

RESOLUTION NO. 411

A RESOLUTION TO CREATE A LOCAL IMPROVEMENT DISTRICT FOR FOURTH AVENUE, WASHINGTON STREET TO FLORENCE STREET, CITY OF STAYTON.

WHEREAS, the Common Council of the City of Stayton deems it appropriate to initiate a Local Improvement District (hereinafter LID) for the improvement of FOURTH AVENUE, WASHINGTON STREET TO FLORENCE STREET;

NOW THEREFORE,

THE STAYTON CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

SECTION 1: DECLARATION OF INTENT TO CREATE AN LID

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

1. NATURE AND SCOPE OF THE IMPROVEMENT

The proposed improvements on Fourth Avenue from Washington Street to Florence Street (approximately 1600 feet in length) includes installation of concrete curbs, sidewalks, and driveways where none presently exist and replacement of those in poor condition or not compatible with the final design of the street and drainage system. The work also includes the reconstruction of the existing paved street section and restoration of the street shoulder to develop a finished asphalt paved street section forty feet in width from curb to curb. Storm drainage facilities, such as piping, manholes, and catch basins, will be installed as required to provide proper drainage for the project site. Other incidentals relating to the street work, such as adjusting manhole rims, valve and meter boxes, will also be included in the project work.

Waterline replacement and provisions for future extensions will not be included in the assessed portion of this project.

2. BOUNDARIES OF THE LID

The boundary of the improvement district includes all those lots adjacent to Fourth Avenue between Washington Street and Florence Street.

3. ASSESSMENT FORMULA

The proposed assessment formula consists of a pro rata sharing of the improvement costs based on front footage of the lots abutting the public improvement. The estimated cost of the project amounts to \$120,240, of which \$74,011 is to be assessed to the benefitting properties, yielding a front foot cost of approximately \$30.09 (\$74,011 in assessments ÷ 2,460 front feet = \$30.09 assessment per front foot). The estimated assessment for each lot is shown on the preliminary engineering report.

The maximum interest rate to be charged will be not more than 2 percent above prime lending rate and shall be established at the public hearing prior to bid.

SECTION 2: PUBLIC HEARING

1. The Stayton City Council will hold a public hearing at 8:00 p.m. on 22 May 1989 at the Stayton Community Center, 400 W. Virginia Avenue, Stayton, Oregon, respecting creation of the LID, and legal notice of the hearing shall be published in The Stayton Mail on 9 May 1989, and notices shall be mailed to the affected property owners not later than ten (10) days prior to the public hearing.
2. Notice of the public hearing shall include statements that:
 - a. The City Administrator has on file at City Hall a written engineer's 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 engineer's report is available for public inspection;

- b. The City Administrator shall prepare and distribute a survey to the property owners to be specially assessed for the public improvement and results of the survey shall be tabulated and provided to the Council at the public hearing;
- c. The City Council will consider all objections and remonstrances to the proposed improvement at the public hearing; and
- d. 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.

**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 property, the Council may proceed with the project. The 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 COMMON COUNCIL THIS 1st DAY OF MAY,
1989.

SIGNED BY THE MAYOR THIS 2nd DAY OF MAY, 1989.



WAYNE L. LIERMAN, MAYOR Date

ATTEST:



DAVID W. KINNEY, CITY ADMINISTRATOR 5-02-89
Date

APPROVED AS TO FORM:



JANET S. McCOY, CITY ATTORNEY 5-3-89
Date

dk:b(3-29-89)