

**CITY OF YACHATS
ORDINANCE NO. 299**

**AN ORDINANCE TO MAKE AND SPREAD ASSESSMENTS FOR THE EAST
HILLSIDE LOCAL IMPROVEMENT DISTRICT AND DECLARING AN
EMERGENCY.**

WHEREAS, in order to complete the water, sewer and electrical services lots located within several developments on the East Hillside of Yachats the City Council directed that a plan be developed for a Local Improvement District to finance the improvements; and

WHEREAS, a plan was developed, and a public hearing was held on January 13, 2010 at which only one of the property owners registered an oral objection, and

WHEREAS, at the January 14, 2010 regular meeting City Council directed the engineers to prepare a modified plan based on testimony received at the public hearing, and

WHEREAS, the plan was modified by the engineers, and given preliminary approval by the City Council on January 20, 2010, and filed for public examination in the City Recorder's office, and

WHEREAS, a duly noticed plan hearing was held before the City Council at its regularly scheduled meeting of February 11, 2010 at 2:00 p.m. in the Civic Meeting Room at the Yachats Commons; and

WHEREAS, there were no written objections submitted and there were no oral objections at the public hearing;

WHEREAS, a contract for construction was approved and the estimated cost for the improvement was ascertained; and

WHEREAS, payment by the City for a portion of the cost of the improvement and assessment of the affected property for the remainder of the costs was authorized; and

WHEREAS, the project has been completed and the estimated assessments based on actual costs for the improvement; and

WHEREAS, affected property owners were duly noticed regarding the estimated assessments and no objections were filed;

WHEREAS, all work in the Local Improvement District has now been substantially completed and the City is able to determine the final cost of the improvements less the City contribution so the final assessments can be made for the properties benefited;

NOW THEREFORE, the City of Yachats ordains as follows:

Section 1. That the portion of the cost of making the improvements as per the approved plan be paid by the owners of the real property included within the district and particularly benefited thereby, is hereby declared to be the sum of \$458,864.68 to be assessed to the property benefited.

Section 2. The proportionate share of the above costs for the above mentioned improvement is assessed upon each lot or part thereof included within the East Hillside Local Improvement District and is hereby ascertained and declared to be the sum set forth below and which is included with the name of the owners of each lot and the separate descriptions of such lots or part thereof, as follows:

Reference No.	Lot No.	Contract Owner Name (Name/Address)	Map & Tax Lot No.	Cost, per Lot
BLACK STONE I				
1	1	CURTIS L RATZLAFF & HANNAH S GOURGEY	14-12-27-AA-08200	\$4,623.33
2	2	PETER E SARACENO & REBECCA E GOURGEY	14-12-27-AA-08300	\$4,623.33
3	3	DONALD D GIBSON JR & BETH ANN GIBSON	14-12-26-BC-07900	\$4,623.33
4	4	DAVID C ROSENTHAL	14-12-26-BB-01900	\$4,623.33
5	5	MYRNA S KARP & NEIL KARP & JASON KARP	14-12-26-BB-02100	\$4,623.33
6	6	SIMES FAMILY LTD PARTNERSHIP & MIS CONSULTING INC ATTN MARVIN SIMES	14-12-26-BB-02000	\$4,623.33
7	7	DAVID A HITE & KRISTINA L HITE	14-12-26-BB-07500	\$4,623.33

Reference No.	Lot No.	Contract Owner Name (Name/Address)	Map & Tax Lot No.	Cost, per Lot
8	8	KIM D PETERSON R E SEP IRA LLC	14-12-26-BC-07600	\$4,623.33
9	9	JANE TOLVE & DAVE TOLVE	14-12-26-BC-07700	\$4,623.33
10	10	JAMES MASTON & DAGMAR MASTON	14-12-26-BC-07100	\$4,623.33
11	11	BRIAN K GESIK & CHERYL R K GESIK	14-12-26-BC-07200	\$4,623.33
12	12	JOHN R COX & REBECCA E COX	14-12-26-BC-07300	\$4,623.33
13	13	WAYNE SABATELLI	14-12-26-BC-07400	\$4,623.33
14	14	NEIL KARP & JASON KARP	14-12-26-BC-06600	\$4,623.33
15	15	MELODIE CHESIN	14-12-26-BC-06700	\$4,623.33
16	16	JONATHON MONSCHKE & CARRIE MONSCHKE	14-12-26-BC-06800	\$4,623.33

Reference No.	Lot No.	Contract Owner Name (Name/Address)	Map & Tax Lot No.	Cost, per Lot
17	17	INVESTOR MORTGAGE	14-12-26-BC-06900	\$4,623.33
18	18	JAMES CHURCHILL & SHARON CHURCHILL	14-12-26-BC-07000	\$4,623.33
19	19	LAWRENCE A TRUSTEE & KATHRYN B MUSIAL TRUSTEE	14-12-26-BC-06100	\$4,623.33
20	20	MYRNA S KARP & STEVE SCHAET	14-12-26-BC-06200	\$4,623.33
21	21	GARY W ELLIOT & JANET K ELLIOT	14-12-26-BC-06300	\$4,623.33
22	22	JONATHON MONSCHKE & CARRIE MONSCHKE	14-12-26-BC-06400	\$4,623.33
23	23	RICHARD BRIM & JUDY BRIM	14-12-26-BC-05700	\$9,879.30
24	24	LANCE L THOMPSON & KATHRYN H THOMPSON	14-12-26-BC-05800	\$9,879.30

Reference No.	Lot No.	Contract Owner Name (Name/Address)	Map & Tax Lot No.	Cost, per Lot
BLACK STONE I (CONTINUED)				
25	25	STEVEN S MCCLURG COTRUSTEE & SANDEE K MCCLURG COTRUSTEE	14-12-26-BC-05900	\$9,879.30
26	26	JEFFREY MINCK	14-12-26-BC-06000	\$4,623.33
27	27	STEVEN FELL & CHRISTINA FELL	14-12-26-BC-05200	\$4,623.33
28	28	STEPHEN B GARETS	14-12-26-BC-05300	\$9,879.30
29	29	WAYNE L HENNECK TRUSTEE & SUE ANNE HENNECK TRUSTEE	14-12-26-BC-05400	\$9,879.30
30	30	CHRISTIAN & MARGY REBMANN ATTN INVESTORS MORTGAGE	14-12-26-BC-05500	\$9,879.30

Reference No.	Lot No.	Contract Owner Name (Name/Address)	Map & Tax Lot No.	Cost, per Lot
BLACK STONE II				
34	31	BANK OF THE WEST ATTN: JEANIE JONES	14-12-26-BB-04100	\$16,306.84
35	32	BANK OF THE WEST ATTN: JEANIE JONES	14-12-26-BB-04000	\$16,306.84
36	33	BANK OF THE WEST ATTN: JEANIE JONES	14-12-26-BB-04200	\$16,306.84
37	34	BANK OF THE WEST ATTN: JEANIE JONES	14-12-26-BB-04300	\$16,306.84
38	35	BANK OF THE WEST ATTN: JEANIE JONES	14-12-26-BB-04500	\$4,683.33
39	36	BANK OF THE WEST ATTN: JEANIE JONES	14-12-26-BB-04600	\$4,683.33
40	37	BANK OF THE WEST ATTN: JEANIE JONES	14-12-26-BB-04700	\$4,683.33

Reference No.	Lot No.	Contract Owner Name (Name/Address)	Map & Tax Lot No.	Cost, per Lot
BLACK STONE II (CONTINUED)				
41	38	DAVID ROSENTHAL & NEIL KARP	14-12-26-BB-05000	\$4,683.33
42	39	BANK OF THE WEST ATTN: JEANIE JONES	14-12-26-BB-05200	\$4,683.33
43	40	BANK OF THE WEST ATTN: JEANIE JONES	14-12-26-BB-05300	\$4,683.33
44	41	BANK OF THE WEST ATTN: JEANIE JONES	14-12-26-BB-05400	\$4,683.33
45	42	BANK OF THE WEST ATTN: JEANIE JONES	14-12-26-BB-05500	\$4,683.33
46	43	BANK OF THE WEST ATTN: JEANIE JONES	14-12-26-BB-05600	\$4,683.33
47	44	BANK OF THE WEST ATTN: JEANIE JONES	14-12-26-BB-05700	\$4,683.33

Reference No.	Lot No.	Contract Owner Name (Name/Address)	Map & Tax Lot No.	Cost, per Lot
WIND SONG HEIGHTS				
52	5	PACIFIC 101 DEVELOPMENT, LLC	14-12-26-BB-02700	\$4,623.33
53	6	PACIFIC 101 DEVELOPMENT, LLC	14-12-26-BB-02600	\$4,623.33
54	7	PACIFIC 101 DEVELOPMENT, LLC	14-12-26-BB-02500	\$4,623.33
55	8	PACIFIC 101 DEVELOPMENT, LLC	14-12-26-BB-02400	\$4,623.33
56	13	PACIFIC 101 DEVELOPMENT, LLC	14-12-26-BB-03600	\$4,623.33
57	14	PACIFIC 101 DEVELOPMENT, LLC	14-12-26-BB-03700	\$4,623.33
58	15	PACIFIC 101 DEVELOPMENT, LLC	14-12-26-BB-03800	\$4,623.33
59	16	PACIFIC 101 DEVELOPMENT, LLC	14-12-26-BB-03900	\$4,623.33
61	1	YACHATS CREEKSIDE DEVELOP, LLC	14-12-26-BB-06300	\$4,623.33

62	2	YACHATS CREEKSIDE DEVELOP, LLC	14-12-26-BB-06400	\$4,623.33
Reference No.	Lot No.	Contract Owner Name (Name/Address)	Map & Tax Lot No.	Cost, per Lot
CREEKSIDE PUD				
63	3	YACHATS CREEKSIDE DEVELOP, LLC	14-12-26-BB-06500	\$4,623.33
64	4	YACHATS CREEKSIDE DEVELOP, LLC	14-12-26-BB-06700	\$4,623.33
65	5	YACHATS CREEKSIDE DEVELOP, LLC	14-12-26-BB-06800	\$4,623.33
66	6	YACHATS CREEKSIDE DEVELOP, LLC	14-12-26-BB-06900	\$4,623.33
67	7	YACHATS CREEKSIDE DEVELOP, LLC	14-12-26-BB-05900	\$4,623.33
68	8	YACHATS CREEKSIDE DEVELOP, LLC	14-12-26-BB-06000	\$4,623.33

Reference No.	Lot No.	Contract Owner Name (Name/Address)	Map & Tax Lot No.	Cost, per Lot
MISCELLANEOUS				
73	P.P. 2006-31 PARCEL 2	ELIZABETH M HANLEY TRUSTEE	14-12-26-BC-02101	\$9,879.30
74	P.P. 1999-16 PARCEL 2 PTN 1 & LAND ADJ	GLEN S STONE & JANET F STONE	14-12-26-BC-02200	\$9,879.30
75	P.P. 2006-29 PARCEL 1	JAMES TODD NORWOOD & DEBORAH ANN NORWOOD	14-12-26-BC-02300	\$9,879.30
76	P.P. 2006-29 PARCEL 2	STSK INVESTMENTS, LLC ATTN GEOFF MOTT	14-12-26-BC-02301	\$9,879.30
77	TOWNSHI P 14 RNG 12	GARY HOFER & JENNIE HOFER GARCIA	14-12-26-BC-02600	\$9,879.30
78	P.P. 1992-06 PARCEL 2	JRVS TRUST ATTN JOHN & VERLENE COOPER	14-12-26-BC-01800	\$4,000.00
79	PART. PLAT 1992-06 PARCEL 1	DHANPAT RAI & BARBARA ANN RAI	14-12-26-BC-01900	\$4,000.00
80	P.P. 2006-31, PARCEL 1	YCY LLC ATTN GREGORY L LEVIN	14-12-26-BC-2100	\$9,879.30

Section 3. That the Recorder of the City of Yachats, Lincoln County, Oregon is hereby ordered and directed to immediately enter a statement of the assessments made and declared by this ordinance, together with the names of the respective owners of such lots or parts thereof herein described, in the docket of City liens of the City of Yachats, and to give notice thereof as provided by law.

Section 4. Each such assessment, if not paid within 30 days following the date notice of such assessment is mailed in accordance with provisions of ORS Chapter 223, shall be immediately due and payable and shall bear interest at a rate of 15 percent per annum, until paid, unless the property owner shall make application within 10 days after notice of final assessment is first published, as provided in ORS Chapter 223, and Resolution No. 2011-08-01, to pay all or part of such assessment in installments, in which case the portion of such assessment to be paid in installments shall bear interest at the rate provided for in Resolution No. 2011-08-11.

Section 5. Inasmuch as the project has been completed, construction costs paid and it is in the best interests of the City to have the benefited properties finally assessed, an emergency is hereby declared to exist, and this ordinance shall be effective upon the date of adoption by the Council.

PASSED AND ADOPTED by the City Council on this 11th day of August, 2011, by the following vote:

_____ Ayes

_____ Abstentions

_____ Nays

_____ Absent

APPROVED by the Mayor this 11th day of August, 2011.

Ronald L. Brean, Mayor

Attest:

Nancy Batchelder, City Recorder