

AFFIDAVIT OF POSTING

ORDINANCE CB-0-89-87

STATE OF OREGON)
COUNTIES OF CLACKAMAS)
AND WASHINGTON)
CITY OF WILSONVILLE)

I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

On the 10th day of November, 1987, I caused to be posted copies of the attached Ordinance CB-O-89-87, an Ordinance reapportioning the assessment for Local Improvement District No. 5 (Town Center Loop/Parkway Avenue Street Improvements - LID #5) within Section 14D, Tax Lots 100 and 104 and Tax Lot 201, Clackamas County, Oregon, and declaring an emergency, in the following four public and conspicuous places of the City, to wit:

WILSONVILLE CITY HALL

WILSONVILLE POST OFFICE

LOWRIE'S FOOD MARKET

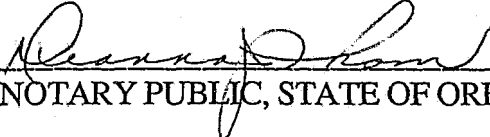
KOPPER KITCHEN

The ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 16th day of November, 1987.



VERA A. ROJAS, City Recorder

Subscribed and sworn to before me
this 18th day of November, 1987.


NOTARY PUBLIC, STATE OF OREGON

My Commission expires: 8-23-89

AFFIDAVIT OF POSTING
ORDINANCE CB-0-89-87

STATE OF OREGON)
COUNTIES OF CLACKAMAS)
AND WASHINGTON)
CITY OF WILSONVILLE)

I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

On the 28th day of October, 1987, I caused to be posted copies of the attached Ordinance CB-O-8-87, an Ordinance reapportioning the assessment for Local Improvement District No. 5 (Town Center Loop/Parkway Avenue Street Improvements - LID #5) within Section 14D, Tax Lots 100 and 104 and Tax Lot 201, Clackamas County, Oregon, in the following four public and conspicuous places of the City, to wit:

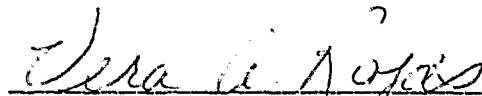
WILSONVILLE CITY HALL

WILSONVILLE POST OFFICE

LOWRIE'S FOOD MARKET

KOPPER KITCHEN

The ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 2nd day of November, 1987.



VERA A. ROJAS, City Recorder

Subscribed and sworn to before me
this 2nd day of November, 1987.



NOTARY PUBLIC, STATE OF OREGON

My Commission expires: 8-23-87

ORDINANCE NO. 321

AN ORDINANCE REAPPORTIONING THE ASSESSMENT FOR LOCAL IMPROVEMENT DISTRICT NO. 5 (TOWN CENTER LOOP/PARKWAY AVENUE STREET IMPROVEMENTS - LID #5) WITHIN SECTION 14D, TAX LOTS 100 AND 104 AND TAX LOT 201, CLACKAMAS COUNTY, OREGON, AND DECLARING AN EMERGENCY.

WHEREAS, on July 15, 1987, the City Council adopted Resolution No. 499 levying preassessments , on August 19, 1987, adopted Resolution No. 510 amending Resolution No. 499 establishing installments and interest, and on January 20, 1987 adopted Resolution No. 598 which amended Resolution No. 510 and clarified Council's intent as to preassessment interest rates; and

WHEREAS, the owner of Tax Lots 100 and 104 and Tax Lot 201 duly filed the application for division and reapportionment of the assessment levied upon parcels of contiguous land as provided in Section 3.219 of the Wilsonville Code; and the owner and party having an interest in such property have been mailed notices that the City Council would consider such reapportionment at a regular meeting held November 2, 1987, commencing at 7:30 o'clock p.m.; and

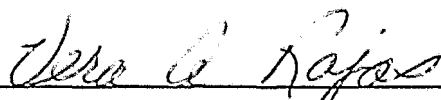
WHEREAS, pursuant to the City Code, Section 3.219, the City Manager has made a report and recommendation to the City Council for the reapportionment of the property proposed to be divided, describing the effect of such division upon security of the City; and

WHEREAS, the City Council, having heard and considered the matter, including the facts and findings contained in the report of the City Manager, attached hereto as EXHIBIT "A" and incorporated by reference as fully set forth herein.

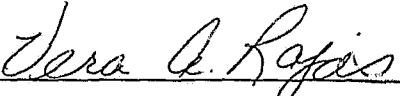
NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. It is recommended that the City Council approve reapportionment of the assessment to Parcel I of Tax Lots 100 and 104 and Parcel II of Tax Lot 201.
2. The assessment for Assessment District No. 5, Section 14D, Tax Lots 100 and 104 and Tax Lot 201, Clackamas County, is hereby reapportioned for the parcel of property covered under the application on file as described in the report of the City Manager, dated November 2, 1987.
3. The report by the City Manager is hereby adopted by reference and made a part of this ordinance.
4. The Wilsonville City Council finds that the said reapportionment of the assessment liens will not impair the security of the bond holders of the City of Wilsonville for the collection of the assessment upon said property.
5. It appearing to the City Council of Wilsonville that time is of the essence in the reapportionment of the aforementioned parcels of land for financing to occur and for the timely development of the aforementioned parcel(s) of land in the interests of the City's public health and welfare, and therefore an emergency is hereby declared.

SUBMITTED to the Wilsonville City Council and read the first time at a regular meeting thereof on the 2nd day of November, 1987, and scheduled for a second reading at a regular meeting of the City Council on the 16th day of November, 1987, commencing at the hour of 7:30 o'clock p.m. at the Wilsonville City Hall.

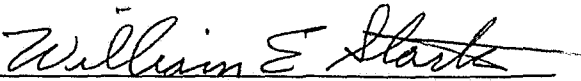

VERA A. ROJAS, City Recorder

ENACTED by the Council on the 16th day of November, 1987, by the following
votes: YEAS: 5 NAYS: 0.



VERA A. ROJAS, City Recorder

DATED and signed by the Mayor this 17th day of November, 1987.



WILLIAM E. STARK, Mayor

SUMMARY of Votes:

Mayor Stark	<u>AYE</u>
Councilor Edwards	<u>AYE</u>
Councilor Braymen	<u>AYE</u>
Councilor Clarke	<u>AYE</u>
Councilor Jameson	<u>AYE</u>

EXHIBIT "A"

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: DEE THOM

THROUGH: PETE WALL

**SUBJECT: REQUEST FOR REAPPORTIONMENT OF
ASSESSMENT IN LOCAL IMPROVEMENT
DISTRICT NO. 5.**

DATE: OCTOBER 27, 1987

Mr. Don Mala, representative of Wilsonville Park LTD and Pacific Plaza Center, has made application to reapportion assessments within Local Improvement District No. 5, AKA Town Center Loop/Parkway Avenue Street Improvement. The properties lie directly north of Town Center Loop Road and are identified as:

Tax Lot 100 and 104 in Section 14D

Tax Lot 201 in Section 14D

The petitioner requests that the assessments made under the provisions of Resolutions No. 499, 510 and 598 for the cost of constructing the improvements be reapportioned into two parcels for Tax Lot 100 and 104 and Tax Lot 201 each.

The acreage in Tax Lots 100 and 104 in Section 14D were combined and one assessment was made. Tax Lots 100 and 104 consist of 8.66 acres. The petitioner wishes to separate .6672 acres for the purpose of selling the property. This area is shown as Parcel I on the attached map. The balance of the property contains 7.99 acres. The petitioner requests that the original assessment be apportioned commensurate with the acreage divisions as outlined.

Tax Lot 201 in Section 14 D originally consisted of 4.50 acres. Following the city's purchase of .30 acres for right-of-way and the vacation of Parkway Avenue, Tax Lot 201 now consists of 4.78 acres. The petitioner wishes to separate .5028 acres for the purpose of selling the property. This area is shown as Parcel II on the attached map. The balance of the property contains 4.28 acres. The petitioner requests that the original assessment be apportioned commensurate with the acreage division as outlined.

The petitioner has been provided a copy of this recommendation and is aware that he may appear at the November 2, 1987 meeting of the City Council and comment on this proposed reapportionment of assessment.

The reapportionment of assessment does not hinder access to the property. The property abuts Town Center Loop Road to the north. The reapportionment of both Tax Lots 100 and 104 and Tax Lot 201 will leave buildable lots. The petitioner has plans for a proposed development of these properties that is currently being brought before the city for approval.

The relative values, area and frontages on a public street are proportionate to the proposed separation and reapportionment of the original assessment so there will be no impairment to the security of the city or the holders of Bancroft Bonds.

The reapportionments would be subject to accrued interest since the date of the latest billing and would be modified by any payment made.

RECOMMENDATION:

I recommend that the City Council reapportion the assessment as follows:

31W 14D TL 100 and 104	
Total Assessment	\$137,397.48
(Assessment per acre \$15,865.76)	
Parcel I .6672 AC - Assessment "B"	\$ 10,585.64
Balance 7.9928 AC - Assessment "A"	<u>\$126,811.84</u>
TOTAL AC 8.66	\$137,397.48
31W 14D TL 201	
Total Assessment	\$ 89,204.51
(Assessment per acre \$18,662.03)	
Parcel II .5028 AC - Assessment "B"	\$ 9,383.28
Balance 4.2772 AC - Assessment "A"	<u>\$79,821.23</u>
TOTAL AC 4.78	\$89,204.51

The above reapportionment of assessments will become effective contingent upon the payment made to the city for all interest outstanding for Tax Lots 100 and 104 and 201. It is understood by the property owner/petitioner and the city this will be accomplished through escrow closing proceedings approximately November 9, 1987.

dt:vr

