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M. BARBARA CARTMILL
DIRECTOR

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DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

November 25, 2015

Board of County Commissioners
Clackamas County

Members of the Board:

**Board Order and Public Hearing Forming an Assessment Area
Within Clackamas County Service District No. 5,
Assessment Area 27-15 McLoughlin Blvd. 170-Lot Petition**

Purpose/Outcomes	This Board Order is to create a new assessment area in Clackamas County Service District No. 5. This process is necessary to allow for the installation of new street lights. Street lighting is proposed to be mounted on existing wood power poles and new aluminum poles.
Dollar Amount and Fiscal Impact	The cost of street lighting is paid by direct assessment against benefited property. As a result of the signing of this Board Order, Clackamas County Service District No. 5 will add the attached area to the assessment rolls for the District. Commercial properties in this area fall under rate schedule M, \$1.81 per frontage foot per tax lot each year. Assessments for street lighting will be levied against the properties within this area effective on the installation date furnished to the district by Portland General Electric Company as the official date that the properties within this area began receiving service.
Funding Source	Successful completion of the petition and approval of formation of this assessment area will allow fees to be collected from benefiting properties for the operation and maintenance of the street lights.
Safety Impact	The initiative to install street lights in this area was by petition of property owners who were focused on safety and appearance of the area.
Duration	Ongoing
Previous Board Contact	None
Contact Person	Wendi Coryell, Service District Specialist - DTD Engineering – 503-742-4657
Contract No.	None

BACKGROUND:

A citizen owning property on SE McLoughlin Blvd. requested lighting for their neighborhood through the District's petitioning process. There are 143 property owners of 170 tax lots in the petition area. Signatures from 105 of the 170 properties (62%) were collected. The requirement for a valid petition is the signature of more than 50% of benefiting property owners.

The affected property owners were notified of the time and place of the hearing by first class mail to the mailing address as listed by the Assessor for Clackamas County and a public hearing was scheduled for November 25, 2015, to hear objections to the above street lighting district. The milestone for terminating the petition is the receipt of objections, also known as remonstrance, from more than 50% of the affected property owners.

2021

RECOMMENDATION

If remonstrances from more than 50% of the property owners in the proposed assessment area for street lighting *are not* received by the end of the public hearing, it is recommended that the Board of County Commissioners, acting in the capacity of governing board for Clackamas County Service District No. 5, approve this Order which will allow Clackamas County Service District No. 5 to proceed with the formation of a new assessment area for street lighting.

Respectfully submitted,



Wendi Coryell, Service District Specialist
Clackamas County Service District No. 5

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of the Formation
of an Assessment Area 27-15
(McLoughlin Blvd. Petition) within
Clackamas County Service District
No. 5, Clackamas County, Oregon



ORDER NO.
Page 1 of 2

This matter coming before the Board of County Commissioners, acting as the governing body of Clackamas County Service District No. 5 and it appearing to the Board that the properties within Assessment Area 27-15, McLoughlin Blvd. Petition, SE McLoughlin Blvd. from the southern boundary of the City of Milwaukie to the northern boundary of the City of Gladstone, Oregon, have requested street light service, and that the formation of new assessment areas within Service District No. 5 is necessary for the installation of street lights, and

It further appearing to the Board that the method of financing construction, operation, and maintenance of service facilities is to be assessments against property benefited by street light facilities, and

It further appearing to the Board that rates for street lighting as established by Order No. 2015-71 and subsequent rate change orders shall be applied to assessment Area 27-15, McLoughlin Blvd. Petition, with fractional year assessments pro-rated from the date of installation and in accordance with Ordinance Number 94-1368 pursuant to ORS 451.495 as follows:

Rate Schedule M: \$1.81 per frontage foot per tax lot each year applied to commercial properties, and,

It further appearing to the Board that the lots in the rate schedules receive an equal benefit for street lighting services, and

It further appearing to the Board that the Department of Transportation and Development has given notice of public hearing as required by ORS 451.495, and that said public hearing was duly held on the 25th day of November, 2015, and that Service District No. 5 did not receive written objections prior to the conclusion of the hearing from more than 50% of the property owners representing more than 50% of the affected property, now therefore,

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ORDER NO.
Page 2 of 2

IT IS HEREBY ORDERED that properties in the
Assessment Area as described below be subject to an assessment for street lighting;

Assessment Area #27-15 McLoughlin Blvd. Petition Area, and

IT IS FURTHER ORDERED that an assessment
roll be prepared by the Department of Transportation and Development for Clackamas
County showing the amount of each yearly assessment, the property against which it has
been assessed, the owner thereof, and such additional information as is required to keep
a complete and permanent record of the assessment, and

IT IS FURTHER ORDERED that the Department
of Transportation and Development proceed to construct the street lighting facilities in
accordance with District rules and guidelines.

Dated this _____ day of _____, 2015.

CLACKAMAS COUNTY BOARD OF COMMISSIONERS
as the governing body of Clackamas County Service District No. 5

Chair

Recording Secretary