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AFTER RECORDING RETURN TO:

City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

CLERK'S STAMP:

Vol M03 Page 52800

State of Oregon, County of Klamath
Recorded 07/25/2003 2:45 P m
Vol M03 Pg 52800-04
Linda Smith, County Clerk
Fee \$ 41.00 # of Pgs 5

ORDINANCE NO. 03-17

**AN ADVANCE FINANCING DISTRICT ORDINANCE DESIGNATING
THE KLAMATH COUNTY TRANSFER STATION WATER LINE AS AN ADVANCE
FINANCED IMPROVEMENT AND PROVIDING FOR REIMBURSEMENT
BY BENEFITTING PROPERTY OWNERS**

WHEREAS, the Regional Disposal Company of Seattle ("Developer") has proposed to construct a waterline improvement consisting of a 16-inch water main in the Laverne Avenue right-of-way (the "Improvement"); and

WHEREAS, Developer has requested proportionate reimbursement of construction costs from benefitting 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 \$223,199, is \$620 per acre, or a proportional amount for fractions of an acre, for the benefitting properties; and

WHEREAS, pursuant to KFC §3.615, Developer and all benefitting 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 July 7, 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 in the future benefit from connection to the Improvement; NOW, THEREFORE,

THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

Section 1

The Klamath County Transfer Station 16-inch water main, located in the Laverne Avenue right-of-way generally west and south of the South Suburban Sanitary District offices, ("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 \$223,199. 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 benefitting 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 \$620 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 Benefitting Property Owners upon connection to and utilization of the Improvement. Benefitting 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 Benefitting 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 Regional Disposal Company, 54 South Dawson Street, Seattle, WA 98134, 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 21st day of July, 2003.

Presented to the Mayor (Mayor-Pro-tem), approved and signed this 22nd day of July, 2003.



Mayor (Mayor-Pro-tem)

ATTEST:



City Recorder (Deputy-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 21st day of July, 2003, and thereafter approved and signed by the Mayor (Mayor-Pro-tem) and attested by the City Recorder (Deputy Recorder).



City Recorder (Deputy-Recorder)

Schedule A

Development Area	Tax Lot	Owner(s) & Mailing Address
3	R-3909-00900-00300-000	O'Connor Livestock Company 2075 Calhoun St. Klamath Falls, OR 97601
3	R-3909-00900-00301-000	O'Connor Livestock Company 2075 Calhoun St. Klamath Falls, OR 97601
3	R-3909-00900-00302	Industrial Oils Inc. 1291 Laverne Ave. Klamath Falls, OR 97601
3	R-3909-00900-00303-000	O'Connor Livestock Company 2075 Calhoun St. Klamath Falls, OR 97601
3	R-3909-00900-00400-000	O'Connor Livestock Company 2075 Calhoun St. Klamath Falls, OR 97601
3	R-3909-00900-00401-000	Goodell Bob & Pat Trustees & Goodell Loving Trust 1601 Laverne Ave. Klamath falls, OR 97603
3	R-3909-00900-00500-000	Godell Robert L & Patricia 3204 Old Midland Rd. Klamath Falls, OR 97603
3	R-3909-00800-01501-000	O'Connor Livestock Company 2075 Calhoun St. Klamath Falls, OR 97601
3	R-3909-00800-1701-000	O'Connor Livestock Company 2075 Calhoun St. Klamath Falls, OR 97601
3	R-3909-009C0-00100-000	Osburne Larry & Colleen 3939 Tingley Lane Klamath Falls, OR 97603
3	R-3909-009C0-00200-000	Goodell Robert L. & Patricia 3204 Old Midland Rd Klamath Falls, OR 97603

Schedule A

	Tax Lot	Owner(s) & Mailing Address
3	R-3909-009C0-00200-0A1	Damby Scott W C/o Bloomfield Terri DVM Shasta View Animal Clinic 39397 Tingley Lane Klamath Falls, OR 97603
3	R-3909-009C0-00300-000	Pool Peggy 3941 Tingley Lane Klamath Falls, OR 97603
3	R-3909-009C-00400-000	Goodell Robert L & Patricia 3204 Old Midland Rd. Klamath Falls, OR 97603
3	R-3909-009C0-00500-000	Stephenson William O 4010 Tingley Lane Klamath Falls, OR 97603
3	R-3909-009C0-00501-000	Klamath County 403 Pine Street Klamath Falls, OR 97603
3 & 4	R-3909-009C0-00600-000	Goode Juanita S & Schafer Terry L. & Gibbons, Eileen M. et al 6422 Hilyard Ave Klamath Falls, OR 97603
3	R-3909-009C-00700-000	Young Peggy A 4220 Tingley Ln. Klamath Falls, OR 97603
3	R-3909-009C0-00800-000	Young Peggy A 4220 Tingley Ln Klamath Falls, OR 97603
3	R-3909-009C0-00900-000	Benjamin Jeremy D & Toni J 4246 Tingley Ln. Klamath Falls, OR 97603
3	R-3909-009C0-01000-000	Van'Sickle Juliana 4270 Tingley Ln Klamath Falls, OR 97603

Schedule A

	Tax Lot	Owner(s) & Mailing Address
3	R-3909-009C0-01100-000	Bunyard Lorree A 4350 Tingley Ln Klamath Falls OR 97603
3	R-3909-009C0-01200-000	Bunyard Lorree A 4350 Tingley Ln Klamath Falls, OR 97603
2	R-3909-009D0-00100-000	BNSF Railway Co Tax Dept. C Alec Vincent Dir of Taxes Administrative Office Bldg P O Box 961089 Fort Worth, TX 76161
1	R-3909-009D0-00101-000	BNSF Railway Co Tax Dept. Burlinton Northern RR Property Tax Dept P O Box 961034 Fort Worth, TX 76161
1	R-3909-009D0-00102-000	ANT LLC C/o Catellus 201 Mission St. San Francisco, CA 94105
2	R-3909-009D0-00104-000	BNSF Railway Co Tax Dept. C Alec Vincent Dir of Taxes Administrative Office Bldg P O Box 961089 Fort Worth, TX 76161
4	R-3909-016B0-00100-00	Goode Juanita S & Schafer Terry L. & Gibbons Eileen M. et al 6422 Hilyard Ave. Klamath Falls, OR 97603
4	R-3909-016B0-02000-000	P&E Rentals LLC [No address provided]
4	R-3909-01600-00200-000	Goode Juanita S & Schafer Terry L. & Gibbons Eileen M. et al 6422 Hilyard Ave. Klamath Falls, OR 97603