

**CITY OF YACHATS**

**ORDINANCE NO. 289**

**ESTIMATED ASSESSMENTS FOR THE EAST HILLSIDE LOCAL  
IMPROVEMENT DISTRICT**

**WHEREAS**, in order to complete the water, sewer and electrical services lots located within several developments on the East Hillside of Yachats in accordance with the Yachats Municipal Code Chapter 3.04 – Assessments for Local Improvements 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 owner 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 subsequent public hearing on the preliminarily approved modified plan 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 to the modified plan at the public hearing; and

**WHEREAS**, the engineer's cost estimate for the LID was included in the modified plan and all affected property owners were duly noticed regarding the estimated assessments and given an opportunity to object or comment;

**NOW THEREFORE**, the City of Yachats ordains as follows:

**Section 1.** The City of Yachats hereby forms the East Hillside Local Improvement District. 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 \$401,600 to be assessed to the property benefited.

**Section 2.** The proportionate share of the costs for the above mentioned improvement will be assessed upon each lot or part thereof included within the East Hillside Local Improvement District and is hereby estimated 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
<b>BLACK STONE I</b>				
1	1	CURTIS L RATZLAFF & HANNAH S GOURGEY  AUSTIN, TX 78759	14-12-27-AA-08200	\$3,889.39
2	2	PETER E SARACENO & REBECCA E GOURGEY  EUGENE, OR 97403	14-12-27-AA-08300	\$3,889.39
3	3	DONALD D GIBSON JR & BETH ANN GIBSON  HENDERSON, NV 89052	14-12-26-BC-07900	\$3,889.39
4	4	DAVID C ROSENTHAL  LAKE WORTH, FL 33467	14-12-26-BB-01900	\$3,889.39
5	5	MYRNA S KARP & NEIL KARP & JASON KARP  FLORENCE, OR 97439	14-12-26-BB-02100	\$3,889.39
6	6	SIMES FAMILY LTD PARTNERSHIP & MIS CONSULTING INC ATTN MARVIN SIMES  HOLLYWOOD, FL 33019	14-12-26-BB-02000	\$3,889.39
7	7	DAVID A HITE & KRISTINA L HITE  RENTON, WA 98057	14-12-26-BB-07500	\$3,889.39

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  MORGAN, UT 84050	14-12-26-BC-07600	\$3,889.39
9	9	JANE TOLVE & DAVE TOLVE  BEND, OR 97701	14-12-26-BC-07700	\$3,889.39
10	10	JAMES MASTON & DAGMAR MASTON  EUGENE, OR 97401	14-12-26-BC-07100	\$3,889.39
11	11	BRIAN K GESIK & CHERYL R K GESIK  SPRINGFIELD, OR 97478	14-12-26-BC-07200	\$3,889.39
12	12	JOHN R COX & REBECCA E COX  ENCINITAS, CA 92024	14-12-26-BC-07300	\$3,889.39
13	13	WAYNE SABATELLI  SAN JOSE, CA 95126	14-12-26-BC-07400	\$3,889.39
14	14	NEIL KARP & JASON KARP  FLORENCE, OR 97439	14-12-26-BC-06600	\$3,889.39
15	15	MELODIE CHESIN  FORT LAUDERDALE, FL 33304	14-12-26-BC-06700	\$3,889.39
16	16	JONATHON MONSCHKE & CARRIE MONSCHKE  YACHATS, OR 97498	14-12-26-BC-06800	\$3,889.39

Reference No.	Lot No.	Contract Owner Name (Name/Address)	Map & Tax Lot No.	Cost, per Lot
17	17	JONATHON MONSCHKE & CARRIE MONSCHKE  YACHATS, OR 97498	14-12-26-BC-06900	\$3,889.39
18	18	JAMES CHURCHILL & SHARON CHURCHILL  POWELL BUTTE, OR 97753	14-12-26-BC-07000	\$3,889.39
19	19	LAWRENCE A TRUSTEE & KATHRYN B MUSIAL TRUSTEE  YACHATS, OR 97498	14-12-26-BC-06100	\$3,889.39
20	20	MYRNA S KARP & STEVE SCHAET  FLORENCE, OR 97439	14-12-26-BC-06200	\$3,889.39
21	21	GARY W ELLIOT & JANET K ELLIOT  EUGENE, OR 97401	14-12-26-BC-06300	\$3,889.39
22	22	JONATHON MONSCHKE & CARRIE MONSCHKE  YACHATS, OR 97498	14-12-26-BC-06400	\$3,889.39
23	23	RICHARD BRIM & JUDY BRIM  NEWPORT, OR 97365	14-12-26-BC-05700	\$8,597.73
24	24	LANCE L THOMPSON & KATHRYN H THOMPSON  PHOENIX, AZ 85045	14-12-26-BC-05800	\$8,597.73

Reference No.	Lot No.	Contract Owner Name (Name/Address)	Map & Tax Lot No.	Cost, per Lot
<b>BLACK STONE I (CONTINUED)</b>				
25	25	STEVEN S MCCLURG COTRUSTEE & SANDEE K MCCLURG COTRUSTEE  LAKE OSWEGO, OR 97035	14-12-26-BC-05900	\$8,597.73
26	26	JEFFREY MINCK  NAVARRE, FL 32566	14-12-26-BC-06000	\$3,889.39
27	27	STEVEN FELL & CHRISTINA FELL  TUCSON, AZ 85718	14-12-26-BC-05200	\$3,889.39
28	28	STEPHEN B GARETS  CORVALLIS, OR 97330	14-12-26-BC-05300	\$8,597.73
29	29	WAYNE L HENNECK TRUSTEE & SUE ANNE HENNECK TRUSTEE  ALBANY, OR 97321	14-12-26-BC-05400	\$8,597.73
30	30	DAVID MONSCHKE & VALERIE MONSCHKE  YACHATS, OR 97498	14-12-26-BC-05500	\$8,597.73

Reference No.	Lot No.	Contract Owner Name (Name/Address)	Map & Tax Lot No.	Cost, per Lot
<b>BLACK STONE II</b>				
34	31	TIMBERSTONE, LLC PO BOX 88 YACHATS, OR 97498	14-12-26-BB-04100	\$15,764.39
35	32	TIMBERSTONE, LLC PO BOX 88 YACHATS, OR 97498	14-12-26-BB-04000	\$15,764.39
36	33	TIMBERSTONE, LLC PO BOX 88 YACHATS, OR 97498	14-12-26-BB-04200	\$15,764.39
37	34	TIMBERSTONE, LLC PO BOX 88 YACHATS, OR 97498	14-12-26-BB-04300	\$15,764.39
38	35	TIMBERSTONE, LLC PO BOX 88 YACHATS, OR 97498	14-12-26-BB-04500	\$4,179.39
39	36	NEIL KARP & MYRNA KARP  FLORENCE, OR 97439	14-12-26-BB-04600	\$4,179.39
40	37	TIMBERSTONE, LLC PO BOX 88 YACHATS, OR 97498	14-12-26-BB-04700	\$4,179.39
41	38	DAVID ROSENTHAL & NEIL KARP  FLORENCE, OR 97439	14-12-26-BB-05000	\$4,179.39

Reference No.	Lot No.	Contract Owner Name (Name/Address)	Map & Tax Lot No.	Cost, per Lot
<b>BLACK STONE II (CONTINUED)</b>				
42	39	TIMBERSTONE, LLC PO BOX 88 YACHATS, OR 97498	14-12-26-BB-05200	\$4,179.39
43	40	TIMBERSTONE, LLC PO BOX 88 YACHATS, OR 97498	14-12-26-BB-05300	\$4,179.39
44	41	TIMBERSTONE, LLC PO BOX 88 YACHATS, OR 97498	14-12-26-BB-05400	\$4,179.39
45	42	TIMBERSTONE, LLC PO BOX 88 YACHATS, OR 97498	14-12-26-BB-05500	\$4,179.39
46	43	TIMBERSTONE, LLC PO BOX 88 YACHATS, OR 97498	14-12-26-BB-05600	\$4,179.39
47	44	TIMBERSTONE, LLC PO BOX 88 YACHATS, OR 97498	14-12-26-BB-05700	\$4,179.39

Reference No.	Lot No.	Contract Owner Name (Name/Address)	Map & Tax Lot No.	Cost, per Lot
<b>WIND SONG HEIGHTS</b>				
52	5	PACIFIC 101 DEVELOPMENT, LLC PO BOX L FLORENCE, OR 97439	14-12-26-BB-02700	\$3,889.39
53	6	PACIFIC 101 DEVELOPMENT, LLC PO BOX L FLORENCE, OR 97439	14-12-26-BB-02600	\$3,889.39
54	7	PACIFIC 101 DEVELOPMENT, LLC PO BOX L FLORENCE, OR 97439	14-12-26-BB-02500	\$3,889.39
55	8	PACIFIC 101 DEVELOPMENT, LLC PO BOX L FLORENCE, OR 97439	14-12-26-BB-02400	\$3,889.39
56	13	PACIFIC 101 DEVELOPMENT, LLC PO BOX L FLORENCE, OR 97439	14-12-26-BB-03600	\$3,889.39
57	14	PACIFIC 101 DEVELOPMENT, LLC PO BOX L FLORENCE, OR 97439	14-12-26-BB-03700	\$3,889.39



Reference No.	Lot No.	Contract Owner Name (Name/Address)	Map & Tax Lot No.	Cost, per Lot
<b>WIND SONG HEIGHTS (CONTINUED)</b>				
58	15	PACIFIC 101 DEVELOPMENT, LLC PO BOX L FLORENCE, OR 97439	14-12-26-BB-03800	\$3,889.39
59	16	PACIFIC 101 DEVELOPMENT, LLC PO BOX L FLORENCE, OR 97439	14-12-26-BB-03900	\$3,889.39
<b>CREEKSIDE PUD</b>				
61	1	YACHATS CREEKSIDE DEVELOP, LLC 1 E CAMELBACK RD, SUITE 340 PHOENIX, AZ 85012	14-12-26-BB-06300	\$3,889.39
62	2	YACHATS CREEKSIDE DEVELOP, LLC 1 E CAMELBACK RD, SUITE 340 PHOENIX, AZ 85012	14-12-26-BB-06400	\$3,889.39
63	3	YACHATS CREEKSIDE DEVELOP, LLC 1 E CAMELBACK RD, SUITE 340 PHOENIX, AZ 85012	14-12-26-BB-06500	\$3,889.39
64	4	YACHATS CREEKSIDE DEVELOP, LLC 1 E CAMELBACK RD, SUITE 340 PHOENIX, AZ 85012	14-12-26-BB-06700	\$3,889.39
65	5	YACHATS CREEKSIDE DEVELOP, LLC 1 E CAMELBACK RD, SUITE 340 PHOENIX, AZ 85012	14-12-26-BB-06800	\$3,889.39
66	6	YACHATS CREEKSIDE DEVELOP, LLC 1 E CAMELBACK RD, SUITE 340 PHOENIX, AZ 85012	14-12-26-BB-06900	\$3,889.39
67	7	YACHATS CREEKSIDE DEVELOP, LLC 1 E CAMELBACK RD, SUITE 340 PHOENIX, AZ 85012	14-12-26-BB-05900	\$3,889.39
68	8	YACHATS CREEKSIDE DEVELOP, LLC 1 E CAMELBACK RD, SUITE 340 PHOENIX, AZ 85012	14-12-26-BB-06000	\$3,889.39

Reference No.	Lot No.	Contract Owner Name (Name/Address)	Map & Tax Lot No.	Cost, per Lot
<b>MISCELLANEOUS</b>				
73	P.P. 2006-31 PARCEL 2	JONATHAN MONSCHKE & CARRIE MONSCHKE  YACHATS, OR 97498	14-12-26-BC-02101	\$8,597.73
74	P.P. 1999-16 PARCEL 2 PTN 1 & LAND ADJ	GLEN S STONE & JANET F STONE  HILLSBOROUGH, NJ 08844	14-12-26-BC-02200	\$8,597.73
75	P.P. 2006-29 PARCEL 1	JAMES TODD NORWOOD & DEBORAH ANN NORWOOD  WALDPORT, OR 97394	14-12-26-BC-02300	\$8,597.73
76	P.P. 2006-29 PARCEL 2	STSK INVESTMENTS, LLC ATTN GEOFF MOTT  FOUNTAIN HILLS, AZ 85268	14-12-26-BC-02301	\$8,597.73
77	TOWNSHI P 14 RNG 12	GARY HOFER & JENNIE HOFER GARCIA  ROY, UT 84067	14-12-26-BC-02600	\$8,597.73
78	P.P. 1992-06 PARCEL 2	JRVS TRUST ATTN JOHN & VERLENE COOPER  YACHATS, OR 97498	14-12-26-BC-01800	\$4,000.00
79	PART. PLAT 1992-06 PARCEL 1	DHANPAT RAI & BARBARA ANN RAI  YACHATS, OR 97498	14-12-26-BC-01900	\$4,000.00
80	P.P. 2006-31, PARCEL 1	YCY LLC ATTN GREGORY L LEVIN  KETCHUM, ID 83340	14-12-26-BC-2100	\$8,597.73

**Section 3.** Upon completion of the local improvement, the council shall compute the actual cost and determine the final assessments. If the final assessments are less than or equal to the estimated assessments, the council shall, by ordinance, spread the final assessments, which shall supersede and replace the estimated assessments. Credit shall be given for payments previously made under the estimated assessments. If any credit exceeds the total amount due under the final assessment, the excess shall be refunded to the property owner of record on the date of refund.

**PASSED AND ADOPTED** by the City Council on this 11 day of March, 2010, by the following vote:

\_\_\_\_\_ Ayes

\_\_\_\_\_ Abstentions

\_\_\_\_\_ Nays

\_\_\_\_\_ Absent

**APPROVED** by the Mayor this 11<sup>th</sup> day of March, 2010.

\_\_\_\_\_  
Ronald L. Brean, Mayor

Attest:

\_\_\_\_\_  
Nancy Batchelder, City Recorder