rules in the City Hall at least 10 days prior to adoption and send copies of such rules at the same time to persons requesting the same and paying a reasonable fee determined by the Director to pay for the costs of providing the same. The Director shall invite written comments to the rules and shall consider the same in the adoption of the final version of the rules. No additional notice need be given to adopt proposed rules in a modified form. The Director shall keep and make available to the public during City business hours the rules adopted under this section and currently in effect.

Section 4. Exemptions.

(A) The following persons or activities shall be exempt from the tax imposed by Section 2 of this ordinance:

1. Waste or solid waste brought by public agencies for processing at a transfer station; provided that such waste or solid waste is from the public agency's own internal operations.

2. Waste or solid waste brought for processing at a transfer station by private persons for themselves and not otherwise for compensation.

3. Waste or solid waste transported through the City of Oregon City for transfer station processing or disposal outside the City.

(B) Any other exemption shall be requested of the Director, who shall forward the request, along with the Director's recommendation thereon, to the Commission within 30 days of receipt. The Commission shall enter an order disposing of such request. The Commission shall not approve the exemption unless it determines that the same will not significantly affect the revenues due the City under this Ordinance and will encourage greater solid waste planning and management. The Director may impose a fee for the processing of such requests so that the City is compensated for the costs of such determinations.

(C) No exempt waste or solid waste shall be included with non-exempt waste or solid waste without the approval of the Director.

(D) Transportation of in excess of 1 ton in any given month of waste or solid waste without a license issued pursuant to this ordinance shall be presumed to be for compensation and shall not be exempt from the tax imposed by this ordinance unless the person transporting the same has previously received a temporary license from the Director and is able to demonstrate to the Director that such transportation for processing is otherwise exempt under this ordinance.

Section 5. License Required.

(A) It shall be unlawful to utilize the streets of the City to transport waste or solid waste for processing at a transfer station without first having a license to do so unless such utilization be for exempt transportation of solid waste.

(B) The Director shall issue a license upon application and payment of an annual fee of twenty-five dollars (\$25.00). The application shall contain information required by the Director to carry out the provisions of this ordinance and to assure payment of the tax imposed therein. All public agencies hauling their own waste shall apply for and receive a license, provided, however, that no fee shall be charged for such license.

(C) A separate license shall be required to be displayed on each vehicle used to transport waste or solid waste for processing to a transfer station located in the City. If an annual license has been issued to a person transporting such waste or solid waste, a second and succeeding license shall be issued at the rate of five dollars per license.

Section 6. Record-Keeping and Inspection.

(A) Every person liable for the collection or payment of the tax imposed by this ordinance shall keep records, render statements, make returns and otherwise comply with the rules adopted by the Director pursuant to this ordinance.

(B) Whenever it is necessary, in the judgment of the Director, to require any person utilizing a transfer station within the City to make returns, render statements, or keep records sufficient to show whether there is a tax liability under this ordinance, the Director may, by order, require such person to do so. In such case:

1. The Director shall give written notice to such person personally, by certified mail, return receipt requested to

the last address listed in the records of the Director, or by any other means reasonably calculated to give such person actual notice. The notice shall require such person within 10 days of the giving of notice to comply with this section or to request a hearing to determine whether such compliance be necessary. If no hearing be requested, the person notified shall comply within the 10 day notice period.

2. If a hearing be requested and, on conclusion of the hearing it be determined that compliance is necessary, such person shall comply with the matters contained in the notice within seven days of a written decision given upon conclusion of the hearing.

(C) The Director may inspect the books and financial records of any person transporting waste or solid waste for processing at any transfer station in the City to assure compliance with this ordinance. The Director shall not divulge any information from such inspection, except as necessary to carry out the provisions of this ordinance.

(D) No person shall prevent, hinder, or interfere with the Director in the discharge of the Director's duties in carrying out the provisions of this ordinance. It shall be the duty of every person liable for the tax imposed under this ordinance to keep accurate and complete books and records and to allow access to the same by the Director. The Director may adopt rules to provide for the form of records required to be kept under this ordinance.

Section 7. Proceeds of Tax and Other Related Revenues.

All proceeds of the taxes and other related revenues collected under this ordinance, exclusive of the costs of collection, shall be paid over to the City's General Fund.

Section 8. Agency for Collection of Tax.

(A) The Commission may enter into agreements for the collection of the tax imposed by this ordinance with any public or private person subject to applicable law.

(B) The Commission may allow such person collecting the tax on behalf of the City to retain a percentage of the tax collected.

Section 9. Collection.

(A) In addition to any other provision of this ordinance,

whenever any person fails to pay the tax imposed by this ordinance, the City Attorney may, upon request of the Director, bring or cause to be brought an action or suit to be brought in a court of competent jurisdiction to enforce payment of such tax.

(B) Persons subject to the tax imposed by this ordinance shall transmit the tax to the Director on forms approved by the Director when due as required under this ordinance or the rules adopted by the Director.

Section 10. Civil Penalties; Attorney Fees.

(A) If any person fails to pay the full amount of the tax imposed by this ordinance when due, there shall be due and owing in addition to said tax, a civil penalty of 100% of the unpaid tax.

(B) The Commission may waive all or part of the civil penalty provided by subsection (A) of this section upon a showing of good cause.

(C) If the City undertakes to collect the unpaid tax by legal action and is successful in collecting any unpaid tax or penalty, the City shall be entitled to its attorney fees and costs for any action, suit or arbitration before any administrative or judicial body of this state, and to such fees and costs upon appeal of any decision of such body.

Section 11. Violations.

(A) If any person fails to obtain a license or to pay the tax imposed by this ordinance, violates any rule or order of the Director adopted under section 3 (B) of this ordinance, or fails to keep the financial records required by this ordinance, that person shall be liable, upon conviction, to a fine not exceeding \$500 per offense.

(B) Each day of violation of this ordinance shall be deemed a separate offense.

(C) The penalties imposed by this section shall be in addition to those civil penalties provided by Section 10 of this ordinance.

(D) In addition to all other penalties provided by this ordinance, the City may revoke, fail to issue or fail to renew any and all licenses granted under this ordinance by reason of such violation. In such case, the City shall provide for written notice of the grounds for such proposed action and an opportunity to be heard for the applicant or licensee regarding those

grounds. If no written request for hearing is made in ten days after notice be sent, the proposed action shall be final. The Commission shall hear all matters under this subsection.

Section 12. Judicial Review.

Review of any action taken under the provisions of this ordinance shall be solely and exclusively by Writ of Review under ORS 34.010 to 34.100 and not otherwise.

Section 13. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid, that decision shall not affect the validity of the remaining portions of this ordinance.

Section 14. Effective Date.

This ordinance shall be effective from and after July 1, 1988.

Read first time at a regular meeting of the City Commission held on the 1st day of June, 1988, and the foregoing ordinance was finally enacted by the City Commission this 1st day of June, 1988.

JEAN K. ELLIOTT, City Recorder

ATTESTED this 1st day of June, 1988.

KENNETH M. MITCHELL, Mayor

N O T I C E

NOTICE IS HEREBY GIVEN that Proposed ORDINANCE NO. 88-1007, of the City of Oregon City, Clackamas County, Oregon, is available for public inspection at the office of the City Recorder, 320 Warner Milne Road, Oregon City, Oregon.

Said Ordinance will be considered by the City Commission at its meeting on the 1st day of June, 1988, at the hour of 8:00 o'clock p.m. The title of said Ordinance is as follows:

AN ORDINANCE IMPOSING A TAX ON CERTAIN SOLID WASTE RECEIVED FOR PROCESSING WITHIN THE CITY OF OREGON CITY

POSTED this 25TH day of May, 1988, by direction of the Acting City Recorder. Places of posting are as follows:

1. City Hall, 320 Warner Milne Road, Oregon City, Oregon.
2. Courthouse, 807 Main Street, Oregon City, Oregon.
3. Senior Center, 615 - 5th Street, Oregon City, Oregon.

ANN E. BRUNSON, Acting City Recorder

DO NOT REMOVE PRIOR TO JUNE 1, 1988