

ORDINANCE NO. 5002

AN ORDINANCE CREATING AN ECONOMIC IMPROVEMENT DISTRICT IN ACCORDANCE WITH
ORS 223.112-223.132.

WHEREAS, the City Council of the City of Albany previously adopted Resolution No. 3145 on March 11, 1992, in which it was announced that the City intended to create a voluntary Economic Improvement District in the downtown area as of July 1, 1992; and

WHEREAS, a public hearing in the matter of establishing such a district was held before the Albany City Council on April 8, 1992; and

WHEREAS, ORS 223.112-223.132 permits the creation of Economic Improvement Districts, NOW, THEREFORE,

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

Section 1. Project Description: This Economic Improvement District is hereby created to provide stable funding for the Albany Downtown Association. The funds generated shall be used to enable the Association to assist the City in the planning or management of development or improvement activities; landscaping or other maintenance of public areas; promotion of commercial activities or events; activities in support of business recruitment and development; improvements in parking systems or parking enforcement; and to fund the salary and payroll taxes for the Association's professional staff as well as the other miscellaneous expenses which will be incurred by the Association in furtherance of the above referenced activities.

Section 2. Preliminary Estimate of Cost. It is proposed that the preliminary estimate of the probable cost of the Economic improvements referred to above, will be as follows for each of the years that this district is in place:

1. 1992-1993	\$ 30,000
2. 1993-1994	\$ 31,500
3. 1994-1995	\$ 33,075
4. 1995-1996	\$ 34,725
5. 1996-1997	\$ 36,465

Section 3. Proposed Formula for Apportioning Costs. The amount of the assessment will be \$1.34 per \$1,000 assessed valuation with a 5% increase each year.

Section 4. Boundary of Economic Improvement District. The boundary of the Economic Improvement District shall be defined as an area beginning at a point at the most northwesterly corner of the Tax Lot No. 11-4W-1DD-200; thence southerly along the most westerly property line a distance of 542 feet more or less to the intersection of the north line of First Avenue; thence southerly along the centerline of Calapooia Street 1,030 feet; thence easterly along the centerline of Block 26, 181 feet; thence southerly 133 feet to the centerline of Fifth Avenue; thence easterly to the centerline of Broadalbin Street; thence southerly to the centerline of Sixth Avenue; thence easterly to the centerline of Block 49; thence southerly to the centerline of Eighth Avenue; thence easterly to the centerline of Ellsworth Street; thence southerly to the centerline of Ninth Avenue; thence easterly to the centerline of Lyon Street; thence northerly to the centerline of Seventh

Avenue; thence easterly 150 feet; thence northerly 440 feet; thence easterly 182 feet to the centerline of Baker Street; thence northerly to the centerline of Fourth Avenue; thence easterly to the centerline of Railroad Street; thence northerly to the most southerly boundary of the Willamette River; thence running upstream along said river westerly along the most southerly boundary to the point of beginning. A map showing the approximate location of the Economic Improvement District is attached hereto as Exhibit "A" and by this reference incorporated herein. Should any discrepancy exist between the map and the written description set forth above, the description shall control.

Section 5. Term. This assessment will be levied for a term of five (5) years.

Section 6. Notice of Public Hearing; Hearing. On March 11, 1992, the City Council of the City of Albany adopted Resolution No. 3145. This Resolution provided for Notices to be mailed or delivered personally to affected property owners and announced the intention of the Council to undertake this Economic Improvement District and to assess benefitted properties for the cost. The Notice set the hearing for Wednesday, May 27, 1992, at 7:15 p.m. in City Hall II Council Room, Upstairs, 250 Broadalbin S.W., Albany, Oregon. The Notice also set forth a description of the proposed project, a preliminary estimate of its costs, a description of the formula for apportioning the proposed cost to specially benefitted properties, the proposed term of the District, and further advise the recipients of their right to remonstrate against the creation of the Economic Improvement District by writing to the City on or before May 27, 1992. The Notice also informed the recipients that the City Council would consider their failure to respond to that Notice as an approval of the proposed assessment and a specific request for Economic Improvement District services. Thereafter, a hearing was held at the time, date, and place referred to above and remonstrances were received. Said remonstrances did not exceed the thirty-three percent (33%) level which would bar creation of the Improvement District pursuant to ORS 223.118(a).

Section 7. Voluntary Nature of Assessment, Exclusion of Property. Pursuant to ORS 223.118, the Economic Improvement project described above shall be undertaken but assessments shall not be levied on any lot or parcel of property in those instances where the owner of that property submitted written objections at the aforesaid public hearing. Such properties are hereby excluded from assessment and the individual property and assessment data hereinafter set forth shall recognize such exclusion. The formula for assessment referred to in Section 3 shall be used to determine the particular assessment on each property to be assessed and as a consequence, the actual amount levied will be reduced accordingly from the preliminary estimate referred to in Section 2 above.

Section 8. Limitations. The City shall not be authorized to:

- (a) Levy assessments in an Economic Improvement District in any year to exceed one percent (1%) of the true cash value of the all the real property located within the District.
- (b) Include within the Economic Improvement District, any area of the City that is not zoned for commercial or industrial use.
- (c) Levy assessments on residential real property or any portion of a structure used for residential purposes.

Section 9. Individual Property and Assessment Data. Individual Property and assessment data is set forth in the sheets attached hereto as Exhibit "B" and by this reference incorporated herein.

Section 10. Notice of Proposed Assessment. Notice of the proposed assessment referred to above shall be mailed or personally delivered to the owner of each lot to be assessed, which notice shall state the amount of the assessment proposed on the property of the owner receiving the Notice.

Section 11. Docketing of Liens. The City Recorder is hereby directed to enter a statement of the assessments as above provided in the docket of the City Liens and give notice thereof as provided by law.

Passed by Council: May 27, 1992

Approved by Mayor: May 27, 1992

Effective Date: June 27, 1992



Norm C. Wethrow
Mayor

ATTEST:

Norm C. Wethrow
Deputy City Recorder

