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cc:

AFTER RECORDING RETURN TO:

City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

CLERK'S STAMP:

Vol M03 Page 52796

State of Oregon, County of Klamath
Recorded 07/25/2003 2:45 P m
Vol M03 Pg 52796-99
Linda Smith, County Clerk
Fee \$ 36⁰⁰ # of Pgs 4

ORDINANCE NO. 03-14

**AN ADVANCE FINANCING DISTRICT ORDINANCE DESIGNATING
THE ONYX BUSINESS PARK WATER LINE AS AN ADVANCE
FINANCED IMPROVEMENT AND PROVIDING FOR REIMBURSEMENT
BY BENEFITTING PROPERTY OWNERS**

WHEREAS, the Commercial Real Estate Co., Onyx Business Park, LLC ("Developer") has proposed to construct a waterline improvement consisting of an 8-inch and 12-inch water main in the Onyx Avenue and Austin Street rights-of-way (the "Improvement"); and

WHEREAS, Developer has requested proportionate reimbursement of construction costs from benefiting properties pursuant to the City's Advance Financing of Public Improvements Act, KFC §§3.605-3.660 (the "Act"); and

WHEREAS, the Public Works Department has analyzed that request, has prepared and submitted a report to the Council as required under KFC 3.610 and has determined that the appropriate acreage unit cost for reimbursement, based upon estimated total construction costs of \$107,332, is \$3,636 per acre, or a proportional amount for fractions of an acre, for the benefiting properties; and

WHEREAS, pursuant to KFC §3.615, Developer and all benefiting property owners were notified of an informational public hearing conducted by Council and pertaining to the proposed advanced financed improvement; and

WHEREAS, Council did conduct a public hearing on June 16, 2003 on the proposed advance financed improvement pursuant to the Act; and

WHEREAS, the Council has determined that said improvement does qualify for reimbursement under the Act by property owners who may benefit from connection to the Improvement in the future; NOW, THEREFORE,

THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

Section 1

The Onyx Business Park 8-inch and 12-inch water main, located in the Onyx Avenue and Austin Street rights-of-way ("Improvement") is hereby designated as a qualified advance financed improvement. Developer is required to comply with all City engineering design standards and requirements in constructing the Improvement.

Section 2

The Council hereby finds that the estimated cost to construct the Improvement is \$107,332. Once construction of the Improvement is completed, Developer shall, within 90 days of completion of construction, provide adequate documentation to the Public Works Director verifying actual construction costs.

Section 3

Any benefiting property that connects to and utilizes the Improvement within ten years from the effective date of this Ordinance shall pay an advance financed reimbursement in the amount of \$3,636 per acre, or a proportional amount for fractions of an acre. The advance financed reimbursement is in addition to standard System Development Charges and is immediately due and payable to the City by Benefiting Property Owners upon connection to and utilization of the Improvement. Benefiting Properties that do not connect to or utilize the Improvement within the 10-year period shall not be required to pay the reimbursement. In the event the estimated construction costs are determined to have exceeded actual construction costs by 10% or more, the

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Public Works Director is required to present the information to Council for amendment of this Ordinance to reflect a revised reimbursement amount.

Section 4

The properties that will benefit from construction of the Improvement are the Benefiting Properties listed on the attached Schedule A, incorporated herein by this reference.

Section 5

The advance financed reimbursements required by this Ordinance shall be increased by an annual interest rate of 6% calculated from the effective date of this Ordinance.

Section 6

Advance financed reimbursements shall be paid to the City, which shall then make payment within 90 days to The Commercial Real Estate Co., 1391 HighCrest Drive, Medford, OR 97504, c/o Onyx Business Park, LLC, or to such other party as Developer may in writing designate. Such payments shall be subject to withholding by the City of an administrative fee of 2% of each reimbursement, but not less than \$50.00, for administrative services performed in collecting and distributing the reimbursements.

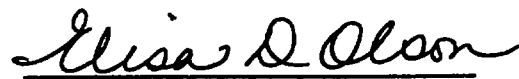
Passed by the Council of the City of Klamath Falls, Oregon, the 7th day of July, 2003.

Presented to the Mayor, approved and signed this 8th day of July, 2003.



Mayor

ATTEST:



City Recorder

STATE OF OREGON)
COUNTY OF KLAMATH) ss.
CITY OF KLAMATH FALLS)

I, Elisa D. Olson, Recorder (Deputy-Recorder) for the City of Klamath Falls, Oregon, do hereby certify that the foregoing is a true and correct copy of a Ordinance duly adopted by the Council of the City of Klamath Falls, Oregon, at the meeting held on the 7th day of July, 2003, and thereafter approved and signed by the Mayor and attested by the City Recorder.



City Recorder (Deputy-Recorder)

Schedule A

ID	Tax Lot	Owner(s) & Mailing Address
1	R-3909-010BD-02100	Kirk E. and Barbara L. Johnson 5535 Breitenstein Lane Klamath Falls, OR 97601
2	R-3909-010BD-02101	James C & Nicole R. Martin 100 Twin Echo Way Jacksonville, OR 97530
3	R-3909-010BD-02200	Viola S. Cedarleaf Trustee & Cedarleaf Trust 85623 Bradbury Lane Eugene, OR 97405
4	R-3909-010BD-02300	Viola S. Cedarleaf Trustee & Cedarleaf Trust 85623 Bradbury Lane Eugene, OR 97405
5	R-3909-010BD-02500	Patrick Juhl P.O. Box 5250 Klamath Falls, OR 97601
6	R-3909-010BD-02600	Patrick Juhl P.O. Box 5250 Klamath Falls, OR 97601
7	R-3909-010BD-01900	Miller Anderson 435 N. 6 th Street Klamath Falls, OR 97601
8	R-3909-010BD-01808	Arthur R. Belsky 7606 Donegal Ave. Klamath Falls, OR 97603
9	R-3909-010BD-01800	James D. & Lourdes C. Brown 1915 Kimberly Dr. Klamath Falls, OR 97603
10	R-3909-010BD-01805	David L. Withers 3535 Austin St. Klamath Falls, OR 97603
11	R-3909-010BD-01804	David R. Munsch 3541 Austin St Klamath Falls, OR 97603

ID	Tax Lot	Owner(s) & Mailing Address
12	R-3909-010BD-01803	Brad M. & Kari A. Hammack 3625 Austin St Klamath Falls, OR 97603
13	R-3909-010BD-01806	Richard D. & Beverly A. Voss 3633 Austin St. Klamath Falls, OR 97603
14	R-3909-010BD-01807	Richard D. & Beverly A. Voss 3633 Austin St. Klamath Falls, OR 97603
15	R-3909-010BD-01801	Lester J. & Jennie L. Tecumseh 329 SE Washington St. #2 Dallas, OR 97338
16	R-3909-010BD-01802	Wayne G. & Robin L. Kindt 3711 Austin St Klamath Falls, OR 97603
17	R-3909-010BA-02600	Onyx Park LLC 1391 Highcrest Dr. Medford, OR 97504
18	R-3909-010BA-02602	Bellet Construction Inc. P.O. Box 5167 Klamath Falls, OR 97601
19	R-3909-010BA-01400	J. Arthur Moore 3030 Round Lake Rd. Klamath Falls, OR 97601
20	R-3909-010BA-01300	Edward A. & Rose Marie Medina Medina Loving Trust 10689 McGuire Ave. Klamath Falls, OR 97603
21	R-3909-010BD-02000	Klamath Full Gospel Church P.O. Box 231 Beatty, OR 97621