

ORDINANCE NO. 1843

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON SPREADING THE ASSESSMENTS AGAINST BENEFITED PROPERTIES IN THE DREFSHILL STREET SANITARY SEWER LOCAL IMPROVEMENT DISTRICT; DIRECTING THE ENTRY OF THE ASSESSMENTS IN THE CITY LIEN DOCKET AND THE COUNTY LIEN RECORDS; SETTING THE INTEREST RATE FOR DELINQUENT AND INSTALLMENT PAYMENTS; AND ESTABLISHING CONNECTION REQUIREMENTS.

WHEREAS, the City Council finds that:

1. The Drefshill Street Sanitary Sewer Local Improvement District was created by Ordinance No. 1828, adopted on March 3, 1998. The local improvement district was created for the purpose of financing sanitary sewer improvements on Drefshill Street in Milwaukie.
2. The improvements were made in accordance with the City's plans and specifications for the project. The improvements were completed in July, 1998.
3. The total cost of the improvements is \$44,342.14. By Resolution No. 28-1998, adopted August 18, 1998, the City Council determined that the benefited properties would each pay seventy-five percent (75%) of their share of the total cost or \$2,771.38 and the developer of two new lots would pay one hundred percent (100%) of their share of the total cost or \$3,695.18 per lot.
4. An assessment roll has been prepared listing the assessment for the properties benefited by the improvements. Notice of the proposed assessment was mailed to the owner of each lot to be assessed pursuant to Milwaukie Municipal Code Section 3.08.070.
5. A public hearing was held to consider objections to the proposed assessments on September 1, 1998.

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1: The final assessment for each property is as shown on the Assessment Roll attached hereto and incorporated herein as Exhibit "A". The assessments are spread by tax lot in order to arrive at a just and reasonable apportionment of the cost of \$44,342.14 among the benefited properties. This manner of spreading the assessments is just and reasonable as required by Milwaukie Municipal Code Section 3.08.090(A)(2) because each lot can be developed to accommodate only one dwelling unit. The City Engineer recommended in his report to the Council on August 18, 1998 that the property owners' share of the cost be split equally among the tax lots and the City Council is relying on this recommendation in spreading the assessments. Further, the City Council finds that the amount of each assessment is consistent with the benefit derived from the improvements by each property.

Section 2: The Finance Director shall enter the assessment for each tax lot in the city's lien docket pursuant to Milwaukie Municipal Code Section 3.08.110 and shall record a lien for each assessment in the county records pursuant to ORS 93.643.

Section 3: Within ten days of the adoption of this ordinance, the Finance Director shall send a notice of assessment to each property owner shown on the Assessment Roll in accordance with Milwaukie Municipal Code Section 3.08.120.

Section 4: Interest will begin accruing on any unpaid portion of the assessment on the 31st day after the Finance Director has entered the assessment in the city lien docket. The interest rate shall be 6% per annum.

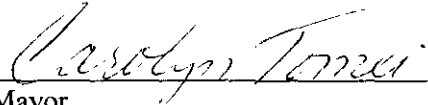
Section 5: Section 13.12.020 of the Milwaukie Municipal Code requires "all structures containing sanitary facilities which are located within two hundred feet of a sewer line shall be connected to the sewer system." The city Council finds that this code section represents an important policy and a desirable regulation by the City. Nevertheless, the Council recognizes the substantial expense and unique facts of this local improvement district. Therefore, in order to mitigate the financial burden of connection, the City Council has determined that the properties assessed for the Drefshill Street sanitary sewer improvements shall be required to connect to the sanitary sewer system at the first occurring of:

- a. September 1, 2001;
- b. Failure of the private cesspool or sewage system on the property; or
- c. Transfer of the property to a different owner.

Section 6: The city council determines that the fees imposed by this ordinance are not a tax subject to the property tax limitation of Article XI, Section 11(b) of the Oregon Constitution.


Read the first time at the regular meeting of the City Council, City of Milwaukie, Oregon, on the 1st day of September, 1998.

Read the second time and passed by the City Council, City of Milwaukie, Oregon, at the regular meeting on the 1st day of September, 1998.



Mayor

ATTEST:



City Recorder

**ASSESSMENT ROLL
FOR DREFSHILL STREET SANITARY SEWER LOCAL
IMPROVEMENT DISTRICT**

<u>Property Owner</u>	<u>Tax Lot Number</u>	<u>Assessment</u>
E & S Construction	1-2E-30DB-4102	\$3,695.18
E & S Construction	1-2E-30DB-4103	\$3,695.18
Wollmuth, Bruce A. & Elizabeth A.	1-2E-30DB-4600	\$2,771.38
Bartmess, Arlie F. & Catherine J.	1-2E-30DB-4700	\$2,771.38
Iijima, Y. Peter, Trustee	1-2E-30DB-4800A	\$2,771.38
Iijima, Y. Peter, Trustee	1-2E-30DB-4800B	\$2,771.38
Mason, David & Cindy	1-2E-30DB-4900	\$2,771.38
Gierlich, Kurt E. & Schneider, Laura B.	1-2E-30DB-5000	\$2,771.38
Bingenheimer, Jean	1-2E-30DB-5100	\$2,771.38
Cox, M. Lynn	1-2E-30DB-5200	\$2,771.38
Kruger, Leslie H.	1-2E-30DB-5300	\$2,771.38
Davis, Phil J.	1-2E-30DB-5400	\$2,771.38

Dated: August 17, 1998

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