

ORDINANCE NO. 4700

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE SECTION 15.04.010 AND ADDING A NEW CHAPTER ENTITLED "ECONOMIC IMPROVEMENTS".

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

Section 1: Albany Municipal Code Section 15.04.010. Initiating improvements is hereby amended as follows:

15.04.010 Initiating improvements.

(1) When the council considers it necessary to require that improvements to a street, sewer, water line, traffic signal, sidewalk, parking, curbing, drain, or other ~~public~~ local improvement defined in ORS 223.387 be paid for in whole or in part by special assessment according to benefits conferred, the council shall declare by resolution that it intends to make the improvement and direct the city engineer to make a survey of the improvement and file a written report with the city recorder and in accordance with Section 15.04.030 direct the finance director to prepare a financial investigation report or

(2) When owners of 80% of the property that will benefit by improvements defined in Subsection (1) request by written petition that the council initiate an improvement, the council shall declare by resolution that it intends to make the improvement and direct the city engineer to make a survey of the improvement and file a written report with the city recorder and in accordance with Section 15.04.030 direct the finance director to prepare a financial investigation report.

Section 2: Title 15 of the Albany Municipal Code is hereby amended by adding Chapter 15.08 entitled, "Economic Improvement Districts," as follows:

15.08.010 Districts authorized. (1) The council may enact an ordinance making assessments for the cost of an economic improvement upon the lots which are specially benefited by all or part of the improvement.

(2) In any ordinance adopted under Subsection (1) of this Section, the City shall not be authorized to:

(a) Levy assessments in an economic improvement district in any year that exceed 1% of the true cash value of all the real property located within the district.

(b) Include within an 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.

15.08.020 Definitions. As used in this Chapter unless the context requires otherwise: (1) "Council" means the City Council of the City of Albany.

(2) "Economic improvement" means:

(a) Planning or management of development or improvement activities.

(b) Landscaping or other maintenance of public areas.

(c) Promotion of commercial activity or public events.

(d) Activities in support of business recruitment and development.

(e) Improvements in parking systems or parking enforcement.

(f) Any other economic improvement activity which an assessment may be made on property specially benefited thereby.

- (3) "Lot" means lot, block or parcel of land.
- (4) "Owner" has the meaning given that term in ORS 223.387.
- (5) "Recorder" has the meaning given that term in ORS 223.387.

15.08.030 Assessments Authorized. (1) The assessment ordinance authorized by Section 15.08.010 shall:

- (a) Describe the economic improvement project to be undertaken or constructed.
- (b) Contain a preliminary estimate of the probable cost of the economic improvement and the proposed formula for apportioning cost to specially benefited property.
- (c) Describe the boundaries of the district in which property will be assessed.
- (d) Specify the number of years, to a maximum of 3, in which assessments will be levied.

15.08.040 Procedure. When the Council proposes to adopt an assessment ordinance providing for economic improvement activity to be assessed against property specially benefited, it shall:

- (a) Provide for notices to be mailed or delivered personally to affected property owners which announce the intention of the council to construct or undertake the economic improvement project and to assess benefited property for a part or all of the cost. The notice shall state the time and place of the public hearing required under Paragraph (b) of this Subsection.
- (b) Provide for a public hearing not sooner than 30 days after the mailing or delivery of notices to affected property owners at which the owners may appear to support or object to the proposed improvement and assessment.
- (c) Provide that if after the hearing the Council determines that the economic improvement shall be made, the Council shall determine whether the property benefited shall bear all or a portion of the cost and shall determine, based upon the actual or estimated cost of the economic improvement, the amount of assessment on each lot in the district.
- (d) Require the City Recorder or other person designated by the Council to prepare the proposed assessment for each lot in the district and file it in the appropriate city office.
- (e) Require notice of such proposed assessment to be mailed or personally delivered to the owner or each lot to be assessed, which notice shall state the amount of the assessment proposed on the property of the owner receiving the notice. The notice shall state the time and place of a public hearing at which affected property owners may appear to support or object to the proposed assessment. The hearing shall be held not sooner than 30 days after the mailing or personal delivery of the notices.
- (f) Provide that the Council shall consider such objections and may adopt, correct, modify or revise the proposed assessments.
- (g) Provide that the assessments will not be made and the economic improvement project terminated when written objections are received at the public hearing from owners of property upon which more than 33% of the total amount of the assessments as levied.

15.08.050 Advisory Committee. The assessment ordinance authorized under Section 15.08.010 may require establishment of an advisory committee for each economic improvement district to allocate expenditure of monies for economic improvement activities within the scope of this ordinance. If an advisory committee is created, the Council shall strongly consider appointment of owners

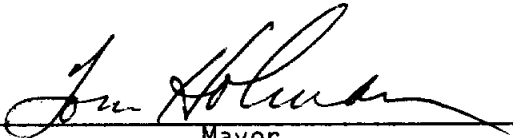
of property within the economic improvement district to the committee. The committee may be an existing association of property owners or tenants. An advisory committee may enter into an agreement with the City to provide the proposed economic improvement.

15.08.060 Additional Assessments. If the Council considers it necessary to levy assessments on property in an economic improvement district for longer than the period of time specified in the assessment ordinance that created the district, the Council shall enact an ordinance that provides for continued assessments for a specified number of years and grants to property owners in the district the notice of right of remonstrance described in Paragraphs (e) to (g) of Section 15.08.040.

Passed by the Council: November 20, 1985

Approved by the Mayor: November 21, 1985

Effective Date: December 30, 1985



Mayor

ATTEST:



City Recorder