

RESOLUTION NO. 538

A RESOLUTION TO CREATE A LOCAL IMPROVEMENT DISTRICT FOR THE EXTENSION OF LOCUST STREET FROM GARDNER AVENUE WEST TO WILCO ROAD, CITY OF STAYTON.

WHEREAS, owners of property adjacent to the proposed extension of W. Locust Street from Gardner Avenue west to Wilco Road, have been informed of and had opportunity to participate in informational meetings and development of a proposal for the construction of street and drainage improvements on the Locust Street extension; and

WHEREAS, the Stayton City Council deems it appropriate to initiate a Local Improvement District (hereinafter LID) for the construction of street and drainage improvements of West Locust Street as proposed;

NOW, THEREFORE, THE STAYTON CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

SECTION 1: DECLARATION OF INTENT TO CREATE AN LID

The Stayton City Council hereby declares its intent to create an LID, the nature and scope, boundaries, and proposed assessment formulas of which are as follows:

- a. NATURE AND SCOPE OF THE IMPROVEMENTS: The proposed improvement extends from Gardner Avenue west to Wilco Road, approximately 2,641 feet, and includes installation of full street improvements to 40-foot width, concrete curbs, sidewalks, storm sewer, and a landscaped berm adjacent to the Willamette Valley Railroad tracks. Storm drainage facilities, including pipe, manholes, catch basins, and related items, will be installed to develop required drainage of the project site.
- b. BOUNDARIES OF THE LID: The boundary of the improvement district includes all those lots adjacent to north and south sides of the proposed extension of W. Locust Street, excluding the Willamette Valley Railroad property immediately adjacent to the street right-of-way.
- c. ASSESSMENT FORMULA:

South side of street: Owners on the south side of the proposed improvement from Gardner Avenue to the Willamette Valley RR will be assessed for one-third the cost of street, curb, sidewalk and drainage improvements. Each property owner's share will be calculated by multiplying the front footage owned by the actual cost per linear foot.

North side of street:

- a. Heritage Oaks Subdivision: Owners of the Heritage Oaks subdivision on the north side of the proposed improvement will be assessed for two-thirds the cost of street, curb, and drainage improvements. The owners will pay their full cost at time of construction. Sidewalks will be installed adjacent to each lot when building permits are issued.

- b. Pinelands Subdivision: Owners of the Pinelands subdivision on the north side of the proposed improvement will be assessed for the full cost of paving the full-width of the street, curb on the north edge of the street, and drainage improvements. The owners have will pay their full cost at time of construction. Sidewalks will be installed adjacent to each lot when building permits are issued.
- c. Guerdon Industries: Owners of the Guerdon Industries property on the north side of proposed extension will be assessed for two-thirds the cost of street, curb, sidewalk and drainage improvements. The property owner's share will be calculated by multiplying the front footage owned by the actual cost per linear foot.

City Share of Project Costs: The council will determine the city contribution to the project after completion of all improvements. As a minimum, the city share is proposed to be in lieu of an assessment to the Willamette Valley Railroad for one-third the cost of street and drainage improvements for that portion of the street from Wilco Rd. to the east end of the Guerdon Industries property. The city's share for this portion will be calculated by multiplying the front footage owned by the actual cost per linear foot.

SECTION 2. PUBLIC HEARING

- a. The Stayton City Council will hold a public hearing at 7:00 p.m. on 27 June 1994 at the Stayton Community Center, 400 W. Virginia Avenue, Stayton, Oregon, respecting creation of the LID. Legal notice of the hearing was published in the *Stayton Mail* in the Tuesday, June 14th edition, meeting the Stayton Municipal Code requirement of ten days' prior notice. Notices of the hearing and a copy of the project report were mailed to the affected property owners 14 June 1994.
- b. Notice of the public hearing included statements that:
 - 1. The city administrator has on file at Stayton City Hall a written project report which describes the project, estimated costs, all properties to be specifically benefitted by the improvement, the estimated total cost of the improvement to be paid for by special assessments to benefitted properties and an estimate of the unit cost of the improvement and each property to be specially assessed and that this project report is available for public inspection;
 - 2. The Stayton City Council will consider all objections and remonstrances to the proposed improvement at the public hearing; and
 - 3. If, prior to the public hearing there are presented to the city administrator valid written remonstrances of the owners of two-thirds of the property to be specially assessed by the proposed public improvement, then the improvement will be abandoned by the city or suspended for at least six (6) months.
 - 4. After the project is constructed and after the assessment is levied, property owners may either pay the city in full or may apply to the city to pay the assessments in monthly installments over a ten (10) year period. Assessments paid in installments will carry interest at not more than two percent above the prime lending rate.

SECTION 3: DECISION TO PROCEED OR ABANDON PROJECT FOLLOWING PUBLIC HEARING

During the hearing, the city will consider all written remonstrances. If the written remonstrances represent owners of less than two-thirds of the frontage of the benefitting property, the council may proceed with the project. The Stayton City Council may, at the time of the hearing or within sixty (60) days thereafter: 1) adopt, correct, modify, or revise the proposed assessments, and 2) order the improvement to be carried out in accordance with this resolution, or 3) abandon the proposed improvement project.

PASSED BY THE STAYTON CITY COUNCIL this 20th day of June 1994.

Date: 6-22-94 By: *Willmer Van Vleet*
WILLMER VAN VLEET, Mayor

ATTEST

Date: 6-21-94 By: *David W. Kinney*
DAVID W. KINNEY, City Administrator

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