

ORDINANCE NO. 5391

AN ORDINANCE REPEALING ORDINANCE NOS. 5341, 5351, AND 5354, THAT LEVIED WATER AND SEWER SYSTEM DEVELOPMENT CHARGES AGAINST PROPERTIES SPECIFICALLY BENEFITED BY WATER AND SEWER CONNECTIONS AT: 241/245/247 WAVERLY SE AND 1589/1593/1597/1599 WAVERLY SE, ALBANY; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 5341 levied Water and Sewer System Development Charges against map 11-3W-05DD-00400, Ordinance No. 5351 levied Sewer System Development Charges against map 11-3W-08D-00400; and Ordinance No. 5354 levied Water and Sewer System Development Charges against map 11-3W-08D-00400; and

WHEREAS, the property owners of Tax Lot 400, of Maps 11-03W-05DD and 11-03W-08D, had requested a zone change in order to build apartments at both sites and the requests were denied by the Planning Division (ZC-09-97 and ZC-08-97 respectively). The building permit fees (System Development Charges) were calculated based on developing apartments at both of these sites.

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

Section 1: Ordinance Nos. 5341, 5351, and 5354 are hereby repealed and the Water and Sewer System Development Charges voided.

(See attached Assessment Listing)

Section 2: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the City 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: December 16, 1998

Approved by Mayor: December 16, 1998

Effective Date: December 16, 1998

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

**REPEALING THE ASSESSMENT FROM:**

<u>ACCOUNT #</u>	<u>OWNER NAME / ADDRESS</u>	<u>DESCRIPTION</u>	<u>ASSESSED AMOUNT</u>
SSDC534110	Orvieto, LLC Clark, Richard W. 1892 Willamette Street Eugene, OR 97401	11-03W-05DD-00400 Tax Acct # 080347 Acreage, B-1108-97 Site: 245 Waverly SE	\$8,960
SSDC534101	Orvieto, LLC Clark, Richard W. 1892 Willamette Street Eugene, OR 97401	11-03W-05DD-00400 Tax Acct # 080347 Acreage, B-1106-97 Site: 241 Waverly SE	\$6,720
SSDC534112	Orvieto, LLC Clark, Richard W. 1892 Willamette Street Eugene, OR 97401	11-03W-05DD-00400 Tax Acct # 080347 Acreage, B-1109-97 Site: 247 Waverly SE	\$8,960
SSDC534113	Orvieto, LLC Clark, Richard W. 1892 Willamette Street Eugene, OR 97401	11-03W-05DD-00400 Tax Acct # 080347 Acreage, B-1107-97 Site: 243 Waverly SE	\$11,200
WSDC534110	Orvieto, LLC Clark, Richard W. 1892 Willamette Street Eugene, OR 97401	11-03W-05DD-00400 Tax Acct # 080347 Acreage, W-0344-97 Site: 241 Waverly SE	\$32,000
WSDC535403	Tokarski, Lawrence E. Helton, James A. 698 12 <sup>th</sup> Street SE, Suite 210 Salem, OR 97301	11-03W-08D-00400 Tax Acct # 106290 Acreage, W-0432-97 Site: 1589 Waverly SE	\$36,000
SSDC535103	Tokarski, Lawrence E. Helton, James A. 698 12 <sup>th</sup> Street SE, Suite 210 Salem, OR 97301	11-03W-08D-00400 Tax Acct # 106290 Acreage, B-1111-97 Site: 1597 Waverly SE	\$36,000
SSDC535104	Tokarski, Lawrence E. Helton, James A. 698 12 <sup>th</sup> Street SE, Suite 210 Salem, OR 97301	11-03W-08D-00400 Tax Acct # 106290 Acreage, B-1112-97 Site: 1599 Waverly SE	\$36,000
SSDC535405	Tokarski, Lawrence E. Helton, James A. 698 12 <sup>th</sup> Street SE, Suite 210 Salem, OR 97301	11-03W-08D-00400 Tax Acct # 106290 Acreage, B-1110-97 Site: 1589 Waverly SE	\$36,000
SSDC535106	Tokarski, Lawrence E. Helton, James A. 698 12 <sup>th</sup> Street SE, Suite 210 Salem, OR 97301	11-03W-08D-00400 Tax Acct # 106290 Acreage, B-1113-97 Site: 1593 Waverly SE	\$36,000

**REPEALING THE ASSESSMENT TO:**

<u>ACCOUNT #</u>	<u>OWNER NAME / ADDRESS</u>	<u>DESCRIPTION</u>	<u>ASSESSED AMOUNT</u>
SSDC534110	Orvieto, LLC Clark, Richard W. 1892 Willamette Street Eugene, OR 97401	11-03W-05DD-00400 Tax Acct # 080347 Acreage, B-1108-97 Site: 245 Waverly SE	\$-0-
SSDC534101	Orvieto, LLC Clark, Richard W. 1892 Willamette Street Eugene, OR 97401	11-03W-05DD-00400 Tax Acct # 080347 Acreage, B-1106-97 Site: 241 Waverly SE	\$-0-
SSDC534112	Orvieto, LLC Clark, Richard W. 1892 Willamette Street Eugene, OR 97401	11-03W-05DD-00400 Tax Acct # 080347 Acreage, B-1109-97 Site: 247 Waverly SE	\$-0-
SSDC534113	Orvieto, LLC Clark, Richard W. 1892 Willamette Street Eugene, OR 97401	11-03W-05DD-00400 Tax Acct # 080347 Acreage, B-1107-97 Site: 243 Waverly SE	\$-0-
WSDC534110	Orvieto, LLC Clark, Richard W. 1892 Willamette Street Eugene, OR 97401	11-03W-05DD-00400 Tax Acct # 080347 Acreage, W-0344-97 Site: 241 Waverly SE	\$-0-
WSDC535403	Tokarski, Lawrence E. Helton, James A. 698 12 <sup>th</sup> Street SE, Suite 210 Salem, OR 97301	11-03W-08D-00400 Tax Acct # 106290 Acreage, W-0432-97 Site: 1589 Waverly SE	\$-0-
SSDC535103	Tokarski, Lawrence E. Helton, James A. 698 12 <sup>th</sup> Street SE, Suite 210 Salem, OR 97301	11-03W-08D-00400 Tax Acct # 106290 Acreage, B-1111-97 Site: 1597 Waverly SE	\$-0-
SSDC535104	Tokarski, Lawrence E. Helton, James A. 698 12 <sup>th</sup> Street SE, Suite 210 Salem, OR 97301	11-03W-08D-00400 Tax Acct # 106290 Acreage, B-1112-97 Site: 1599 Waverly SE	\$-0-
SSDC535405	Tokarski, Lawrence E. Helton, James A. 698 12 <sup>th</sup> Street SE, Suite 210 Salem, OR 97301	11-03W-08D-00400 Tax Acct # 106290 Acreage, B-1110-97 Site: 1589 Waverly SE	\$-0-
SSDC535106	Tokarski, Lawrence E. Helton, James A. 698 12 <sup>th</sup> Street SE, Suite 210 Salem, OR 97301	11-03W-08D-00400 Tax Acct # 106290 Acreage, B-1113-97 Site: 1593 Waverly SE	\$-0-

The property owners of Tax Lot 400, of Maps 11-03W-05DD and 11-03W-08D, had requested a zone change in order to build apartments at both sites and the requests were denied by the Planning Division (ZC-09-97 and ZC-08-97 respectively). The building permit fees (System Development Charges) were calculated based on developing apartments at both of these sites.

12/09/98 12:28:33 Assessment Payoff

ORVIETO, LLC                   ACREAGE           1103W05D000400       AInum...04939  
CLARK, RICHARD W            Msg...B110897,W034497,243 WAVERLY,NOTES  
1892 WILLANETTE ST         Tax #...0080347                    Status..  
EUGENE, OR           97401        Loc.....245/241/247 WAVERLY SE

#	Assessment	Last Pay	Rate	Amt Due	Amt Paid	Bal Due	Past Int	Prin.Bal
1	SSDC534110	01/28/98	.0900	1135.00	0.00	1135.00	0.00	8,960.00
2	SSDC534101	01/28/98	.0900	851.30	0.00	851.30	0.00	6,720.00
3	SSDC534112	01/28/98	.0900	1135.00	0.00	1135.00	0.00	8,960.00
4	SSDC534113	01/28/98	.0900	1418.80	0.00	1418.80	0.00	11,200.00
5	WSDC534110	01/28/98	.0900	4053.60	0.00	4053.60	0.00	32,000.00

2/09/98 12:26:01 Assessment Payoff

TOKARSKI, LAWRENCE E      ACREAGE      1103W08D 00400      Alnum...04946  
HELTON, JAMES A      Mesg....B111197,W043297,B111297,B111097,B111397  
698 12TH ST SE,SUITE 210      Tax #...0106290      Status..  
SALEM, OR      97301      Loc.....1589/1599/1597/1593WAVLY

#	Assessment	Last Pay	Rate	Amt Due	Amt Paid	Bal Due	Past Int	Prin.Bal
1	WSDC535403	02/11/98	.0900	4104.27	0.00	4104.27	0.00	36,000.00
2	SSDC535103	02/11/98	.0900	1532.25	0.00	1532.25	0.00	13,440.00
3	SSDC535104	02/11/98	.0900	1021.50	0.00	1021.50	0.00	8,960.00
4	SSDC535405	02/11/98	.0900	766.17	0.00	766.17	0.00	6,720.00
5	SSDC535106	02/11/98	.0900	1276.92	0.00	1276.92	0.00	11,200.00

SE 1/4 SEC. 08 T. 11 S. R. 03 W. W.M.  
LINN COUNTY, OREGON

11 3W 8D  
ALBANY

1" = 200'

SEE MAP 11 3W 8AC

SEE MAP 11 3W 8AD

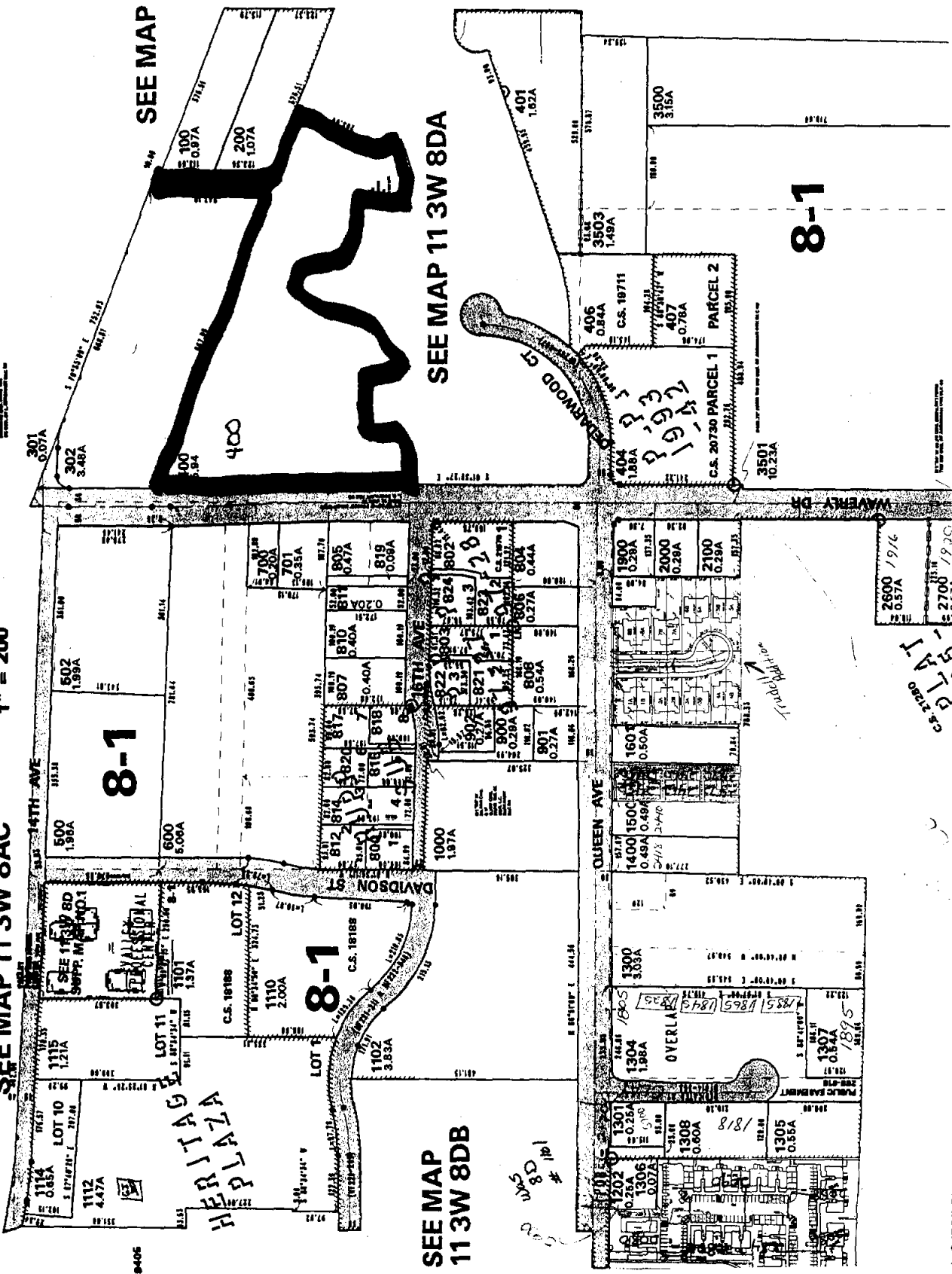
SEE MAP 11 3W 8DA

SEE MAP 11 3W 8DB

8-27

SEE MAP 11 3W 9C

8-1



PREPARED FOR  
USES ONLY

9-406

PLAT # 1895

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

11-3W-5 DD-400

SE 1/4 SE 1/4 SEC. 05 T. 11S. R. 03W. W.M. LINN COUNTY, OREGON

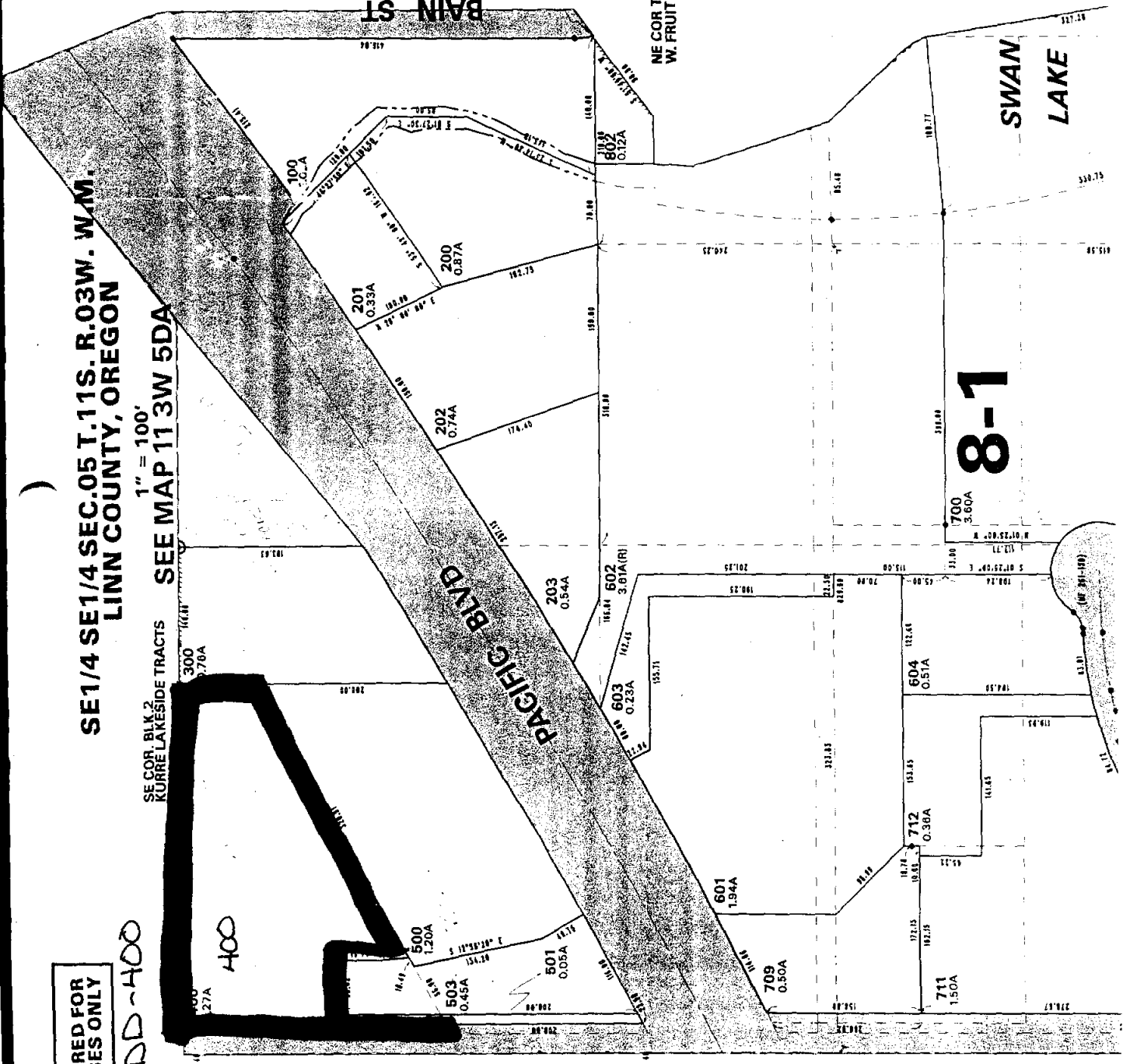
1" = 100' SEE MAP 11 3W 5DA

SE COR. BLK. 2 KURRE LAKESIDE TRACTS

REVISED: MAP SOURCE ID NUMBER CANCELLED TAX LOT NUA 204 INTO 602 401 INTO 601 502 INTO 700 700 INTO 602 701 INTO 602 702 INTO 601 704 INTO 700 705 TO RD. 707 INTO 700

SEE MAP 11 3W 5DC

AB



SW COR. TRACT 16 WAVERLY FRUIT FARM ALSO S 2185' & W 1610' FROM NE COR. DLC 49

NE COR TRACT 18 W. FRUIT FARM

S78° 47' 30" W 125' FROM NW COR. LOT 5, BLK. 1 FREEWAY ADD.

C.S. 16272

AP 11 3W 4CC