

## **ORDINANCE NO. 317**

### **AN ORDINANCE PROVIDING FOR THE FINAL ASSESSMENT OF PROPERTY FOR THE COSTS OF THE CONSTRUCTION OF A LOCAL IMPROVEMENT ON OLD WIRELESS LANE, 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 98-32 created a local improvement district for the improvement of the sanitary sewer system serving that area known as Old Wireless Lane, 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 Old Wireless Lane, beginning at the intersection of Southwest Boulevard and continuing east to the low water line of Coalbank Slough and more particularly described as follows:

Beginning at an iron pipe located S 40° 09' E a distance of 232.71 feet from the center of Section 3, Township 26 South, Range 13 West of the Willamette Meridian, Coos County, Oregon. Thence, N 89° 54' E a distance of 300 feet; thence, S 0° 06' E a distance of 12.5 feet; thence, N 89° 54' E a distance of 116.4 feet to the low water line of Coal Bank Slough; thence, southerly along said low water line S 29° 32' 45" W a distance of 201.36; thence, leaving said low water line S 89° 54' W a distance of 17.5 feet; thence, S 0° 06' E a distance of 12.5 feet; thence, S 89° 54' W a distance of 300 feet to the east right-of-way line of Southwest Blvd.; thence, along said right-of-way line N 0° 06' E a distance of 200 feet to the Point of Beginning.

Containing 71,697 square feet and all being within the Northwest Quarter of the Southeast Quarter of Section 3, Township 26 South, Range 13 West of the Willamette Meridian, Coos County, Oregon.

**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 for the construction to be prepared 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 J.B.S. Construction, Inc. with a bid in the amount of \$42,950. The contract for this amount was awarded to J.B.S. Construction, Inc. by the City Council at its regular session on August 15, 2000. Having considered the estimated cost of the local improvement and the estimated engineering and administrative costs, the City Council determined that the tracts of land located therein should bear all of the cost of the construction of the local improvement over and above those grant funds received from the Oregon Economic and Community Development Department in the amount of \$20,000. The local improvement was constructed by J.B.S. Construction, Inc. according to the plans and specifications caused to be prepared by the City Council and under the supervision of the Department of Community Services of the City of Coos Bay and in a manner satisfactory to the Oregon State Department of Environmental Quality, with a final cost of \$44,792.27, 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 Department of Community Services 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 on January 2, 2002 as the Board of Equalization to consider the total cost of making the assessment and to adopt, correct, modify or revise the proposed assessment against each parcel 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 received and oral objections were heard from the following affected property owners:

Duane E. and Joyce L. Wright, 1485 Old Wireless Lane, Coos Bay, Oregon

**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 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 \$24,792.27 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 15<sup>h</sup> day of January, 2002, by the following vote:

Yes: Mayor Benetti and Councilors Anna Marie Larson, Jeff McKeown, Don Spangler, Kevin Stufflebean and Judy Weeks

No: None

Absent: Councilor Cindi Miller

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Joe Benetti  
Mayor of the City of Coos Bay  
Coos County, Oregon

ATTEST:

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Joyce Jansen  
Deputy Recorder of the City of Coos Bay

**EXHIBIT A****OLD WIRELESS LANE LOCAL IMPROVEMENT DISTRICT**

Final Assessment of property for costs associated with the design and construction of sanitary sewer improvements benefitting those properties abutting Old Wireless Lane are shown below.

NW1/4-SE1/4 Section 3, Township 26 South, Range 13 West, W. M., Coos County, Oregon

<b>Tax Lot</b>	<b>Owner of Record Site Address/Mailing Address</b>	<b>Area SF % Dist.</b>	<b>Assessment +Adjustment</b>	<b>Publish/ Mailings</b>	<b>Total</b>
900	Duane E. & Joyce L. Wright 1485 Old Wireless Lane Mail: 1485 Old Wireless Lane	6,674 9.31	\$2,296.28 <b>+34.58</b> <b>\$2,330.86</b>	\$21.26	<b>\$2,352.12</b>
1000	Duane E. & Joyce L. Wright 1465 Old Wireless Lane Mail: 1485 Old Wireless Lane	6,486 9.05 <b>5,986</b> <b>8.35</b>	\$2,232.16 <b>-172.90</b> <b>\$2,059.26</b>	\$21.26	<b>\$2,080.52</b>
1100	L. Charles Gault; Etal 1445 Old Wireless Lane Mail: 1445 Old Wireless Lane Etal, Patricia A. Curtis Mail: 1464 Old Wireless Lane	27,055 37.74	\$9,308.46 <b>+34.58</b> <b>\$9,343.04</b>	\$21.26	<b>\$9,364.30</b>
1200	L. Charles Gault; Etal 1444 Old Wireless Lane Mail: 1445 Old Wireless Lane Etal, Leslie D. Gault Mail: 1444 Old Wireless Lane	14,421 20.11	\$4,960.07 <b>+34.58</b> <b>\$4,994.65</b>	\$21.26	<b>\$5,015.91</b>
1300	L. Charles Gault; Etal 1464 Old Wireless Lane Mail: 1445 Old Wireless Lane Etal, Duane C. Gault Mail: 55198 Crosby Road Myrtle Point, OR	6,533 9.11	\$2,246.95 <b>+34.58</b> <b>\$2,281.53</b>	\$21.26	<b>\$2,302.79</b>
1400	Shirley R. Warnken 1484 Old Wireless Lane	10,528 14.68	\$3,620.78 <b>+34.58</b> <b>\$3,655.36</b>	\$21.26	<b>\$3,676.62</b>
<b>TOTAL</b>		<b>71,697</b> <b>100.00</b>	<b>\$24,664.70</b>	<b>\$127.57</b>	<b>\$24,792.27</b>

Note: The adjustment shown in bold figures indicates the reduction to the Wright's Tax Lot 1000 of 500 square feet for the pump station easement. This reduces their percentage of the total area by 0.7 or \$172.90. This amount is then distributed among the remaining 5 properties.