

ORDINANCE NO. 640

AN ORDINANCE AMENDING ORDINANCE NO. 557 REGARDING THE METHODS AND PROCEDURES FOR PUBLIC IMPROVEMENTS; LEVYING AND COLLECTING SPECIAL ASSESSMENTS THEREFORE.

THE CITY OF STAYTON ORDAINS AS FOLLOWS:

Section 1. Section 1 of Ordinance No. 557 is amended to read:

Section 1. Initiation.

A public improvement may be initiated:

1. At the request of the Council; or
2. By petition representing 50% or more of of the property owners to be assessed by the improvement.

Section 2. Section 2 of Ordinance No. 557 is amended to read:

Section 2. Survey of Property Owners.

When an improvement is initiated, the Public Works Department shall cause a survey to be taken of all the owners of property to be specially benefited to determine support or opposition to the proposed improvement. The survey shall inform the owners of:

1. The nature of the proposed improvement.
2. The approximate unit cost of the improvement, and an estimated cost to the owners of property.
3. The procedure which will be followed should the improvement be approved.
4. Financing will be available at not more than 2% above prime lending rate established at the Public Hearing prior to bid.
5. The improvement will be abandoned or suspended for six months upon filing of written remonstrances by the owners of two-thirds of the land to be assessed.

Reinitiation after suspension will require Council direction or submission of another petition pursuant to Section 1, above.

6. Such other information as is deemed desirable or necessary.

Section 3. Section 3 of Ordinance No. 557 is amended to read:

Section 3. Initial Council Action.

1. If the survey shows support for the improvement project, the project may be submitted to the Council.
2. The Council may by resolution or by motion direct the City Engineer to make a study and written report for the project. Unless the Council directs otherwise, the study shall include the following:
 - a. A map or plat showing the general nature, location and extent of the proposed improvement and the land to be assessed for the payment of any part of the cost thereof.
 - b. Preliminary estimates of the work to be done; provided however, that when the proposed project is to be carried out in cooperation with any other governmental agency, the report may adopt the plans, specifications and estimates of such agency.
 - c. An estimate of the probable cost of the improvement, including any legal, administrative and engineering costs attributable to it.
 - d. A recommendation as to the method of assessment to be used to arrive at a fair apportion-

ment of the whole or any portion of the cost of the improvement to the properties specially benefited.

e. The description and assessed value of lot, parcel each of land, or portion to be specially benefited by the improvement, with the names of the record owners thereof and, when readily available, the names of the contract purchasers thereof.

f. A statement of outstanding assessments against the property to be assessed.

3. The study shall be filed with the City Administrator.

4. Based upon the results of the study, the Engineer shall make a written report to the Council.

Section 4. Section 5 of Ordinance No. 557 is amended to read:

Section 5. Resolution and Notice of Hearing.

If the Council approves the report as submitted, the Council shall by resolution declare its intention to make such improvement and direct the City Administrator to give notice of such improvement by publication in a newspaper of general circulation within the City and by mailing copies of such notice by mail to the owners of property to be assessed for the costs of such improvement. The notice shall contain the following:

1. That a written report on the improvement is on file in the office of the City Administrator and is subject to public examination.

2. That the Council will hold a public hearing on the proposed improvement on a specified date, which shall not be earlier than ten (10) days following the publication of notice, at which objections and remonstrances to such improvement will be heard by the Council; and that if, prior to such hearing, there are presented to the City Administrator valid written remonstrances on forms provided by the City of the owners of two-thirds of the property to be specially assessed by such improvement, then the improvement will be abandoned, or suspended for at least six months.
3. A description of the property to be specially benefited by the improvement, the estimated total cost of the improvement to be paid for by special assessments to benefited properties, and an estimate of the unit cost of the improvement to the property to be specially assessed.
4. When the improvement is a sidewalk, the Council may order the owners of the lots adjacent to the proposed sidewalk to construct the sidewalk, at their expense, under the supervision of the Engineer, and conforming to certain plans and specifications, and that upon failure to do so, the City will cause the sidewalk to be constructed and a lien will be placed against the property adjacent to the site of such sidewalk for the cost thereof.

Section 5. Section 7 of Ordinance No. 557 is amended to read:

Section 7. Hearing.

At the time of the public hearing on the proposed improvement, if the written remonstrances represent less than the amount of property required to defeat the proposed improvement, then on the basis of the hearing or written

remonstrances and oral objections, if any, the Council may by motion, at the time of the hearing or within 60 days thereafter: 1) adopt, correct, modify, or revise the proposed assessments; 2) order the improvement to be carried out in accordance with the resolution; or 3) abandon the improvement.

Section 6. Section 9 of Ordinance No. 557 is amended to read:

Section 9. Notice of Proposed Assessment.

If the Council determines that the local improvement shall be made, when the cost is ascertained on the basis of the City Engineer's estimate, or the contract award, or City departmental cost, or after the work is done and the cost thereof has been actually determined, the Council shall determine whether the property benefited shall bear all or a portion of the cost. "Cost" shall include the direct administrative overhead costs incurred by the City pertaining to the improvement project. The Administrator or person designated by the Council shall prepare the proposed assessment to the respective lots within the assessment district and file it in the appropriate City office. Notice of the proposed assessment shall be mailed or personally delivered to the owner of each lot proposed to be assessed. The notice shall state the amounts of assessments proposed on that property and shall fix a date by which time objections shall be filed with the Administrator. Any objection shall state the grounds thereof. Owners of benefited property filing objections are entitled to a hearing before the public and may be heard upon request to the City Administrator.

Section 7. Section 10 of Ordinance No. 557 is amended to read:

Section 10. Assessment Ordinance.

The Council shall consider any objections and may adopt, correct, modify, or revise the proposed assessments and shall determine the amount of assessment to be charged against each lot within the district, according to the special and peculiar benefits accruing thereto from the improvements and shall by ordinance spread the assessments.

Section 8. Section 11 of Ordinance No. 557 is amended to read:

Section 11. Method of Assessment and Alternative Methods of Financing.

1. The Council, in adopting a method of assessment of the costs of the improvement, may:
 - a. Use any just and reasonable method of determining the extent of any improvement district consistent with the benefits derived.
 - b. Use any method of apportioning the sum to be assessed as is just and reasonable among the properties determined to be specially benefited.
 - c. Authorize payment by the City of all or any part of the cost of any such improvement when, in the opinion of the Council, the topographical or physical conditions, or unusual or excessive public travel, or other character of the work involved, warrants only a partial payment or no payment by the benefited property of the costs of the improvement.
2. Nothing contained in this chapter shall preclude the Council from using any other available means of financing improvements, including Federal or State

grants-in-aid, other charges or fees, revenue bonds, general obligation bonds, or any other legal means of finance. If such other means of financing improvements are used, the Council may, in its discretion, levy special assessments according to the benefits derived to cover any remaining part of the costs of the improvement.

PASSED BY THE COMMON COUNCIL THIS 21st DAY OF SEPTEMBER, 1987.

Signed by the Mayor this 22 day of September, 1987.



Mayor

ATTEST:



City Administrator