



City of Klamath Falls

ORDINANCE NO. 08-06

**AN ADVANCE FINANCING DISTRICT ORDINANCE DESIGNATING
THE WASTEWATER INFRASTRUCTURE IMPROVEMENTS AND PAVED
FIRE ACCESS ROAD SERVICING VARIOUS LOTS ON HILL STREET,
HARVARD STREET, CORVALLIS STREET AND WEST OREGON AVENUE
AS ADVANCE
FINANCED IMPROVEMENTS AND PROVIDING FOR REIMBURSEMENT
BY BENEFITING PROPERTY OWNERS**

WHEREAS, John and Sarah Turnage & Bryce and Crystal Madsen ("Developers") have proposed to construct improvements consisting of a new wastewater main line and fire access road contained in the rights-of-way of: West Oregon Avenue, Hill Street, Corvallis Street and Harvard Street (the "Improvements"); and

WHEREAS, Developers have 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 reimbursement cost per lot for the benefiting properties, based upon estimated total construction costs of \$147,245.42, is as shown in Schedule A; 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 January 22, 2008 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 use of the paved fire access road and/or connection to the wastewater infrastructure; NOW, THEREFORE,

THE CITY OF KLAMATH FALLS ORDAINS AS FOLLOWS:

Section 1

The sanitary sewer main and related improvements, together with the fire access road, segments of which are located in the rights-of-way of West Oregon Avenue, Hill Street, Harvard Street, and Corvallis Street ("Improvements"), are hereby designated as qualified advance financed improvements. Developers are required to comply with all City Engineering Design Standards and requirements in constructing the Improvement.

Section 2

The Council hereby finds that the cost to construct the Improvements is \$92,125.05. The contractor has provided adequate documentation to the Public Works Director verifying actual construction costs.

Section 3

Any benefiting property that connects to and/or utilizes or benefits from any of the Improvements within ten years from the effective date of this Ordinance shall pay an advance financed reimbursement in the amounts shown on Schedule A. 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: 1) for wastewater reimbursements, upon connection to and/or utilization of the wastewater infrastructure improvement; and 2) for paved fire access road improvements, upon issuance of a development permit by the City for any Benefiting Property that utilizes or benefits from the fire access road. Benefiting properties that do not connect to or utilize the Improvements within the 10-year period shall not be required to pay the reimbursement.

Section 4

The properties that will benefit from construction of the Improvements are the benefiting properties listed on Schedule A, incorporated herein by this reference.

Section 5

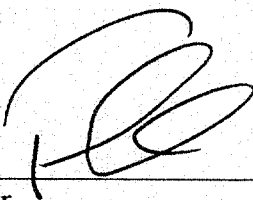
The advance financed reimbursements required by this Ordinance shall be increased by an annual interest rate of 6% calculated from the effective date of this Ordinance.

Section 6

Advance financed reimbursements shall be paid to the City, which shall then make payment within 90 days to John & Sarah Turnage and Bryce & Crystal Madsen, 10048 Westbrook Dr., Klamath Falls, OR 97603, or to such other party as Developers 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 4th day of February, 2008.

Presented to the Mayor, approved and signed this 5th day of February, 2008.



Mayor

ATTEST:



City Recorder

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

I, _____, 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 4th day of February, 2008, 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	3809-30AB-300	John & Sarah Turnage 10048 Westbrook Dr., Klamath Falls, OR 97603
2	3809-30AB-301	Gregory Alice 5327 Sunnyside Ln., Klamath Falls, OR 97601
3	3809-30AB-302	Bryce & Crystal Madsen 607 Roseway Dr., Klamath Falls, OR 97601
4	3809-30AB-303	Bryce & Crystal Madsen 607 Roseway Dr., Klamath Falls, OR 97601
5	3809-30AB-304	Turnage & Madsen 10048 Westbrook Dr., Klamath Falls, OR 97603
6	3809-30AB-305	John and Sarah Turnage 10048 Westbrook Dr., Klamath Falls, OR 97603
7	3809-30AB-1400	Lenore Johnson 1439 Laverne Ave., Klamath Falls, OR 97601
8	3809-30AB-1800	Klamath County c/o Linda Seater 305 Main Street, Klamath Falls, OR 97601
9	3809-30AB-1900	Roger Stark 2816 Smoke Tree Circle, Stockton, CA 95209
10	3809-30AB-2000	Johnson Loving Trust 2126 Lakeshore Drive, Klamath Falls, OR 97601
11	3809-30AB-3502	Johnson Loving Trust 2126 Lakeshore Drive, Klamath Falls, OR 97601
12	3809-19DC-9700	Sharon Forster 1114 Crescent Ave., Klamath Falls, OR 97601

**MF# 2527S6 HARVARD - HILL STREET IMPROVEMENTS
ADVANCE FINANCE AGREEMENT**

1. Fire Access Road: \$14,040 + (\$5,540 Pavement for Tx Lt. 302 only)

• 3809 30AB Tx Lt 300	\$ 2,260.75
• 302	1,870.17 + 5,540 pvmt. = \$7,410.17
• 303	2,445.38
• 304	4,014.69
• 305	1,429.94
• 1800	738.75
• 1900	1,245.32

2. Sanitary Sewer Main: \$72,535.05

• 3809 30AB Tx Lt 300	\$ 8,194.31
• 301	3,658.28
• 302	7263.41
• 303	8,784.28
• 304	14,110.98
• 305	9,069.60
• 1400	2,708.07
• 2000	5,440.33
• 3502	9,647.51
• 3809 19DC Tx Lt 9700	3,658.28