

ORDINANCE NO. 5710

AN ORDINANCE TERMINATING THE OAK CREEK URBAN RENEWAL PLAN AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Albany ("Council") adopted Ordinance No. 5681 on August 22, 2007, approving the Oak Creek Urban Renewal Plan ("Plan"); and

WHEREAS, the City of Albany adopted the Oak Creek Urban Renewal Plan, pursuant to a Development Agreement dated October 26, 2006, by and between SVC Manufacturing, Inc., the City of Albany, Oregon, the County of Linn, the Albany Millersburg Economic Development Corporation, the Oregon Department of Transportation and the State of Oregon, as amended by that certain Amendment to Development Agreement, dated as of December 20, 2007; and

WHEREAS, via letter dated November 20, 2008, SVC Manufacturing, Inc. notified the City of Albany it will not proceed with the project and advised the City of Albany to "cease all performance under Development Agreement"; and

WHEREAS, the Plan anticipates tax increment funding of several projects to support property development in order to provide jobs and tax growth in the Plan Area; and

WHEREAS, circumstances for immediate development in the Plan Area have changed since the approval of the Plan and the Council finds that tax increment funding of the Plan projects is no longer supportive of the public health safety and welfare; and

WHEREAS, the Council finds that termination of the Plan is in the public interest; and

WHEREAS, the Tax Collector of Linn County has paid funds attributable to the Plan for Tax Year 2008-2009 into a special fund established by the Albany Revitalization Agency ("Agency") for the Plan as required by ORS 457.440(6)(b) ("Special Fund"); and

WHEREAS, the City desires to terminate the Agency collection of tax increment funds on account of the Plan; and

WHEREAS, the Council does by this Ordinance desire to terminate the Plan;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Council hereby terminates the Oak Creek Urban Renewal Plan.

Section 2: The City of Albany hereby assumes any indebtedness incurred by the Agency in preparing and administering the Plan and the City shall be responsible for payment of such indebtedness as if it had been incurred by the City in the first instance.

Section 3: The City Clerk shall forward forthwith to the Agency a copy of this Ordinance and the Agency shall thereafter:

a. Cause a copy of this Ordinance to be recorded in the Records of Linn County, Oregon with the intention that the Plan be removed from the title of the real property located in the Plan Area;

b. Provide a copy of this Ordinance to the Linn County Tax Assessor to notify the Assessor of the Plan termination;

Section 4: Emergency Clause. In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the city of Albany, and an emergency is hereby declared to exist; and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by Council: February 11, 2009


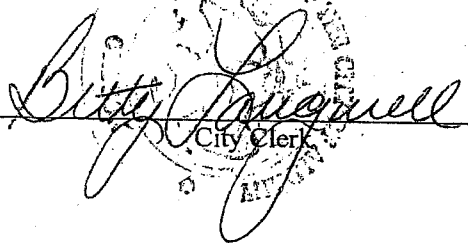
Approved by Mayor: February 11, 2009

Effective Date: February 11, 2009



Mayor

ATTEST:

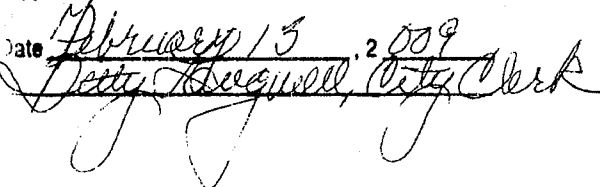



City Clerk

G:\Mary\Resolutions & Ordinances\Terminate Oak Creek
URP.doc

STATE OF OREGON }
County of Linn } SS
City of Albany }

I hereby certify that I have compared the (foregoing,
within) with the original thereof, and that it is a correct
copy therefrom and of the whole thereof.

Date February 13, 2009


City Clerk

MOTION: Reid moved to adopt the ordinance calling for an election to submit to the electors of the City the question of revising the City of Albany City Charter. Johnson seconded the motion and it passed 6-0, and was designated Ordinance No. 5709.

Terminating the Oak Creek Urban Renewal Plan.

Attorney Jim Delapoer read for the first time in title only "AN ORDINANCE TERMINATING THE OAK CREEK URBAN RENEWAL PLAN AND DECLARING AN EMERGENCY."

MOTION: Reid moved to have the ordinance read for a second time in title only. Johnson seconded the motion and it passed 6-0.

Delapoer read the ordinance a second time in title only.

MOTION: Reid moved to adopt the ordinance terminating the Oak Creek Urban Renewal Plan and declaring an emergency. Collins seconded the motion and it passed 6-0, and was declared Ordinance No. 5710.

Adoption of Resolution

Authorizing the class special procurement of professional services for Lean Six Sigma Training.

Management Systems Director Bob Woods explained that staff was requesting the Council to approve a class special procurement method to select the Lasater Institute of Fort Wayne, Indiana, to provide Lean Six Sigma Training services. Their objective is to insure staff receives quality training at an affordable price. They feel they get that from Mr. Lasater. Acting as the Local Contract Review Board, the Council would also authorize staff to negotiate and enter into a purchase agreement for \$3,000 per classroom day, plus \$125 per student attending, which includes all instructor expenses for each subsequent class provided through Fiscal Year 2010.

MOTION: Reid moved to adopt the resolution authorizing the class special procurement of professional services for Lean Six Sigma Training. Johnson seconded the motion.

Woods explained that they were inviting other agencies to attend the sessions thus reducing the costs to the City.

VOTE: A vote was taken on the motion and it passed 6-0, and was declared Resolution No. 5736.

Approval of Contract

Municipal Court Judge contract.

MOTION: Reid moved to approve the Municipal Court Judge contract. Councilor Coburn seconded the motion and it passed 6-0.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) January 12, 2009, City Council Work Session
 - b) January 13, 2009, City Council Work Session
 - c) January 21, 2009, City Council Work Session
- 2) Authorizing the Library to apply for grants from: The Autzen Foundation, The Collins Foundation, James F. & Marion L. Miller Foundation, M.J. Murdock Charitable Trust, Oregon Community Foundation, and The Swigert Foundation. RES. NO. 5746
- 3) Accepting a grant from MDU Resources Foundation for general operating support of the 2009 River Rhythms Concert Series. RES. NO. 5737
- 4) Applying for grants from Linn County Cultural Coalition for general operating support of the following events:
 - a) 2009 Mondays @ Monteith Concert Series. RES. NO. 5738
 - b) 2009 Festival Latino Celebration. RES. NO. 5739
- 5) Granting an easement to PacifiCorp (Pacific Power). RES. NO. 5740
- 6) Accepting easements from:
 - a) American Motorcycle Classics. RES. NO. 5741
 - b) David & Kristine Shumaker. RES. NO. 5742
 - c) John & Julia Mynhier. RES. NO. 5743
- 7) Accepting a right-of-way dedication from American Motorcycle Classics. RES. NO. 5744
- 8) Appointing Municipal Court Judge Pro Tems. RES. NO. 5745

Councilor Olsen asked for item 1a) to be pulled for discussion. Coburn asked that items 6a) and 7) be pulled for discussion.

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Passed by Council: February 11, 2009

Approved by Mayor: February 11, 2009

Effective Date: February 11, 2009



Mayor

ATTEST:



City Clerk

LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON 2009-03384
ORD-ORD
Cnt=1 Stn=1 COUNTER 02/25/2009 02:48:14 PM
\$15.00 \$11.00 \$10.00 \$36.00



00103441200900033840030039

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



Steve Druckenmiller - County Clerk

After Recording Return To:

City of Albany City Clerk

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Exempt

1. Name/Title of Transaction - by ORS 205.234 (a)

ORDINANCE NO. 5710: AN ORDINANCE TERMINATING THE OAK CREEK URBAN RENEWAL PLAN AND DECLARING AN EMERGENCY.

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

City of Albany

3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

City of Albany

4. True and Actual Consideration (if there is one), ORS 93.030

\$0.00

4667