

ORDINANCE NO. 5355

AN ORDINANCE AUTHORIZING BY RESOLUTION THE FORMATION OF A SPECIAL IN-LIEU-OF ASSESSMENT AREA AND ALLOCATION OF IN-LIEU-OF ASSESSMENT RATES FOR THE UNASSESSED PORTION OF PROJECT COSTS RELATED TO THE CONSTRUCTION OF THE COLUMBUS STREET SANITARY SEWER LIFT STATION, AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: To recover the expenditure of City funds that are to be made for a portion of project costs associated with the construction of the Columbus Street sanitary sewer lift station, the Council shall, by Resolution, create a special in-lieu-of assessment benefited area, and establish in-lieu-of assessment rates that will be allocated to properties or portions of properties located within the boundary of the benefited area. The in-lieu-of assessments shall become due upon connection of the benefited property to a sanitary sewer line that is served by the Columbus Street lift station.

Section 2: The in-lieu-of assessment rate shall be established by the ratio of the City's total final unassessed project costs to the sum of total acres within the lift station benefited service area. The assessment rate shall be allocated to each property within the benefited service area on a per-acre basis. The square footage of each property used for the assessment rate calculation shall be exclusive of the area of any property which is designated as Open Space by the City of Albany Comprehensive Plan. The Resolution creating the in-lieu-of assessment area and establishing the rates shall identify each specific property by map and tax lot number and the amount of the in-lieu-of assessment assigned to each property. Until paid, the individual in-lieu-of assessments may be adjusted annually in accordance with the change in the Seattle Construction Cost Index as published by the Engineering News Record (ENR).

Section 3: Upon actual expenditure of City funds for the unassessed project costs, the in-lieu-of assessments shall create a pending lien against each of the properties, or portions of properties located within the benefited service area boundary. Such pending liens shall be filed on the City's lien docket, and shall remain until such time as properties connect to a sanitary sewer service line that is served by the Columbus Street lift station, and the in-lieu-of assessment is paid. In-lieu-of assessment payments paid under the provisions of this ordinance may be made in installments under the provisions of State law and City policy. Any fee so financed by the City through installment payments shall create an immediate lien equal to the financed amount, against the property which gives rise to the fee.

Section 4: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, safety, and health of the citizens of Albany, Oregon, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect immediately upon passage by the Council and approval by the Mayor.

Passed by Council: March 11, 1998

Approved by Mayor: March 11, 1998

Effective Date: March 11, 1998



Mayor

ATTEST:



City Recorder