

RESOLUTION NO. 2013 - 05

A RESOLUTION OF THE CITY OF LINCOLN CITY AUTHORIZING AND ESTABLISHING THE FORMATION OF THE “VOYAGE-LAKE PROJECT” LOCAL IMPROVEMENT DISTRICT AND ORDERING THE CONSTRUCTION OF IMPROVEMENTS, CONSISTING OF SANITARY SEWER FACILITIES, ROAD IMPROVEMENTS AND RELATED APPURTENANCES AND AUTHORIZING THE CITY TO BORROW MONEY AND ISSUE AND SELL NOTES FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR THE ACTUAL COST OF THE LOCAL IMPROVEMENT

RECITALS

A. On December 10, 2012, the Council declared by Resolution 2012-30 (Initiating Resolution) its intention to develop the improvements described in or incorporated into Resolution 2012-30, and to assess upon each lot or part of lot benefited by the improvement its proportional share of the cost of the improvement; and

B. Notice of such intention was duly given in accordance with LCMC 13.04.040, and on January 28, 2013 a public hearing was held and conducted by the Council. The Council heard and considered oral and written testimony on the proposed improvement and continued the hearing to February 11, 2013 to allow for additional public comment; and

C. After close of the hearing and the record, the Council, after due consideration and deliberation, finds and determines that such improvements are of benefit to the City and all property to be assessed will be benefited to the extent of the probable amount of the respective assessments to be levied.

D. The Council made no substantial modification to the scope of the local improvement which would substantially increase the assessment, enlarge the district or substantially change the particulars in the initiation resolution, or incorporated documents.

E. Accordingly, in accordance with LCMC 13.04.050 and LCMC 13.04.070, the City Council for the City of Lincoln City elects to form the proposed local improvement district and order the construction of the improvements, said construction and assessment to be in substantial conformity with the initiating resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN CITY, AS FOLLOWS:

SECTION 1. RECITALS. The above recitals are true and correct and are incorporated herein by this reference.

1
2 **SECTION 2. FORMATION.** A local improvement district is hereby created
3 and shall consist of all the tax lots, or portions thereof, constituting benefitted
4 properties within the boundaries described in Figure 1 of the October 2012 “Local
5 Improvement District Engineering Report for NE Voyage, Lake & 15th – Sewer and
6 Road Improvements” (hereinafter *Clearwater Engineering Report*), said report being
7 attached hereto and incorporated herein by reference as “**Exhibit A**”. The district
8 created herein shall be referred to as the “Voyage-Lake Project Local
9 Improvement District.”

10
11 **SECTION 3. ORDER.** The City Council orders and directs the
12 construction of the local improvements described in the above title and in
13 substantial conformity with the incorporated *Clearwater Engineering Report*, this
14 Resolution, Resolution 2012-30, and Chapter 13.04 Lincoln City Municipal Code.
15 Such improvements will be in accordance with costs estimated to be \$326,727, of
16 which 100% will be paid by special assessments on benefitted properties. Costs
17 will be allocated based on estimated \$6,435 (combined street and sewer),
18 \$3,080 (street only) and \$3,354 (sewer only) per equivalent dwelling unit or
19 potential equivalent dwelling unit within the assessment area, as more
20 particularly set forth in Exhibit A. All lots will be assessed as specified on the
21 attached Exhibit A.

22
23 **SECTION 4 . INTERIM FINANCING.** The City of Lincoln City is authorized
24 to borrow money and issue and sell notes for the purpose of providing interim
25 financing for the actual cost of the local improvement. The notes may be payable
26 from the proceeds of any bonds, issuance of additional notes or from any other
27 sources from which the bonds are payable. This borrowing shall be issued
28 according to the terms of ORS 223.235.

29
30 **SECTION 5 . REIMBURSEMENT AUTHORIZED.** The City of Lincoln City
31 expects to make expenditures from its available funds to pay for the costs of the
32 improvement project. The City reasonably expects to issue bonds or other
33 obligations (the "Reimbursement Bonds") and to use the proceeds of the
34 Reimbursement Bonds to reimburse the City for the expenditures it makes from
35 its available funds for the improvement project. To permit interest on the
36 Reimbursement Bonds to be excludable from gross income, the Internal Revenue
37 Code of the United States requires that the City declare its intent to reimburse
38 itself from Reimbursement Bond proceeds within 60 days after the expenditures
39 are made. The City expects that the principal amount of the Reimbursement
40 Bonds will not exceed the actual project cost.

41
42 **SECTION 6 . ASSESSMENT.** The assessment imposed upon benefitted
43 properties is characterized as an assessment for local improvement pursuant to
44 ORS 305.583.
45

1 **SECTION 7. LIEN.** The city recorder is directed to prepare the estimated
2 assessment of the respective lots within the local improvement district and file it
3 in the lien records of the city.

4
5 **SECTION 8. INSTALLMENTS.** Pursuant to LCMC 13.04.120, if the Council by
6 Ordinance decides that the property benefitted shall bear all or a portion of the cost of
7 the LID Project, the Council will permit the owner of any property assessed for the
8 improvements, within twenty (20) days after notice of the assessment is mailed, to
9 file with the City Recorder a written application to pay the whole of the assessment
10 in equal monthly installments over a period not to exceed fifteen (15) years.

11
12 **SECTION 9. ABANDONMENT.** LCMC 13.04.200 reserves to the City Council the full
13 power and authority to abandon or rescind proceedings for local improvements made pursuant to
14 Chapter 13.04 at any time prior to final completion of such improvements. If liens have been
15 assessed upon any real property under such procedures they shall be canceled and any payments
16 made on such assessments shall be refunded to the person paying the assessment or his assigns or
17 successors.

18
19 **SECTION 10. FINDINGS ADOPTED.** The City Council finds and determines
20 that the public hearing (conducted on January 28, 2013 and February 11, 2013) was
21 properly noticed and conducted. The Council further finds that the establishment of
22 the LID boundary includes all directly benefitted properties, is logically configured
23 based on topography and engineering constraints and is in the best interest of the
24 city and the public. The City further finds that the allocation of assessment units and
25 the cost of the improvements are a logical and reasonable allocation of costs based
26 upon the benefits received by the affected properties. The Council adopts the findings
27 and competent evidence contained in Exhibit A (*Clearwater Engineering Report*) as
28 supporting its conclusion that the improvements are in the public interest of the City
29 of Lincoln City.

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31 **SECTION 11. EFFECTIVE DATE** This resolution is effective as of the date of its
32 adoption and signature by the Mayor.

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34 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 22nd day
35 of April 2013.

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39 _____
DICK ANDERSON, MAYOR

40
41 ATTEST:

42
43
44 _____
45 CATHY STEERE, CITY RECORDER

46
47 EXHIBIT A [ATTACHED] – *CLEARWATER ENGINEERING REPORT*