

AFFIDAVIT OF POSTING
ORDINANCE CB-0-106-87

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 2nd day of November, 1988, I caused to be posted copies of the attached Ordinance CB-O-106-87, an Ordinance reapportioning the assessment for Section 13, Tax Lot 406 within Local Improvement District No. 5, 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 7th day of November, 1988.


VERA A. ROJAS, City Recorder

Subscribed and sworn to before me
this 18th day of November, 1988.


NOTARY PUBLIC, STATE OF OREGON

My Commission expires: 8-23-89

ORDINANCE NO. 337

AN ORDINANCE REAPPORTIONING THE ASSESSMENT FOR SECTION 13, TAX LOT 406 WITHIN LOCAL IMPROVEMENT DISTRICT NO. 5., CLACKAMAS COUNTY, OREGON.

WHEREAS, on July 4, 1985, the City Council enacted Resolution No. 399 levying assessments; and

WHEREAS, the owners of Tax Lot 406 have duly filed with the City Recorder 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 City Recorder mailed notice to each property owner and party having an interest in such property that the City Council would consider such reapportionment at a regular meeting held November 7, 1988, commencing at the hour of 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, attached hereto as Exhibit "A" and incorporated by reference as if fully set forth herein, 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.

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


1. The assessment for Assessment District No. 5, Section 13, Tax Lot 406, Clackamas County, is hereby reapportioned for the parcels of property under the application on file as described in the report of the City Manager, dated November 7, 1988; provided that the past due LID #5 assessments are brought current or a suitable escrow arrangement is entered into between the city and the owners of Tax Lot 406 for payment of past due LID #5 assessments.
2. The report by the City Manager is hereby adopted by reference and made a part of this ordinance.
3. The Wilsonville City Council finds that the said apportionment 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.

SUBMITTED to the Wilsonville City Council and read the first and second time at a regular meeting thereof on the 7th day of November, 1988, commencing at the hour of 7:30 o'clock p.m. at the Wilsonville City Hall.



VERA A. ROJAS, City Recorder

ENACTED by the City Council on the 7th day of November, 1988, by the following votes: YEAS: 5 NAYS: 0.



VERA A. ROJAS, City Recorder

DATED and signed by the Mayor this 7th day of November, 1988.



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>

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: PETE WALL, MANAGER
**SUBJECT: CB-O-106-88 REAPPORTIONMENT OF ASSESSMENT
FOR SECTION 13, TAX LOT 406 WITHIN LOCAL
IMPROVEMENT DISTRICT NO. 5**
DATE: NOVEMBER 7, 1988

On October 7, 1988, Mr. Terry Tolls, representing the Wilsonville Project, filed a request of reapportionment of Tax Lot 406 in Section 13. The reapportionment request was filed in accordance with Wilsonville Code, Section 3.219.

Assessments were levied by Resolution No. 449, entitled "Resolution Spreading and Levying Preassessments on Property Benefited by the Cost of Construction of Streets, Storm Drainage, Water System, Sanitary Sewer, Sidewalk, Bike Path, Signing and Traffic Control Devices, Street Lighting, Landscaping and Other Utilities Constructed for the Project Designated as Town Center Loop/Parkway Avenue Street and Utilities Improvement Local Improvement District No. 5, Hereinafter Referred to as LID #5; and Directing the City Recorder to Give Notice of Final Pre-Assessments and Enter a Statement Thereof in the Docket of City Liens as Required by Section 3.216 of the Wilsonville Code". The Council adopted Resolution No. 399, July 15, 1985.

Owners and interested parties having an interest in Tax Lots 406 to be reapportioned have been duly notified of the date, time and place the City Council will consider the request for reapportionment.

Tax Lot 406 will retain frontage on Town Center Loop E. following the reapportionment of assessment.

The original pre-assessment of the Tax Lots within LID No. 5 were based upon the direct improvement benefits of streets and utilities to each tax lot. This created differing assessment amounts per acre for each tax lot. The reapportionment follows the original method of assessment. There should be no impairment to the security of the city or the holders of the Bancroft Bonds.

I recommend that the City Council adopt Ordinance CB-O-106-88 to reapportion the assessment for Tax Lot 406 as follows:

REAPPORTIONMENT OF ASSESSMENT TAX LOT 406 - LID #5

Principal Due	\$213,250.24	13.40 Acres	=	\$15,914.20/Acre
Reapportion		7.00 Acres	x	\$15,914.20 = \$111,399.42
Wilsonville Project		<u>6.40 Acres</u>	x	\$15,914.20 = <u>\$101,850.82</u>
TOTAL		13.40 ACRES		\$213,250.24

NOTE: The above figures show only the principal amount due. Interest accrued shall be pro-rated and reapportioned on the same basis as the unpaid principal balance. Interest thereafter shall accrue in accordance with previous assessment action in this matter.

djt:vr

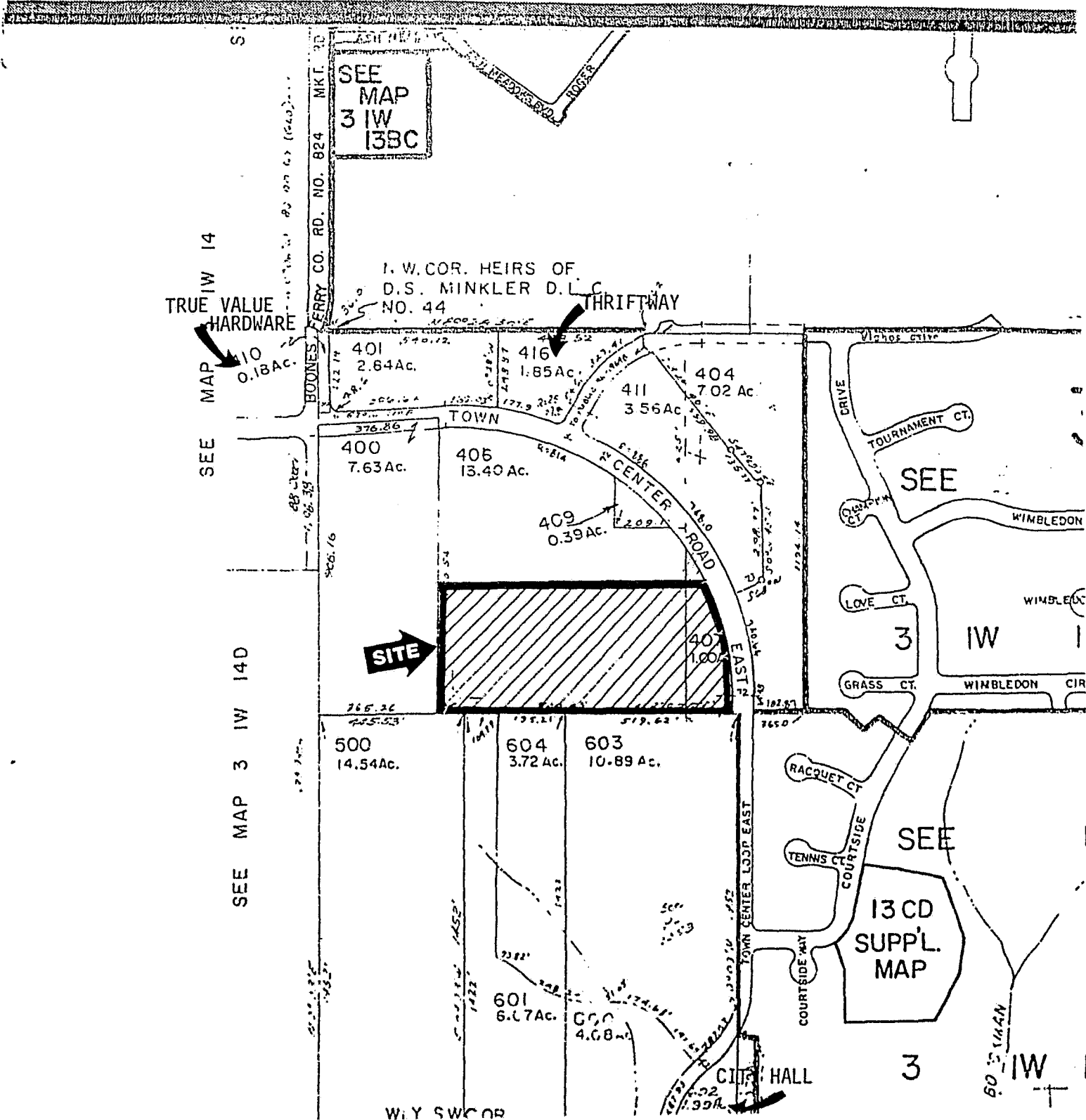
LT #5

Transamerica



SKETCH OF PROPERTY SET OUT IN ATTACHED ORDER

To assist in locating the premises. It is not based on a survey, and the company assumes no liability for variations, if any, in dimensions and location.



SEE MAP 10 0.18AC.
TRUE VALUE HARDWARE

SEE MAP 3 IW 14D

SEE MAP 3 IW 14D

SITE

SEE MAP 3 IW 13BC

I. W. COR. HEIRS OF
D. S. MINKLER D.L.C.
NO. 44

THRIFTWAY

SEE

3

IW

SEE

13 CD
SUPPL. MAP

3

IW

W. Y. SW COR

60 S. HAN

The Wilsonville Project
10441 S.W. Ridgeview Lane
Portland, Oregon 97219

RECEIVED
NOV 7 1988
CITY OF
WILSONVILLE

November 4, 1988

City Council
City of Wilsonville
30000 S. W. Town Center
Loop E
Wilsonville, Oregon 97070

RE: Reapportionment of Tax Lot 406-LID #5

Dear Sirs:

We have requested reapportionment of the above tax lot and acknowledge receipt of the attached "Notice of Hearing" regarding that request. We do not anticipate appearing in person at the hearing scheduled for November 7, 1988. We understand this letter will be made a part of the formal written record of that hearing.

Our request for reapportionment should not be deemed a waiver of any claim we have or have made regarding the amount of principal and interest owing on the captioned tax lot or any other property owned by The Wilsonville Project in the City of Wilsonville. It is our understanding that our request for reapportionment will result only in a division of the total amounts due for the captioned tax lot into two new amounts assessed against two new tax lots. The aggregate amounts owing would be the same. By requesting reapportionment, we are not agreeing to any acceleration of any amounts owing or waiving any claims we have with regard to the amounts owing. We reserve all such rights and claims and our failure to appear at the hearing should not be construed as a waiver of any such right or claim or any other right or claim The Wilsonville Project may have.

It is our understanding that after reapportionment, the total amount due for principal assessed against the two newly-created tax lots will remain \$213,250.24, which will be apportioned between the two new tax lots which, when combined, geographically comprise the captioned tax lot. It is our further understanding that all payment terms for the LID will remain

unchanged and as originally agreed with interest being accrued and prorated on the same basis as the unpaid principal.

If our understandings with respect to this matter are in any way incorrect, please contact me immediately, so that we may take appropriate action to preserve our rights.

Very truly yours,

THE WILSONVILLE PROJECT

Dennis Battles

DB:jw