

ORDINANCE NO. 1725

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORD. 1707 § 10, CODIFIED AS SECTION 13.28.100, OF THE MILWAUKIE MUNICIPAL CODE, ALLOWING FOR INSTALLMENT PAYMENTS OF SYSTEM DEVELOPMENT CHARGES TO BE PAID OVER A PERIOD OF LESS THAN TEN (10) YEARS, AND DECLARING AN EMERGENCY.

WHEREAS, ORS 223.207 and ORS 223.208 provide purchasers of homes or multi-family dwellings with Bancroft financing of systems development charges; and

WHEREAS, the rights and duties accorded governmental units and property owners under Bancroft financing are set out in ORS 223.205 to 223.775; and

WHEREAS, ORS 223.215 allows a governing body to provide for election by the property owner to have the installments "payable over a period of less than 10 years and according to such terms as the governing body may provide;" and

WHEREAS, the City Council is therefore required to provide purchasers of homes or multi-family dwellings with the alternative of utilizing Bancroft financing of systems development charges and desires to allow the property owner to elect over what period the charges shall be payable; now, therefore:

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Section 13.28.100 of the Milwaukie Municipal Code is amended to read as follows:

A. (1). When a system development charge is due and payable, the permittee may apply for payment in twenty semi-annual installments, secured by a lien on the property upon which the development is to occur or to which the utility connection is to be made, to include interest on the unpaid balance, if that payment option is required to be made available to the permittee by ORS 223.207.

(2) The permittee may irrevocably elect in writing to have the systems development charge levied for a number of years less than ten (10), and according to such terms as the City Manager or designee may provide, pursuant to ORS 223.215, if that payment option is required to be made available to the permittee by ORS 223.207.

Section 2. Emergency clause. The City Council finds that in order to facilitate the imposition of systems development charges, an emergency is declared to exist, and this ordinance shall take effect upon its passage.

Read the first time on July 7, 1992 and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on July 7, 1992.

Signed by the Mayor on July 7, 1992.

Craig J. Lomnicki
Craig Lomnicki, Mayor

ATTEST:

Pat Duval
City Recorder

APPROVED AS TO FORM:

Michael C. Robinson
O'Donnell, Ramis, Crew & Corrigan

APPLICATION
To Pay Systems Development Charge Under Bancroft Bonding Act

To the City Manager of the City of Milwaukie, Oregon:

In accordance with the provisions of the Bancroft Bonding Act (ORS 223.205 to 223.775) I hereby make application and agree to pay a Waste Water Systems Development Charge as established by Resolution 22-1991 of the Milwaukie City Council, in ten (10) monthly installments with the interest rate to be the State of Oregon, Local Government Investment Pool rate as of the date of execution, according to the payment schedule indicated below. Interest is to be paid by me monthly at the time each installment is paid as required by the Bancroft Bonding Act.

ELECTION

I irrevocably elect not to spread the payments plus interest over a period of at least 10 years. I acknowledge that payment of the systems development charge plus interest may be spread over at least 10 years and that, notwithstanding any provision of law, I consent to making payments over a period of less than 10 years and to having the payments levied on my property accordingly. This election shall be valid and binding upon all subsequent owners of the described property or any part thereof.

LIEN

I understand that the City Manager or designee shall record this application and election in the City's lien docket. I certify that I have authority to assent to the imposition of the lien and that I have adequate interest in the property to secure payment of the lien. From and after the time the lien is docketed, the city shall have a lien upon the described property for the amount of the systems development charge, together with interest on the unpaid balance. The lien shall be enforceable in the manner provided in ORS Chapter 223, and shall be superior to all other liens pursuant to ORS 223.230.

WAIVER

In consideration and pursuant to the above provisions, I expressly waive any and all irregularities or defects, jurisdictional or otherwise, in the proceedings to cause said Systems Development Charge to be levied and waive all rights to contest the validity of the lien, except for the correction of computational errors.