

ORDINANCE NO. 262

AN ORDINANCE PROVIDING FOR THE FINAL ASSESSMENT OF PROPERTY FOR THE COSTS OF THE CONSTRUCTION OF A LOCAL IMPROVEMENT ON CALIFORNIA DRIVE, COOS BAY, OREGON, DECLARING THE COST THEREOF, DECLARING THE ASSESSMENT, AND DIRECTING THE ENTRY OF THE ASSESSMENT IN THE DOCKET OF CITY LIENS

The City of Coos Bay ordains as follows:

Section 1. Creation of District; Benefitted Properties Identified. The City Council of the City of Coos Bay by City of Coos Bay Resolution 96-21 created a local improvement district for the improvement of a portion of California Drive, located within the City of Coos Bay, Coos County, Oregon. The lots, parcels and tracts of land located within the local improvement district and specially and peculiarly benefitted from the completion of the local improvement therefor are the properties adjacent to California Drive beginning at the intersection of 19th Street and California Drive and continuing to the intersection of 22nd Street and California Drive, and more particularly described as:

Lots 1-5, Block 2, First Addition to Englewood Heights, Coos County, Oregon; Lots 1-5 and Lots 9-13, Block 3, First Addition to Englewood Heights, Coos County, Oregon; Lots 1-5 and Lots 10-13, Block 4, First Addition to Englewood Heights, Coos County, Oregon, all according to the map and plat thereof on file and of record in the office of the County Clerk, Coos County, Oregon;

and including the following described parcel:

Beginning at a 1/2 inch iron pipe, said iron pipe being the intersection of the North Line of California Drive and the West Line of 19th Street; thence North 22° East 300 feet; thence North 57° 32' 40" West 446 feet; thence South 73° 55' West 293 feet; thence South 22° 22' West 301 feet to the North Line of California Drive, thence East along the North Line of California Drive to the Point of Beginning.

Section 2. Award of Contract and Construction of Project. The City Council for the City of Coos Bay caused plans and specifications to be prepared for the local improvement, caused bid documents for contracts to be prepared for the construction of the local improvement, solicited bids pursuant to Oregon public contracting law and received bids thereby. The bids being received and opened, and the lowest responsible bidder being found to be Johnson Rock Products, Inc. with a bid in the amount of \$56,128.00, the contract was awarded by the City Council at its regular session on July 15, 1997 in the amount of \$56,128.00 to Johnson Rock Products, Inc. as the lowest bid from a responsible bidder. Having considered the estimated cost of the local improvement from the bids submitted and the estimated engineering and administrative costs, the City Council determined that the lots, parcels and tracts of land located therein should bear all of the cost of the construction of the local improvement. The local improvement was constructed by Johnson Rock Products, Inc. according to the plans and specifications caused to be prepared by the City Council and under the

supervision of the Community Development Department of the City of Coos Bay and in a manner satisfactory to the City Council of the City of Coos Bay, with a final cost of \$74,260.20, including engineering and administrative costs.

Section 3. Notice of Proposed Assessment; Hearing by the Board of Equalization; Objections to the Proposed Assessment. Based upon the final cost, the Community Development Department of the City of Coos Bay prepared proposed assessments. Notice of Proposed Assessment was provided to affected property owners, as required by Coos Bay City Ordinance No. 131. The City Council, after due notice to each of the affected property owners of the amount of the proposed assessment, met as a Board of Equalization to consider the total cost of making the assessment and to adopt, correct, modify or revise the proposed assessment against each lot in the local improvement district according to the special and peculiar benefits accruing to it from the improvement. Full opportunity was given to all affected property owners to object to the proposed assessment to be heard by the Board of Equalization. Written objections were taken and oral objections were heard from the following affected property owners:

William Anger and G.L. William Anger
Hallie Bates and Brendan Bates
Kathleen Fisher
Jason Moon
Anthony Oberstaller and Wanda Oberstaller

Section 4. Declaration of Assessment According to Assessment Roll. Having received and heard objections to the proposed assessments and having modified and revised the proposed assessments based on the objections thereto, the City Council of the City of Coos Bay hereby finds the lots, parcels and tracts of land affected by the local improvement to be specially and peculiarly benefitted from the local improvement and hereby assesses the sum of \$74,260.20 against the affected properties, as such assessments are specifically set forth in the Assessment Roll, which is attached hereto as "Exhibit A" and incorporated herein by reference. The City Council finds that the share of the cost of the local improvement assessed against each lot, parcel and tract of land specifically set forth in the Assessment Roll is proportionate to the special and peculiar benefits to and upon each and every lot, parcel and tract of land, as compared with each and every other lot, parcel and tract of land also specially and peculiarly benefitted by the local improvement.

Section 5. Entry in Lien Docket and Notice of Entry. The Recorder for the City of Coos Bay is hereby ordered to enter in the lien docket for the City of Coos Bay a statement of each assessment hereby made, as provided by Coos Bay City Charter Chapter VIII, Section 8.2, Coos Bay City Ordinance No. 131, and the provisions of ORS Chapter 223, and is hereby directed to give notice of such entry within ten (10) days of the date of the passage of this ordinance and to give notice that a warrant may be issued for the collection of all assessments hereby made and not paid or otherwise financed within sixty (60) days after the effective date of this ordinance.

Section 6. Severability. The provisions of this Ordinance are severable. If any section, subsection, sentence or phrase be determined by a court of competent jurisdiction to be unconstitutional or invalid, such determination shall not affect the constitutionality or validity of the remaining provisions of this Ordinance.

Section 7. Effective Date. This ordinance shall take effect 30 days after enactment by the Council and signature of the Mayor.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this 16th day of June, 1998, by the following vote:

Yes: Mayor Joanne Verger and Councilors Jeff McKeown, Cindi Miller, Don Spangler and Judy Weeks

No: None

Absent: Councilors Joe Benetti and Kevin Stufflebean

Joanne Verger
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST:

Joyce Jansen
Deputy Recorder of the City of Coos Bay
Coos County, Oregon