

RESOLUTION NO. 415

A RESOLUTION TO CREATE A LOCAL IMPROVEMENT DISTRICT FOR BURNETT STREET, FIRST AVENUE TO FOURTH AVENUE, 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 BURNETT STREET FROM FIRST AVENUE TO FOURTH AVENUE;

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 Burnett Street from First Avenue to Fourth Avenue (approximately 850 feet in length) include installation of new concrete curbs, sidewalks, and driveways where none exist, or replace existing where they are in poor condition or will not be compatible with the final design of the street and drainage system. The work will also include storm drainage facilities, piping, manholes, and catch basins as required to properly drain the improvement site. Street shoulder restoration and paving will be completed to develop a finished street section forty feet in width from curb to curb. Miscellaneous incidental work will also be included as required relating to the construction to adjust manhole covers, valve and meter boxes.

A water line will also be installed to replace an undersized 2 inch main. Related water line construction will not be a part of the assessed portion of the street improvements.

2. BOUNDARIES OF THE LID

The boundary of the improvement district includes all those lots adjacent to Burnett Street from First Avenue to Fourth Avenue.

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 \$50,608, of which \$29,038 is to be assessed to the benefitting properties, yielding a front foot cost of approximately \$22.52 (\$29,038 in assessments ÷ 1289 front feet = \$22.52 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 15<sup>th</sup> DAY OF May,  
1989.

SIGNED BY THE MAYOR THIS 5<sup>th</sup> DAY OF May, 1989.

Wayne L. Lierman  
WAYNE L. LIERMAN, MAYOR Date

ATTEST:

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

APPROVED AS TO FORM:

Janet S. McCoy 5-3-89  
JANET S. MCCOY, CITY ATTORNEY Date  
dk:b(3-29-89)